# ANNALS

OF

# THE CONGRESS OF THE UNITED STATES.

---

FIFTH 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.

---

**FIFTH CONGRESS.**

COMPRISING THE PERIOD FROM MAY 15, 1797, TO MARCH 3, 1799, INCLUSIVE.

---

COMPILED FROM AUTHENTIC MATERIALS.

---




WASHINGTON:

PRINTED AND PUBLISHED BY GALES AND SEATON.

1851.

# PROCEEDINGS

OF

# THE SENATE OF THE UNITED STATES,

## AT THE FIRST SESSION OF THE FIFTH CONGRESS, BEGUN AT THE CITY OF PHILADELPHIA, MAY 15, 1797.

The first session of the Fifth Congress, under the Constitution of Government of the United States, commenced at the city of Philadelphia, agreeably to the Proclamation of the PRESIDENT OF THE UNITED STATES, of the twenty-fifth day of March last, and the Senate accordingly assembled on this day, being

MONDAY, May 15, 1797.

PRESENT:

THOMAS JEFFERSON, Vice President of the United States and President of the Senate.

JOHN LANGDON and SAMUEL LIVERMORE, from New Hampshire;

BENJAMIN GOODHUE, from Massachusetts;

THEODORE FOSTER and WILLIAM BRADFORD, from Rhode Island;

JAMES HILLHOUSE and URIAH TRACY, from Connecticut;

ISAAC TICHENOR, from Vermont;

JOHN LAURANCE, from New York;

WILLIAM BINGHAM, from Pennsylvania;

HENRY LATIMER, from Delaware;

JOHN E. HOWARD, from Maryland;

STEVENS T. MASON, from Virginia;

ALEXANDER MARTIN and TIMOTHY BLOODWORTH, from North Carolina;

JOHN HUNTER, from South Carolina;

JOSIAH TATTNALL, from Georgia.

The Senators whose names are subjoined produced their credentials on the 4th day of March last, and took their seats in the Senate, viz: Mr. FOSTER, Mr. GOODHUE, Mr. HILLHOUSE, Mr. HOWARD, Mr. LATIMER, Mr. MASON, Mr. ROSS, and Mr. TICHENOR.

WILLIAM COCKE, appointed a Senator by the State of Tennessee, produced his credentials, and the oath required by law being administered, he took his seat in the Senate.

*Ordered*, That the Secretary wait on the President of the United States, and acquaint him that a quorum of the Senate is assembled.

*Ordered*, That the Secretary acquaint the House of Representatives that a quorum of the Senate is assembled, and ready to proceed to business.

A message from the House of Representatives informed the Senate that a quorum of the House is assembled, and have elected JONATHAN DAYTON their Speaker.

A message from the House of Representatives informed the Senate that the House have appointed a joint committee on their part, together with such committee as the Senate may appoint, 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 communications that he may be pleased to make to them.

*Resolved*, That the Senate do concur in the appointment of a joint committee, and that Messrs. LIVERMORE and LANGDON be the joint committee on the part of the Senate.

Mr. LIVERMORE reported, from the joint committee, that they had waited on the President of the United States, and had notified him that a quorum of the two Houses is assembled; and that the President of the United States acquainted the committee that he would meet the two Houses in the Representatives' Chamber at 12 o'clock tomorrow.

A message from the House of Representatives informed the Senate that the House have resolved that two Chaplains be appointed to Congress, for the present session, one by each House, who shall interchange weekly; in which they desire the concurrence of the Senate.

The Senate proceeded to consider the said resolution; and,

*Resolved*, That they do concur therein, and that the Right Reverend Bishop WHITE be the Chaplain on the part of the Senate.

---

TUESDAY, May 16.

WILLIAM BLOUNT, from the State of Tennessee; THEODORE SEDGWICK, from the State of Massachusetts; and JOHN VINING, from the State of Delaware, severally attended.

A message from the House of Representatives informed the Senate that the House are now ready to meet the Senate in the Chamber of that House, to receive such communications as the President of the United States shall be pleased to make to them. Whereupon,

The Senate repaired to the Chamber of the House of Representatives, for the purpose above expressed.

The Senate returned to their own Chamber and a copy of the Speech of the President of the United States, this day addressed to both Houses

of Congress, was read. (For which, see House Proceedings, *post.*)

*Ordered,* That Messrs. TRACY, LAURANCE, and LIVERMORE, be a committee to report the draught of an Address to the President of the United States, in answer to his Speech this day to both Houses of Congress.

It was further ordered that the Speech be printed for the use of the Senate.

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

---

WEDNESDAY, May 17.

RICHARD STOCKTON, from the State of New Jersey, attended.

The committee appointed yesterday not being ready to report, the Senate adjourned.

---

THURSDAY, May 18.

HENRY TAZEWELL, from the State of Virginia, attended.

A message from the House of Representatives informed the Senate that the House have proceeded to the choice of a Chaplain to Congress on their part, and the Rev. ASHBEL GREEN is duly elected.

Mr. TRACY, from the committee, reported the draught of an Address to the President of the United States, in answer to his Speech to both Houses of Congress, at the opening of the session; which was read.

*Ordered,* That it lie for consideration.

---

FRIDAY, May 19.

JOHN HENRY, from the State of Maryland, attended.

On motion, by Mr. TRACY,

*Ordered,* That the report of the committee, appointed to draught an Address, in answer to the Speech of the President of the United States at the opening of the session, be recommitted. And it was agreed that Messrs. HENRY and TAZEWELL be added to the committee.

The VICE PRESIDENT laid before the Senate a letter from the Secretary for the Department of State, communicating, by order of the President of the United States, sundry papers, No. 1 to 18, respecting the situation of affairs of the United States with France, Spain, and Holland; which papers were read.

*Ordered,* That they lie for consideration.

---

SATURDAY, May 20.

Mr. TRACY, from the committee to whom was recommitted the report of an Address in answer to the Speech of the President of the United States, to both Houses of Congress, at the opening of the session, reported sundry amendments; which were read.

On motion, that the report, as amended, be printed for the use of the Senate, it passed in the negative.

*Ordered,* That the consideration thereof be postponed until Monday next.

---

MONDAY, May 23.

JOHN BROWN, from the State of Kentucky, and JACOB READ, from the State of South Carolina, severally attended.

JOHN RUTHERFURD, appointed a Senator from the State of New Jersey, produced his credentials, which were read, and the oath required by law being administered to him, he took his seat in the Senate.

The Senate took into consideration the draught, reported by the committee, of an Address to the President of the United States, in answer to his Speech at the opening of the session, and having agreed to sundry amendments, adjourned.

---

TUESDAY, May 23.

The Senate resumed the consideration of the report of the committee of the draught of an Address, in answer to the Speech of the President of the United States to both Houses of Congress, at the opening of the session.

On motion, to expunge the following paragraph, to wit:

"We are happy, since our sentiments on the subject are in perfect unison with yours, in this public manner to declare, that the conduct of the Government has been just and impartial to foreign nations, and that those internal regulations, which have been established for the preservation of peace, are, in their nature, proper, and have been fairly executed:"

It was determined in the negative—yeas 11, nays 15, as follows:

YEAS—Messrs. Bloodworth, Blount, Brown, Cocke, Henry, Hunter, Langdon, Martin, Mason, Tazewell, and Tattnall.

NAYS—Messrs. Bingham, Bradford, Foster, Goodhue, Hillhouse, Howard, Laurance, Latimer, Livermore, Read, Rutherfurd, Sedgwick, Stockton, Tichenor, and Tracy.

And the report being further amended, was adopted, as follows:

SIR: The Senate of the United States request you to accept their acknowledgments for the comprehensive and interesting detail you have given, in your Speech to both Houses of Congress, on the existing state of the Union.

While we regret the necessity of the present meeting of the Legislature, we wish to express our entire approbation of your conduct in convening it on this momentous occasion.

The superintendence of our national faith, honor, and dignity, being, in a great measure, constitutionally deposited with the Executive, we observe, with singular satisfaction, the vigilance, firmness, and promptitude, exhibited by you, in this critical state of our public affairs, and from thence derive an evidence and pledge of the rectitude and integrity of your administration. And we are sensible it is an object of primary importance, that each branch of the Government should adopt

a language and system of conduct, which shall be cool, just, and dispassionate; but firm, explicit, and decided.

We are equally desirous, with you, to preserve peace and friendship with all nations, and are happy to be informed, that neither the honor nor interests of the United States forbid advances for securing those desirable objects, by amicable negotiation with the French Republic. This method of adjusting national differences is not only the most mild, but the most rational and humane, and with Governments disposed to be just, can seldom fail of success, when fairly, candidly, and sincerely, used. If we have committed errors, and can be made sensible of them, we agree with you in opinion that we ought to correct them, and compensate the injuries which may have been consequent thereon; and we trust the French Republic will be actuated by the same just and benevolent principles of national policy.

We do, therefore, most sincerely approve of your determination to promote and accelerate an accommodation of our existing differences with that Republic, by negotiation, on terms compatible with the rights, duties, interests, and honor, of our nation. And you may rest assured of our most cordial co-operation, so far as it may become necessary, in this pursuit.

Peace and harmony with all nations is our sincere wish; but, such being the lot of humanity, that nations will not always reciprocate peaceable dispositions, it is our firm belief, that effectual measures of defence will tend to inspire that national self-respect and confidence at *home*, which is the unfailing source of respectability *abroad*, to check aggression, and prevent war.

While we are endeavoring to adjust our differences with the French Republic, by amicable negotiation, the progress of the war in Europe, the depredations on our commerce, the personal injuries to our citizens, and the general complexion of affairs, prove to us your vigilant care, in recommending to our attention effectual measures of defence.

Those which you recommend, whether they relate to external defence, by permitting our citizens to arm for the purpose of repelling aggressions on their commercial rights, and by providing sea convoys, or to internal defence, by increasing the establishments of artillery and cavalry, by forming a provisional army, by revising the militia laws, and fortifying, more completely, our ports and harbors, will meet our consideration, under the influence of the same just regard for the security, interest, and honor, of our country, which dictated your recommendation.

Practices so unnatural and iniquitous, as those you state, of our own citizens, converting their property and personal exertions into the means of annoying our trade, and injuring their fellow-citizens, deserve legal severity commensurate with their turpitude.

Although the Senate believe that the prosperity and happiness of our country does not depend on general and extensive political connexions with European nations, yet we can never lose sight of the propriety as well as necessity of enabling the Executive, by sufficient and liberal supplies, to maintain, and even extend, our foreign intercourse, as exigencies may require, reposing full confidence in the Executive, in whom the Constitution has placed the powers of negotiation.

We learn, with sincere concern, that attempts are in operation to alienate the affections of our fellow-citizens from their Government. Attempts so wicked, wherever they exist, cannot fail to excite our utmost abhorrence. A Government chosen by the people for their own safety and happiness, and calculated to secure both, cannot lose their affections, so long as its administration pursues the principle upon which it was erected. And your resolution to observe a conduct just and impartial to all nations, a sacred regard to our national engagements, and not to impair the rights of our Government, contains principles which cannot fail to secure to your administration the support of the National Legislature, to render abortive every attempt to excite dangerous jealousies among us, and to convince the world that our Government, and your administration of it, cannot be separated from the affectionate support of every good citizen. And the Senate cannot suffer the present occasion to pass, without thus publicly and solemnly expressing their attachment to the Constitution and Government of their country; and as they hold themselves responsible to their constituents, their consciences, and their God, it is their determination, by all their exertions, to repel every attempt to alienate the affections of the people from the Government, so highly injurious to the honor, safety, and independence of the United States.

We are happy, since our sentiments on the subject are in perfect unison with yours, in this public manner to declare, that we believe the conduct of the Government has been just and impartial to foreign nations, and that those internal regulations which have been established for the preservation of peace, are in their nature proper, and have been fairly executed.

And we are equally happy in possessing an entire confidence in your abilities and exertions in your station to maintain untarnished the honor, preserve the peace, and support the independence of our country, to acquire and establish which, in connexion with your fellow-citizens, has been the virtuous effort of a principal part of your life.

To aid you in these arduous and honorable exertions, as it is our duty, so it shall be our faithful endeavor. And we flatter ourselves, sir, that the proceedings of the present session of Congress will manifest to the world, that, although the United States love peace, they will be independent. That they are sincere in their declarations to be just to the French, and all other nations, and expect the same in return.

If a sense of justice, a love of moderation and peace, shall influence their councils, which we sincerely hope, we shall have just grounds to expect peace and amity between the United States and all nations will be preserved.

But if we are so unfortunate as to experience injuries from any foreign Power, and the ordinary methods by which differences are amicably adjusted between nations shall be rejected, the determination "not to surrender in any manner the rights of the Government" being so inseparably connected with the dignity, interest, and independence of our country, shall by us be steadily and inviolably supported.

THOMAS JEFFERSON,
*Vice President of the United States, and President of the Senate.*

*Ordered*, That the committee who prepared the Address wait on the President of the United States, and desire him to acquaint the Senate at what time and place it will be most convenient for him that it should be presented.

Mr. TRACY reported from the committee that they had waited on the President of the United States, and that he would receive the Address of the Senate to-morrow, at 12 o'clock, at his own house.

*Resolved*, That the Senate will, to-morrow, at

12 o'clock, wait on the President of the United States accordingly.

WEDNESDAY, May 24.

ELIJAH PAINE, from the State of Vermont, attended.

Agreeably to the resolution of yesterday, the Senate waited on the President of the United States, and the VICE PRESIDENT, in their name, presented the Address then agreed to.

To which the PRESIDENT made the following reply:

*Mr. Vice President,*
*and Gentlemen of the Senate:*

It would be an affectation in me to dissemble the pleasure I feel on receiving this kind Address.

My long experience of the wisdom, fortitude, and patriotism, of the Senate of the United States, enhances in my estimation the value of those obliging expressions of your approbation of my conduct, which are a generous reward for the past, and an affecting encouragement to constancy and perseverance in future.

Our sentiments appear to be so entirely in unison, that I cannot but believe them to be the rational result of the understandings and the natural feelings of the hearts of Americans in general, on contemplating the present state of the nation.

While such principles and affections prevail, they will form an indissoluble bond of union, and a sure pledge that our country has no essential injury to apprehend from any portentous appearances abroad. In a humble reliance on Divine Providence, we may rest assured, that, while we reiterate with sincerity our endeavors to accommodate all our differences with France, the independence of our country cannot be diminished, its dignity degraded, or its glory tarnished, by any nation or combination of nations, whether friends or enemies.

JOHN ADAMS.

The Senate returned to their own Chamber, and adjourned.

THURSDAY, May 25.

The Senate transacted no business to-day.

FRIDAY, May 26.

HUMPHREY MARSHALL, from the State of Kentucky, attended.

The Senate adjourned, without transacting any business, to Monday.

MONDAY, May 29.

JAMES ROSS, from the State of Pennsylvania, attended.

Mr. READ gave notice that he would, to-morrow, move for leave to bring in a bill to prevent the exportation of arms and ammunition from the United States, for a limited time.

On motion, by Mr. SEDGWICK,

*Ordered*, That so much of the President's Speech as relates to building and equipping, within the United States, cruisers to commit depredations on the commerce of the United States, and so much thereof as relates to citizens of the United States fitting out privateers, taking the command, or entering on board of them, and committing spoliations on the commerce of the United States, be referred to Messrs. LIVERMORE, LAURANCE, and READ, to consider and report thereon; and that the said committee be authorized to report by bill or bills, or otherwise.

On motion, by Mr. SEDGWICK,

*Ordered*, That so much of the President's Speech as relates to a revision of the laws for organizing, arming, and disciplining the militia be referred to Messrs. HOWARD, LATIMER, TICHENOR, FOSTER, and LAURANCE, to consider and report thereon; and that the said committee be authorized to report by bill or bills, or otherwise.

On motion, by Mr. SEDGWICK, that so much of the President's Speech as relates to the establishment of a permanent system of naval defence, and authorizing the arming of vessels the property of individuals, be referred to a select committee to consider and report; and that the said committee be authorized to report by bill or bills, or otherwise.

A motion was made that this motion be postponed until to-morrow; and it passed in the negative.

On motion, by Mr. TAZEWELL, that the words, "and authorizing the arming of vessels the property of individuals," be expunged, it was determined in the negative—yeas 11, nays 17, as follows:

YEAS—Messrs. Bloodworth, Blount, Brown, Cocke, Hunter, Langdon, Livermore, Martin, Mason, Tazewell, and Tattnall.

NAYS—Messrs. Bingham, Bradford, Goodhue, Hillhouse, Howard, Latimer, Laurance, Marshall, Paine, Read, Ross, Rutherfurd, Sedgwick, Stockton, Tichenor, Tracy, and Vining.

And it was agreed that the original motion be referred to Messrs. GOODHUE, BINGHAM, BRADFORD, HENRY, and RUTHERFURD.

*Ordered*, That so much of the President's Speech as relates to providing means of additional defence, by an augmentation of the regular artillery and cavalry, and making arrangements for forming a provisional army, be referred to Messrs. TRACY, SEDGWICK, MARSHALL, ROSS, and VINING, to consider and report thereon to the Senate; and that the said commitee be authorized to report by bill or bills, or otherwise.

TUESDAY, May 30.

Conformable to notice given yesterday, Mr. READ had permission to introduce a bill prohibiting, for a limited time, the exportation of arms and ammunition; which bill was read a first time, and ordered to the second reading.

WEDNESDAY, May 31.

The bill prohibiting, for a limited time, the exportation of arms and ammunition, was read the second time, and referred to Messrs. READ, BROWN, and BLOODWORTH, to consider and report thereon to the Senate.

THURSDAY, June 1.

Mr. LIVERMORE, from the committee appointed for the purpose, reported a bill to prevent citizens of the United States privateering against nations in amity, or against citizens of the United States; which was read the first time, and ordered to the second reading.

FRIDAY, June 2.

Mr. READ, from the committee to whom was referred the bill prohibiting, for a limited time, the exportation of arms and ammunition, reported sundry amendments; which were read and adopted.

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

The bill to prevent citizens of the United States privateering against nations in amity, or against citizens of the United States, was read the second time, and ordered to the third reading.

The VICE PRESIDENT laid before the Senate a communication from the Treasurer of the United States, accompanying his specie account for the quarter ending the 31st of March last, together with his account of receipts and expenditures in the War Department, for the same period; which were read, and ordered to lie on the table.

MONDAY, June 5.

The bill prohibiting, for a limited time, the exportation of arms and ammunition, and for encouraging the importation thereof, was read the third time; and, being further amended,

*Resolved*, That this bill pass; that it be engrossed; and that the title thereof be, "An act prohibiting, for a limited time, the exportation of arms and ammunition, and for encouraging the importation thereof."

The bill to prevent citizens of the United States privateering against nations in amity with, or against citizens of, the United States, was read the third time.

*Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An act to prevent citizens of the United States privateering against nations in amity with, or against citizens of, the United States."

Mr. TRACY, from the committee to whom was referred so much of the President's Speech as relates to providing means of additional defence, by an augmentation of the regular artillery and cavalry, and making arrangements for forming a provisional army, reported a bill; which was read the first time, and ordered to the second reading.

TUESDAY, June 6.

Mr. LANGDON presented to the Senate the petition of Samuel Cutts and others, merchants, of the State of New Hampshire, praying compensation for certain spoliations committed on their property, in the prosecution of fair and legal commerce, by the armed vessels of foreign nations; which petition was read.

*Ordered*, That it lie on the table.

The bill for raising and organizing an additional corps of artillerists and engineers was read the second time, and ordered to the third reading.

Mr. TRACY, from the committee to whom was referred so much of the President's Speech as relates to providing means of additional defence, by an augmentation of the regular artillery and cavalry, and making arrangements for forming a provisional army, reported a bill; which was read the first time, and ordered to the second reading.

Mr. GOODHUE, from the committee to whom was referred so much of the President's Speech as relates to the establishment of a permanent system of naval defence, and authorizing the arming of vessels the property of individuals, reported a bill; which was read the first time, and ordered to the second reading.

WEDNESDAY, June 7.

The bill providing for the protection of the trade of the United States was read the second time; and, after debate,

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

The bill for raising and organizing an additional corps of artillerists and engineers was read the third time; and being further amended, on the final passage of the bill, it was determined in the affirmative—yeas 18, nays 8, as follows:

YEAS—Messrs. Bingham, Bloodworth, Goodhue, Hillhouse, Howard, Latimer, Lawrence, Livermore, Marshall, Paine, Read, Ross, Rutherfurd, Sedgwick, Stockton, Tichenor, Tracy, and Vining.

NAYS—Messrs. Blount, Bradford, Cocke, Langdon, Martin, Mason, Tazewell, and Tattnall.

So it was *Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An act for raising and organizing an additional corps of artillerists and engineers."

THURSDAY, June 8.

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 prohibiting, for a limited time, the exportation of arms and ammunition, and for encouraging the importation thereof," with amendments; in which they desire the concurrence of the Senate.

The Senate resumed the second reading of the bill providing for the protection of the trade of the United States.

On motion, to strike out of the first section the following words:

"And also to procure, by purchase or otherwise, and cause to be fitted out, manned, and employed, a number of vessels, not exceeding nine, to carry not exceeding twenty guns each,"

It was determined in the negative—yeas 11, nays 8, as follows:

YEAS—Messrs. Bloodworth, Blount, Brown, Cocke, Hunter, Langdon, Livermore, Martin, Mason, Tazewell, and Tattnall.

NAYS—Messrs. Bradford, Foster, Goodhue, Henry,

Hillhouse, Howard, Latimer, Laurance, Marshall, Paine, Read, Ross, Rutherfurd, Sedgwick, Stockton, Tichenor, Tracy, and Vining.

FRIDAY, June 9.

The Senate proceeded to consider the amendments of the House of Representatives to the bill, sent from the Senate for concurrence, entitled "An act prohibiting, for a limited time, the exportation of arms and ammunition, and for encouraging the importation thereof."

*Ordered*, That the amendments be referred to Messrs. ROSS, READ, and BROWN, to consider and report thereon to the Senate.

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 prevent citizens of the United States privateering against nations in amity with, or against citizens of, the United States," with amendments, in which they desire the concurrence of the Senate.

The Senate resumed the second reading of the bill providing for the protection of the trade of the United States, and it was agreed to amend the third section to read as follows:

"SEC. 3. *And be it further enacted*, That the President of the United States may employ the said frigates, and the said vessels, to protect the ships and cargoes belonging solely to the citizens of the United States, and also the harbors and seacoast of the United States, in such manner, and under such regulations, as shall in no ways contravene either the laws of nations or any existing treaties between the United States and foreign nations."

On motion, further to amend the section, by striking out the words "and also," and, in lieu thereof, inserting "within," and in the following line, before the word "seacoast," to insert the words "on the," it was determined in the negative—yeas 13, nays 15, as follows:

YEAS—Messrs. Bloodworth, Blount, Cocke, Foster, Hillhouse, Hunter, Langdon, Livermore, Martin, Marshall, Mason, Tazewell, and Tattnall.

NAYS—Messrs. Bingham, Bradford, Brown, Goodhue, Henry, Latimer, Laurance, Paine, Read, Ross, Rutherfurd, Sedgwick, Stockton, Tichenor, and Tracy.

On motion, to agree to the section as amended, it was determined in the affirmative—yeas 15, nays 13, as follows:

YEAS—Messrs. Bingham, Bradford, Goodhue, Henry, Hillhouse, Latimer, Laurance, Paine, Read, Ross, Rutherfurd, Sedgwick, Stockton, Tichenor, and Tracy.

NAYS—Messrs. Bloodworth, Blount, Brown, Cocke, Foster, Hunter, Langdon, Livermore, Martin, Marshall, Mason, Tazewell, and Tattnall.

*Ordered*, That the bill be recommitted.

Mr. ROSS, from the committee to whom was referred the amendments of the House of Representatives to the bill, entitled "An act prohibiting, for a limited time, the exportation of arms and ammunition, and for encouraging the importation thereof," reported, that the same be adopted, which report was read.

*Resolved*, That the Senate do concur in the said amendments.

*Ordered*, That Mr. TICHENOR be appointed a committee for enrolled bills, on the part of the Senate, jointly with such committee as may be appointed for that purpose on the part of the House of Representatives.

MONDAY, June 12.

*Ordered*, That the amendments of the House of Representatives to the bill, entitled "An act to prevent citizens of the United States privateering against nations in amity with, or against citizens of, the United States," be referred to the committee who originally reported the bill, to consider and report thereon to the Senate.

Mr. GOODHUE reported, from the committee to whom was referred the bill providing for the protection of the trade of the United States, and the report was read.

*Ordered*, That it be printed for the use of the Senate.

The bill for raising an additional corps of light dragoons was read the second time.

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

A message from the House of Representatives, informed the Senate that the House concur in the resolution of the Senate, appointing a joint committee on enrolled bills, and have appointed a committee on their part.

TUESDAY, June 13.

Mr. LIVERMORE, from the committee to whom was referred the amendments of the House of Representatives to the bill, entitled "An act to prevent citizens of the United States privateering against nations in amity with, or against citizens of the United States," reported that the same be adopted.

*Resolved*, That the Senate do concur in the said amendments.

The Senate proceeded to consider the report of the committee to whom was referred the bill providing for the protection of the trade of the United States.

On motion, to strike out the eighth section, as reported by the committee, as follows:

"Sec. 8. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized and empowered, should he deem it expedient, to cause to be procured, by purchase or otherwise, and to be fitted out, manned, and employed, a number of vessels, not exceeding nine, to carry not exceeding twenty guns each:"

It was determined in the negative—yeas 12, nays 15, as follows:

YEAS—Messrs. Bloodworth, Blount, Brown, Cocke, Foster, Hunter, Langdon, Livermore, Martin, Mason, Tattnall, and Tazewell.

NAYS—Messrs. Bingham, Bradford, Goodhue, Henry, Hillhouse, Latimer, Laurance, Marshall, Paine, Read, Rutherfurd, Stockton, Tichenor, Tracy, and Vining.

And the report, being amended, was adopted.

On motion, it was agreed to expunge the second section of the original bill; and the other sections of the original bill being amended, it was ordered that it pass to the third reading as amended.

The Senate resumed the second reading of the bill for raising an additional corps of light dragoons; and, after progress, the further consideration thereof was postponed.

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

*Gentlemen of the Senate and*
*Gentlemen of the House of Representatives:*

I have received information from the Commissioner, appointed on the part of the United States, pursuant to the third article of our treaty with Spain, that the running and marking of the boundary line, between the colonies of East and West Florida, and the territory of the United States, have been delayed by the officers of His Catholic Majesty; and that they have declared their intention to maintain his jurisdiction, and to suspend the withdrawing his troops from the military posts they occupy within the territory of the United States, until the two Governments shall, by negotiation, have settled the meaning of the second article, respecting the withdrawing of the troops, garrisons, or settlements, of either party, in the territory of the other; that is, whether, when the Spanish garrisons withdraw, they are to leave the works standing, or to demolish them; and, until, by an additional article to the treaty, the real property of the inhabitants shall be secured; and, likewise, until the Spanish officers are sure the Indians will be pacific. The two first questions, if to be determined by negotiation, might be made subjects of discussion for years, and as no limitation of time can be prescribed to the other, a certainty in the opinion of the Spanish officers that the Indians will be pacific, it will be impossible to suffer it to remain an obstacle to the fulfilment of the treaty on the part of Spain.

To remove the first difficulty, I have determined to leave it to the discretion of the officers of His Catholic Majesty, when they withdraw his troops from the forts within the territory of the United States, either to leave the works standing, or to demolish them; and to remove the second, I shall cause an assurance to be published, and to be particularly communicated to the Minister of His Catholic Majesty, and to the Governor of Louisiana, that the settlers or occupants of the lands in question, shall not be disturbed in their possessions by the troops of the United States; but, on the contrary, that they shall be protected in all their lawful claims; and to prevent or remove every doubt on this point, it merits the consideration of Congress, whether it will not be expedient, immediately, to pass a law, giving positive assurances to those inhabitants, who, by fair and regular grants, or by occupancy, have obtained legal titles or equitable claims to lands in that country, prior to the final ratification of the treaty between the United States and Spain, on the twenty-fifth of April, 1796.

This country is rendered peculiarly valuable by its inhabitants, who are represented to amount to nearly four thousand, generally well affected, and much attached to the United States, and zealous for the establishment of a government under their authority.

I, therefore, recommend to your consideration the expediency of erecting a government in the district of the Natchez, similar to that established for the territory northwest of the river Ohio, but with certain modifications, relative to titles or claims of land, whether of individuals or companies, or to claims of jurisdiction of any individual State.

JOHN ADAMS.

UNITED STATES, *June* 12, 1797.

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

---

WEDNESDAY, June 14.

*Ordered*, That the Message of the President of the United States, of the 12th instant, with the papers accompanying it, be referred to Messrs. TRACY, BROWN, and ROSS, to consider and report thereon to the Senate.

The Senate resumed the second reading of the bill for raising an additional corps of light dragoons; which was amended, and on the question to agree to the third reading of the bill, it was determined in the negative—yeas 13, nays 15, as follows:

YEAS—Messrs. Bingham, Goodhue, Latimer, Laurance, Livermore, Marshall, Paine, Read, Rutherfurd, Sedgwick, Stockton, Tichenor, and Tracy.

NAYS—Messrs. Bloodworth, Blount, Bradford, Brown, Cocke, Foster, Henry, Hillhouse, Hunter, Langdon, Martin, Mason, Ross, Tattnall, and Tazewell.

So it was *Resolved*, That this bill do not pass.

---

THURSDAY, June 15.

The bill providing for the protection of the trade of the United States was read the third time; and, on the final passage of the bill, as amended, it was determined in the affirmative, yeas 16, nays 13, as follows:

YEAS—Messrs. Bingham, Bradford, Goodhue, Henry, Hillhouse, Latimer, Laurance, Paine, Read, Ross, Rutherfurd, Sedgwick, Stockton, Tichenor, Tracy, and Vining.

NAYS—Messrs. Bloodworth, Blount, Brown, Cocke, Foster, Hunter, Langdon, Livermore, Marshall, Martin, Mason, Tattnall, and Tazewell.

So it was *Resolved*, That this bill pass; that it be engrossed, and that the title thereof be "An act providing for the protection of the trade of the United States."

Mr. GOODHUE notified the Senate that he should, to-morrow, ask leave to introduce a bill to prevent the arming of private ships, except in certain cases, and under certain regulations.

---

FRIDAY, June 16.

Agreeably to notice given yesterday, Mr. GOODHUE obtained leave to introduce a bill to prevent the arming of private ships, except in certain cases, and under certain regulations; which was read the first time, 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 provide for the further defence of the ports and harbors of the United States;" in which they desire the concurrence of the Senate.

The bill was read the first and second time, and referred to Messrs. LAURANCE, HENRY, and READ, to consider and report thereon to the Senate.

SATURDAY, June 17.

The bill to prevent the arming of private ships, except in certain cases, and under certain regulations, was read the second time; and, after debate,

*Ordered*, That the further consideration thereof be postponed until Monday next.

MONDAY, June 19.

Mr. LAURANCE, from the committee to whom was referred the bill entitled "An act to provide for the further defence of the ports and harbors of the United States," reported that the bill pass without amendment.

*Ordered*, That this bill pass to a third reading.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act directing the appointment of agents, in relation to the sixth article of the Treaty of Amity, Commerce, and Navigation, between the United States and Great Britain," and a bill entitled "An act in addition to an act entitled 'An act concerning the registering and recording of ships and vessels;'" in which they desire the concurrence of the Senate.

The bill last mentioned was read twice; and referred to Messrs. GOODHUE, BINGHAM, and LANGDON, to consider and report thereon to the Senate.

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

The Senate resumed the second reading of the bill to prevent the arming of private ships, except in certain cases, and under certain regulations; and, after debate,

*Ordered*, That the further consideration thereof be postponed.

Mr. TRACY, from the committee to whom was referred so much of the President's Speech as relates to providing means of additional defence, by an augmentation of the regular artillery and cavalry, and making arrangements for forming a provisional army, reported a bill, which was read the first time, and ordered to the second reading.

TUESDAY, June 20.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act directing a detachment from the militia of the United States;" in which they desire the concurrence of the Senate.

The bill was read twice, and referred to Messrs. LAURANCE, TAZEWELL, and BRADFORD, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act directing the appointment of agents, in relation to the sixth article of the Treaty of Amity, Commerce, and Navigation, between the United States and Great Britain," was read the second time, and referred to Messrs. TAZEWELL, HENRY, and BROWN, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act to provide for the further defence of the ports and harbors of the United States," was read the third time.

On motion, to strike out the third section of the bill, as follows:

"SEC. 3. *And be it further enacted*, That the President of the United States be, and he is hereby, empowered to authorize any of the States, which were found indebted to the United States in a settlement of accounts between them and the respective States, to expend, under his direction, the sums respectively due from them, in fortifying their ports and harbors, and the sums, which may be so expended, shall be passed to the credit of the said States, on account of the balances found and reported by the commissioners for settling the accounts between the United States and the individual States, to be due from the said States to the United States: *Provided*, The said States shall and do cede to the United States the lands or places on which such fortifications shall be so erected, in cases where the lands are the property of such States:"

It was determined in the negative—yeas 9, nays 18, as follows:

YEAS—Messrs. Bloodworth, Blount, Brown, Cocke, Langdon, Marshall, Martin, Mason, and Tazewell.

NAYS—Messrs. Bingham, Bradford, Foster, Goodhue, Henry, Hillhouse, Hunter, Latimer, Laurance, Livermore, Paine, Read, Ross, Rutherfurd, Sedgwick, Stockton, Tattnall, and Tracy.

*Resolved*, That this bill pass.

A message from the House of Representatives informed the Senate that the House do not concur in the bill, sent from the Senate, entitled "An act for raising and organizing an additional corps of artillerists and engineers."

A motion was made, to add, after the 14th rule, a new one, as follows:

"And when a motion shall be made for striking out any period, section, or clause, in a report, resolution, or bill, it shall always be in order to move any amendment or amendments of such period, section, or clause, and such amendment, or amendments, shall always be decided before the question on striking out is put."

And, after debate,

*Ordered*, That the further consideration thereof be postponed.

WEDNESDAY, June 21.

Mr. LAURANCE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act directing a detachment from the militia of the United States," reported that the bill pass without amendment.

*Ordered*, That this bill pass to a third reading.

Mr. GOODHUE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act in addition to an act entitled 'An act concerning the registering and recording of ships and vessels,'" reported sundry amendments; which were read and adopted.

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

The Senate resumed the second reading of the bill to prevent the arming of private ships, except in certain cases, and under certain regulations.

*Ordered*, That it be referred to Messrs. TRACY, TAZEWELL, GOODHUE, LIVERMORE, and BINGHAM, to consider and report thereon to the Senate.

The bill to enable the President of the United States, under certain restrictions, to raise a provisional army, was read the second time; and, after debate,

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

---

THURSDAY, June 22.

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

*Gentlemen of the Senate:*

Having sent the report and documents which accompany this Message to the House of Representatives, in compliance with their desire, expressed in their resolution of the tenth of this month, I think it proper to send duplicates to the Senate for their information.

JOHN ADAMS.

UNITED STATES, *June* 22, 1797.

The Message was read, and ordered to lie on the table.

The bill, sent from the House of Representatives for concurrence, entitled "An act directing a detachment from the militia of the United States," was read the third time.

*Resolved*, that this bill pass.

The bill, sent from the House of Representatives for concurrence, entitled "An act in addition to an act, entitled 'An act concerning the registering and recording of ships and vessels,'" 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 have passed a resolution "That the President of the Senate, and the Speaker of the House of Representatives, be authorized to close the present session by adjourning their respective Houses on the twenty-eighth day of this month;" in which they desire the concurrence of the Senate.

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

The Senate resumed the second reading of the bill to enable the President of the United States, under certain restrictions, to raise a provisional army; and, after debate,

The question was taken on the third reading of the bill; and it was determined in the negative—yeas 9, nays 17, as follows:

YEAS—Messrs. Goodhue, Laurance, Marshall, Read, Ross, Rutherfurd, Sedgwick, Tichenor, and Tracy.

NAYS—Messrs. Bloodworth, Blount, Bradford, Brown, Cocke, Foster, Hunter, Hillhouse, Howard, Langdon, Latimer, Livermore, Martin, Mason, Paine, Tattnall, and Tazewell.

So the bill was lost.

FRIDAY, June 23.

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 in addition to an act, entitled 'An act concerning the registering and recording of ships and vessels."

Mr. TAZEWELL, from the committee to whom was referred the bill, entitled "An act directing the appointment of agents in relation to the sixth article of the Treaty of Amity, Commerce, and Navigation, between the United States and Great Britain," reported sundry amendments; which were read.

*Ordered*, That they be printed for the use of the Senate.

The Senate proceeded to consider the resolution of the House of Representatives for the adjournment of the two Houses of Congress on the 28th instant; and, after debate,

*Ordered*, That the further consideration thereof be postponed until Tuesday next.

Mr. READ notified the Senate that he should, to-morrow, request leave to introduce a bill empowering the President of the United States to lay, regulate, and revoke, embargoes, during the recess of Congress.

Mr. TRACY notified the Senate that he should, to-morrow, request leave to introduce a bill directing the period at which the next session of Congress shall commence.

The Senate proceeded to consider the motion made the 20th instant for an additional rule; and, it was agreed to postpone the consideration thereof until the next session of Congress.

---

SATURDAY, June 24.

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

*Gentlemen of the Senate and of the House of Representatives:*

The Dey of Algiers has manifested a predilection for American built vessels, and, in consequence, has desired that two vessels might be constructed and equipped, as cruisers, according to the choice and taste of Captain O'Brien. The cost of two such vessels, built with live oak and cedar, and coppered, with guns and all other equipments complete, is estimated at forty-five thousand dollars. The expense of navigating them to Algiers may, perhaps, be compensated, by the freight of the stores with which they may be loaded on account of our stipulations by treaty with the Dey.

A compliance with the Dey's request appears to me to be of serious importance. He will repay the whole expense of building and equipping the two vessels; and as he has advanced the price of our peace with Tripoli, and become pledged for that of Tunis, the United States seem to be under peculiar obligations to provide this accommodation; and I trust that Congress will authorize the advance of money necessary for that purpose.

It also appears to be of importance to place at Algiers a person as Consul, in whose integrity and ability much confidence may be placed, to whom a considerable latitude of discretion should be allowed, for the

interest of the United States in relation to their commerce. That country is so remote as to render it impracticable for the Consul to ask and receive instructions in sudden emergencies. He may sometimes find it necessary to make instant engagements for money, or its equivalent, to prevent greater expenses or more serious evils. We can hardly hope to escape occasions of discontent proceeding from the Regency, or arising from the misconduct, or even the misfortunes, of our commercial vessels navigating in the Mediterranean sea; and unless the causes of discontent are speedily removed, the resentment of the Regency may be exerted with precipitation on our defenceless citizens, and their property, and thus occasion a tenfold expense to the United States. For these reasons it appears to me to be expedient to vest the Consul at Algiers with a degree of discretionary power, which can be requisite in no other situation. And to encourage a person deserving the public confidence to accept so expensive and responsible a situation, it appears indispensable to allow him a handsome salary. I should confer on such a Consul a superintending power over the Consulates for the States of Tunis and Tripoli, especially in respect to pecuniary engagements, which should not be made without his approbation

While the present salary of two thousand dollars a year appears adequate to the Consulates of Tunis and Tripoli, twice that sum probably will be requisite for Algiers.

JOHN ADAMS.

UNITED STATES, *June* 23, 1797.

*Ordered*, That it lie for consideration.

Agreeably to notice given yesterday, Mr. READ obtained permission to introduce a bill to authorize the President of the United States to lay, regulate, and revoke embargoes; which was read, and ordered to the second reading.

The Senate proceeded to consider the amendments reported by the committee to the bill, sent from the House of Representatives for concurrence, entitled "An act directing the appointment of agents, in relation to the sixth article of the Treaty of Amity, Commerce, and Navigation, between the United States and Great Britain;" which were in part adopted.

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

A message from the House of Representatives informed the Senate that the House ask a conference on the act passed the last session of Congress, entitled "An act to alter the time of the next meeting of Congress;" and have appointed a committee for the purpose on their part.

A message from the House of Representatives informed the Senate that the House concur in the bill, sent from the Senate, entitled "An act providing for the protection of the trade of the United States," with amendments; in which they desire the concurrence of the Senate.

Agreeably to notice given yesterday, Mr. TRACY obtained permission to introduce a bill ascertaining the time for the next meeting of Congress.

The amendments of the House of Representatives to the bill, entitled "An act providing for the protection of the trade of the United States," were read.

*Ordered*, That they be printed for the use of the Senate.

Mr. TRACY, from the committee to whom was referred the bill to prevent the arming of private ships, except in certain cases, and under certain regulations, reported sundry amendments; which were read.

*Ordered*, That they be printed for the use of the Senate.

---

MONDAY, June 26.

The bill to authorize the President of the United States to lay, regulate, and revoke embargoes, was read the second time.

On motion to expunge 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 the President of the United States be, and he hereby is, authorized and empowered, whenever in his opinion the public safety shall so require, to lay an embargo on all ships and vessels in the ports of the United States; or upon the ships and vessels of the United States, or the ships and vessels of any foreign nation; or upon ships and vessels of the United States, or of any foreign nation, destined to any particular foreign ports or places, under such regulations as the circumstances of the case may require, and to continue or revoke the same whenever he shall think proper. And the President is hereby fully authorized to give all such orders to the officers of the United States as may be necessary to carry the same into full effect: *Provided*, The authority aforesaid shall not be exercised while the Congress of the United States shall be in session; and any embargo which may be laid by the President as aforesaid shall cease and determine in fifteen days from the actual meeting of Congress next after laying the same."

It was determined in the negative—yeas 12, nays 15, as follows:

YEAS—Messrs. Bloodworth, Blount, Bradford, Brown, Cocke, Henry, Langdon, Livermore, Martin, Mason, Tattnall and Tazewell.

NAYS—Messrs. Bingham, Foster, Goodhue, Hillhouse, Howard, Hunter, Latimer, Marshall, Paine, Read, Ross, Rutherfurd, Sedgwick, Stockton, and Tracy.

*Ordered*, That this bill pass to a third reading.

Agreeably to notice given on the 24th instant, Mr. TRACY had leave to introduce a bill to ascertain the time for the next meeting of Congress; which was read, and ordered to a second reading.

The resolution of the House of Representatives of the 24th instant, asking a conference on the act, entitled "An act to alter the time for the next meeting of Congress," was considered.

*Resolved*, That the Senate do not agree to the proposed conference.

The Senate proceeded to consider the amendments of the House of Representatives to the bill entitled "An act providing for the protection of the trade of the United States."

*Resolved*, That they agree to the amendments to the 2d, 4th, and 5th sections, and disagree to all the other amendments to the said bill.

The bill, sent from the House of Representatives for concurrence, entitled "An act directing

the appointment of agents in relation to the sixth article of the Treaty of Amity, Commerce, and Navigation, between the United States and Great Britain," was read the third time; and, being further amended,

*Resolved*, That this bill pass with amendments.

---

TUESDAY, June 27.

The bill to ascertain the time for the next meeting of Congress was read the second time.

On motion, to insert "December," in place of "November," in the first enacting clause; it passed in the affirmative—yeas 16, nays 12, as follows:

YEAS—Messrs. Bingham, Bradford, Brown, Henry, Howard, Hunter, Latimer, Mason, Read, Ross, Rutherfurd, Sedgwick, Stockton, Tattnall, Tazewell, and Vining.

NAYS—Messrs. Bloodworth, Cocke, Foster, Goodhue, Hillhouse, Langdon, Livermore, Marshall, Martin, Paine, Tichenor, and Tracy.

And the bill being further amended,

*Ordered*, That it pass to a third reading.

The Senate proceeded to consider the resolution of the House of Representatives for an adjournment of Congress on the 28th instant, and it was agreed to amend the resolution, by inserting "the 3d of July" for the time of adjournment.

On motion, to agree to the resolution as amended, it passed in the negative.

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 directing the appointment of agents in relation to the sixth article of the Treaty of Amity, Commerce, and Navigation, between the United States and Great Britain;"

They have passed a bill entitled, "An act laying duties on licenses for selling foreign wines and foreign distilled spirituous liquors by retail," and a bill entitled "An act to continue in force, for a limited time, the act, and sections of acts, therein mentioned;" in which bills they desire the concurrence of the Senate;

They insist on their amendments to the bill, entitled "An act providing for the protection of the trade of the United States," ask a conference thereon, and have appointed managers on their part.

The bills last brought from the House of Representatives were read and ordered to a second reading.

The Senate proceeded to the consideration of the resolution of the House of Representatives on their amendments to the bill entitled "An act directing the appointment of agents in relation to the sixth article of the Treaty of Amity, Commerce, and Navigation, between the United States and Great Britain." Whereupon,

*Resolved*, That they do recede from their said amendments.

The Senate proceeded to consider the resolution of the House of Representatives asking a conference on the disagreeing votes of the two Houses on the bill entitled "An act providing for the protection of the trade of the United States."

*Resolved*, That they do agree to the proposed conference, and that Messrs. TAZEWELL and GOODHUE be managers at the same on the part of the Senate.

Mr. HUNTER presented the petition of Stephen Drayton, late a deputy quartermaster general in the American Army, praying for liquidation and payment of certain demands against the United States, therein mentioned; which was read.

*Ordered*, That it be referred to the Secretary for the Department of War, to consider and report thereon to the Senate at the next session of Congress.

The bill to authorize the President of the United States to lay, regulate, and revoke embargoes, was read the third time.

On the final passage of the bill, it was determined in the negative—yeas 12, nays 15, as follows:

YEAS—Messrs. Foster, Goodhue, Hillhouse, Howard, Hunter, Latimer, Read, Ross, Rutherfurd, Sedgwick, Stockton, and Tracy.

NAYS—Messrs. Bloodworth, Blount, Bradford, Brown, Cocke, Henry, Langdon, Livermore, Marshall, Martin, Mason, Paine, Tattnall, Tazewell, and Tichenor.

So it was *Resolved*, That this bill do not pass.

---

WEDNESDAY, June 28.

The bill, sent from the House of Representatives for concurrence, entitled "An act to continue in force, for a limited time, the act, and sections of acts, therein mentioned," was read the second time, and referred to Messrs. TRACY, HENRY, and BLOODWORTH, to consider and report thereon to the Senate.

Mr. TAZEWELL reported from the committee appointed on the part of the Senate, to confer on the amendments to the bill, entitled "An act providing for the protection of the trade of the United States," that the committee could not agree to a report. Whereupon,

*Resolved*, That the Senate adhere to their disagreement to the amendment to the first amendment.

On motion, to recede from their disagreement to the amendment for adding three additional sections to the end of the bill, it was determined in the affirmative.

On motion, to amend the said amendment, a question of order was by the VICE PRESIDENT submitted to the Senate, to wit:

Is it in order, in the present case, for the Senate to recede from their disagreement to an amendment of the House of Representatives, and agree to the same with an amendment? And it was determined in the affirmative.

And on the question to agree to the said amendment to the amendment of the House of Representatives, it passed in the negative.

*Resolved*, That the Senate recede from their disagreement to all the amendments to the said bill, except the first.

The bill, sent from the House of Representatives for concurrence, entitled "An act laying duties on licenses for selling foreign wines and

foreign distilled spirituous liquors by retail," was read the second time, and referred to Messrs. PAINE, ROSS, and GOODHUE, to consider and report thereon to the Senate.

The bill to ascertain the time for the next meeting of Congress was read the third time, and amended.

*Ordered*, That this bill pass; that it be engrossed; and that the title thereof be "An act to ascertain the time for the next meeting of Congress."

The Senate proceeded to consider the report of the committee, to whom was referred the bill to prevent the arming of private ships, except in certain cases, and under certain regulations; and, after debate, the further consideration thereof was postponed until to-morrow.

THURSDAY, June 29.

Mr. TRACY, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to continue in force, for a limited time, the act, and sections of acts, therein mentioned," reported that it pass without amendment.

*Ordered*, That this bill pass to the third reading.

A message from the House of Representatives informed the Senate that they recede from their first amendment disagreed to by the Senate to the bill entitled "An act providing for the protection of the trade of the United States."

The Senate resumed the consideration of the report of the committee to whom was referred the bill to prevent the arming of private ships, except in certain cases, and under certain regulations; and, having amended the report,

*Ordered*, That it be recommitted, together with the amendment thereto, to Messrs. MARSHALL, ROSS, and READ, to consider and report thereon to the Senate.

FRIDAY, June 30.

The VICE PRESIDENT laid before the Senate a letter from the Comptroller of the Treasury to the Secretary of the Senate, with the copy of a letter in answer to one from the Speaker of the House of Representatives, on the law providing compensation to the members of Congress; which was read.

*Ordered*, That they be referred to Messrs. READ, STOCKTON, and LIVERMORE, to consider and report thereon to the Senate, by bill or otherwise.

A message from the House of Representatives informed the Senate that the House concur in the bill, sent from the Senate, entitled "An act to ascertain the time for the next meeting of Congress," with amendments, in which they desire the concurrence of the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act to continue in force, for a limited time, the act and sections of acts therein mentioned," was read the third time; and, being further amended,

*Resolved*, That this bill pass with amendments.

The Senate proceeded to consider the amendments of the House of Representatives to the bill entitled "An act to ascertain the time for the next meeting of Congress;" and,

*Resolved*, That they do concur therein.

Mr. READ, from the committee to whom was referred the letter from the Comptroller of the Treasury to the Secretary of the Senate, reported a bill for allowing full mileage to the members of the Senate and House of Representatives of the United States; which was read twice by unanimous consent, and ordered to the third reading.

Mr. TRACY, from the committee to whom was referred the Message of the President of the United States, of the 12th instant, reported a bill for confirming the titles to certain holders of lands in the southwestern part of the United States; which was read and ordered to the second reading.

Mr. TRACY further reported, from the committee last mentioned, on that part of the Message which recommends the expediency of erecting a government in the district of the Natchez, similar to that established for the territory northwest of the river Ohio, that the committee could come to no resolution.

SATURDAY, July 1.

JAMES GUNN, from the State of Georgia, attended.

The bill for confirming the titles to certain holders of lands in the southwestern part of the United States, was read the second time; and, after debate,

*Ordered*, That the further consideration thereof be postponed until Monday next.

A message from the House of Representatives informed the Senate that the House disagree to some, and agree to other, amendments of the Senate, with an amendment to, the bill, entitled "An act to continue in force, for a limited time, the act and sections of acts therein mentioned;"

They have passed a bill, entitled "An act for reviving and continuing suits and process in the Circuit Court for the district of North Carolina," in which they desire the concurrence of the Senate.

Mr. HILLHOUSE notified the Senate that he should, on Monday, ask leave to introduce a bill further to authorize the transfer of stock standing to the credit of certain States.

Mr. PAINE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act laying duties on licenses for selling foreign wines and foreign distilled spirituous liquors by retail," reported sundry amendments, which were read.

*Ordered*, That they be printed for the use of the Senate.

The bill for allowing full mileage to the members of the Senate and House of Representatives of the United States, was read the third time.

*Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An act for allowing full mileage to the members of the Sen-

ate and House of Representatives of the United States."

The bill, sent from the House of Representatives for concurrence, entitled "An act for reviving and continuing suits and process in the Circuit Court for the district of North Carolina," was read the first time, and, by unanimous consent, the bill was read the second and third times.

*Resolved*, That this bill pass.

The Senate proceeded to consider the resolution of the House of Representatives on the amendments of the Senate to the bill, entitled "An act to continue in force, for a limited time, the act and sections of acts therein mentioned."

*Resolved*, That they do recede from their amendments disagreed to by the House of Representatives, and agree to their amendment to the amendment.

Mr. TRACY, from the committee to whom was referred the confidential Message of the President of the United States, of the 23d of June last, reported a bill, in addition to the law of the United States, concerning Consuls and Vice Consuls; which was read, and ordered to the second reading.

---

MONDAY, July 3.

Agreeably to notice given on the first instant, Mr. HILLHOUSE obtained leave to introduce a bill further to authorize the transfer of the stock standing to the credit of certain States; which was read, and by unanimous consent the bill was read the second time, and referred to Messrs. HILLHOUSE, LAURANCE, and TRACY, to consider and report thereon to the Senate.

The bill in addition to the law of the United States concerning Consuls and Vice Consuls, was read the second time, and by unanimous consent it was read the third time.

On motion that the compensation provided be three thousand, instead of four thousand dollars, it passed in the negative.

*Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An act, in addition to the law of the United States concerning Consuls and Vice Consuls."

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act laying duties on stamped vellum, parchment, and paper," in which they desire the concurrence of the Senate.

The bill last brought from the House of Representatives for concurrence, was read, and by unanimous consent the bill was read the second time, and referred to Messrs. ROSS, TRACY, and BINGHAM, to consider and report thereon to the Senate.

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

*Gentlemen of the Senate,*

*and House of Representatives:*

The whole of the intelligence which has for some time past been received from abroad, the correspondence between this Government and the Ministers of the belligerent Powers residing here, and the advices from the officers of the United States, civil and military, upon the frontiers, all conspire to show, in a very strong light, the critical situation of our country. That Congress might be enabled to form a more perfect judgment of it, and of the measures necessary to be taken, I have directed the proper officers to prepare such collections of extracts from the public correspondence as might afford the clearest information. The reports made to me, from the Secretary of State and the Secretary of War, with a collection of documents from each of them, are now communicated to both Houses of Congress. I have desired that the Message, reports, and documents, may be considered as confidential, merely that the members of both Houses of Congress may be apprized of their contents before they should be made public. As soon as the two Houses shall have heard them, I shall submit to their discretion the publication of the whole or any such parts of them as they shall judge necessary or expedient for the public good.

JOHN ADAMS.

UNITED STATES, *July* 3, 1797.

The Message and papers were read.

On motion, the copy of a letter communicated with the Message was again read, in the hearing of Mr. BLOUNT, who was absent when it was read the first time: and who, on being requested to declare whether he was the author of this letter or not, observed, that he wrote a letter to Carey, but was unable to say whether the copy was a correct one or not, without recurrence to his papers; and desired that he might have until to-morrow to reply.

*Ordered*, That the Message and papers lie for consideration.

The Senate proceeded to consider the report of the committee on the bill entitled "An act laying duties on licenses for selling foreign wines and foreign distilled spirituous liquors by retail;" and, after debate,

*Ordered*, That the further consideration thereof be postponed.

---

TUESDAY, July 4.

The Senate proceeded to consider the Message of the President of the United States, of the third instant, with the papers therein referred to.

Mr. COCKE laid before the Senate a letter addressed to him, signed WILLIAM BLOUNT, purporting, that it was necessary for him, the said WILLIAM BLOUNT, to have further time for recurrence to his papers and other evidence to remove suspicion.

*Resolved*, That so much of the Message from the President of the United States, of the third instant, and the papers accompanying the same, as relates to a letter purporting to have been written by WILLIAM BLOUNT, a Senator from the State of Tennessee, be referred to a select committee, to consider and report what, in their opinion, it is proper for the Senate to do thereon; and that the said committee have power to send for persons, papers, and records, relating to the subject committed to them, and that Messrs. ROSS, STOCKTON, HENRY, SEDGWICK, and READ, be the committee.

*Ordered*, That the Senate be, for the present,

under an injunction of secrecy on the papers referred to in the above mentioned Message.

The Senate resumed the consideration of the amendments reported by the committee on the bill entitled "An act laying duties on licenses for selling foreign wines and foreign distilled spirituous liquors by retail;" which were adopted, and the bill was ordered to the third reading.

A message from the House of Representatives informed the Senate that they have passed a bill entitled "An act making additional appropriations for the support of Government for the year one thousand seven hundred and ninety-seven," in which they desire the concurrence of the Senate.

The bill was read, and, by unanimous consent, read the second time, and referred to Messrs. TRACY, GOODHUE, and LIVERMORE, to consider and report thereon to the Senate.

Mr. HILLHOUSE, from the committee to whom was referred the bill further to authorize the transfer of the stock standing to the credit of certain States, reported an amendment, which was read and adopted; and, by unanimous consent, it was read the third time.

*Resolved*, That this bill pass; and that it be engrossed; and that the title thereof be "An act to revive and continue in force, for a limited time, an act entitled "An act authorizing the transfer of the stock standing to the credit of certain States."

The Senate resumed the consideration of the report of the committee to whom was referred the bill to prevent the arming of private ships, except in certain cases, and under certain regulations.

On motion, to strike out the first section, reported by the committee, as an amendment, in the words following:

"SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That no private ship or vessel, belonging to, or registered in the name or names of, a citizen or citizens of the United States, which shall be armed, shall be cleared out, or permitted to depart from the United States: *Provided*, the foregoing prohibition shall not extend to any ship or vessel really and truly freighted and employed in the Mediterranean or African trade, or for a voyage beyond the Cape of Good Hope or Cape Horn, and armed as has been usual in those trades or voyages, for defence against unlawful violence."

It was determined in the affirmative, yeas 16—nays 12, as follows:

YEAS—Messrs. Bradford, Foster, Goodhue, Hillhouse, Latimer, Laurance, Livermore, Martin, Paine, Ross, Rutherfurd, Sedgwick, Stockton, Tichenor, Tracy, and Vining.

NAYS—Messrs. Bingham, Bloodworth, Brown, Cocke, Gunn, Henry, Howard, Hunter, Marshall, Read, Tattnall, and Tazewell.

*Ordered*, That the further consideration of this bill be postponed until the next session of Congress.

---

WEDNESDAY, July 5.

Mr. Ross, from the committee on part of the Message of the President of the United States, of the 3d instant, made report; and the report was read.

*Ordered*, That the VICE PRESIDENT notify WILLIAM BLOUNT, Senator from the State of Tennessee, by letter, to attend the Senate.

The VICE PRESIDENT accordingly addressed to him the following letter, by the Doorkeeper:

SENATE CHAMBER, *July* 5, 1797.

SIR: You are hereby required to attend the Senate, in your place, without delay.

By order of the Senate;

TH. JEFFERSON.
*President of the Senate.*

WILLIAM BLOUNT, Esq.,
*Senator from the State of Tennessee.*

On motion that it be

"*Resolved*, That the letter said to have been written by William Blount, together with the several notes that passed between the Secretary of State and the British Minister, relative to the said letter, be printed for the use of the members"—

It was agreed that the consideration of this motion be postponed until to-morrow.

*Ordered*, That the injunction of secrecy respecting the Message of the President of the United States, of the 3d instant, and the papers accompanying the same, be taken off.

The VICE PRESIDENT acquainted the Senate that the Doorkeeper had returned his letter addressed agreeably to their order to WILLIAM BLOUNT, as on inquiry he could not be found.

Mr. Ross, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act laying duties on stamped vellum, parchment, and paper," reported that the bill pass without amendment; and it was agreed, by unanimous consent, that this bill pass to the third reading at this time.

On the final passage of the bill, the question was determined in the affirmative—yeas 20, nays 7, as follows:

YEAS—Messrs. Bingham, Bradford, Foster, Goodhue, Gunn, Hillhouse, Howard, Latimer, Laurance, Livermore, Marshall, Paine, Read, Ross, Rutherfurd, Sedgwick, Stockton, Tichenor, Tracy, and Vining.

NAYS—Messrs. Bloodworth, Brown, Cocke, Hunter, Martin, Tattnall, and Tazewell.

So it was resolved that this bill pass.

Mr. TRACY, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act making additional appropriations for the support of Government, for the year one thousand seven hundred and ninety-seven," reported an amendment, which was read and adopted; and the bill was ordered to the third reading as amended.

The bill, sent from the House of Representatives for concurrence, entitled "An act laying duties on licenses for selling foreign wines and foreign distilled spirituous liquors by retail," was read the third time, and, being further amended, it was resolved that this bill pass with amendments.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act authorizing a loan of money,"

in which they desire the concurrence of the Senate.

The bill was read, and, by unanimous consent, it was read the second time.

*Ordered*, That it be referred to Messrs. HILLHOUSE, READ, and GUNN, to consider and report thereon to the Senate.

The VICE PRESIDENT obtained leave of absence for the remainder of the session.

The Senate resumed the second reading of the bill for confirming the titles to certain holders of lands in the southwestern part of the United States; and, after debate, it was ordered that the further consideration thereof be postponed until to-morrow.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act laying an additional duty on salt imported into the United States, and for other purposes," in which they desire the concurrence of the Senate.

The bill was read, and, by unanimous consent, it was read the second time.

*Ordered*, That it be referred to Messrs. GOODHUE, BRADFORD, and BROWN, to consider and report thereon to the Senate.

---

THURSDAY, July 6.

The VICE PRESIDENT being absent, the Senate proceeded to the choice of a President *pro tempore*, as the Constitution provides, and the Hon. WILLIAM BRADFORD was duly elected.

Mr. GOODHUE, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act laying an additional duty on salt imported into the United States, and for other purposes," reported that the bill pass.

The bill was read the third time and passed.

The bill, sent from the House of Representatives for concurrence, entitled "An act making additional appropriations for the support of Government, for the year one thousand seven hundred and ninety-seven," was read the third time.

On motion, to strike out the sum of sixty thousand five hundred dollars, appropriated for the expense of foreign intercourse, for the purpose of inserting fifty-one thousand five hundred dollars, it was determined in the negative—yeas 10, nays 17, as follows:

YEAS—Messrs. Bloodworth, Blount, Brown, Cocke, Foster, Henry, Hunter, Martin, Tazewell, and Tattnall.

NAYS—Messrs. Bradford, Goodhue, Gunn, Hillhouse, Howard, Latimer, Laurance, Livermore, Marshall, Paine, Read, Ross, Rutherfurd, Sedgwick, Tichenor, Tracy, and Vining.

*Resolved*, That this bill pass with an amendment.

Mr. ROSS, from the committee to whom was referred that part of the President's Message of the 3d instant, which relates to a letter, purporting to have been written by WILLIAM BLOUNT, Esquire, together with the papers accompanying the same, made a farther report; which was read. Upon which,

Mr. BLOUNT read in his place a declaration, purporting that he should attend in his seat, from time to time, to answer to any allegations that might be brought against him.

*Ordered*, That the consideration of the report of the committee be postponed until 11 o'clock, to-morrow morning.

On motion, by Mr. BLOUNT, that he be heard by counsel on the subject-matter of this report—

A motion was made to postpone the consideration of this motion until to-morrow, and it passed in the negative.

*Resolved*, That Mr. BLOUNT be heard by counsel, not exceeding two, to-morrow morning, at 11 o'clock.

*Ordered*, That the Secretary furnish Mr. BLOUNT with attested copies of such papers as he may point out, respecting the subject this day reported on by the committee.

Mr. HILLHOUSE, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act authorizing a loan of money," reported that the bill pass without amendment; and the bill was read the third time, and passed.

---

FRIDAY, July 7.

A message from the House of Representatives informed the Senate that the House have passed a resolution, that the President of the Senate, and the Speaker of the House of Representatives, be authorized to close the present session, by adjourning their respective Houses on Monday, the 10th day of this month; in which they desire the concurrence of the Senate.

The House of Representatives have passed a bill entitled "An act for the relief of Thomas Lewis," in which they desire the concurrence of the Senate.

*Resolved*, That the instructions to the committee to whom was referred that part of the President's Message, of the 3d instant, which relates to a letter, purporting to have been written by WILLIAM BLOUNT, Esq., together with the papers accompanying the same, be amended, by adding, after the word "records," the following words: "and particularly the papers of WILLIAM BLOUNT, Esquire."

Agreeably to the order of the day, the Senate proceeded to the consideration of the report of the above-mentioned committee, made yesterday.

On motion, that such printers as may request it, be accommodated with stands on the floor of the Senate, to enable them to take notes of their proceedings on the present occasion, it passed in the negative.

Mr. BLOUNT notified the Senate that Jared Ingersol and Alexander J. Dallas are the counsel he has employed, agreeably to the vote of the Senate passed yesterday.

The PRESIDENT requested of Mr. BLOUNT to declare, whether, or not, he was the author of a letter, a copy of which was communicated with the Message of the President of the United States, of the 3d instant.

Mr. BLOUNT declined to answer.

On motion, in consequence of the request of the counsel above-mentioned, that they have until Monday next to prepare themselves to show cause why the report of the committee should not be adopted: After debate, it was agreed that the question before the Senate be postponed, for the purpose of receiving a special message from the House of Representatives.

A message was received from the House of Representatives, by Mr. SITGREAVES, one of their members, in the words following:

"*Mr. President:* I am commanded, in the name of the House of Representatives, and of all the people of the United States, to impeach William Blount, a Senator of the United States, of high crimes and misdemeanors; and to acquaint the Senate that the House of Representatives will, in due time, exhibit particular articles against him, and make good the same.

"I am further commanded to demand that the said William Blount be sequestered from his seat in the Senate; and that the Senate do take order for his appearance to answer the said impeachment."

A motion was made as follows:

"Pursuant to a message from the House of Representatives of the United States, by Samuel Sitgreaves, Esquire, a member of that House, that they, in their own name, and in the name of all the people of the United States, have impeached William Blount, a member of the Senate, of high crimes and misdemeanors, and that in due time they will exhibit articles against him, and make good the same; and they having demanded that the said William Blount be sequestered from his seat in this House; and that the Senate do take order for his appearance to answer to the said impeachment:

"*Resolved,* That the said William Blount be, and he hereby is, sequestered from his seat in the Senate, and that he be taken into custody of the Messenger of this House, until he shall enter into recognizance, himself in the sum of ——— dollars, with two sufficient sureties in the sum of ——— dollars each, to appear and answer such articles of impeachment as may be exhibited against him."

On motion, it was agreed to fill the first blank with twenty thousand, and the other blank with fifteen thousand.

A motion was then made to postpone the consideration of this motion until to-morrow, and it passed in the negative.

On motion, it was agreed to divide the motion, and that the question be taken on the words, "be, and he hereby is, sequestered from his seat in the Senate, and that he."

On motion, it was agreed to postpone the consideration of this division of the question until to-morrow.

And the resolution was adopted, as follows:

"Pursuant to a message from the House of Representatives of the United States by Samuel Sitgreaves, Esq., a member of that House, that they, in their own name, and in the name of all the people of the United States, have impeached William Blount, a member of the Senate, of high crimes and misdemeanors; and that, in due time, they will exhibit articles against him, and make good the same; and they having demanded that the said William Blount be sequestered from his seat in this House, and that the Senate take order for his appearance, to answer to the said impeachment:

"*Resolved,* That the said William Blount be taken into custody of the Messenger of this House, until he shall enter into recognizance, himself in the sum of twenty thousand dollars, with two sufficient sureties in the sum of fifteen thousand dollars each, to appear and answer such articles of impeachment as may be exhibited against him."

Whereupon Mr. BLOUNT named his sureties, and they were satisfactory to the Senate.

The PRESIDENT then named Mr. BLOUNT and his sureties, who arose while the recognizance was read, and being approved by the Senate, it was executed in their presence, in the form as follows:

"*Be it remembered,* That, on the seventh day of July, in the year of our Lord one thousand seven hundred and ninety-seven, personally appeared before the President *pro tempore*, and Senate of the United States, William Blount, Esq., Senator of the State of Tennessee, Thomas Blount, Esq., member of the House of Representatives of the United States, from the State of North Carolina, and Pierce Butler, Esq., of South Carolina, who severally acknowledged themselves to owe to the United States of America the following sums, that is to say: The said William Blount, the sum of twenty thousand dollars, and the said Thomas Blount and Pierce Butler, each, the sum of fifteen thousand dollars, to be levied on their respective goods and chattels, lands, and tenements, on the condition following, that is to say:

"*The condition* of the foregoing recognizance is such, that if the said William Blount shall appear before the Senate of the United States, to answer to certain charges of impeachment to be exhibited against him by the House of Representatives of the United States, and not depart therefrom without leave, that then the above recognizance shall cease to exist, otherwise be and remain in full force and virtue.

"Sealed and delivered in Senate of the United States, this seventh day of July, one thousand seven hundred and ninety-seven.

"WILLIAM BLOUNT, [L. S.]
"THOMAS BLOUNT, [L. S.]
"PIERCE BUTLER. [L. S.]

"Attest: SAMUEL A. OTIS, *Secretary of the Senate of the United States.*"

---

SATURDAY, July 8.

A message from the House of Representatives informed the Senate that the House agree to the amendment of the Senate to the bill entitled "An act making additional appropriations for the support of Government for the year one thousand seven hundred and ninety-seven," with an amendment; in which they desire the concurrence of the Senate.

The Senate proceeded to consider the amendment of the House of Representatives to their amendment to the bill last mentioned; and concurred therein.

*Ordered,* That the Secretary of the Senate notify the House of Representatives that, in consequence of their message of yesterday, by the Honorable Mr. SITGREAVES, one of their members, they have caused WILLIAM BLOUNT to recognize, in the sum of twenty thousand dollars prin-

cipal, with two sureties in the sum of fifteen thousand dollars each, to appear and answer to the impeachment mentioned in their message.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Thomas Lewis," was read the first time, and ordered to the second reading.

Mr. HUNTER laid before the Senate the petition of Phœbe Harwood, praying support in her advanced age and widowhood; her husband having deceased in imprisonment during the late war; and the petition was read.

*Ordered*, That it lie on the table.

The Senate resumed the consideration of the report of the committee to whom was referred that part of the President's Message which relates to a letter purporting to have been written by WILLIAM BLOUNT, Esq., together with the papers accompanying the same.

On motion, Mr. Justice SMITH was desired to attend and administer the oath to such witnesses as might be adduced.

On motion, Mr. MARTIN and Mr. COCKE, of the Senate, being sworn, severally testified, on inspection of the letter said to be written by Mr. BLOUNT, that it was his handwriting, they being acquainted therewith, and having seen him write.

The PRESIDENT then said:

"William Blount, Esq., you have now an opportunity, agreeably to the vote of Senate, in pursuance of your own request, by your counsel, to show cause, why the report of the committee should not be adopted."

Mr. BLOUNT was heard by his counsel, Mr. Ingersol and Mr. Dallas; and, after debate,

A motion was made to postpone the consideration of the report of the committee to the next session of Congress; and it was decided in the negative—yeas 7, nays 19, as follows:

YEAS—Messrs. Bloodworth, Brown, Cocke, Gunn, Martin, Tazewell, and Tattnall.

NAYS—Messrs. Bingham, Bradford, Foster, Goodhue, Henry, Hillhouse, Howard, Hunter, Latimer, Laurance, Livermore, Marshall, Read, Ross, Rutherfurd, Sedgwick, Tichenor, Tracy, and Vining.

On the question to agree to the report of the committee, as follows:

"The committee to whom was referred that part of the President's Message which relates to a letter purporting to have been written by William Blount, Esq., one of the Senators from the State of Tennessee, together with the papers accompanying the same, having had the same under their consideration, beg leave to make a further report:

"That Mr. Blount having declined an acknowledgment or denial of the letter imputed to him, and having failed to appear, to give any satisfactory explanation respecting it, your committee sent for the original letter, which accompanies this report, and it is in the following words:

'*Colonel King's Iron Works, April* 21, 1797.

'DEAR CAREY: I wished to have seen you before I returned to Philadelphia; but I am obliged to return to the session of Congress, which commences on the 15th of May.

'Among other things that I wished to have seen you about, was the business Captain Chesholm mentioned to the British Minister last winter at Philadelphia.

'I believe, but am not quite sure, that the plan then talked of will be attempted this fall; and if it is attempted, it will be in a much larger way than then talked of; and if the Indians act their part, I have no doubt but it will succeed. A man of consequence has gone to England about the business, and if he makes arrangements as he expects, I shall myself have a hand in the business, and probably shall be at the head of the business on the part of the British. You are, however, to understand, that it is not yet quite certain that the plan will be attempted; yet, you will do well to keep things in a proper train of action, in case it should be attempted, and to do so, will require all your management—I say require all your management, because you must take care, in whatever you say to Rogers, or any body else, not to let the plan be discovered by Hawkins, Dinsmore, Byers, or any other person in the interest of the United States or Spain.

'If I attempt this plan, I shall expect to have you, and all my Indian country and Indian friends, with me; but you are now in good business I hope, and you are not to risk the loss of it by saying anything that will hurt you, until you again hear from me. Where Captain Chesholm is I do not know; I left him in Philadelphia in March, and he frequently visited the Minister and spoke upon the subject; but I believe he will go into the Creek nation by way of South Carolina or Georgia. He gave out he was going to England, but I did not believe him. Among other things that you may safely do, will be to keep up my consequence with Watts, and the Creeks and Cherokees generally, and you must by no means say anything in favor of Hawkins, but, as often as you can, with safety to yourself, you may teach the Creeks to believe he is no better than he should be. Any power or consequence he gets, will be against our plan. Perhaps Rogers, who has no office to lose, is the best man to give out talks against Hawkins. Read the letter to Rogers, and if you think it best to send it to him, put a wafer in it, and forward it to him by a safe hand, or perhaps you had best send for him to come to you, and speak to him yourself respecting the state and prospect of things.

'I have advised you, in whatever you do, to take care of yourself. I have now to tell you to take care of me too; for a discovery of the plan would prevent the success and much injure all the parties concerned.

'It may be that the Commissioners may not run the line as the Indians expect or wish, and, in that case, it is probable the Indians may be taught to blame me for making the treaty. To such complaints against me, if such there are, it may be said by my friends, at proper times and places, that Doublehead confirmed the treaty with the President, at Philadelphia, and receives as much as 5,000 dollars a year, to be paid to the nation, over and above the first price: indeed, it may with truth be said, that, though I made the treaty, that I made it by the instructions of the President, and, in fact, it may with truth be said, that I was, by the President, instructed to purchase much more land than the Indians would agree to sell. This sort of talk will be throwing all the blame off me upon the late President, and as he is now out of office, it will be of no consequence how much the Indians blame him. Among other things that may be said for me is, that I was not at the running of the line, and that if I had been, it would have been run more to their satisfaction. In short, you understand the subject, and must take care to give out

the proper talks, to keep up my consequence with the Creeks and Cherokees. Can't Rogers contrive to get the Creeks to desire the President to take Hawkins out of the nation? for, if he stays in the Creek nation and gets the good will of the nation, he can and will do great injury to our plan. When you have read this letter over three times, then burn it. I shall be at Knoxville in July or August, when I will send for Watts, and give him the whiskey I promised him.

'I am, &c., WILLIAM BLOUNT.'

"Two Senators, now present in the Senate, have declared to the committee that they are well acquainted with the handwriting of Mr. Blount, and have no doubt that this letter was written by him. Your committee have examined many letters from Mr. Blount to the Secretary of War, a number of which are herewith submitted, as well as the letter addressed by Mr. Blount to Mr. Cook, his colleague in the Senate, and to this committee, respecting the business now under consideration; and find them all to be of the same handwriting with the letter in question. Mr. Blount has never denied this letter, but, on the other hand, when the copy transmitted to the Senate was read in his presence, on the 3d instant, he acknowledged in his place that he had written a letter to Carey, of which he had preserved a copy, but could not then decide whether the copy read was a true one. Your committee are therefore fully persuaded that the original letter now produced was written and sent to Carey by Mr. Blount. They also find that this man, Carey, to whom it was addressed, is, to the knowledge of Mr. Blount, in the pay and employment of the United States, as their interpreter to the Cherokee nation of Indians, and an assistant in the public factory at Tellico Blockhouse. That Hawkins, who is so often mentioned in this letter as a person who must be brought into suspicion among the Creeks, and if possible driven from his station, is the superintendent of Indian affairs for the United States among the Southern Indians; Dinsmore is agent for the United States in the Cherokee nation; and Byers, one of the agents in the public factory at Tellico Blockhouse.

"The plan hinted at in this extraordinary letter, to be executed under the auspices of the British, is so capable of different constructions and conjectures, that your committee at present forbear giving any decided opinion respecting it; except that to Mr. Blount's own mind, it appeared to be inconsistent with the interests of the United States and of Spain, and he was therefore anxious to conceal it from both. But, when they consider his attempts to seduce Carey from his duty, as a faithful interpreter, and to employ him as an engine to alienate the affections and confidence of the Indians, from the public officers of the United States residing among them; the measures he has proposed to excite a temper which must produce the recall or expulsion of our superintendent from the Creek nation; his insidious advice tending to the advancement of his own popularity and consequence, at the expense and hazard of the good opinion which the Indians entertain of this Government, and of the treaties subsisting between us and them, your committee have no doubt that Mr. Blount's conduct has been inconsistent with his public duty, renders him unworthy of a further continuance of his present public trust in this body, and amounts to a high misdemeanor. They, therefore, unanimously recommend to the Senate an adoption of the following resolution:

"*Resolved*, That William Blount, Esq., one of the Senators of the United States, having been guilty of a high misdemeanor, entirely inconsistent with his public trust and duty as a Senator, be, and he hereby is, expelled from the Senate of the United States."

The report was adopted—yeas 25, nay 1; as follows:

YEAS—Messrs. Bingham, Bloodworth, Bradford, Brown, Cocke, Foster, Goodhue, Gunn, Henry, Hillhouse, Howard, Hunter, Latimer, Laurance, Livermore, Martin, Marshall, Read, Ross, Rutherfurd, Sedgwick, Tattnall, Tichenor, Tracy, and Vining.

Mr. Tazewell voted in the negative.

So it was *Resolved*, That William Blount, Esq., one of the Senators of the United States, having been guilty of a high misdemeanor, entirely inconsistent with his public trust and duty as a Senator, be, and he hereby is, expelled from the Senate of the United States.

On this, Mr. BUTLER, in behalf of himself and Mr. THOMAS BLOUNT, the other surety, surrendered the person of WILLIAM BLOUNT, the principal, to the Senate, and requested to be discharged from their recognizance. Whereupon, it was

*Ordered*, That they be discharged from their recognizance, and that the Secretary enter an endorsement on the back of the bond as follows:

"And now, to wit, on this eighth day of July, 1797, the Honorable Thomas Blount and Pierce Bulter, Esq's., came into the Senate and surrendered William Blount, Esq., for whom they became bound yesterday."

On motion,

*Resolved*, That WILLIAM BLOUNT be taken into the custody of the Messenger of this House, until he shall enter into recognizance, himself in the sum of one thousand dollars, with two sufficient sureties, in the sum of five hundred dollars each; to appear and answer such articles of impeachment as may be exhibited against him by the House of Representatives, on Monday next.

The Senate proceeded to consider the resolution of the House of Representatives of the 7th instant, proposing an adjournment of the two Houses, on Monday the 10th instant; and concurred therein.

---

MONDAY, July 10.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Thomas Lewis," was read the second time, and on motion that the bill be now read the third time, it was objected to. So the bill was lost.

Mr. BINGHAM laid before the Senate the petition of William Montgomery, and others, remonstrating on the hardship of the "act laying duties on stamped vellum, parchment, and paper;" which was read, and ordered to lie on the table.

The Messenger of the Senate made the following return, on their order of the 8th instant:

"Agreeably to the order of the Senate, the within mentioned WILLIAM BLOUNT having entered into recognizance, I have returned the same into the office of the Secretary of the Senate."

*Ordered*, That the Secretary transmit to the Executive of the State of Tennessee an attested

copy of the proceedings of the Senate, on the report of the committee, of the sixth instant, for the expulsion of WILLIAM BLOUNT.

The Senate resumed the second reading of the bill for confirming the titles to certain holders of lands in the southwestern part of the United States; and, after debate,

*Ordered*, That the further consideration thereof be postponed until the next session of Congress.

On motion, it was

*Ordered*, That the Secretary lay before the President of the United States an attested copy of the proceedings of the Senate on his Message of the third instant, transmitting a letter, signed WILLIAM BLOUNT, directed to Mr. Carey.

*Ordered*, That it be entered on the Journal of the Senate, that WILLIAM BLOUNT failed making his appearance this day, agreeably to the recognizance entered into on the eighth instant.

*Ordered*, That Mr. TRACY and Mr. READ be a joint committee, on the part of the Senate, with such as the House of Representatives may appoint on their part, 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.

A message from the House of Representatives informed the Senate that the House have appointed a joint committee on their part 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. TRACY reported, from the joint committee, that they had waited on the President of the United States, agreeably to order, who replied, that he had no further communication to make to Congress, except a respectful and affectionate farewell.

The PRESIDENT then adjourned the Senate without day.

# PROCEEDINGS AND DEBATES

OF THE

# HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

## AT THE FIRST SESSION OF THE FIFTH CONGRESS, BEGUN AT THE CITY OF PHILADELPHIA, MONDAY, MAY 15, 1797.

In pursuance of the authority given by the Constitution, the PRESIDENT OF THE UNITED STATES, on the 25th day of March last, caused to be issued the Proclamation which follows:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

### A PROCLAMATION.

Whereas the Constitution of the United States of America provides that the President may, on extraordinary occasions, convene both Houses of Congress; and whereas an extraordinary occasion exists for convening Congress, and divers weighty matters claim their consideration, I have therefore thought it necessary to convene, and I do by these presents convene the Congress of the United States of America, at the City of Philadelphia, in the Commonwealth of Pennsylvania, on Monday the fifteenth day of May next, hereby requiring the Senators and Representatives in the Congress of the United States of America, and every of them, that, laying aside all other matters and cares, they then and there meet and assemble in Congress, in order to consult and determine on such measures as in their wisdom shall be deemed meet for the safety and welfare of the said United States.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the City of Philadelphia the [L. S.] twenty-fifth day of March, in the year of our Lord one thousand seven hundred and ninety-seven, and of the Independence of the United States of America the twenty-first.

JOHN ADAMS.

By the President:
TIMOTHY PICKERING,
*Secretary of State.*

---

MONDAY, May 15, 1797.

This being the day appointed by the Proclamation of the PRESIDENT OF THE UNITED STATES, of the 25th of March last, for the meeting of Congress, the following members of the House of Representatives appeared, produced their credentials, and took their seats, to wit:

*From New Hampshire*—ABIEL FOSTER and JONATHAN FREEMAN.

*From Massachusetts*—THEOPHILUS BRADBURY, DWIGHT FOSTER, NATHANIEL FREEMAN, jr., SAMUEL LYMAN, HARRISON GRAY OTIS, JOHN REED, SAMUEL SEWALL, WILLIAM SHEPARD, GEORGE THATCHER, JOSEPH BRADLEY VARNUM, and PELEG WADSWORTH.

*From Rhode Island*—CHRISTOPHER G. CHAMPLIN and ELISHA R. POTTER.

*From Connecticut*—JOSHUA COIT, SAMUEL W. DANA, JAMES DAVENPORT, CHAUNCEY GOODRICH, ROGER GRISWOLD, and NATHANIEL SMITH.

*From Vermont*—MATTHEW LYON.

*From New York*—DAVID BROOKS, JAMES COCHRAN, LUCAS ELMENDORPH, HENRY GLEN, JONATHAN N. HAVENS, HEZEKIAH L. HOSMER, EDWARD LIVINGSTON, JOHN E. VAN ALEN, PHILIP VAN CORTLANDT, and JOHN WILLIAMS.

*From New Jersey*—JONATHAN DAYTON, JAMES H. IMLAY, and MARK THOMPSON.

*From Pennsylvania*—DAVID BARD, JOHN CHAPMAN, GEORGE EGE, ALBERT GALLATIN, JOHN ANDRE HANNA, THOMAS HARTLEY, JOHN WILKES KITTERA, BLAIR M'CLENACHAN, SAMUEL SITGREAVES, JOHN SWANWICK, and RICHARD THOMAS.

*From Maryland*—GEORGE BAER, jr., WILLIAM CRAIK, JOHN DENNIS, GEORGE DENT, WILLIAM HINDMAN, WILLIAM MATTHEWS, and RICHARD SPRIGG, jr.

*From Virginia*—SAMUEL JORDAN CABELL, THOMAS CLAIBORNE, MATTHEW CLAY, JOHN CLOPTON, JOHN DAWSON, THOMAS EVANS, WILLIAM B. GILES, CARTER B. HARRISON, DAVID HOLMES, WALTER JONES, JAMES MACHIR, DANIEL MORGAN, ANTHONY NEW, JOHN NICHOLAS, ABRAM TRIGG, and ABRAHAM VENABLE.

*From North Carolina*—THOMAS BLOUNT, NATHAN BRYAN, JAMES GILLESPIE, WILLIAM BARRY GROVE, MATTHEW LOCKE, NATHANIEL MACON, RICHARD STANFORD, and ROBERT WILLIAMS.

*From South Carolina*—ROBERT GOODLOE HARPER, JOHN RUTLEDGE, jr., and WILLIAM SMITH, (of Charleston District.)

*From Georgia*—ABRAHAM BALDWIN and JOHN MILLEDGE.

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 JONATHAN DAYTON, one of the Representatives for the State of New Jersey: whereupon,

Mr. DAYTON was conducted to the Chair, from whence he made his acknowledgments to the House, as follows:

"Accept, gentlemen, my acknowledgments for the very flattering mark of approbation and confidence exhibited in this second call to the Chair, by a vote of this House.

"Permit me, most earnestly, to request of you a continuance of that assistance and support, which were, upon all occasions, during the two preceding sessions, very liberally afforded to me; and, without which, all my exertions to maintain the order, and expedite the business of the House, must be, in a great degree, unsuccessful."

## ELECTION OF CLERK, &c.

The SPEAKER informed the House, that, according to former proceedings, the next business would be to proceed to the choice of a Clerk. He read one of the rules of the House, which says, that previous to the election of any officer, for whom others than members are eligible, a nomination shall be made. He left the House to decide whether a nomination ought to be made in this case.

Mr. MACON thought that a nomination ought to be made, and named John Beckley.

Mr. GILES thought this case came under the rule, and that it was proper a nomination should take place; because, if it were wished to choose a fresh person to the office, it would be necessary some inquiry should be made of the member who proposed him, with respect to his fitness and qualifications for the business; they ought also to hear from such member any objection which might lie against the person who now fills the office.

Mr. THATCHER said that no nomination had been made on former similar occasions.

Mr. W. SMITH observed that the rules of a former House were not binding upon a new House, until that House had determined that they should be so. It had been the practice heretofore, on the meeting of a new Congress, that the rules of the former House should be binding on them, until otherwise determined; but, as no such vote had yet been passed, and as in a former instance there had been a previous nomination when a Clerk was to be chosen, he saw no reason for it in the present case. A similar attempt for a nomination was made at the time the last Clerk was chosen, but it did not obtain, nor could he discover why gentlemen should be so anxious for a nomination at present.

Mr. WILLIAMS said, as no vote had been passed for adhering to the former rules, they were not binding on the House. He thought it could make no difference in the event whether there was a nomination or not.

Mr. CLAIBORNE was in favor of a nomination.

Mr. W. SMITH thought the question before them was, whether they would then proceed to the choice of a Clerk or not. He asked what purpose could be answered by a nomination? If it were to inquire into the character of the person proposed, time would be necessary, whereas they must immediately proceed to the choice of a Clerk, as their business could not be recorded until he was appointed; besides, he doubted not gentlemen had already determined for whom they would vote, and therefore it would answer no purpose.

Mr. MACON allowed that no nomination was made at the last election of a Clerk, but he said a nomination was made for the Sergeant-at-Arms, and others, and he thought that the same step ought to be taken with respect to the choice of a Clerk.

Mr. GILES repeated his wish for a nomination, for the reasons he had before stated; but he was not very solicitous which of the methods was adopted.

Mr. THATCHER did not recollect that there had been any nomination on former occasions for a Clerk; but he thought it immaterial whether he was chosen to-day or to-morrow, since he believed the present Clerk would be considered in office until a new one should be chosen, and they were not, therefore, without a Clerk to record their proceedings.

The question being put for immediately going into the choice of a Clerk, it was carried; and the votes having been collected, the SPEAKER appointed Messrs. W. SMITH and LIVINGSTON as tellers; when, having examined the votes, Mr. SMITH reported that there were—

| | |
|---|---|
| For Jonathan Williams Condy - - | 41 |
| For John Beckley - - - - | 40 |

Mr. CONDY being therefore elected, he was sent for, and soon after introduced, and took his seat at the Clerk's table.

Mr. W. SMITH moved that Mr. BRADBURY be appointed to administer the Constitutional oath to the SPEAKER; which was carried, and the oath administered accordingly.

The SPEAKER then proceeded to qualify all the members present, (viz: eighty-one,) by States, three or four at a time, who all took the following oath, (except two members, who being Quakers, took their affirmation:) "I —— do solemnly swear that I will support the Constitution of the United States."

The affirmation of office, and the affirmation to support the CONSTITUTION, was also administered to the Clerk.

It was then moved and carried, that a message be sent to the Senate, to inform them that a quorum of the House is assembled, and have chosen a Speaker.

A message was received from the Senate, informing the House that they had formed a quorum.

The House then proceeded to the choice of a Sergeant-at-Arms, Doorkeeper, and Assistant Doorkeeper, when JOSEPH WHEATON was unanimously elected as Sergeant-at-Arms; THOMAS CLAXTON as Doorkeeper; and THOMAS DUNN as Assistant Doorkeeper.

Mr. SITGREAVES moved that a committee be appointed, jointly with such committee as may be appointed on the part of the Senate, to wait on the President, to inform him that quorums of both Houses are assembled, and ready to receive any communication which he may think proper

to make to them. Agreed to, and Messrs. VENABLE, KITTERA, and FREEMAN, (Mass.,) were appointed a committee. Subsequently a message was received from the Senate, informing the House that they had concurred with the House in choosing a committee to wait upon the President, and had appointed Messrs. LIVERMORE and LANGDON on that committee.

Mr. WILLIAMS made the usual motion directing the Clerk to cause each member to be served daily with three of such of the daily papers of this city as he may choose.

Mr. COIT moved to amend the motion, by omitting the words *papers of this city*, in order that members might be at liberty to take any other papers; which was negatived, and the original motion carried.

Mr. WILLIAMS moved that a Committee of Elections should be chosen. The SPEAKER said that this motion was superseded by a standing rule of the House to the same effect. A motion was then made that a Committee of Election should be chosen; which was done, and Messrs. COIT, VARNUM, WILLIAMS, DENT, HARRISON, HARTLEY, and BALDWIN, were appointed.

Mr. W. SMITH moved that the Rules and Regulations of the late House of Representatives shall be deemed those of this House, until an alteration or revision shall take place. Carried, and ordered to be printed.

Mr. SITGREAVES moved that a committee be appointed to revise the Rules. Agreed to, and a committee of three appointed.

Mr. VENABLE, from the committee appointed to wait upon the President, reported that the President would meet the two Houses in that House to-morrow at twelve o'clock.

On motion, adjourned till to-morrow at eleven o'clock.

---

TUESDAY, May 16.

Several other members, to wit: from New Jersey, JAMES SCHUREMAN and THOMAS SINNICKSON; from Virginia, JOHN TRIGG; and from South Carolina, THOMAS SUMPTER, appeared, produced their credentials, were qualified, and took their seats in the House.

On motion,

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

CHAPLAINS TO THE SENATE.

A message from the Senate informed the House that they had appointed the Rev. Bishop WHITE as their Chaplain, to interchange weekly with the Chaplain to be appointed by that House.

Mr. SITGREAVES wished that the choosing of a Chaplain for that House might be the order of the day for to-morrow.

Mr. MACON believed it was not necessary that any notice should be given for the purpose; it might be the order for any day on which the gentleman chose to bring forward the subject.

The SPEAKER said the notice was not necessary, but was not improper to be given.

PRESIDENT'S SPEECH.

It being near twelve o'clock, the SPEAKER observed, that it had been usual on similar occasions to the present, to send a message to the Senate, to inform them that the House is now ready to attend them in receiving the communication of the PRESIDENT, agreeably to his appointment: such a message was agreed to, and sent accordingly.

Soon after, the members of the Senate entered, and took the seats assigned them; and a little after twelve, the PRESIDENT OF THE UNITED STATES entered, and took the Chair of the SPEAKER, (which he vacated on the entrance of the Senate, the President and Clerk of the Senate being placed on the right hand of the Chair, and the Speaker of the House of Representatives and the Clerk on the left.) After sitting a moment, he rose, and delivered the following Speech:

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

The personal inconveniences to the members of the Senate, and of the House of Representatives, in leaving their families and private affairs, at this season of the year, are so obvious, that I the more regret the extraordinary occasion which has rendered the convention of Congress indispensable.

It would have afforded me the highest satisfaction to have been able to congratulate you on a restoration of peace to the nations of Europe, whose animosities have endangered our tranquillity; but we have still abundant cause of gratitude to the Supreme Dispenser of national blessings, for general health and promising seasons; for domestic and social happiness; for the rapid progress and ample acquisitions of industry, through extensive territories; for civil, political, and religious liberty. While other States are desolated with foreign war, or convulsed with intestine divisions, the United States present the pleasing prospect of a nation governed by mild and equal laws, generally satisfied with the possession of their rights; neither envying the advantages nor fearing the power of other nations; solicitous only for the maintenance of order and justice, and the preservation of liberty; increasing daily in their attachment to a system of government, in proportion to their experience of its utility; yielding a ready and general obedience to laws flowing from the reason, and resting on the only solid foundation—the affections of the people.

It is with extreme regret that I shall be obliged to turn your thoughts to other circumstances, which admonish us that some of these felicities may not be lasting; but, if the tide of our prosperity is full, and a reflux commencing, a vigilant circumspection becomes us, that we may meet our reverses with fortitude, and extricate ourselves from their consequences with all the skill we possess, and all the efforts in our power.

In giving to Congress information of the state of the Union, and recommending to their consideration such measures as appear to me to be necessary or expedient, according to my Constitutional duty, the causes and the objects of the present extraordinary session will be explained.

After the President of the United States received information that the French Government had expressed

serious discontents at some proceedings of the Government of these States, said to affect the interests of France, he thought it expedient to send to that country a new Minister, fully instructed to enter on such amicable discussions and to give such candid explanations as might happily remove the discontents and suspicions of the French Government and vindicate the conduct of the United States. For this purpose he selected from among his fellow-citizens a character whose integrity, talents, experience, and services, had placed him in the rank of the most esteemed and respected in the nation. The direct object of his mission was expressed in his letter of credence to the French Republic, being "to maintain that good understanding which, from the commencement of the alliance, had subsisted between the two nations, and to efface unfavorable impressions; banish suspicions, and restore that cordiality which was at once the evidence and pledge of a friendly union;" and his instructions were to the same effect, "faithfully to represent the disposition of the Government and people of the United States, (their disposition being one;) to remove jealousies and obviate complaints, by showing that they were groundless; to restore that mutual confidence which had been so unfortunately and injuriously impaired, and to explain the relative interests of both countries and the real sentiments of his own."

A Minister thus specially commissioned, it was expected, would have proved the instrument of restoring mutual confidence between the two Republics; the first step of the French Government corresponded with that expectation. A few days before his arrival at Paris, the French Minister of Foreign Relations informed the American Minister, then resident at Paris, of the formalities to be observed by himself in taking leave, and by his successor preparatory to his reception. These formalities they observed; and on the ninth of December presented officially to the Minister of Foreign Relations, the one a copy of his letters of recall, the other a copy of his letters of credence. These were laid before the Executive Directory; two days afterwards, the Minister of Foreign Relations informed the recalled American Minister that the Executive Directory had determined not to receive another Minister Plenipotentiary from the United States until after the redress of grievances demanded of the American Government, and which the French Republic had a right to expect from it. The American Minister immediately endeavored to ascertain whether, by refusing to receive him, it was intended that he should retire from the territories of the French Republic, and verbal answers were given that such was the intention of the Directory. For his own justification he desired a written answer; but obtained none until towards the last of January; when receiving notice in writing to quit the territories of the Republic, he proceeded to Amsterdam, where he proposed to wait for instruction from this Government. During his residence at Paris, cards of hospitality were refused him, and he was threatened with being subjected to the jurisdiction of the Minister of Police, but with becoming firmness he insisted on the protection of the law of nations, due to him as the known Minister of a foreign Power. You will derive further information from his despatches, which will be laid before you.

As it is often necessary that nations should treat, for the mutual advantage of their affairs, and especially to accommodate and terminate differences, and as they can treat only by Ministers, the right of embassy is well known, and established by the law and usage of nations; the refusal on the part of France to receive our Minister is then the denial of a right; but the refusal to hear him, until we have acceded to their demands, without discussion, and without investigation, is to treat us neither as allies, nor as friends, nor as a sovereign State.

With this conduct of the French Government, it will be proper to take into view the public audience given to the late Minister of the United States, on his taking leave of the Executive Directory. The Speech of the President discloses sentiments more alarming than the refusal of a Minister; because more dangerous to our independence and union; and at the same time studiously marked with indignities towards the Government of the United States. It evinces a disposition to separate the people of the United States from the Government; to persuade them that they have different affections, principles, and interests, from those of their fellow-citizens, whom they themselves have chosen to manage their common concerns; and thus to produce divisions fatal to our peace. Such attempts ought to be repelled with a decision which shall convince France, and the world, that we are not a degraded people, humiliated under a colonial spirit of fear and sense of inferiority, fitted to be the miserable instruments of foreign influence; and regardless of national honor, character, and interest.

I should have been happy to have thrown a veil over these transactions, if it had been possible to conceal them; but they have passed on the great theatre of the world, in the face of all Europe and America, and with such circumstances of publicity and solemnity that they cannot be disguised, and will not soon be forgotten; they have inflicted a wound in the American breast; it is my sincere desire, however, that it may be healed. It is my desire, and in this I presume I concur with you, and with our constituents, to preserve peace and friendship with all nations, and believing that neither the honor nor the interest of the United States absolutely forbid the repetition of advances for securing these desirable objects with France, I shall institute a fresh attempt at negotiation, and shall not fail to promote and accelerate an accommodation, on terms compatible with the rights, duties, interests, and honor of the nation. If we have committed errors, and these can be demonstrated, we shall be willing to correct them. If we have done injuries, we shall be willing, on conviction, to redress them; and equal measures of justice we have a right to expect from France and every other nation.

The diplomatic intercourse between the United States and France being at present suspended, the Government has no means of obtaining official information from that country; nevertheless, there is reason to believe that the Executive Directory passed a decree, on the second of March last, contravening, in part, the Treaty of Amity and Commerce, of one thousand seven hundred and seventy-eight, injurious to our lawful commerce, and endangering the lives of our citizens. A copy of this decree will be laid before you.

While we are endeavoring to adjust all our differences with France by amicable negotiation, the progress of the war in Europe, the depredations on our commerce, the personal injuries to our citizens, and general complexion of affairs, render it my indispensable duty to recommend to your consideration effectual measures of defence.

The commerce of the United States has become an

interesting object of attention, whether we consider it in relation to the wealth and finances, or the strength and resources of the nation. With a sea-coast of near two thousand miles in extent, opening a wide field for fisheries, navigation, and commerce, a great portion of our citizens naturally apply their industry and enterprise to these objects. Any serious and permanent injury to commerce, would not fail to produce the most embarrassing disorders; to prevent it from being undermined and destroyed, it is essential that it receive an adequate protection.

The Naval Establishment must occur to every man who considers the injuries committed on our commerce, the insults offered to our citizens, and the description of vessels by which these abuses have been practised. As the sufferings of our mercantile and seafaring citizens cannot be ascribed to the omission of duties demandable, considering the neutral situation of our country, they are to be attributed to the hope of impunity, arising from a supposed inability on our part to afford protection. To resist the consequences of such impressions on the minds of foreign nations, and to guard against the degradation and servility which they must finally stamp on the American character, is an important duty of Government.

A Naval power, next to the Militia, is the natural defence of the United States. The experience of the last war would be sufficient to show, that a moderate Naval force, such as would be easily within the present abilities of the Union, would have been sufficient to have baffled many formidable transportations of troops from one State to another, which were then practised. Our sea-coasts, from their great extent, are more easily annoyed and more easily defended by a Naval force than any other. With all the materials our country abounds; in skill, our naval architects and navigators are equal to any; and commanders and seamen will not be wanting.

But although the establishment of a permanent system of Naval defence appears to be requisite, I am sensible it cannot be formed so speedily and extensively as the present crisis demands. Hitherto I have thought proper to prevent the sailing of armed vessels, except on voyages to the East Indies, where general usage, and the danger from pirates, appeared to render permission proper; yet the restriction has originated solely from a wish to prevent collusions with the Powers at war, contravening the act of Congress of June, one thousand seven hundred and ninety-four, and not from any doubt entertained by me of the policy and propriety of permitting our vessels to employ means of defence, while engaged in a lawful foreign commerce. It remains for Congress to prescribe such regulations as will enable our seafaring citizens to defend themselves against violations of the law of nations; and, at the same time, restrain them from committing acts of hostility against the Powers at war. In addition to this voluntary provision for defence by individual citizens, it appears to me necessary to equip the frigates, and provide other vessels of inferior force to take under convoy such merchant vessels as shall remain unarmed.

The greater part of the cruisers whose depredations have been most injurious, have been built, and some of them partially equipped in the United States. Although an effectual remedy may be attended with difficulty, yet I have thought it my duty to present the subject generally to your consideration. If a mode can be devised by the wisdom of Congress to prevent the resources of the United States from being converted into the means of annoying our trade, a great evil will be prevented. With the same view I think it proper to mention that some of our citizens resident abroad have fitted out privateers, and others have voluntarily taken the command, or entered on board of them, and committed spoliations on the commerce of the United States. Such unnatural and iniquitous practices can be restrained only by severe punishments.

But besides a protection of commerce on the seas, I think it highly necessary to protect it at home, where it is collected in our most important ports. The distance of the United States from Europe, and the well known promptitude, ardor, and courage of the people, in defence of their country, happily diminish the probability of invasion: nevertheless, to guard against sudden and predatory incursions, the situation of some of our principal seaports demands your consideration; and as our country is vulnerable in other interests besides those of its commerce, you will seriously deliberate whether the means of general defence ought not to be increased by an addition to the regular artillery and cavalry, and by arrangements for forming a provisional army.

With the same view, and as a measure, which even in a time of universal peace ought not to be neglected, I recommend to your consideration a revision of the laws for organizing, arming, and disciplining the militia, to render that natural and safe defence of the country efficacious. Although it is very true, that we ought not to involve ourselves in the political system of Europe, but to keep ourselves always distinct and separate from it if we can, yet to effect this separation, early, punctual, and continual information of the current chain of events, and of the political projects in contemplation, is no less necessary than if we were directly concerned in them. It is necessary in order to the discovery of the efforts made to draw us into the vortex, in season to make preparations against them. However we may consider ourselves, the maritime and commercial Powers of the world will consider the United States of America as forming a weight, in that balance of power in Europe, which never can be forgotten or neglected. It would not only be against our interest, but it would be doing wrong to one half of Europe, at least, if we should voluntarily throw ourselves into either scale. It is a natural policy for a nation that studies to be neutral, to consult with other nations engaged in the same studies and pursuits. At the same time that measures ought to be pursued with this view, our treaties with Prussia and Sweden, one of which is expired, and the other near expiring, might be renewed.

*Gentlemen of the House of Representatives:*

It is particularly your province to consider the state of the public finances; and to adopt such measures respecting them as exigencies shall be found to require. The preservation of public credit, the regular extinguishment of the public debt, and a provision of funds to defray any extraordinary expenses, will of course call for your serious attention. Although the imposition of new burdens cannot be in itself agreeable, yet there is no ground to doubt that the American people will expect from you such measures as their actual engagements, their present security, and future interests demand.

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

The present situation of our country imposes an obligation on all the departments of Government to adopt an explicit and decided conduct. In my situation, an

exposition of the principles by which my administration will be governed ought not to be omitted.

It is impossible to conceal from ourselves or the world, what has been before observed, that endeavors have been employed to foster and establish a division between the Government and people of the United States. To investigate the causes which have encouraged this attempt is not necessary; but to repel by decided and united councils insinuations so derogatory to the honor, and aggressions so dangerous to the Constitution, union, and even independence, of the nation, is an indispensable duty.

It must not be permitted to be doubted, whether the people of the United States will support the Government established by their voluntary consent, and appointed by their free choice, or whether by surrendering themselves to the direction of foreign and domestic factions, in opposition to their own Government, they will forfeit the honorable station they have hitherto maintained.

For myself, having never been indifferent to what concerned the interests of my country, devoted the best part of my life to obtain and support its independence, and constantly witnessed the patriotism, fidelity, and perseverance of my fellow-citizens, on the most trying occasions, it is not for me to hesitate or abandon a cause in which my heart has been so long engaged.

Convinced that the conduct of the Government has been just and impartial to foreign nations; that those internal regulations, which have been established by law for the preservation of peace, are in their nature proper, and that they have been fairly executed; nothing will ever be done by me to impair the national engagements, to innovate upon principles, which have been so deliberately and uprightly established, or to surrender in any manner the rights of the Government. To enable me to maintain this declaration, I rely upon God with entire confidence, on the firm and enlightened support of the National Legislature, and upon the virtue and patriotism of my fellow-citizens.

JOHN ADAMS.

Having concluded his Speech, after presenting a copy of it to the President of the Senate, and another to the Speaker of the House of Representatives, the President retired, as did also the members of the Senate; and the Speaker having resumed his Chair, he read the Speech: After which, on motion, it was ordered to be committed to a Committee of the Whole to-morrow.

---

WEDNESDAY, May 17.

Several other members, to wit: from New Hampshire, WILLIAM GORDON and JEREMIAH SMITH; from Pennsylvania, ANDREW GREGG; appeared, produced their credentials, were qualified, and took their seats.

The House proceeded, by ballot, to the choice of a Chaplain. On counting the votes they were as follows:

Rev. Dr. Ashbel Green 60; Dr. Priestley 12; Rev. Mr. Carroll 2; Rev. Mr. Helmuth 1.

Dr. GREEN was consequently chosen.

THE PRESIDENT'S SPEECH.

The House then went into a Committee of the Whole, Mr. DENT, in the Chair, on the President's Speech. It was read by the Clerk.

Mr. CRAIK then moved a resolution, which, he observed, was merely a matter of form, as there had been one to the same effect, on every similar occasion. It was, "that it is the opinion of this committee, that a respectful Address should be presented to the President, in answer to his Speech to both Houses of Congress, containing assurances, that this House will take into consideration the various and important matters recommended to their consideration." The committee agreed to the resolution. They rose, and it immediately passed the House in the common form.

On motion, it was *Ordered*, That a committee be appointed to prepare an Answer to the Speech.

Mr. VENABLE, Mr. KITTERA, Mr. FREEMAN, Mr. RUTLEDGE, and Mr. GRISWOLD, were nominated to report the Answer.

On motion, by Mr. WILLIAMS, the Speech was referred to the Committee of the Whole on the state of the Union.

Mr. GILES then moved to adjourn. The House accordingly rose at half past 12 o'clock.

---

THURSDAY, May 18.

COMMITTEE ON UNFINISHED BUSINESS.

Mr. COIT moved that a Standing Committee of Revisal and Unfinished Business be appointed.

Mr. HARTLEY hoped that such a committee would not be appointed, as, if all the unfinished business of last session were to be reported and acted upon, the session would be protracted to a length which he trusted was not the wish of the members of that House.

Mr. COIT observed, that the appointment of such a committee did not infer that the House would go into the consideration of all the unfinished business which might be reported; but there might be some subjects which would require attention, particularly any laws which might be about to expire.

Mr. THATCHER was opposed to the appointment of this committee; he was against attending to any private business; he wished only to attend to the important subject for which they had been called together. As to any laws being about to expire, he did not believe there were any, as all such were attended to last session.

Mr. GILES thought there was no necessity for this committee. He thought the question, however, of some importance, as the decision upon it would show whether the House intended to attend to ordinary business, or merely to that which would arise from the Speech of the President. For his part, he wished to get away as soon as possible, and, therefore, to confine their business to that subject upon which they were called to deliberate; and, though the Speech contained a variety of important objects, he hoped they should soon be able to get through them. He hoped, therefore, no business would be taken up until that was disposed of.

Mr. SITGREAVES said, the opposition to the appointment of this committee was totally without object. It should be recollected, he said, that the appointment of this committee was a part of the

Standing Rules of the House; unless it were appointed, therefore, there would be a contravention of a rule. [Mr. S. read the rule.] For his own part, he was not prepared to say with the gentleman from Massachusetts (Mr. THATCHER) that there were no laws which would expire before the next session of Congress. It was true, that these had been attended to last session; but it was also true, that laws which were passed for a limited time, were said to be for so long, "and until the end of the next session of Congress;" and this session, being an extraordinary one, might put a period to some of such laws. But, suppose this were not the case, what mischief, he asked, could the appointment of the committee effect? He could see none. It would, by reporting the unfinished business, and any expiring laws (if such there were) take the trouble of inquiry from the House; and, when the business was reported, any part of it might be taken up or not as the House should determine. It might, therefore, be of some advantage, but could be of no disadvantage, to appoint this committee.

Mr. COIT (after obtaining leave to speak a third time on the same subject) said, his principal object in the motion he had made, was to attend to expiring laws. The gentleman from Massachusetts was mistaken, when he asserted no law would expire before the next meeting of Congress. One he recollected; there might be others; it was a law passed May 6, 1796, relative to revenue cutters, which was to remain in force for one year, and from thence to the end of the next session of Congress; of course it would expire, if no provision was made to prevent it, with this session.

Mr. THATCHER withdrew his objection to the motion.

Mr. GILES did not know that the appointment of this committee would protract the session; but if gentlemen attended to the duties of this committee, they would find that, if the House were to attend to all the subjects upon which they were to report, it would of necessity occupy a considerable length of time. [He read what these were.] If, indeed, it were understood that this committee was only to extend to expiring laws, he should have no objection to its being appointed; but, should a general report be made, and the House act upon it, the session would be extended to a period beyond what any member contemplated.

Mr. HARTLEY hoped the committee would not be appointed, as he said there were from ninety to one hundred private cases on the list of unfinished business, to consider which would make a long session. If it were intended merely to inquire what laws were expiring, he would agree to it, but not otherwise. The rules which were before them, he said, were intended only for their ordinary annual sessions, and not to govern an extraordinary meeting like the present. If this committee were appointed, they might proceed to the appointment of a Committee of Claims. He hoped they should not decide any thing, before they had disposed of the President's Speech.

Mr. NICHOLAS hoped this business would be settled so as to meet the wishes of the House. He hoped a committee would be appointed and afterwards discharged from all other parts of their duty except what related to expiring laws.

The question being put, it was carried, there being 51 votes in favor of it; and a committee of three were appointed accordingly.

Mr. N. then moved that the committee be discharged from "examining and reporting, from the Journal of last session, all such matters as were then depending and undetermined; and also from revising the laws for the establishment of offices, and from reporting, from time to time, such provisions and expenses attending them as may appear to have become necessary."

Mr. GILES seconded the motion. The only objection which he had to this procedure was, that it was rather awkward first to appoint a committee, and then to discharge it from a great part of its duties; but having appointed the committee, he hoped this course would be taken, as gentlemen would recollect how easy it was to glide from one step of business to another, which was not at first intended, when so much lay before them.

Mr. CRAIK was not prepared to say that it would be improper to act upon any of the unfinished business of last session. He felt as strong a disposition to make the present session a short one as other gentlemen; but to enable them to do the business properly, he thought the best way would be to suffer this committee to take the whole of it before them, as it was not in the power of individual members to go over the Journal of last session, and say what was necessary to be gone into. Upon a view of the subject, there might be measures which it would be essential to have acted upon; and, after the report was made, the House would not be obliged to take up any thing which it did not think it necessary to do, and therefore no inconvenience could arise from it.

Mr. SWANWICK said, whatever might be the decision of the House upon this question, there was one case which he thought in some degree connected with the subject of the President's Speech, which he wished to be considered. It was the case of North & Vesey, of Charleston, merchants, who prayed for the refunding of certain duties. There were circumstances in this case, he believed, which were infringements of existing treaties.

Mr. GILES said, if they gave way to business of this sort, they might expect to sit all the Summer, as every member had business entrusted to him which he thought of the first importance. He hoped they should attend only to the business upon which they were called.

Mr. SWANWICK hoped, if the present motion were agreed to, an exception would be made in favor of the case he had mentioned.

The SPEAKER said the exception would not be in order.

Then, Mr. SWANWICK added, he should vote against the motion, as he looked on this business of the first importance, and that whilst we were

attending to our own rights, we ought, in some degree, to respect those of other nations.

Mr. Macon said, it was of little consequence how the matter was determined, since, if the motion was carried, it would be in the power of any two members to bring forward any subject they pleased. He thought it would be best to determine to do no private business at all.

Mr. Hartley observed that if any private case were taken up, none deserved attention more than that of Mrs. Carmichael.

Mr. Nicholas knew that it was in the power of any two members to bring forward any private business, and, if they could persuade the House to do it, to have it decided; but he concluded, if this vote passed, all such attempts would be in vain.

Mr. Thatcher hoped the motion would prevail, as it was well known they had agreed to meet a month sooner than usual in their annual session, on account of the number of private cases undetermined; and, if they were to go into that business now, it would detain them in session six months.

Mr. Macon believed it would take less time to go on in the usual way, than to pass the present vote; for, he was convinced when the report should be made, the bulk of the business would deter the House from entering upon it.

The question was put and carried without a division.

Mr. Swanwick said, since they had determined to take up no private business, he wished the House to resolve itself into a Committee of the Whole on the state of the Union, in order that they might take up the President's Speech.

Mr. Giles observed that this would be premature, since the President had promised them certain papers which were not received, and they had yet to determine upon an Answer to his Speech.

Mr. Williams said, perhaps the business would be best expedited by an adjournment, since it would allow the gentlemen on the committee appointed for the purpose, time to prepare an Answer to the Speech, and report it the earlier. He made a motion to that effect, which was carried.

---

Friday, May 19.

Richard Brent, from Virginia, appeared, produced his credentials, was qualified and took his seat.

Mr. Coit, from the Committee of Elections, made a report from the documents which they had received, of members entitled to their seats.

RULE OF THE HOUSE.

The Speaker observed that there was a rule of the House in these words: "No committee shall sit during the sitting of the House, without special leave." He thought it necessary to observe, that he had sent to the committee to whom it was referred to prepare an Answer to the President's Speech, to learn if they were ready to report. They returned for answer that, provided they had leave to sit, they should be able to report the Answer in half an hour.

On motion, leave was given.

DOCUMENTS REFERRED TO IN THE PRESIDENT'S SPEECH.

The Speaker informed the House that he had received a communication from the Department of State, containing sundry documents referred to by the President in his Speech to both Houses, numbered from 1 to 18. He proceeded to read No. 1, viz:

1. A letter from General Pinckney to the Secretary of State, dated Paris, December 20, 1796, giving an account of his arrival at Bordeaux; of his journey from thence to Paris, in which, from the badness of the roads, he broke three wheels of his carriage; of the ill treatment he received from M. Delacroix, &c. He remarks, that it is not surprising that the French Republic have refused to receive him, since they have dismissed no less than thirteen foreign Ministers; and since they have been led to believe by a late emigrant, that the United States was of no greater consequence to them than the Republics of Genoa or Geneva. He also mentions, that it seemed to be the opinion in France, that much depended on the election of the President, as one of the candidates was considered as the friend of England, the other as devoted to France. The people of France, he observes, have been greatly deceived, with respect to the United States, by misrepresentation, being led to believe that the people and Government have different views; but, adds he, any attempt to divide the people from the Government, ought to be to the people of the United States, the signal for rallying. Gen. Pinckney several times mentions Mr. Monroe in this letter with great respect; and says that before his arrival the Directory had been very cool towards him, but, since that time, they had renewed their civilities to him.

2. Is a report of Major General Mountflorence to General Pinckney, dated December 18, 1796, on the subject of American vessels brought prizes into the ports of France.

3. Extract of a letter from Gen. Pinckney to the Secretary of State, dated Paris, January 6, 1797, in which he mentions the distressed situation of American citizens, arriving in the ports of France, who were immediately thrown into prison, and could not be released, until an order was got from the American Minister, countersigned by the French Minister of Foreign Affairs; and no Minister being acknowledged there at present, no relief could be afforded. He, however, applied to M. Delacroix on their behalf, by means of the secretary, Major Rutledge, and got them attended to through the Minister of General Police. General Pinckney gives a further account of conversations which passed between his secretary and M. Delacroix, on the subject of his quitting Paris, in which he told him he must do so, or be liable to the operation of the police laws: but refused to commit his orders to writing. He mentions Barras's answer to Monroe's address as

a curious production; but says it was not particularly calculated as an answer to what was said by Mr. Monroe, as he had it prepared, and was unacquainted with what would be said by Mr. Monroe.

4. Extract of a letter from Gen. Pinckney to the Secretary of State, dated Amsterdam, February 18, informing him, that, having had official notice to quit the French Republic, he had gone to Amsterdam.

5. Extract of a letter from General Pinckney to the Secretary of State, dated Amsterdam, March 5, in which he observes, that before he left Paris, it was rumored that the Dutch were determined to treat American vessels in the same manner as the French had done. He now believes that the French wished them to do so, as he had lately received intelligence that the Dutch had objected to do this, alleging that it would be a great injury to them, as they should then lose their trade with this country, and if so, they would be deprived of furnishing that support to the French which they then gave them. France acquiesced because she saw it was her interest; and having 25,000 troops in Batavia, it was generally known that they could do what they pleased with that country. The General adds, with detestation, that there are American citizens who fit out privateers to cruise against the trade of this country.

6. Extract of a letter from Major General Mountflorence to General Pinckney, dated Paris, February 14, mentioning the capture of a vessel from Boston, and another from Baltimore, by an American citizen on board a privateer; adding, that American cizens of this class are continually wishing for more rigorous laws against American commerce.

7. Extract of a letter from the same to the same, dated Paris, February 21, giving an account of two more American vessels being brought into L'Orient by the same man, and of another vessel taken by a French privateer.

8. Extract of a letter from General Pinckney to the Secretary of State, dated Amsterdam, March 8, mentioning the capture of several American vessels; he also speaks of the disagreeableness of his situation; and was of opinion that the new third of the French Councils would determine whether this country and France were to remain at peace, or go to war. Though the former was desirable, he wished the measures of our Government to be firm.

9. Speech of Barras, President of the French Directory, on Mr. Monroe's recall.

10. The decree of the Executive Directory of March 2, relative to the seizure of American vessels.

11. Extract of a letter from John Quincy Adams, Esq., Minister Resident of the United States, near the Batavian Republic, to the Secretary of State, dated at the Hague, November 4, 1796, giving an account of the disposition of the people of that country towards this, which he states to be friendly; and this he attributes to its being their interest to be so. This country, he remarks, is the only quarter from which they receive regular payments. He adds, however, that they have no will in opposition to the French Government.

12. Extract of a letter from the Committee of Foreign Relations of the Batavian Republic, to the above Minister, dated September 27, 1796, making it appear very desirable that the United States should join them in their common cause against Great Britain, reminding him of the many services which they had rendered to this country.

13. Extract of a letter from John Quincy Adams in answer to the above, wherein he says he shall not omit to forward their letter to his Government.

14. Extract of a letter from John Quincy Adams to the Secretary of State, dated Hague, February 17, 1797, representing the French Republic as paying as little attention to other neutral Powers as to the United States. He alludes to their conduct towards Hamburg, Bremen, Copenhagen, &c.

15. Extract of a letter from Rufus King, Esq., to the Secretary of State, dated London, March 12, 1797, to the same effect.

16. A letter from the Minister of Spain, resident in Philadelphia, to the Secretary of State, dated May 6, 1797, complaining of the injurious operation of the British Treaty against Spain, in three respects, viz: as it destroys the doctrine of free ships making free goods; as it makes certain articles contraband of war, which, in former treaties, were not considered so; and as it gives to Great Britain a right to navigate the Mississippi, which that Minister insists belonged not to us to give, as it belonged wholly to Spain before it gave the right to the United States, by the late treaty, to navigate that river. He concludes his letter with saying, that the King of Spain is desirous of harmony between the two countries, and relies upon the equity of his complaints for satisfaction.

17. A letter from the Secretary of State to the Spanish Minister, in answer to the above; in which he acknowledges that the treaty lately concluded between the two countries had proved satisfactory to the United States, as it put an end to a dispute which had existed for many years respecting the navigation of the Mississippi, and also as it afforded satisfaction to our mercantile citizens for the capture of our ships and cargoes. All these, he allowed, were acts of substantial justice; but all the other stipulations were wholly voluntary, and perfectly reciprocal. With respect to the three articles of complaint respecting the British Treaty, he justified the stipulations as being just and consistent, and such as this country had a right to enter into.

18. A letter from General Pinckney to the Secretary of State, dated Paris, February 1, stating that the day after the arrival of the news of Buonaparte's successes in Italy, he received a letter from M. Delacroix, directing him to leave Paris. General Pinckney concludes this letter with observing, that the French seem to speak of this country as if it were indebted to them for

independence, and not to any exertions of our own. Our treaty with Great Britain is execrated; they wish us to have no connexion with that country; they wish to destroy the trade of Great Britain, and they look upon us as her best customer.

The whole of these documents having been read, on motion, they were committed to the Committee of the Whole on the state of the Union, and 500 copies ordered to be printed.

## ANSWER TO PRESIDENT'S SPEECH.

Mr. VENABLE, from the committee to whom it was referred to prepare an Answer to the Speech of the President, reported one, which was twice read and referred to a Committee of the Whole.

On the SPEAKER inquiring for what day it should be made the order, Mr. W. SMITH mentioned to-morrow; Mr. NICHOLAS, Monday.

Mr. GILES said the Answer could not be printed before to-morrow. As it was perhaps the most important Answer which was ever returned to a Speech since the commencement of the present Government, and therefore ought to be well considered, he thought Monday was as early as it ought to be taken up.

Mr. LIVINGSTON said there was another reason for delay. In the reading of the Answer, it appeared to him to go to the approbation of all the measures of the Executive in relation to foreign nations. If he were not wrong in this, it was of the utmost consequence that the papers which had just been read, should also be laid before them previous to its discussion, as they could not form an opinion on the subject until they had an opportunity of perusing these papers.

The question was carried for Monday.

## CONTESTED ELECTION.

Mr. NEW presented the petition of Robert Rutherford, complaining of the undue election of General Morgan, (for the district which he formerly represented,) and praying for redress in the premises. Referred to the Committee of Elections.

Mr. W. SMITH moved that, as the consideration of the Answer to the President's Speech was made the order for Monday, when this House adjourn, it might adjourn to that day. Agreed to, and adjourned.

---

MONDAY, May 22.

JAMES A. BAYARD, from Delaware, appeared, produced his credentials, was qualified, and took his seat.

## ANSWER TO PRESIDENT'S SPEECH.

On motion, the House resolved itself into a Committee of the Whole, Mr. DENT in the Chair, on the Answer reported to the President's Speech, which was read by the Clerk, as follows:

The committee to whom it was referred to prepare an Answer to the Speech of the President of the United States, communicated to both Houses of Congress, on Tuesday, the 16th May, 1797, report the following:

*To the President of the United States:*

SIR: The interesting detail of those events which have rendered the convention of Congress at this time indispensable, (communicated in your Speech to both Houses,) has excited in us the strongest emotions. Whilst we regret the occasion, we cannot omit to testify our approbation of the measure, and to pledge ourselves that no considerations of private inconvenience shall prevent, on our part, a faithful discharge of the duties to which we are called.

We have constantly hoped that the nations of Europe, whilst desolated by foreign wars, or convulsed by intestine divisions, would have left the United States to enjoy that peace and tranquillity to which the impartial conduct of our Government has entitled us; and it is now with extreme regret we find the measures of the French Republic tending to endanger a situation so desirable and interesting to our country.

Upon this occasion, we feel it our duty to express, in the most explicit manner, the sensations which the present crisis has excited, and to assure you of our zealous co-operation in those measures which may appear necessary for our security or peace.

Although the first and most ardent wish of our hearts is that peace may be maintained with the French Republic and with all the world, yet we can never surrender those rights which belong to us as a nation; and whilst we view with satisfaction the wisdom, dignity, and moderation, which have marked the measures of the Supreme Executive of our country, in its attempts to remove, by candid explanations, the complaints and jealousies of France, we feel the full force of that indignity which has been offered our country in the rejection of its Minister. No attempts to wound our rights as a sovereign State will escape the notice of our constituents: they will be felt with indignation, and repelled with that decision which shall convince the world that we are not a degraded people; that we can never submit to the demands of a foreign Power without examination, and without discussion.

Knowing, as we do, the confidence reposed by the people of the United States in their Government, we cannot hesitate in expressing our indignation at the sentiments disclosed, by the President of the Executive Directory of France, in his Speech to the Minister of the United States. Such sentiments serve to discover the imperfect knowledge which France possesses of the real opinions of our constituents. An attempt to separate the people of the United States from their Government, is an attempt to separate them from themselves; and although foreigners who know not the genius of our country may have conceived the project, and foreign emissaries may attempt the execution, yet the united efforts of our fellow-citizens will convince the world of its impracticability.

Happy would it have been, if the transactions disclosed in your communication had never taken place, or that they could have been concealed. Sensibly, however, as we feel the wound which has been inflicted, we think with you, that neither the honor nor the interest of the United States forbid the repetition of advances for preserving peace; and we are happy to learn that fresh attempts at negotiation will be commenced; nor can we too strongly express our sincere desires that an accommodation may take place, on terms compatible with the rights, interest, and honor of our nation. Fully, however, impressed with the uncertainty of the result, we shall prepare to meet with fortitude any unfavorable events which may occur, and to extricate

ourselves from the consequences, with all the skill we possess, and all the efforts in our power. Believing with you that the conduct of the Government has been just and impartial to foreign nations; that the laws for the preservation of peace have been proper, and that they have been fairly executed, the Representatives of the People do not hesitate to declare that they will give their most cordial support to the execution of principles so deliberately and uprightly established.

The many interesting subjects which you have recommended to our consideration, and which are so strongly enforced by this momentous occasion, will receive every attention which their importance demands; and we trust, that by the decided and explicit conduct which will govern our deliberations, every insinuation will be repelled which is derogatory to the honor and independence of our country.

Permit us, in offering this Address, to express our satisfaction at your promotion to the first office in the Government, and our entire confidence that the pre-eminent talents and patriotism which have placed you in this distinguished situation, will enable you to discharge its various duties with satisfaction to yourself, and advantage to our common country.

The Clerk having finished reading the Answer, the Chairman proceeded to read it paragraph by paragraph. The three first paragraphs were read without anything being said upon them; but, upon the fourth being read—

Mr. EVANS moved, that instead of "will be felt with *indignation*," should be inserted, "will be felt with *sensibility*," as a milder phrase; as he wished to avoid using expressions more harsh than was necessary.

Mr. NICHOLAS said, if his colleague would give him leave, he believed he had an amendment to offer, which would be proper to be offered before one he had moved, as he believed there was a rule in the House which forbids the striking out a clause after it had been amended; and if the amendment he should propose obtained, it might be necessary to strike out a part of that paragraph. It was his intention to move a new paragraph, to be inserted between the first and second. He believed it would be in order to do so.

The Chairman wished the proposition to be read.

Mr. NICHOLAS asked if it was not always in order to insert a new section.

The Chairman believed it was, provided it was not intended as a substitute for another.

Mr. NICHOLAS said he should candidly avow it to be his intention to insert several new sections. For the information of the committee, he would, therefore, read the whole, though he meant, at present, to move only one.

The following are the propositions which Mr. N. read in his place; the first of which was under consideration:

After the first section insert:

"Although we are actuated by the utmost solicitude for the maintenance of peace with the French Republic, and with all the world, the rejection of our Minister and the manner of dismissing him from the territories of France, have excited our warmest sensibility; and, if followed by similar measures, and a refusal of all negotiation on the subject of our mutual complaints, will put an end to every friendly relation between the two countries; but we flatter ourselves that the Government of France only intended to suspend the ordinary diplomatic intercourse, and to bring into operation those extraordinary agencies which are in common use between nations, and which are confined in their intention to the great causes of difference. We therefore receive with the utmost satisfaction, your information, that a fresh attempt at negotiation will be instituted; and we expect with confidence that a mutual spirit of conciliation, and a disposition on the part of the United States to place France on the footing of other countries, by removing the inequalities which may have arisen in the operation of our respective treaties with them will produce an accommodation compatible with the engagements, rights, duties, and honor of the United States.

"We will consider the several subjects which you have recommended to our consideration, with the attention which their importance demand, and will zealously co-operate in those measures which shall appear necessary for our own security or peace.

"Whatever differences of opinion may have existed among the people of the United States, upon national subjects, we cannot believe that any serious expectation can be entertained of withdrawing the support of the people from their Constitutional agents, and we should hope that the recollection of the miseries which she herself has suffered from a like interference, would prevent any such attempt by the Republic of France; but we explicitly declare for ourselves and our constituents that such an attempt would meet our highest indignation, and we will repel every unjust demand on the United States by foreign countries; that we will ever consider the humiliation of the Government as the greatest personal disgrace."

Mr. W. SMITH was of opinion that the amendment offered was wholly out of order, as it went entirely to change the form of the Answer; and, before it could be considered, would require to be printed.

Mr. NICHOLAS said, if the gentleman could inform him how he could have introduced it differently, he should be obliged to him. As to its being a substitute, every new matter introduced might be so termed. He did not know how a new section could be introduced, if there were any weight in the objections urged against the propriety of this.

Mr. THATCHER observed, the gentleman from Virginia had read three or four paragraphs, in the form of amendments. He presumed he did not mean to add these, without striking out some part of the report. He wished him to say what part he meant to strike out, that they might see how the Answer would stand when amended in the way he proposed. If they stood together, they would be inconsistent.

Mr. GILES presumed it was the object of the committee to bring into view a comparison of ideas in some shape or other, and he thought the amendment proposed was calculated to produce this effect. If he understood the Answer as reported, it was predicated upon the principle of approving all the measures which had been taken by the Executive with respect to France, whilst the amendment avoided giving that approbation. The simple question was, which of the two grounds the

House would take? He believed the best way of ascertaining this, would be to move to insert, and if the amendments were carried, to recommit the report, to be made conformable to them.

Mr. GALLATIN said, when an amendment was carried which affected other parts of a composition, it was not usual to strike out, but to re-commit.

The CHAIRMAN having declared the motion to be in order,

Mr. NICHOLAS said, the present crisis was, in his mind, the most serious and important which this country had known since the declaration of its independence; and it would depend much, perhaps, upon the Answer which they were about to return to the Speech of the President, whether we were to witness a similar scene of havoc and distress to that which was not yet forgotten; such as had been passed through upon an important occasion, but such as could be entered upon only as a last resource. The situation in which we stood with respect to France called for the most judicious proceeding; it was his wish to heal the breach, which was already too wide, by temperate, rather than widen it by irritating measures. He hoped, on this occasion, they should get rid of that irritation which injury naturally produced in the mind. He declared he felt for the insult which had been offered to Mr. Pinckney; and he felt more for him, from the dignity with which he had borne it, which had proved him a proper character for the embassy. He was sorry that it should have been thought necessary by the French Republic to refuse to acknowledge him as the Minister of this country; but he did not think it right to suffer this first impression to influence their proceedings upon this business. If the insults offered were a sufficient cause for war, let the subject be examined by itself, separate from all others; but, if it be our wish to proceed with negotiation, he thought it wisest and best to adopt a firm but moderate tone.

As he before observed, he felt for the situation of the gentleman employed by this country; he thought it was a trying one, and did great honor to himself, and he deserved the thanks of his country for the good temper with which he had sustained it; but Mr. N. confessed the subject did not strike him with all the force with which it seemed to have impressed the mind of that respectable character. He did not consider the insult offered to Government as going further than the ill-treatment which our Minister had received. He believed that the circumstances, which appeared in the papers laid before them, in some degree accounted for the conduct of the French Government. It appears that at first the Directory were willing to receive Mr. Pinckney, but when they saw his credentials they refused to acknowledge him. This circumstance, he said, seemed to give a character to the transaction which explained its meaning.

It will be recollected, said Mr. N., that since the cause, or imagined cause (let it be one or the other) of complaint against this country, that there has been an intercourse between the two Governments on this subject. It was to be expected that if there had been any intention in Government to have come to an adjustment of the difference between the two countries, our Minister would have been clothed with some power of accommodation. Mr. N. supposed that when the French Directory agreed to receive him, this was their opinion; but upon seeing his letters of credence, they found no such power was given or intended. [He read the object of his mission from the President's Speech, viz: "faithfully to represent," &c.]

If these, he said, were all the objects expressed in his letters of credence—and if there had been more, the President would doubtless have informed them of it—the matter perfectly justified the character he had given of it.

He made these observations, because he thought, on an occasion like the present, the truth should be made to appear, and though an insult had been offered to this country, which could not fail to produce irritation, yet that irritation should stop short of the point where it would produce action, as he was certain any steps taken which might hazard the peace of the country, would not conduce to the welfare of its citizens.

There was a subject, he said, which seemed to have involved itself with this, and of which he should take some notice, viz: a charge against certain persons with being attached to the French cause. It might, perhaps, be the opinion of some members of that House, more particularly of strangers, that he was improperly influenced by party zeal in favor of the French, a zeal which it had been blazoned forth existed to an immoderate degree in this country. He had frequently heard insinuations of this sort, which he considered so groundless as to be worthy only of contempt; but when charges of this kind were made in the serious manner in which they were now brought forward, it was necessary to call for proof. Who, said he, is the man who has this proof? He knew of none. For his own part, he had no intercourse with the French but of the commonest kind. He wished those who possessed proofs of improper conduct of this kind, would come forward and show them—show who are the traitors of whom so much is said. He was not afraid of the impressions any such charges brought against him might make upon his constituents, or where he was known; indeed, he had not the arrogance to believe the charge was levelled against him, though he believed he was frequently charged with a too great attachment to the French cause.

When he first came into that House, he found the French embroiled with all their neighbors, who were endeavoring to tear them to pieces. He knew what had been the situation of this country when engaged in a similar cause, and was anxious for their success. Was there not cause for anxiety, when a nation, contending for the right of self-government, was thus attacked? Especially when it is well known, that if the Powers engaged against France had proved successful, this country would have been their next object. Had they not, he asked, the strongest proofs (even the declarations of one of their Gov-

ernors) that it was the intention of England to declare war against America, in case of the successful termination of the war against France? It redounded to the honor of the citizens of this country, he said, that they had never shown a disposition to embark in the present European war.

He would mention another reason for his feeling so sensibly in favor of the French cause. It was because he found so much indifference to it in this part of the country. He shuddered for his own country when he found such a disposition prevailing in any part of its citizens. He could not calculate upon the effects. He could not account for it; especially when he found that a disposition unfriendly to Republican Government had arisen in the country. It was to counteract this disposition, that he opposed a contrary zeal, though he was not conscious of having been over zealous.

He could not help taking notice of some circumstances in the correspondence of Mr. Pinckney, because he believed they would be made use of to influence the public mind. He meant the allusion which was made to the state of politics in this country. Besides Mr. Pinckney's own opinion, he speaks of a late emigrant returned to France, who described this country as of no greater consequence than Geneva or Genoa. At first, he said, he supposed this to be one of those things which tended the same way with all the rest; but he believed this was not the case. He knew only of one emigrant who had returned to France, who was of considerable consequence. That emigrant, however, was not the associate of the friends of France in this country, but of those who were most opposed to it; so that whatever opinions he might have formed of this country, they were not gathered from the friends of the French. But he could not see any certain deduction which could be made from such an opinion.

He supposed that it would be said that great efforts had been used by the French faction in that opposition which had been made to particular measures which have had relation to that country; but if gentlemen attended to the business, it would be found that it was not in the power of gentlemen said to be in the French faction, to make any choice; they have merely decided on the subject before them. There was no choice to vote this way or that. Whatever appeared to them right in any measure, that they were obliged to do, and not because they had the power of doing it; for it was not always right for a majority, because they could carry a measure, to exert their power. Suppose, said he, in the present instance, there should be a majority in the House determined to carry a certain measure, though it should involve the nation in war, could he, because he was called a French patriot, give up his opinion and join in the vote? He could not. And if, by going into a measure of this kind, they produce division, they must not charge those who opposed their measures with it. Those who produced the division must answer it. He would not, if his life depended upon it, vote for a measure which he was convinced was a mischievous one. And he thought before gentlemen passed a vote which might eventually lead to war, they ought to make a solemn pause.

He confessed that he considered the answer reported to them, as going to decide the question of peace or war for this country. He thought it a thing of that sort which might have the worst possible effect, and could have no good effect. It may tend to irritate, to prevent any sort of inquiry or settlement taking place, but it cannot tend towards an adjustment of differences. Gentlemen could not suppose that a stormy threat, or the most violent declamation against that country, could have the effect in view. Does any gentleman believe, said he, that we are able to meet them in war? If not, why make such declarations as shall preclude further negotiation? We are condemning the French Government because they ask for redress, without listening to negotiation: yet we say to them, we are right; you have no cause to complain; all the departments of our Government have acted right. The President's Speech, which he said they were about to echo, declared the Government has been uniformly right, and that he would never violate the principles which had been acted upon.

What, said Mr. N., can be expected, if we all act upon this temper? Your declaration with respect to France will probably reach that country before any Envoy can be sent to endeavor to negotiate a settlement of differences; and when they see, that if negotiation fail, we are determined on war, would not that be the reason for them to take the advantage of us? And if our Envoy was to be sent out under instructions corresponding to the temper which seems to prevail, with an idea that all had been fair and right on our part, little success could be expected from the embassy. Why endeavor to frighten them, when we are the weakest Power? He did not mean to recommend humiliating measures; he would pledge himself not to submit to insult without redress; nor was any man more unwilling to make mean or improper concession than he; but the language of moderation and justice he preferred to a boasting manner. If injury or error had been committed on our part, he wished it to be corrected. He considered it to be for the honor, credit, and interest of this country, that the committee should go into a fair and full examination of the subject before them. He hoped, therefore, that examination would take place.

The difference, Mr. N. said, between the Address reported, and the proposition he had brought forward was this: the former approved all the measures of the Executive, and the latter recommended an inquiry relative to the operation of the British Treaty. It was this question upon which the committee would decide, and it was of importance, he said, that they should weigh the causes of difference between us and the French Republic, and not decide that we are right, without examination, because, if, after being brought to hostility, we are obliged to retract, it would show our former folly and wantonness.

Mr. N. said he would inquire into the rights of France as they respected three principal subjects, which were more particularly causes of complaint between the two countries. These were, the right of our vessels carrying English goods, the article respecting contraband goods, and that respecting the carrying of provisions. He knew no better way to determine how far we could support those articles of the British Treaty, than by extracting the arguments of our own Ministerial characters in support of these measures. With respect to the question of free ships making free goods, his impressions were very different from those of the Secretary of State. He says, with respect to the regulation of free ships making free goods, it is not changing a right under the law of nations; that it had never been pretended to be a right, and that our having agreed to it in one instance, and not in another, was no just cause of complaint by the French Government. He advocates this transaction in his letter to Mr. Adet last Winter. Mr. N. said, he knew not what was the origin of the law of nations upon the subject; he knew not how it came into existence; it had never been settled by any convention of nations. Perhaps, however, the point now under consideration came as near to a fixed principle, as any other of what are called the laws of nations ever did, as only one nation in Europe could be excepted from the general understanding of it. Mr. Pickering, he thought, seemed not to have given full force to this circumstance, but seemed to have weakened the evidence. [He referred to what Mr. Pickering had said upon the subject.] It was Mr. Pickering's idea, that the stipulation of free ships making free goods, was a mere temporary provision; that it was not an article in the law of nations, but a new principle introduced by the contracting parties. In order to prove this was not the case, Mr. N. referred to the provisions entered into by the armed neutrality of the north of Europe; to a treaty between France and Spain; to a note from the Court of Denmark; and to the declaration of the United States themselves on the subject.

In his mind, therefore, Mr. N. said, it became in some degree certain, that this stipulation was an article in the law of nations, and that an abandonment of it, as a neutral Power, was an abandonment of neutral ground.

But, said he, let us consider the circumstances under which this treaty was made; let us see whether it is the law of nations or not. It was the intention of the parties to make the law of nations as free as in their power; and if we choose to abandon the principle of free ships making free goods, shall we call upon France to do the same? This did not appear to be consistent with justice. Justice seemed to require an opposite course. If we could not maintain this stipulation with all the world, we are bound to allow France the same privilege which we allow to any other nation. It was not for the interest of this country to insist upon the fulfilment of hard treaties, to do which would be a greater loss than benefit. In the treaty with Great Britain, we had denied the right that free ships make free goods. It was not indeed wholly given up, but we agree that it shall be suspended during the present war. He thought this wrong, and asked if any country, who granted a privilege to one nation which they refused to another, could pretend to any firmness in their proceedings? He thought they could not.

With respect to contraband articles, he had little to say. It was asserted that the articles stipulated in the British Treaty as contraband, were made so by the law of nations. Where the doctrine was found he could not say. It had been quoted from *Vattel;* this authority might be correct; but he never found any two writers on this subject agree as to this article. In a late publication on the law of nations (*Marten's*) he found it directly asserted that naval stores were not contraband. But he said, if the contrary were the law of nations, they were bound to extend the same privilege to France which they gave to England: they could not have one rule for the one nation, and a different one for the other.

The 18th article of the British Treaty, respecting the carrying of provisions, always struck him as a very important one. It had heretofore been contended that this article did not go to any provisions except such as were carrying to besieged or blockaded places; but he believed the British had constantly made it a pretence for seizing provisions going to France. Indeed, if he was not mistaken, the British Minister had publicly declared in the House of Commons, that the provisions on board the vessels intended for the Quiberoon expedition had been supplied from what had been captured in American vessels.

Mr. N. contended that this was the opinion of the Executive of this country, as published in all the public papers, and of course known to the Government of France. In the letter of Mr. Jefferson to Mr. Pinckney in 1793, he declares that there is only one case in which provisions are contraband, and shows the necessity of a neutral nation observing the same rules towards all the Powers at war. But, in the present case, the right was ceded during the present war.

It was an unfortunate circumstance against the neutrality of this country, to find a doctrine so differently applied at different times. It was a strong proof of the progress of the passions. It might be considered as a fraudulent thing, in one instance, to give up a right for a compensation to ourselves.

But Mr. Pickering, in his observations upon this circumstance, says, that this stipulation is really a beneficial thing to France, it encourages mercantile adventures; but this Mr. N. denied, and said, that if it encouraged adventure, it would also increase the facility of captures.

In considering the tendency of the amendment which had been proposed, he had not spoken of the possible operation of agreeing to the Answer, as reported, especially when carried by a small majority of that House, and contrary to the wishes of a great part of the people of the United States. If the measure were carried by two, three, five, or ten votes, did gentlemen expect this would an-

swer their purpose? However the people may have the virtue to go with the decision of Government, he believed, in a measure thus carried, they would obey unwillingly. Yet how was this division in opinion to be avoided? He did not believe the conduct of the Executive of our Government had always been equal to the different Powers at war, and therefore could not say so. Indeed, he could not conceal his sentiments upon the business; they had been frequently expressed, and were he now to hold a different language, he might be justly branded with infamy.

Let something, then, said Mr. N., be brought forward which does not stare in the face the established opinions of many members of that House; but perhaps it may be thought of little consequence what are the opinions of those members; but he believed the people were not less divided in their opinions than the members of that House, and a measure so carried, he conceived, was not calculated to intimidate an enemy. He knew his constituents would go into the war if directed to do so, but they would exercise the opinion which the Constitution has placed in them, of displacing from their seats the men who had involved them in such difficulties. He knew that if a war were to take place, that the discontents of the people would increase every day. He knew they would abandon the delicacy and nicety of feeling which was now urged. He knew it was his duty to take as moderate ground as was consistent, because he knew the public opinion, though now irritated above it, would come down to it.

If it were of consequence that the people should enter unanimously into any hostile measure which eventually might be found necessary, (though he hoped and trusted it would not,) he thought that unanimity might be secured by agreeing to the proposition which he had moved.

In making concessions to England, it was not considered as disgraceful; what was now wished was, that England and France might be put upon the same footing with respect to this country. To do this was the only way in which unanimity could be obtained, and it appeared to him that there could be no serious objection to it.

It may be said, and probably will, that this proposition interferes with the business of the Executive, and that we ought not to dictate to him with respect to the proper steps to be taken. He was so well accustomed to the business of the House, that he knew gentlemen would entrench themselves under the pretended restrictions of the Constitution in this respect; but it was his opinion that the measure which he proposed was strictly Constitutional. The President was to negotiate, but it was the duty of the Legislature to deliberate on the proper measures to be taken. Government, he said, could never be carried on, except the Executive and Legislature were influenced by the same spirit. The President might go on for ever to negotiate, if he did it contrary to the views of the other branches of Government, without coming to any conclusion. It was absolutely necessary, therefore, that such a power should exist, and it was not possible that any danger should arise from it. And if a proposition of this kind was not agreed to, they had no evidence to suppose very conciliatory steps would be taken; they had reason, indeed, to suppose the contrary.

He was afraid he might be charged with going into irritating circumstances; but he did not expect, from the persons with whom the President might be supposed to advise, that very moderate steps would be taken. It was not to be supposed that they would abandon the opinions they had so strenuously maintained. He thought, therefore, it was the business of that House to say, that, in their opinion, it is proper that such steps would be taken.

Mr. N. concluded with observing that he had gone over the subject, he feared, not without being considered tedious by the committee; but he felt himself greatly interested in the present decision. He believed any additional irritation in their measures would place peace out of our reach. He believed, therefore, it was their business to avoid it. He believed it would be for the honor and happiness of the country to do so.

Mr. W. SMITH said, as the gentleman last up had taken a wide range of argument, he must excuse him if he confined himself, in his reply, to those parts of his observations only which appeared to him essentially to relate to the subject under consideration.

He believed the question was, whether they should alter the report in the manner proposed; that is, whether they should strike out words which expressed the sensibility of this House at the unprovoked insults offered by the French Republic to our Government and country, or adopt the gentleman's amendment, which he read.

If they agreed to this amendment, they must necessarily expect from the French Republic fresh insult and aggression; for it seemed to admit that hitherto no insult had been intended.

The amendment might be divided, Mr. S. said, into two parts. The first went to vindicate the French from any intentional insults towards this country; it even held out an idea that the Executive ought to offer some concessions to France, and even designated the kind of concession. He should, therefore, without taking notice of what the gentleman had said about the political parties of this country, or what he had said respecting himself personally, confine his observations to the points in question.

The first point was, whether the conduct of France was justifiable in rejecting our Minister, and sending him from the Republic in the manner they had done?

He thought the committee had abundant materials before them completely to refute the first proposition; and he was surprised, knowing that these documents were in the hands of every member, that the gentleman from Virginia could expect to impress their minds with the idea that no indignity whatever had been offered by the French Government to this country in that transaction.

Mr. S. said, that it appeared most clearly that the French Directory intended to treat this Go-

vernment with marked indignity; for though the gentleman from Virginia suggested an opinion that their refusal to receive Mr. Pinckney was owing altogether to his not being invested with extraordinary powers, this was evidently not the case, as the Directory had been well informed as to the character in which Mr. Pinckney came, before they received his letters of credence, as appears by the letter of M. Delacroix to Mr. Monroe, styling Mr. Pinckney his successor, and by other documents communicated by the President, (which he read.) There was no doubt, then, with respect to the Directory being well acquainted with the character in which Mr. Pinckney went to France, viz: as Minister Plenipotentiary or ordinary Minister; but, after keeping him in suspense near two months, on the day after the news arrived of Bonaparte's successes in Italy, he was ordered, by a peremptory mandate, in writing, to leave the French Republic. This mandate was accompanied by a circumstance which was certainly intended to convey an insult; it was addressed to him as an Anglo-American, a term, it is true, they sometimes used to distinguish the inhabitants of the United States from those of the West India Islands, but, in his opinion, here evidently designed as a term of reproach, as he believed no other similar instance could be mentioned. Upon this circumstance, however, he laid no stress, the other indignities which our Minister had received were too great to require any weight to be given to this circumstance.

But, says the gentleman from Virginia, after the Directory had seen his letters of credence, and discovered that he had no power to make concessions, they refused to acknowledge him. What would he have required his letters of credence to have said? Were they not "faithfully to represent the disposition of the Government and people of the United States, their disposition being one; to remove jealousies and obviate complaints, by showing that they were groundless; to restore that mutual confidence which had been so unfortunately and injuriously impaired, and to explain the relative interests of both countries, and the real sentiments of his own?"

What more than this could have been said in letters of credence? But, adds the gentleman, his instructions did not authorize him to make any concession, or to satisfy their complaints with respect to existing treaties. How does he know this? Will the gentleman undertake to say that his instructions do not give him this power? It certainly would not have been proper to have stated in his letters of credence what he was authorized to concede, or to exhibit to the French Government his instructions until it was known what they were disposed to do. We had complaints to make as well as they. They had committed spoliations upon our commerce to a great amount. Was it right, then, to say, instantly on his arrival, "I am come to offer you all these concessions," without knowing what they were disposed to offer in return? Will the gentleman undertake to say it would have been right to have communicated his private instructions to the Directory even before he was received? If we were a colony of France, indeed, it might have been expected that he would have laid not only his instructions, but have prostrated himself at the feet of the Directory. But, independent as we are, he trusted no gentleman would say this was proper in any man, much less was it to be expected from Mr. Pinckney. What were his private instructions was unknown. A thousand conjectures might be formed respecting them, but they were vague and uncertain.

This being the state of the transaction, he thought it clearly established that Mr. Pinckney was not refused because he bore the character of Minister Plenipotentiary, without extraordinary powers; the question then was, why was he sent away?

We all, said Mr. SMITH, remember the complaints of Mr. Adet against our Government. It was not necessary to go into a minute recapitulation of them; it sufficed to say that they fell under the following heads: 1st, complaints of violation of our Commercial Treaty with France; 2d, of the treaty we had made with Great Britain; 3d, of the proceedings of our Federal Courts; and 4th, of the act of Congress of June, 1794, which act this House, after it had heard his complaints, had re-enacted without opposition the last session.

Now, what does Mr. Delacroix say on the arrival of Mr. Pinckney? He did not condescend to say it to himself; that would have been paying him too much respect: he did not say it to the Minister of the American Government, but to the recalled Minister, Mr. Monroe, to whom Mr. Delacroix writes a letter, declaring "that the Directory will not acknowledge nor receive another Minister Plenipotentiary from the United States, until after the redress of the grievances demanded of the American Government, and which the French Republic has a right to expect from it."

Now, what, Mr. S. asked, were the grievances contained in Mr. Adet's note, and to which the Directory here refer? They were very numerous; but they chiefly fell under the four heads he had mentioned. According then to this declaration of the French Government, what were we to do? We must, said he, annul the British Treaty; repeal the law of June, 1794, which was last session very unanimously re-enacted; and we must, by some proceeding or other, which he supposed even the ingenuity of the gentleman from Virginia would find it difficult to point out, annul the decrees of the Courts of the United States. Yet, though all this must be done before the Directory would condescend to receive our Minister, the gentleman did not believe any indignity whatever had been intended against this Government; and we must not express ourselves as if we thought or felt there had been any. It was, at the best, a mere matter of etiquette on the part of France; it was meant to convey no insult, no indignity; our Government had given offence by a failure of etiquette, and therefore to heal the breach, we must send an Envoy Extraordinary to make the necessary concessions, and all will go well.

With respect to the gentleman's second proposition, if it was proper to be discussed at all, it would have been more properly discussed in Committee of the Whole on the state of the Union, after proper notice and being printed. If the House cannot confide in the Executive that he will take the proper measures to heal the wound; if the House were convinced that the Executive were not disposed to do this, it might be then their duty to apply to him; but the President, in his Speech, had explicitly said, that it was his most sincere desire to restore harmony, and that, notwithstanding the indignities offered to our Minister and our Government, he did not think the honor and dignity of the country forbade farther advances towards negotiation. After so candid and free a declaration, he was surprised to hear his disposition in this respect thus called in question. For his part, Mr. S. said, he had not the least hesitation to believe that the Executive would go all lengths, consistent with the honor and dignity of the country, to restore harmony between the two Republics, because he was satisfied he had the interest of the country at heart, and he trusted that no gentleman, not even the gentleman from Virginia himself, would doubt this.

It had been argued that this country had not acted a proper part with respect to France. In order to show this, the member had adverted to three specific grounds of complaint arising out of the British Treaty.

The gentleman from Virginia had confined the complaints of the French Government to three articles of the British Treaty; though, if the committee referred to the letter of Mr. Delacroix, it would be found that they did not confine them within so narrow a compass. They complain, first, of the inexecution of treaties; there are several points of complaint relative to that head. 2d, complaints against the decrees of our Federal Courts; 3d, against the law of June, 1794; and 4th, against the treaty with Great Britain. Yet the gentleman confines himself altogether to the latter. And really he did not expect at this time of day, after the subject had been fully discussed, and determined, and the objections refuted over and over again, that any gentleman would have endeavored to revive and prove their complaints on this head well founded. The three articles were—1st, that free ships did not make free goods; 2d, the contraband article; and 3d, the provision article.

1. The stipulation with respect to neutral vessels not making neutral goods in the British Treaty, was not contrary to the law of nations; it only provided that the law of nations was to be carried into effect in the manner most convenient for the United States. But this doctrine, he said, was no new thing. It had been acknowledged most explicitly by Mr. Jefferson, Secretary of State, in July, 1793, and was so declared to the Minister of France; yet no objection was made to it until the British Treaty was ratified, though long previous thereto French property was captured on board our vessels. Mr. Jefferson, writing on this subject to the French Minister, said: "You have no shadow of complaint;" the thing was so perfectly clear and well understood by the law of nations. This happened so long ago as July or August, 1793. But two years afterwards, when the British Treaty was promulgated, the whole country was thrown into a flame by admitting this very same doctrine. France herself had always acted under this law of nations, when not restrained by treaty: in *Valin's* Ordinances of France this clearly appears. The armed neutrality was confined to the then existing war; Russia herself, the creator of the armed neutrality, entered into a compact with England, in 1793, expressly contravening its principles. The principle was then not established by our treaty with England; but such being the acknowledged law of of nations, it was merely stipulated that it should be exercised in the manner least injurious to us.

2. The next article of complaint was with respect to contraband goods. If gentlemen will consult the law of nations, they will find that the articles mentioned in the British Treaty are by the law of nations contraband articles. They will find that in all the treaties with Denmark and Sweden, Great Britain had made the same stipulation. Indeed, the gentleman had acknowledged that it was so stated by some writers on the law of nations; but he wished to derogate from the authority of those writers, in the same way as Mr. Genet, in his correspondence with Mr. Jefferson, had called them "worm-eaten folios and musty aphorisms;" to *Vattel* might be added *Valin's* Ordinances, a very respectable work in France. How, then, can the gentleman with truth say that we have deviated from the law of nations?

3. The last point which the gentleman took notice of was the provision article. There was no doubt that this Government would never allow provisions to be deemed contraband, except when going to a besieged or blockaded port. Though he made this declaration, yet it was but candid to acknowledge that this was stated by *Vattel* to be the law of nations. [He read an extract from *Vattel*.]

When this was stated by Lord Grenville to Mr. Pinckney, our then Minister in London, Mr. Pinckney acknowledged it to be so stated in *Vattel*, but very ingeniously argued that France could not be considered as in the situation mentioned in *Vattel*, since provisions were cheaper there than they were in England, and therefore the case did not apply. When our Envoy was sent to London, both parties were tenacious on this ground. Our Minister was unwilling to agree to this construction of the law of nations; but the British Minister insisted upon it, and if there had not been some compromise, the negotiation must have been broken off, and a war probably ensued. The result was, therefore, that, without admitting it to be the law of nations, it was agreed that where provisions were contraband by the law of nations, they should be paid for, but not confiscated, as the law of nations (admitting that construction) would have author-

ized. Therefore some advantage was secured to France, for if Great Britain had confiscated our vessels going to France with provisions, it would certainly have damped the ardor of our citizens employed in that commerce; but under this regulation our merchants were certain of being paid for their cargoes, whether they arrived in France or were carried into England. These were the three grounds of objection which the gentleman from Virginia had stated as grounds of complaint by the French against the British Treaty.

Before he went further, he would observe that, admitting (which he did not admit) that there had been solid grounds of objection against the British Treaty, before it was ratified, yet they ought now to be closed. It had received a full discussion at the time; it had been carried into effect, was become the law of the land, and was generally approved of by the country. Why, then, endeavor to stir up the feelings of the public against it by alleging it to be just cause of complaint? If the committee wanted any proof of the approbation which that instrument had received, he thought it might be gathered from the general approbation which had been given of the administration of the late President on his retirement from office, in doing which the people had doubtless taken into view the whole of his conduct. Nor did he think the people had shown any hostility to the treaty in their late election of members to that House. Indeed, he believed that the approbation which the treaty received increased in proportion as the subject came to be understood.

Admitting further, that the treaty had changed the existing state of things between Great Britain and France, by having granted commercial favors to Great Britain; by the 2d article of our treaty with France, the same favors would immediately attach to France, so that she could have no reason to complain on that ground. Indeed France had herself new modified the treaty between that country and this, and had taken to herself what she deemed to be the favors granted to Great Britain. [Mr. S. read the decree on this subject of 2d March last.]

Mr. S. said, he believed he had examined all the observations of the gentleman from Virginia, relative the treaty, which were essential to the subject under consideration. He did not wish to go much farther on the present occasion, because he agreed with him, that it was proper they should keep themselves as cool and calm as the nature of the case would admit; but he thought whilst so much deference was paid to the feelings of France, some respect ought to be paid to the feelings of America. He hoped the people of America would retain a proper respect and consideration for their national character; and however earnestly he wished that the differences subsisting between the two countries might be amicably settled, yet, he trusted that our national dignity would never be at so low an ebb, as to submit to the insults and indignities of any nation whatever. In saying this, he expressed his hearty wish to keep the door of negotiation with France unclosed; but at the same time he strongly recommended to take every necessary step to place us in a situation to defend ourselves, provided she should still persist in her haughty demeanor.

He trusted they would convince the French and every other nation, that they were determined to preserve the right of self-government, and that they were able to frustrate every attempt which should be made to influence our councils. That such attempts had been made he knew some gentlemen would deny, but to him it was evident that all the Ministers of France, who had resided in this country, had endeavored to obtain an undue influence over our affairs. It was now become a serious question whether we were to make concessions to France of the most humiliating nature, and thereby provoke future aggression, or act a firm and determined part in expressing our indignation at their insults, and resolving to resist them if they were persisted in.

He did not wish unnecessarily, he said, to excite indignation; but it was necessary, on this occasion, to take particular notice of the insulting speech of President Barras, in replying to Mr. Monroe's valedictory, a speech evidently calculated to separate the American people from their Government.

After the Directory knew that Mr. Monroe was no longer the Minister of this country, after he had presented his letters of recall, and Mr. Pinckney had presented his letters of credence—after the Minister of Foreign Affairs, M. Delacroix, had said that they considered America as having no Minister in France, the President of the Directory delivered the insulting speech above alluded to, in which he tells our late Minister, at a public audidence, in the presence of several foreign Ministers, to go home and tell his Government "that his country owes its liberty to France." We have never denied, said Mr. S., that we received great services from France; but was it not degrading to this country that their late Minister should be thus addressed? The address was throughout couched in terms studiously marked with indignities to this country, and an attempt to separate the people from the Government.

Notwithstanding all this, the gentleman from Virginia is wonderfully afraid of using language which might irritate France. Mr. S. wished France had not given just cause of irritation, but those who had read the correspondence which had been laid before them, for a few years past, must have seen reiterated insults to this country.

It was sufficient to call to their recollection the many indelicate and offensive expressions used by the various French Ministers, in their diplomatic letters. Indeed, were he inclined to aggravate the aggressions we had received, he might display a whole volume of Genet's abuse. He should, however, satisfy himself by presenting some elegant extracts from the letters of Citizen Adet. Mr. S. here quoted a number of offensive epithets and expressions such as "disguised under a cloak of neutrality," "the veil of dissimulation," "tyrannical and homicidal rage," "insidious proclamations of neutrality," "the chicanery of its courts," "pre-

senting a poignard to cut the throat of its ally," "all submission to the will of England," "prostituting its neutrality," &c., &c.

Mr. S. said, as he knew indecent and harsh language always recoiled upon those who used it, he did not wish to adopt it; but, at the same time, it was due to ourselves to express our feelings with a proper degree of strength and spirit. He was not in the habit of quoting anything from M. Genet, but there was one expression of his which he thought contained good advice, "all this accommodation and humility, all this condescension attains no end."

After the gentleman from Virginia had dwelt sufficiently upon the danger of irritating the French, he had emphatically called upon us to recollect our "weakness." It might have been as well if he had left that to have been discovered from another quarter. He hoped we had sufficient confidence in the means of defence which we possessed, if driven to the last resort; and he believed if there was any one more certain way of provoking war than another, it was that of proclaiming our own weakness.

He hoped such a language would now be spoken as would make known to the French Government that the Government and people of this country were one, and that they would repel any attempt to gain an influence over our Councils and Government. The gentleman had said that there did not appear to be any design of this kind, and had endeavored to do away what was stated as the opinion in France, in General Pinckney's letter. He did not mean to rest this altogether upon the reports of an emigrant, whom General Pinckney mentions as having represented this country divided, and of no greater consequence than Genoa or Geneva, but he took the whole information into view. [He read the extract relative to this subject.]

It was evident, Mr. S. said, from this information from France, that an opinion had been industriously circulated there that the Government and people of this country were divided; that the Executive was corrupt and did not pursue the interests of the people; and that they might, by perseverance, overturn the Administration, and introduce a new order of things. Was not such an opinion of things, he asked, calculated to induce France to believe that she might make her own terms with us? It was well known what the French wished, and it was time to declare it plainly. His opinion was that they designed to ruin the commerce of Great Britain through us. This was evident. They talk of the British Treaty; but they suffered it to lie dormant for near twelve months, without complaining about it. Why were they silent till within a few weeks before the election of our President? Why did they commit spoliations upon our commerce long before the British Treaty was ever dreamt of? Their first decree, directing spoliations of our property, and the capture of our provision ships, was on the 9th of May, 1793, a month before the provision order of Great Britain, which was dated June 8, 1793: and why have they, from that time to this, been committing spoliations on our commerce? The British Treaty was published in Paris in August, 1795; a year after, in July, 1796, they determine to treat us in the same way that we suffer other nations to treat us, and this decree was not made known to our Government till the October following, a few weeks before the election of President.

But this was not all; the French had pursued similar measures towards all the other neutral Powers. Sweden, in consequence, had no Minister in their country, and was on the eve of a rupture. The intention of the French evidently was, to compel all the neutral Powers to destroy the commerce of Great Britain; but he trusted this country had more spirit than to suffer herself to be thus forced to give up her commerce with Great Britain; he trusted they would spurn any such idea.

Mr. S. hoped the observations which he had made would not be construed into a wish to see the United States and France involved in a war. He had no objection to such measures being taken for preserving peace between the two countries as should be consistent with national honor. It was a delicate thing for them to suggest what the Executive ought to do. It was out of their province to direct him. The Executive had various considerations to take into view. We had injuries to complain of against France, for the spoliations committed upon our commerce. If the Executive conceive we have a right to redress, that subject will of course constitute a part of our Envoy's instructions. Would it then be proper, said he, for this House to interfere with the Executive, to obtrude its opinion and say, "you must give up this point; we take upon us (without any authority by the Constitution) to give *carte blanche* to France, without any indemnification or redress."

The gentleman says it is the object of the amendment on the table to recommend to the Executive to remove any inequalities in the treaties; that was alone sufficient to vote it out.

There had been no period since the Revolution which had so powerfully called on Americans for that fortitude and wisdom which they knew so well how to display in great and solemn emergencies. It was not his intention to offend any one by stating the question in such strong terms: but he was persuaded that when the present situation of our affairs with respect to France was well understood, it would be found that to acquiesce in her present demands was virtually and essentially to surrender our self-government and independence.

The independence of a nation, he observed, might be destroyed in various modes. Whether a preponderating influence was obtained in her councils by seduction, intrigue, or terror, or by a direct and open invasion of her territories, and consequent subjugation, was immaterial. Indeed it would be safer for us if a foreign Power were at once to attempt our subjugation by invasion; for, in that case, there could be but one opinion among Americans about a vigorous resistance; but the slow approaches to our subjection, by the

subtle artifices of intrigue and deception, were seldom discerned by the community at large, until their pestilential effects had taken such deep root as to be with difficulty extirpated. Was it saying too much, to assert that dictating to our Government, fomenting an insurrection in our bosom, influencing the most important election, demanding a violation of our engagements, the repeal of our laws, the annulling the decrees of our Courts of Justice, were not merely interferences with our Government, but in fact attempts to usurp it? The complaints of France respecting the British treaty were the pretext, but not the real cause of her aggressions. It was idle to wink out of sight the real causes. She wished (as he had before stated) to destroy the commerce of England, and the United States were to be the instrument of accomplishing it. The United States were to be coerced into such measures as would effect this great scheme. The same policy was pursued towards the Hanse Towns and Denmark. Had they made a British treaty? Were they answerable for the sins of our's? The review he had taken of the ground of controversy as to our treaty with England must have removed every impression unfavorable to our Government, and evinced the unceasing efforts of France to acquire an improper ascendancy over our councils, and direct them to the purposes of her own aggrandizement.

Whether or not our Government ought, on principles of amity and conciliation, to equalize our treaties between England and France, was a question of an Executive nature, and was not properly before the House. An offer of such equalization would undoubtedly depend on the disposition of France to make proper and suitable equivalents.

The gentleman from Virginia had cautioned the committee against alarming the pride of France—but, exclaimed Mr. S., has America no pride? Is her sensibility so debased by prejudice or benumbed by terror as to be thrown out of view on this occasion? I trust not; I trust that American pride still maintains an important influence over our deliberations; and desirous as I am to see it yield all that is due to the influence of policy, God forbid that it should ever be supplanted by an interested and servile tameness! He thought it became the dignity of the House to support the Executive in firm and manly language. He was persuaded that a decided conduct would be the most likely to discourage aggression and repetition of insult. He recommended, not a menacing but a firm countenance; not a bullying, but an undaunted attitude. This would convince the world we were not to be threatened out of our rights; whereas a timid supplicating posture could not fail to invite fresh insults and humiliation.

Mr. S. said, he valued unanimity as much as other gentlemen. He was sensible that it would be peculiarly important at this juncture. It would engage the confidence of the people and fortify the negotiation. It would convince the world, that however we might differ upon speculative points of administration, there was but one sentiment respecting our self-government. It would extinguish the hopes of those who attempted to keep alive a faction in the country; it would crush the expectations of those who wished to substitute a foreign influence for the constituted authorities of the nation. But it might still be purchased by too dear a sacrifice; and he would rather have only a bare majority for the report of the committee, than an unanimous vote for the amendment; so much did he reprobate its principles. He thought it of more importance that there should be an unanimity between all the departments of the Government, than an unanimity in the House, at the expense of its separating from the other branches of the Government; but if the amendment was agreed to, it must produce a separation from the President and Senate, and confirm the opinions fostered in France of a division existing between the Government and people. Much, therefore, as he cherished unanimity, he could not purchase it on this occasion by agreeing to a proposition of so dangerous a tendency.

Mr. S. concluded with requesting the committee seriously to ponder on the consequence of agreeing to the amendment. It spoke the same feeble language as the Address of the last session, the same timid reluctance to express our sense of injury, the same reliance on negotiation alone. If this was all that the gentlemen on the other side proposed doing at this extraordinary session, the calling of Congress would prove the most humiliating, the most calamitous measure that had ever been adopted. Better indeed had the members remained at their homes, and there in secret silence, mourned over the dishonor of their country, and smothered their resentments, than be collected in mass from all parts of the Union to be thus publicly exhibited as fellow-witnesses of their own shame and the indignities offered their country without the power or even the courage to resent them. But he could not believe it possible that the committee would pursue a course so pregnant with humiliation, and he confidently persuaded himself that as his country had always displayed its justice, so would all parts of the House unite on this occasion to convince the world that her fortitude and firmness were equal to her justice.

When Mr. SMITH had concluded, the committee rose and the House adjourned.

---

TUESDAY, May 23.

Two other members, to wit: from North Carolina, JOSEPH MCDOWELL, and from Virginia, JOSIAH PARKER, appeared, produced their credentials, were qualified, and took their seats.

## ANSWER TO THE PRESIDENT'S SPEECH.

The House then went into a Committee of the Whole, Mr. DENT in the Chair, on the amendment of Mr. NICHOLAS to the report of the select committee, in answer to the President's Speech.

Mr. FREEMAN first rose, He observed, that in his observations on the subject before the committee, amid the conflicting opinions of gentlemen whom he respected, he did not mean to express his own either with confidence or with zeal. Though

one of the committee that had reported the Address, he could not approve it *in toto*. He had two principal objections to it. First, to that part which went to an unequivocal approbation of all the measures of the Executive respecting our foreign relations; and, secondly, to that part which contained expressions of resentment and indignation towards France. In framing an answer to the President, he conceived the committee should have refrained from expressing an unqualified approbation of all the measures of the Executive. To omit it would not imply censure. By introducing it, it forced all those who entertain even doubts of the propriety of any one Executive measure to vote against the Address.

The principal causes of the irritation on the part of France, insisted upon in the answer, were the rejection of our Minister, and the sentiments contained in the Speech of the President of the Directory to our late Minister. If gentlemen would look into the documents laid before the House by the President, he was confident they would find the true reason for the refusal to receive our Minister. He came only as an ordinary Minister, without any power to propose such modifications as might lead to an accommodation, and when the Directory discovered this from his credentials, they refused him. In answer to this, it had been urged that M. Delacroix, Minister of Foreign Affairs, from the first, well knew that Mr. Pinckney was only the successor to Mr. Monroe, and that his coming in that quality was not the reason why the French refused to receive him. Mr. F. referred to the documents which had been laid before the House on this subject, from which it appeared that the secretary of M. Delacroix had suggested a reason for the apparent change of opinion on the subject of receiving Mr. Pinckney. Suppose, the secretary observed, that M. Delacroix had made a mistake at first in the intentions of the Directory, was that mistake to be binding on the Directory?

Mr. F. put a case. Suppose a Minister came to this country, would he be considered as admitted to all the rights of a Minister upon delivering his credentials to the Secretary of State? He believed not.

He proceeded to argue, that the rejection of an ordinary Minister was not a breach of the law of nations, and consequently not a just cause of war. In support of this opinion he quoted *Vattel*, page 669. He considered Mr. Pinckney in the light of an ordinary Minister: he was sent to explain, cultivate harmony, &c., and without powers to settle existing differences. Mr. Monroe had resided for some years near the Republic, and had discussed and explained such points as gave umbrage; explanations were also received by the French from our Government, through their own Ministers here; but it appeared they were not satisfied with our explanations, and they wished for a Minister from us that should have sufficient power to adjust the matters in dispute amicably.

He did not wish to be understood to consider the conduct of the French as perfectly justifiable; but he could not conceive that it was such as to justify, on our part, irritating or violent measures. As to the Speech of the President of the Directory, he could not say much on it, he did not perfectly understand it. As far as he did, he considered it a childish gasconade, not to be imitated, and below resentment. [He read part of it.] It was certainly arrogant in him to say that we owed our liberty to their exertions. But if the French could derive any satisfaction from such vain boasting he had no objection to their enjoying it. There was another part of the Speech that had been considered as much more obnoxious. It was said to breathe a design to separate the people here from their Government. The part alluded to was no more than an expression of affection for the people; he could see nothing in this irritating or insulting; it was a mode of expression which they used as to themselves, and by which they wished to convey their affection for the whole nation. The term people, certainly included the Government, and could not with propriety, therefore, be said to separate the people from it.

It had been observed by a member from South Carolina, that the French had no business to know how far the powers of the Minister extended before they received him; that it would give them a great advantage in the negotiation if they were acquainted with his instructions. There would certainly be no propriety or reason, he observed, why they should be made acquainted with every particular in the instructions; but it was certainly not improper that they should know, before they received a Minister, of what nature his mission was, whether extraordinary, for the accommodation of differences, or only intended to maintain a friendly intercourse.

There was one circumstance mentioned in Mr. Pinckney's letter which had a tendency to remove the opinion that the rejection of Mr. Pinckney was intended as a mark of indignity. He states in one of his letters, that the Directory wished him gone, though they did not wish, it appeared, to take the measure of ordering him away, yet that they had, about that time time, sent off thirteen foreign Ministers. There might, he remarked, have been some reason of State that induced the French Government at this time to send away foreign Ministers; it was evident that the measure was not pointed against this country exclusively.

The member from South Carolina (Mr. SMITH) had taken pains to collect in one view a number of expressions to be found in one of the communications of the late French Minister here, to rouse the feelings of the House. The quotation had not been fairly made. Most of those offensive expressions had been used by Mr. Adet hypothetically, and the Minister concludes the sentence by expressing his conviction that they never can apply to this Government. But even if this nation had been insulted by a foreign agent, is this to excite our indignation against the country to which he belongs? A Governor of one of our States had been grossly insulted by the agent of a particular nation here; the insult was never proposed to be resented against the nation that sent him.

It had been said that the French had not complained of the British Treaty till more than a year after its ratification. The appropriations to carry that treaty into effect, he observed, were not made till June, and the letter of the French Minister was sent in November of the same year. But there are numerous documents to show that the complaints of the French were from an early date unceasingly addressed from their Minister here to our Government, and from their Government to our Minister in Paris.

It had been said, that the French had no right to complain of any favor granted to the British by the treaty, as the French of course participated in the right by virtue of their treaty with us. But, the Administration of this country did not admit this to be the case; they insist, on the contrary, that those parts of the British Treaty in the benefits of which the French claim a participation are not favors granted to Britain, but a recognition only of the law of nations on these points, from which the French have departed by their treaty with us, and that consequently they have no claim to such participation. Mr. F. read an extract from a letter of Mr. Pickering to show that the Government deny this right of participation to the French.

An idea had been thrown out by the gentleman from South Carolina, that the people generally approved of the British Treaty; he inferred it from the fate of the late elections. For his part he could see no great alteration to have been produced by the late elections; and if there had been it would not have been an evidence to his mind that the people approved of the British Treaty. He believed, for his part, that the opinions of a great majority of the people had been uniformly averse to it; and those who advocated it were by this time nearly sick of it. It was true a spirit was roused by the cry of war at the time the subject of appropriation was pending, that produced petitions, not approving however of the stipulations of the treaty, but asking that it might be carried into effect since it had reached so late a stage.

Another engine, he observed, had been wielded with singular dexterity. Much had been effected by the use, or rather abuse, of the terms federalist and anti-federalist, federalism and anti-federalism. When the Federal Constitution was submitted to the people, to approve it, and endeavor to procure its ratification, it was federalism. Afterwards, when the Government was organized and in operation, to approve every measure of the Executive and support every proposition from the Secretary of the Treasury, was federalism; and those who entertained even doubts of their propriety, though they had been instrumental in procuring the adoption of the Constitution, were called anti-federalists. In 1794 to be opposed to Madison's propositions, the resolution for the sequestration of British debts, and the resolution prohibiting all intercourse with Great Britain, was federalism. In 1796 it was federalism to advocate the British Treaty; and now he presumed that it would be federalism to support the report of the committee and high-toned measures with respect to France. In 1793 he acknowledged that federalism assumed a very different attitude from what it had on the present occasion; it was then the attitude of meekness, of humanity, and supplication. The men who exclusively styled themselves federalists, could only deplore with unavailing sighs the impotence of their country, and throw it upon the benevolence and magnanimity of the British Monarch. Their perturbed imaginations could even then see our cities sacked and burnt, and our citizens slaughtered. On the frontier they heard the war-whoop, and the groans of helpless women and children, the tortured victims of savage vengeance. Now we are at once risen from youth to manhood, and are ready to meet the haughty Republic of France animated with enthusiasm and flushed with victory. Mr. F. observed, that he rejoiced however that gentlemen adopted a bolder language on this than had been used on the former occasion. He felt his full shame in the national degradation of that moment. He was in favor of firm language; but he would distinguish between the language of manly firmness and that of childish petulance or ridiculous bombast.

It had been observed, Mr. FREEMAN said, by the member from South Carolina, that the French were guilty of the first aggression as to captures at sea. That their orders to take our provision vessels were dated in May, 1793, and that those of Britain were not issued till some time after. It would be recollected, however, he said, that before the French issued these orders, the British had entered on their plan of attempting to starve France, and had used our vessels unwarrantably for this purpose, by detaining in their ports some of our provision vessels bound to France; it would also be remembered that at this time the convention between Russia and Spain was in existence, and that the object of it was, according to the declaration of Lord Grenville to Mr. Pinckney, to detain neutral vessels bound to France with provisions. The decree of the French that had been alluded to was, he further remarked, expressly predicated on the order of the British for detaining in their ports provision vessels bound to France.

It was, however, very immaterial to determine what nation began these depredations on our commerce; it was the duty of the Legislature to resist them from whatever quarter they might come and to protect the property of American citizens.

He deprecated using in the Address about to be framed any irritating language; such was not the language of manly dignity, but of childish petulance. Perhaps nothing had proved more derogatory to the character of France than this bombast in some of her public acts. He wished not to imitate them.

Much had been said on the score of foreign influence in this country; he feared England and not France was most to be feared in this respect. He hoped there would be found, however, in the country, virtue enough to repel all foreign influence.

As to the amendment, he should vote for it, he said; he saw nothing in it exceptionable. It did not contain unqualified approbation of the measures of the Executive, nor any undignified expressions. If the amendment should not prevail, still the original report might be so amended as to induce him perhaps to vote for it. He hoped, however, a spirit of conciliation would obtain, and that unanimity might prevail on the occasion.

Mr. GRISWOLD said, if he understood the state of the business, the question was, whether the committee would agree to the amendment proposed by the gentleman from Virginia? If it contained sentiments accordant to the feelings of the committee, it would of course be adopted; if not, it would doubtless be rejected.

He supposed it would form an objection to this amendment, if it were found to be inconsistent with the other parts of the report. He believed this to be the case; but he would not make objections to it on this ground. He would examine the paragraph itself, and see whether it contained sentiments in unison with those of the committee. He believed this would not be found to be the case, and that when the committee had taken a view of it, it would be rejected.

If he understood the proposition, it contained three distinct principles, viz:

1. To make a new apology for the conduct of the French Government towards this country.

2. That the House of Representatives shall interfere with and dictate to the Executive in respect to what concessions ought to be made to the French Republic.

3. It depends upon the spirit of conciliation on the part of France for an adjustment of the differences existing between the two Governments.

The apology, he said, was a new one, and one which the French had not thought of making for themselves; for they tell us, as it appears from Mr. Pinckney's letter to the Secretary of State, "they will not acknowledge or receive another Minister Plenipotentiary from the United States, until after the redress of the grievances demanded of the American Government, and which the French Republic has a right to expect from it." We say (or rather the gentleman from Virginia says in his amendment) they rejected our Minister because he had not power enough; therefore, for the apology now made for the French Government they were indebted to the ingenuity of the mover.

Now, said Mr. G., I do not wish that the House of Representatives should undertake to make apologies for the conduct of the French Government towards this. It was true they needed apology; but he did not think it was proper for us to make it for them. Further, as this apology was not made by themselves, but wholly different from their own assertions, it was not likely that they would fall into it. They say, "Permit us to sell our privateers in your ports; annul treaties and repeal laws, and then we will tell you on what terms we will receive Mr. Pinckney, and peace from you." After this declaration, he did not think it would be proper to attempt any new apology for them. He therefore supposed, that so far as this proposition offered a new apology for the French Republic, it could not meet with the approbation of the committee.

The next proposition contained in the amendment was, that the House of Representatives should interfere with the Executive power of this country, and dictate to it what sort of steps should be taken towards reconciling the French Government. He asked whether this was consonant to the principles of the Constitution? Whether the Constitution had not delegated the power of making treaties to other branches of the Government? He believed it had, and that therefore we had no right to dictate to the Executive what should or what should not be done with respect to present disputes with the French Government: On this ground, therefore, he considered it as improper.

In the next place, the amendment contained another proposition, viz: that we rely upon a spirit of conciliation on the part of France for an accommodation of differences. And, said Mr. G., do we really rely upon this? Have we such evidence as should incline us to rely upon it? Have the French Government expressed any inclination to settle the differences subsisting between them and us? The communications which were received from the Supreme Executive, do not bear this complexion. The communication from the French Minister to this Executive does not wear it. Our proclamations are called *insidious;* our Minister is insulted and rejected; and attempts are made to divide the people of this country from their Government. Is this conciliation? Does it not rather appear as if they intended to alienate the affections of the people from their Government, in order to effect their own views? He was convinced it did, and that they could not rely upon a spirit of conciliation in them. For his own part, he did not rely upon it; he relied upon this country being able to convince the world that we are not a divided people; that we will not willingly abandon our Government. When the French shall be convinced of this, they will not treat us with indignity. Therefore, he trusted, as the proposed amendment did not contain such sentiments as were likely to accord with the feelings of the committee, that it would be rejected.

As to entering into a lengthy discussion in behalf of different measures of Government, he did not think it necessary. If, indeed, there had been a motion made to strike out any part of the reported Answer, which went to an approbation of those measures, such a discussion might be indulged. As this was not the case, he should decline it.

Mr. NICHOLAS said he was very sorry that he should be again under the necessity of troubling the committee with an explanation of the proposition which he had submitted to their consideration.

They had been told by the gentleman last up that it had three objects, viz: to make a new apology for the French Government; to dictate what terms the Executive should use to restore a

good understanding between the two countries; and to say that we rely upon a spirit of conciliation on the part of France for an accommodation.

He believed the gentleman had wholly mistaken the proposition. In the first place, it contained no apology for the conduct of France. In this respect he had not gone farther than the report itself, or the President. On the contrary, it would be found that the proposition expressed the strongest disapprobation of the conduct of the French Government to our Minister; and went on to say that, if it were followed by similar measures, it would put an end to every friendly relation between the two countries. This showed a disposition for a restoration of a good understanding, if it could be had; if not, that all friendship would be at an end. Did not the gentleman wish this? Did he come here with his sword ready whetted for war? He hoped not; he trusted there was not a member in that House who did not wish to preserve the peace of the country, if it could be done. If this were not the case, or if no serious expectations of success were anticipated from a new Envoy, why send him? He trusted negotiations would be successful. He was seriously desirous of preserving the peace of the country; he did not leave home to attend his duty in that House for the purpose of declaring war, but of preserving peace, if possible.

That the proposition contains a kind of direction to the President, he allowed, which the gentleman might call dictating, if he pleased. He would ask what the President had done with respect to them? Had he not freely told them what he thought it was proper for them to do? If they were not, in return, to say what they thought was proper, and upon what terms they would, or would not, be reconciled to France, how could the Executive proceed with any certainty in his negotiation. Was not the power of war committed to him? [No! was heard from different quarters.] In effect, he said, it was so; for if they were not permitted to say to the Executive upon what terms they would wish differences adjusted, they must go to war, if such terms as himself proposed were not agreed to. Suppose, said he, he should proceed to negotiate with the French Republic, and should call Congress together some months hence, and inform them he had been unsuccessful, should they not then be at liberty to say, Try other modes? And if in such a case they had the liberty, why not exercise it now?

The third part, which the gentleman from Connecticut had given to his proposition, was not contained in it, viz: that we relied on a spirit of conciliation in France for accommodation. [He read that part of his proposition.] He did not say that there was a spirit of conciliation in that country upon which we could depend. He was sorry to say he could not even assure himself there was such a disposition in this; and if he had not an assurance of this disposition in his own country, he could not be supposed to rely upon it in France. If a mutual spirit of conciliation did exist (it was his intention to say) it would be a sufficient foundation for peace. This was his meaning, and he hoped it would not be perverted.

No member appearing inclined to rise, after Mr. NICHOLAS had sat down, there was a call for the question.

Mr. GILES said the subject under discussion was a very important one. It appeared to him, from various documents, that all the steps taken by the Executive had a view to an eventual appeal to arms, which it was his wish (as it was the wish of many in that House) to avoid. It was proper, therefore, that the clashing opinions should be discussed. If the proposition brought forward for this purpose was not sufficiently simple and explicit, he wished it might be made more so. For he believed the question to be, whether the committee be prepared to pass a vote, approving of the whole course of the conduct of the Executive, or whether France should be put upon the same ground with the other belligerent Powers. That she is at present upon the same footing, no gentleman had attempted to show. Gentlemen who wish to get rid of this ground, say this is a thing which should be left to the Executive. He thought it was, however, a proper subject for their discussion; for whatever power the Executive had with respect to making of treaties, that House had the means of checking that power. Suppose, said Mr. G., I were on this occasion called upon to tax my land, was it not necessary I should inquire into the subject, and endeavor to avoid a measure which would probably prove a serious drain upon the blood and treasure of the country? He was unwilling to have his land taxed for the purpose of supporting a war on this principle. It was evident that the French took one ground in this dispute, and the United States another, and whilst this continued to be the case, no negotiation would have any effect. Indeed, said he, it is war; and if the measure proposed was taken, we make war if we do not declare it.

He had merely thrown out these ideas; if no gentleman was prepared to go into the subject, he should move that the committee now rise, report progress, and ask leave to sit again.

Mr. W. SMITH hoped the committee would not rise. He thought the best way of coming to an understanding of the proposition, was to discuss it. If it was not understood, it would be wrong to vote for it; but he believed it was well understood. He thought the gentleman from Connecticut (Mr. GRISWOLD) had given a clear analysis of it. He hoped gentlemen would, therefore, either proceed in the discussion, or take a vote upon the question; for as they could not proceed with any other subject until this was disposed of, it would only be a waste of time for the committee now to rise.

Mr. HARTLEY commenced some observations on the amendment, when the Chairman informed him the motion before them was, whether the committee should rise.

Mr. GILES withdrew his motion.

Mr. HARTLEY said, gentlemen argued as if the adoption of the Answer, as reported, would be to

declare war. He thought no such thing. It was the wish of the friends of the report (at least it was his wish) to preserve the country in peace, but to place it in a state of defence; but he hoped it would not be taken for granted, that every proposition in the Speech of the President would be carried into effect. He hoped they should continue to discuss the question. At present he was decidedly against the amendment.

Mr. BALDWIN said, he had taken the liberty to express his concern several years ago, that this custom of answering the President's Speech, which was but a mere piece of public ceremony, should call up and demand expressions of opinion on all the important business of the session, while the members were yet standing with their hats in their hands, in the attitude of receiving the communications, and had not yet read or opened the papers which were the ground of their being called together. It applied very strongly in this instance, as this was a new Congress, and a greater proportion than common of new members; he thought it an unfavorable attitude in which to be hurried into the very midst of things, and to anticipate business of such vast importance to the country, before they had time to attend to the information which had been submitted to them. He trusted some fit occasion would before long be found to disencumber themselves of a ceremony, new in this country, which tended only to evil and to increasing embarrassments. He observed that it was under the influence of these impressions, he had made it a rule to himself, for many sessions, to vote for those amendments and those propositions in the Address which were most delphic and ambiguous, and while they were respectful to the President, left the House unpledged and open to take up the business of the session as it presented itself in its ordinary course. It was on this ground he should vote for the amendment now under consideration.

He also noticed three particulars, in which he thought the proposed amendment preferable to the report of the committee. 1st. The report of the committee had in it twice repeated general and indefinite approbation of the measures of the Executive towards foreign nations, when it was well known that a majority of the House had, for four years past, been of a different opinion, and it must be supposed many of the present House were of a different opinion. He thought it well not to step out of their course to express any opinion on that subject, or to court opposition. 2d. He thought the Address contained too many epithets and superlatives. It was a style of writing which well became youth and passion in some circumstances, more rarely the experience and gravity of advanced life, and very seldom reconcilable to the dignity of a public assembly. He also noticed "indignant," "indignity," and "indignation," repeated not less than three or four times in a dozen lines. He thought it would be found difficult, on trial, to remove these objections from the report, without proposing new sentences as the amendment had done. If it was thought the amendment was too low on the other extreme, the word *sensibility*, in the 5th line, might be changed into *indignation*, for once, and in several other places by the change of a word, it might be exactly graduated to the temper of the House. 3d. There was one thought in the amendment which he wished to be contained in the Address, which was not in the report of the committee, viz: the hope of success from sending an Envoy Extraordinary to treat specially on the grievances complained of, free ships making free goods, articles of contraband, &c., on the basis of strict equality to foreign nations. As to the objection that expressing this wish is dictating to the Executive on the subject of treaties, and therefore unconstitutional, he thought the objection had equal force against the whole Address, and all Answers to the President's Speeches, which are nothing but expressions of congratulation, or opinions, or wishes, on Executive measures.

Mr. RUTLEDGE said, when the report of the committee should be before them, he should have some remarks to make upon it; but at present he should offer only a few observations upon the proposed amendment.

He said he had strong objections to the amendment; but one so strong that he need not urge any other: it was, that in agreeing to it they should dictate to the Executive, which he believed would be infringing upon the Executive power. As it was his peculiar duty to give instructions to Ministers, it would be improper in them to say what should be the instructions given to a Minister; but if it were not so, he should not vote for those of the gentleman from Virginia.

In the instructions of a Minister, it was usual to comprise a variety of propositions. Certain things were first to be proposed; if these could not be obtained, he was instructed to come forward with something else, and if this could not be got, he went on to his ultimatum. But, if the proposition of the gentleman from Virginia were to obtain, his instructions would be publicly known. In vain would it be for him to offer this or that, they will say the House of Representatives has directed you what to do, and we will not agree to anything else. This would be contrary to all diplomatic proceedings; for that reason he should be opposed to the House saying what should be his instructions. Indeed, if it were usual, he should be against it in this instance, as he believed it would encourage an extravagant demand. What, said he, have they said to our Minister—or rather to the person who was formerly our Minister, but who then had no power? They told him to go away; they had nothing to say to him; they would receive no more Ministers from the United States until their grievances were redressed. This country is charged with countenancing an inequality of treaties. The French have said, redress our grievances in a certain way. But, said Mr. R., if we do this, we shall put ourselves under the dominion of a foreign Power, and shall have to ask a foreign country what we shall do. This was a situation into which we must not fall without a struggle.

Though he was upon the committee, he had contributed very little to the composition of the Answer reported. He thought it, however, a proper Address; but he was willing that it might undergo any modification which should not alter the substance of it.

Mr. Sitgreaves said, though he had wished to have taken a little more time before he had troubled the committee with his observations; yet, as there now appeared an interval, he should take the opportunity of occupying it for a few minutes.

He should not answer the observations of the gentleman from Georgia, with respect to the style of the Answer reported; but he believed that those gentlemen who would look at it without a perverted vision, would not discover the faults in it which that gentleman had discovered. He thought it rather remarkable for the simplicity of its style than for a redundancy of epithet. He discovered more of the latter in the amendment than in the original report. It was true that the superlative was used in different places, but he thought it was used where it ought to be. He would not, however, detain the committee with matter so immaterial, but would proceed to what appeared to him of some consequence.

A stranger who had come into the House during this debate, and heard what had fallen from the mover of the proposed amendment, and from members who had followed him, would have supposed that, instead of an act of ordinary course being under discussion, they had been debating the question of a declaration of war against France.

He would declare, for himself at least, on the subject of war, that he agreed in certain of the sentiments of gentlemen on the other side of the House. A state of war was certainly a curse to any nation; to America it would be peculiarly a curse. It ought to be avoided by all possible means. It was not only impolitic, but madness, to run into war. But he thought there were two sides of the subject. He thought that peace was the greatest of all possible blessings; but he also thought that peace might be purchased too dearly, and war avoided at too great an expense. He thought peace might cost a greater value than money—our independence. This was no new sentiment in this country. It was thought that peace might be bought too dearly in the Revolutionary war; they then thought it better to be at war than to submit to the alternative evils. France also shows that she prefers a state of war—a war carried on at an unexampled expense of blood and treasure—to a state of peace with despotism. He thought, therefore, that we should hold a language of a firm and manly tone. To preserve peace by all honorable means, but not by dishonorable means. As he observed last session, on a similar occasion, we should cultivate peace with zeal and sincerity; but whenever our intention of doing so was publicly expressed, it ought to be accompanied with an opposite assertion of a determination, if our endeavors to maintain peace fail, that then every resource of the nation shall be called into existence in support of all that is dear to us. Such a declaration, at this time, was extremely proper. At present, he said, all the observations which had been made relative to war, were very premature. They might be brought into consideration, when any measure should be discussed which might lead to a war with France. Then would be the time to count the cost and the benefit. At present, he conceived, our only object was, to inquire what were the feelings which the conduct of France had created in our minds, and whether we were prepared to express those feelings.

Shall we, said he, from a fear of irritating the French Republic, in a communication with our own Executive, suppress our feelings, or what is worse, suppress the truth? For his own part, he saw nothing in the present business but an expression of feelings naturally excited by the occasion; nothing but a declaration of facts. This being the case, the question was, whether, from fear of irritating the French Government, they should suppress these feelings.

It would be well to consider what would be the consequence of this condescension. He did not think they were warranted in believing that they should put France in a better humor with us by this means. He was sure that gentlemen who were in the last Congress would recollect that the Answer to the Address was reported in very mild terms, from a spirit of accommodation in the committee who formed it, and that it was afterwards pruned in the House with care, yet there had been no amelioration of the disposition of the French towards this country. Instead of inducing them to behave better to us, had it not been with a knowledge of this that they have offered us fresh insult and indignity? Indeed, Mr. Pinckney suggests an idea that this moderation of ours may have been one of the operating causes of sending our Minister from their country. Besides, gentlemen have not pointed out the particular expressions which they consider as irritating in the report. For his own part, he thought the amendment might be considered as more irritating than the draught of the committee. What was the language of the amendment? [He read it.] He gave it as his opinion, that there was more of war and bullying in it than in the original report. It was true the threat it contained was accompanied by an *if*. Now, all the difference between the draught and the amendment was, that in the former, instead of using the *if*, they had at once expressed indignation at the insults offered to this country by the French Republic, and given assurances to the Executive that they would repel indignity with indignation.

But if this subject was to be considered, he would turn to a part of the gentleman's proposition, not indeed immediately before them, but which he had declared it his intention to bring forward, where he says, "we will repel all unjust demands on the United States by foreign countries; that we will ever consider the humiliation of the Government as the greatest personal disgrace." He was willing to act upon the gentleman's own principles. If we think there have

been any unjust demands upon the United States by foreign nations, it is then our duty to repel them. The question was therefore narrowed, and they had only to say whether the demands made by the French Government were just or unjust.

The gentleman from Virginia thought proper also to tell the committee, that majorities had pushed the House too far, and had expected minorities to sacrifice their opinions. The gentleman was very tenacious of his own opinion, and he trusted he would suffer others to be equally so of theirs. If that gentleman, said Mr. S., thinks the demands of France are not unjust, I think they are. They had been declared to be unjust in the most solemn manner; and, if the committee think they are so, it was the gentleman's own position that they should say so; and if they were unjust, they should be repelled, and the United States should look forward to that state of things when it shall be necessary to repel them.

He did not think it necessary to repeat his wishes for peace. He thought it possible for this Government to pursue a line of conduct which, while it secured our rights, would preserve us in peace.

He wished to take a little notice of what had fallen from the gentleman from Virginia, on the subject of sacrifice of opinion. He had already observed that he hoped that gentleman would allow the same liberty of sentiment to others which he claimed for himself. He would not stop here. After great public measures have been the object of deliberate discussion in other branches of the Government, and have been carried by a majority, he thought it the duty of a minority to acquiesce in the determination. Wherever the opinion of all comes to be known through the different channels from which they emanate, and where there must of course be a difference of opinion, the minority ought certainly to acquiesce in the determinations of the majority.

It was from this opinion that he was concerned to hear the past conduct of any branch of the Government censured. Whatever legitimate acts of Government were passed, they should be protected by the minority as well as the majority. They should be held sacred, and never blown upon by us. They should hold but one language in their support. Whatever difference of opinion might exist among themselves, this difference ought not to appear in their acts to foreign nations. We should speak, said he, in these cases, but as one people. Therefore, if the Answer to the President's Address be an instrument of which the French Republic must take notice, it should not appear to them that we have been at any time, or are now, divided in the sentiments which it contains: the acts of the Government are the acts of the country, and not a whisper should escape from us in opposition to them, when they have been concluded and carried into effect.

He wished the gentleman from Virginia had omitted his observations with respect to factions which may exist in this country, as there was no necessary connection between that subject and the one under consideration. It was one which ought to be kept out of view within these walls. It was to be regretted that the press was contaminated with this kind of rubbish; but when the gentleman had expressed his contempt for charges of this sort, he should have extended it to both sides of the House: for if French faction was cried out on one side, British faction, on the other, had for these four years been rung from New Hampshire to Georgia. He should have spared the committee these remarks, if the gentleman had not, perhaps unwillingly, in some degree added to the odium which was cast upon one side of the House, by saying that when he first came into the Government he found a general disposition against the French cause; and even against Republican government. [Mr. NICHOLAS denied having used this last expression.] Mr. S. said he so understood him. However, when he spoke of the existence of parties, he wished he had looked on both sides of the question.

But, said he, let us, on this occasion, confine ourselves to the real question now before us. We have been informed, said he, by the President, in his Speech to both Houses, of the conduct of the French towards this Government, and have since received the documents upon which this report was founded. He had not yet heard any gentleman justify the conduct of the French. He had heard, indeed, some attempts to palliate or apologise for it, but none to vindicate it. His ideas of these things were, that the French had not only injured us, but added insult to injury; and while he retained this belief, he could not help feeling indignation and resentment. The question before the House was not, Will we resent it? Our actions, better than our words, show our desires for peace. It was a desire in which we were too much interested, to be doubted; yet it was proper that this desire should be accompanied with expressions of our feelings on the occasion. What objections could there be to this? If we were sunk so low, if our fears of the French Republic are so great, that we dare not express what we feel, our situation was become really deplorable. He hoped this was not, nor ever would be the case. He hoped we should cultivate peace with sincerity, but with firmness. For if the French Republic is so terrible to us, that we must crouch and sink before her; if we hold our rights at her nod, let gentlemen say so. And if we are to give up ourselves to her, let it be an act of the Government; do not let us conceal under the appearance of spirit, actual submission. Nations, it was true, might be brought into such a situation as to be obliged to surrender some of their rights to other nations; but, when this is done, it should be done with some degree of character. Let it not be done as a confession of guilt. Let us, said he, however, surrender any thing, sooner than the fair fame of our country. He was not a military man, nor did he know how he should act upon such an occasion; but he knew what we ought to do. We ought, rather than submit to such indignity, to die in the last ditch. Why insinuate that the Government had been wrong? Was it not

enough to submit to injury; shall we not only receive the stripes, but kiss the rod that inflicts them?

But, said he, are we in this situation? Must we surrender any of our rights? He knew if we submitted to injury and insult, this would be the unavoidable consequence. He disdained any reliance on the generous magnanimity of the French Republic. He thought her conduct towards this country justified no such reliance.

He was of opinion we ought to take a firm and decided attitude on this occasion, and, at any rate, before we make a surrender of our rights, we ought to make a struggle to retain them.

Mr. S. said he had made these observations more with a desire to prevent any false representations of the views of the House from going abroad, than from a desire to throw much additional light upon the subject. For his own part, he saw nothing in the reported Answer that could either irritate or offend against decorum. We assert that we have not injured the French Republic, but, if she will injure us, we will defend ourselves. Thinking thus, he should be in favor of the original report, and against the amendment.

Mr. OTIS observed, that he was so little accustomed to the mode of conducting a debate in that honorable House, that he hardly knew in what manner to apply his remarks to the subject before the committee. A specific motion had been laid on the table by the gentleman from Virginia, which reduced the true question before them to a narrow compass; but the mover, in discussing his own proposition, had enlarged upon subjects dear to his mind, and familiar to his recollection. In this circuit he had been ably followed by the gentleman from South Carolina, and others; so that the whole subject of the Address to the President, and the reply of the committee, was brought into view, with many considerations that did not belong to it. It was his design to have remained silent until the subject had been exhausted by other gentlemen, and if any remark of an important nature had been omitted, which was not likely to have been the case, he would have suggested such ideas as might have presented themselves to his mind; but a motion having been made for the committee to rise, he would then offer a few observations, not so much for the sake of illustrating the question, which had been done most successfully, but in order to declare his sentiments upon this important occasion. He so far agreed with the gentleman from Georgia, that he believed, upon ordinary occasions, an Answer to the President's Address should be calculated to preserve an harmonious intercourse between the different departments of Government, rather than to pledge either branch of the Legislature, collaterally, upon subjects that would come regularly under their consideration. But the present was not an ordinary occasion, and the situation of the country required that the Answer should not be a spiritless expression of civility, but a new edition of the Declaration of Independence. He expressed his regret that upon this question gentlemen should have wandered into a review of measures and subjects, so frequently examined, so deliberately settled, and which had a tendency to rekindle party animosity. If they would never acquiesce in the deliberate acts of the Government, because their personal sentiments had been adverse to them in the season of their discussion, there could be no end to controversy. For his part he conceived that all party distinctions ought now to cease; and that the House was now called by a warning voice, to destroy the idea of a geographical division of sentiment and interest existing among the people. His constituents and himself were disposed to regard the inhabitants of the Southern States as brothers, whose features were cast in the same mould, and who had waded through the same troubled waters to the shore of liberty and independence. He hoped that gentlemen would, in their turn, think the other part of the Union entitled to some consideration.

The Address of the President disclosed, for the contemplation of the committee, a narrative of facts, and of the existing causes of controversy between the French Republic and ourselves; the overtures for reconciliation, which were to be repeated by attempts to negotiate, and the measures of defence that might be proper, in case negotiation should fail. The injuries sustained by us were of a high and atrocious nature, consisting in the capture of our vessels, depredations upon the property and persons of our citizens, the indignity offered to our Minister; but what was more aggravating than the rest, was, the professed determination not to receive our Minister until the complaints of the French should be redressed, without explanation and without exception—until we should violate treaties, repeal laws, and do what the Constitution would not authorize, vacate solemn judgments of our courts of law. These injuries should not be concealed. He did not wish, however, to indulge in unnecessary expressions of indignation, but to state in plain and unequivocal terms the remonstrances of injured friendship. If any man doubted of the pernicious effects of the measures of the French nation, and of the actual state of our commerce, let him inquire of the ruined and unfortunate merchant, harassed with prosecutions on account of the revenue, which he so long and patiently toiled to support. If any doubted of its effects upon agriculture, let him inquire of the farmer whose produce is falling and will be exposed to perish in his barns. Where, said he, are your sailors? Listen to the passing gale of the ocean, and you will hear their groans issuing from French prisonships. Such were the injuries, and such the requisitions of the French nation; and he defied the ingenuity of any gentleman to draw a comparison between the Directory and the British Parliament, in favor of the former; and insisted that the demands of Charles Delacroix were upon a parallel with those of Lord North. He enlarged upon the analogy of the circumstances attending the pretensions of the British Government to bind us, when we were colonies, and of the French to subjugate us, now we are free and independent States. He thought it expedient to cultivate the

same spirit of union, and to use the same firm and decided language. He regretted that questions should be agitated upon this occasion, which had been formerly the cause of party spirit and dissensions; and did not believe that the immortal men who framed the noted instrument which dissolved the charm of allegiance and shivered the fetters of tyranny, condescended to differ about verbal criticisms and nice expressions, through fear of giving offence; nor that it was incumbent upon the members of the committee to repress the assertion of their rights, or smother a just and dignified expression of their susceptibility of insult, because the French had been once our friends, or because the commencement of their revolution was a struggle for liberty. There was a time when he was animated with enthusiasm in favor of the French Revolution, and he cherished it, while civil liberty appeared to be the object; but he now considered that Revolution as completely achieved, and that the war was continued, not for liberty, but for conquest and aggrandizement, to which he did not believe it was the interest of this country to contribute.

The only precise objection which he recollected to a full declaration of our sense of injury, was the difference of the system, which, it was suggested, had been adopted by Government towards the British under similar circumstances of unjust aggression. But if it were true that this difference existed, it did not become those who thought the measures of Government wrong upon that occasion, to advocate a repetition of error. In his opinion, however, a difference of measures would be justifiable by a reflection upon the causes which induced the British depredations, and those to which the measures of the French may be assigned; and yet there was not in fact that variance between the plans recommended by the supporters of the late Executive, and adopted towards the British, and those which have been pursued, and are now defended, with respect to the French, which gentlemen were ready to imagine. He was contented to rest the first of these positions upon the facts, that the British were stimulated to annoy our commerce, through an apprehension that we were united against them, and the French, by a belief that we were divided in their favor. To undeceive them in these opposite prejudices, might have required, or at least justified, dissimilar modes of speaking and acting. Yet the language adopted, and the measures advocated, were nearly alike. To say nothing of the late instructions to Mr. Pinckney, the famous memorial of Mr. Jay to Lord Grenville, which has been the subject of so much calumny, was not couched in more conciliatory or unassuming terms than the Answer of the House of Representatives to the President's Speech at the last session. [He here read the Answer,] and yet it is intimated by our Minister, Mr. Pinckney, (a man, who, he hoped, was not meant to be included by the gentleman from Massachusetts in the description of those who were under British influence—a man of high and untarnished reputation and known attachment to his country,) that this very Answer was probably among the causes of the conduct of the French Directory. He then added some further observations, to prove, that when the country was menaced with British hostilities, measures of defence had been proposed by the friends to the Administration, comprising the equipment of a navy, fortifying the ports, and organizing the militia.

Having thus, as he contended, demonstrated the right and propriety of stating our complaints, he adverted to the next important subject contained in the Speech: "the resolution of the Executive still to persist in pacific means of negotiation," and was thus led to analyse the motion for amendment submitted to the committee. He sincerely approved of this intention of the Executive, and most earnestly wished that it might be attended with success: no man could more anxiously deprecate a war than himself, or was more impressed with a persuasion of its calamities; and he knew that his constituents were solicitous to avoid it by all honorable means. The preamble of this motion was not, in his view, objectionable; but to express the sentiment "that the French merely intended to suspend the ordinary, and bring into use the extraordinary means of intercourse with foreign nations," was decidedly against his judgment. Was it possible for any man of veracity to make this declaration? If this was really the sole object of the Directory, it would have justified the dismission of Mr. Monroe, equally with a refusal to receive Mr. Pinckney. A wish to suspend the ordinary intercourse would have been displayed in their conduct to the resident Minister; yet Mr. Monroe was not only permitted to reside in France in his public capacity for many months subsequent to the pretended grievances, but was told by the Directory, "that he parted with their regret." It was, therefore, a most absurd and humiliating apology which gentlemen were disposed to furnish to the French Directory; he believed they would smile at and disavow it, and thought it degrading to make, in their behalf, timid excuses, which they would disdain to accept. The only chance for a propitious issue by negotiation, depended upon permitting the Executive, the Constitutional depositary of this right, to exercise a free agency; and the subsequent clause of the motion, which dictated terms to the Executive in the removal of the inequalities of our treaties, was equally impolitic and injudicious. It was probable that the Executive would make the concession alluded to by the gentleman, if an equivalent could be obtained, by a compensation for our losses, and the security of our peace; but of this he must be the judge, and we should leave him free to grant it as a sacrifice made to the desire of peace, and not authorize the French to claim it as a right. If it was known beforehand that the Executive was bound, and that the Minister was instructed, to remove a pretended cause of grievance, without any stipulation for an equivalent, he would commence his overtures under manifest disadvantage. The Directory, secure of one pretension, would probably urge others. In

the present case, there was no reason to conclude that the grievance arising from "the inequality of existing treaties," which was the only one mentioned by the mover, was the principal source of our disagreement with the French, or that removing that alone would effect our object. Did he therefore mean to pinion the Executive down to that single concession? Or would he enlarge his motion, and direct the Executive to say that our laws should be repealed, and the judgments of our courts vacated? Was it wise or politic to publish to the world, at the outset of an embassy, the ultimate terms that were to be offered, and to send an Envoy with open orders to accede to every demand of the French nation? If he was to be despatched under these auspices, let him be decorated, not with the cap of liberty, upon which our former motto was "liberty or death," but substitute in its place "humiliation and submission to your will." He may then, perhaps, be admitted to the honors of a sitting.

Mr. O. then proceeded to the last division of his subject—the means of defence recommended in the Speech. It was, he said, unfair to connect with an approbation of such measures a disposition for hostilities with the French. War was the greatest of all possible calamities into which the pride of kings, or the ambition of rulers, could plunge and provoke an unoffending and neutral nation. He did not presume that any member in that House could derive a benefit from so deplorable a condition of society. But a small portion of them would probably go into the army; and of that portion, few could expect to make fortunes by their commissions. A desire of war was, therefore, entirely out of the question. He never understood that when controversies of a threatening aspect subsisted between nations, preparatory and defensive measures were construed into acts of hostility, or into a determination to make war. On the contrary, the usage of all nations sanctioned such a mode of conduct. He would not, however, resort to monarchies, or to great and formidable nations, for examples, but to the little Republican canton of Basle. That independent territory was exposed, like our own country, to the unfounded criminations and unmerited outrages of hostile and belligerent nations. But in reply to the requisitions of the French, it bravely insisted upon the right of remaining neuter, and announced its design of augmenting its military establishment for the protection and maintenance of its neutrality. Perhaps this canton may be compelled to depart from this system. Possibly it has no longer the power of exercising its own will; but it will not be pretended that this defensive conduct evinced on their part a willingness to be engaged in war. It was then a simple inquiry, whether, under the present aspect of our affairs, war might not be brought home to our doors, contrary to our wishes, and prior to a state of preparation? Gentlemen were willing to say, that if negotiation failed, there would be an end to every friendly relation between the two countries. Our posture then would be unfriendly; and who can say it will not fail? If a war with this country makes any part of the system of French aggrandizement, we should probably have it without the forms of consultation. Do gentlemen suppose that when negotiation shall have absolutely failed, the French will give us time to equip our vessels, fortify our ports, and burnish our arms, in order to show us fair play? Let gentlemen consider our defenceless situation in such circumstances; let them not pause until it shall be too late. The tide of conquest had deluged Europe; it might swell the great Atlantic and roll towards our shores, bringing upon its troubled surface the spirit of revolution, which might spread like a pestilence, possibly in the Southern States, and excite a war of the most dreadful kind, of slaves against their masters, and thereby endanger the existence of that Union so dear to his constituents, and the separation of which would be painful as the agonies of death. He concluded with many other observations, having for their object the preservation of the Union, the necessity of forming and displaying a national character, and a demonstration of the absurdity of supposing that the President of the United States, at this period of his life and reputation, could feel an interest in promoting a rupture between France and this country, by any measures he might adopt.

Mr. GILES said, that as the committee appeared divided on the Address, and as he had attended the discussion, he submitted to the consideration of members whether it would not be advisable, in order to produce a spirit of unanimity and cool deliberation, to recommit the report and send the amendment also to the committee with an addition of members. He wished the last gentlemen up had been more delicate on a subject that he had touched; if he infers that because one part of the members may think a rash measure just, that those who think differently must not exercise their judgments in thinking the contrary, he thought the gentleman had overstretched his reasoning. He was one of those who felt a strong apprehension of a war; he thought one means would be more likely than another to prevent it, and he was using that preventive measure because he thought it both just and honorable and wise. We all concur in our declarations at least of a love of peace; he was sorry to hear language which betrayed a very different disposition. He was for showing our ultimatum, and taking the consequences, but he would not agree to be either silly or insolent in the proceeding, because nothing was so unbecoming of a wise man, or a wise people, as anger or petulant irritation, when their happiness and that of millions was at stake. He wished the report to be recommitted, that we might proceed thus wisely, after we had determined well; and if the issue should disappoint our fair and just expectations, he should not be one of those that would ask others to support his opinions. He would stand by his country in the storm, and share its fate. Prove then, by a recommittal, that you do not aim at the triumph of a party. He therefore moved the recommittal.

Mr. HARPER was against the recommitment.

He saw nothing that was effected, or could be effected by it. He never would submit to the terms of France. This is the last stand that we have to make. He never would agree that the two plans, viz: the report and amendment, were capable of concurring. They were like two lines diverging from the same point. To the common eye they seemed as if they were upon the same course; but the mathematical eye saw that they were growing farther and farther from each other. We have nothing to do but as we did in the Revolution—just to go through it. He could see no benefit arising from concession.

Mr. BROOKS was against the amendment, for that and the report never would agree. To recommit was nothing but wasting precious time. If the amendment was lost, we might then bring in another; and so on till we finally met. It was too late in the day to go through the matter now. Refering to something which fell from Mr. GILES about American prospects of futurity, he asked whether the member had the power of divination?

Mr. GILES, in reply, said that, while we were so loudly denying ourselves to be a divided people, the very debate proved that we were so. The gentleman had charged him with assuming the power of divination, and at the same time assumed it to himself, by distinctly asserting that the report and amendment could never be made to agree. Mr. G. feared not, but it would be better to try. As for the waste of time, the select committee might be ready with their report by to-morrow morning. He had always been a friend to deliberation. He never knew any thing lost by it; though indeed the *fury* with which his proposal had been commented on, did not promise much good.

Mr. DAYTON (the Speaker) said, that he hoped the motion of the gentleman from Virginia, which had for its object a recommitment of the Answer, would not prevail. It was certainly very desirable that the select committee, appointed in the first instance for the purpose, should have reported such a draught of an Answer as would have united in its favor all parts of the House. He was not the only one who had expected it. Disappointed, however, in such an expectation, they were forbidden to indulge a hope that any good could be derived from sending it back to a committee before one vote at least was taken, and the sense of the House thus far ascertained as to the style and tenor of their reply. If this proposition for amendment should succeed, then the business would be ripe for reference to a committee, who would take such amendment as their guide, and so modify the report as to render the whole correspondent with it. As to the motion more immediately under consideration, he could not give it his unqualified vote, more especially when it was considered and acknowledged to be in its operation a complete substitute. Candor, however, compelled him to declare that it contained one feature, and that too an important one, which attracted his attention, and would certainly have his approbation. There would, however, be a more proper place for introducing it than that proposed by the mover. Stripped of the more exceptionable matter with which it was then connected, it might very well be adopted as an amendment in one of the latter paragraphs of the report, and would not at all vary the principle, or be inconsistent with the general tenor of it.

At this point, the committee rose, and had leave to sit again.

And the House adjourned.

---

WEDNESDAY, May 24.

WILLIAM SMITH, from Pinckney district, South Carolina; SAMUEL SMITH, from Maryland; JOHN ALLEN, from Connecticut; and WILLIAM FINDLEY, from Pennsylvania, appeared, produced their credentials, were qualified, and took their seats.

## ANSWER TO PRESIDENT'S SPEECH.

The House again went into a Committee of the Whole on the Answer to the President's Speech, and Mr. NICHOLAS'S amendment being under consideration,

Mr. SWANWICK opened the debate. He lamented the loss of time which was generally experienced at the opening of every session in debating the Answer to the Speech of the President, when, perhaps, business of the first moment called for immediate attention. It was much to be wished that committees appointed for this purpose would confine themselves to the instructions which were given to them on the occasion, which were in general terms, viz: "to prepare a respectful Address, assuring the President that the House will take into their serious consideration the various important matters recommended to their attention." If Answers were drawn in general terms, conformably to these instructions, he thought very many of the embarrassments which they now experienced would be avoided, and every member would be left at liberty to pursue such measures as appeared to them right, when they came before him in the ordinary course of business unclogged by any creed which he might have been called to assent to before he had an opportunity of considering the subjects it contained. It also often occasioned much warmth in debate, and served to divide the House into two parties on the very threshold of their business. This could not possibly have any good effect, but the contrary; he should therefore be happy to see the practice simplified or abolished altogether.

The effect at present has been, that no sooner had the committee appointed to draught an Address made a report, than the gentleman from Virginia proposed a substitute, which, according to his idea, was more proper. A warm debate had taken place, and he believed that either might be adopted without effect, as they were merely a form of words leading to no conclusion. Suppose a majority of *one* was obtained on the report, what end would be produced? None; for it might be that the very persons who voted on this general question, might vote against particular subjects when they came under consideration; as every one would recollect the difficulties which had been experienced in getting three frigates

built, and this difficulty, he doubted not, would again occur. Since, however, these two forms of an Answer were before them, and they were called upon to say which they would adopt, it might be proper to go into some consideration of the subject.

The difference between the two productions seemed to be, that the one reported seemed to express great indignity on account of the injuries received from the French Republic, and a determination to repel them; that produced by the gentleman from Virginia was of a more conciliatory tone, recommending to the President to begin his negotiation with placing the French Republic on the same ground with the other belligerent Powers; so that the difference was simply as it respected a few words.

What were the arguments in favor of the warm tone? They were told it would have a great effect on the French Republic, because if a spirited Answer were given to the President's Communication, signifying (as his colleague Mr. SITGREAVES had strongly expressed it) that we were determined to *die in the last ditch*, it would strike them with terror. If he thought this effect could be really produced, it might be some inducement for him to agree to it.

Mr. S. remarked, that they were told by Mr. Pinckney, in his letter to the Secretary of State, that it was probable that two events had contributed to his dismissal from the French Republic, viz: one, the victories of Bonaparte in Italy, the other, the Addresses of the Senate and House of Representatives in answer to the Speech of the President at the last session. With respect to the Answers alluded to, no opinion could be formed from this assertion, because though that of the House of Representatives was tolerably moderate, yet that of the Senate was as warm as any thing could be produced. He read extracts from both, and compared them with each other, giving the credit, which, in his opinion, was due to the most moderate.

The first and most necessary step to be taken was, to put all the belligerent Powers upon the same footing, which could not be an offence to any. But it was said that to recommend this measure to the Executive, was to dictate to him; that it was carrying humility on the front of the Minister who should be employed. What! said Mr. S., would it be to carry humility in his front to say, "I come to place you on the same footing with the most favored nation?" It certainly could not; since it was the language of right reason, of justice.

As to dictating to the Executive, could it be called dictating when we merely express our opinion and advice to him, on points which he has himself laid before us; and, in order to deliberate on which we were thus unusually called together? Very low and debasing, indeed, must be the situation of this House, if they were to be muzzled and prevented from laying their sentiments before the Chief Magistrate of the Union! When treaties are made, we are told they are laws over which we have no power. If we dare not speak on the subject before they are made, is this House reduced merely to the odious task of laying taxes, without being allowed to exercise its sense on any other public measures connected with them? Why does the President communicate these things to us, if we are not allowed to express any sentiments about them? Why do the people elect their representatives all over this widely extended empire, if, when they are convened, they are not allowed the privilege of expressing their opinions on the dearest interests of their constituents? But is stated that this will create division among the branches of the Government, who ought always to act and think alike. Were this the case, there was no use to divide the Government, as our Constitution does, into three branches; they might all have been left in one, and then no accident of this kind would have happened; but the fact is, this very division of the branches was devised in order that they might operate as checks on each other. The people thought it better that a division of this kind should prevent acting at all, than that we should act hastily and unadvisedly. Thus when a law, after mature deliberation, passes this House as wise and good, the Senate were not obliged on this account to see it in the same light; they judge for themselves, and, if they see cause, reject it, and no complaint takes place on our part because they do so. In another Government, indeed that of England, all the branches have been contrived into the most perfect union, Kings, Lords, and Commons, all agree, but has the Government been the better for this? Happy had it been for that nation, had this not been the case. Many an unwise measure they have gone into, might then, fortunately for the nation, have been totally prevented.

But it has been said we ought to express the highest indignation at the conduct of France. Let us examine for a moment on what this is founded. Three grounds have been mentioned; the dismission of our Minister, the spoliations on our ships, and the interference with our Government, in attempting to divide the people from it. As to the first, the dismission of our Minister, said Mr. S., nobody can feel more sensibly than I do, this indignity; but it only leads me to regret, as I have often already expressed my regrets, at our sending so many diplomatic gentlemen to Europe. Wretched will be our case, if we are embroiled whenever these gentlemen shall be refused, or uncivilly treated. All history is full of instances of wars, founded on such points of etiquette as these, and they admonish us against employing embassies, as much as possible, to avoid these dangers from our foreign connexions. But it seems, the Directory, by Mr. Pinckney's letter, at the same time sent away thirteen other foreign Ministers; yet we do not hear that these nations went to war on this account. One of them was Sweden, a very powerful maritime nation, possessed of a considerable fleet; her Minister was dismissed; she contented herself with sending away the French Minister also, and here the dispute ended. But, surely allowance ought also to be made for the present revolutionary state of

France. If all things do not proceed there with the order they ought, it is perhaps because of their present warlike and revolutionary position, which cannot but mend every day, and should induce us to make some allowance for them.

As to the spoliations, they doubtless are also just causes of complaint from America; but while they are equally continued to this day by England, Spain, Holland, and France, we ought to go war with all these Powers, if we mean to attack any on this score; for surely the groans of our seamen, so emphatically heard by the gentleman up before me, from Massachusetts, are heard as distinctly from Cape Nichola Mole as from Cape Francois, and ought to rouse equal indignation, unless we have ears to hear injuries from one quarter only. He thought, indeed, it would evince our spirit to go to war with them all, and by that means retaliate upon each the injuries we have received from each. But nothing was said about the spoliations of the British. The British take property bound to France in pursuance of the treaty; and the French, taking advantage of the stipulation made in the British Treaty, that "free ships do not make free goods," take our property bound to English ports. So that this is the ground upon which all of our difficulties rest. Upon the admission to take, lies the evil; for, a French privateer meeting an American merchantman says to him, "You have English goods on board." He answers "no;" but the vessel is taken into a French port to undergo a trial, and in the mean time the engagements of the merchant become due, which being unable to meet, from this failure in the arrival of his vessels, he is ruined. The fact is, that while the war lasts, so will the spoliations, in spite of every thing we can do to the contrary; not because the nations at war are just, but because they are powerful, and use that power as suits their own interest, without reference to our grievances or complaints. For this there is no remedy but an embargo, since nothing short of this can prevent the captures complained of; and this remedy has been thought worse than the disease, since it puts a stop to all commerce and must tend to lower the prices of our produce. We must, therefore, he presumed, leave trade to regulate itself in this respect; although, it may be incidentally observed, that our European, and China, and East India trade have been hitherto preserved pretty free from violation. We have suffered most in the West Indies; but here, it is to be remarked, the French Republic have no decided power; their islands are governed by a provisional agency, who are obliged to keep the blacks and mulattoes in good humor in order to preserve those possessions, and who are so little under the control of France that they have frequently shipped back to them the Generals and Commissioners they have sent out to them. In the West Indies, in fact, all is plunder, the age of the buccaniers is revived, and even exceeded, and those who go thither must trust for safety only to their heels; for as to arming them, I doubt much whether we could prevent this being made a pretext of for fitting out more privateers from among ourselves, who, perhaps, according to their different interests, would, under pretext of defending commerce, only be committing spoliations on each other at sea. War might increase the quantity of depredations, but I doubt if, by this measure, we could safely repress or control them; sooner or later it must lead us to the calamity we all wish so ardently to avoid, the positive evils and misfortunes of war.

But it is stated that France wanted to divide the people from the Government, and to influence it unduly: and this has been compared to dividing us from ourselves; as if she wished to tear the arms from the shoulders, the legs from the thighs, or the head from the trunk. This is surely too absurd for any Government to have intended, and could never be expected to succeed, unless indeed measures were to be taken by the Government oppressive and injurious to the people; in which case we have often seen this effect produced in other countries, not so much however from foreign faction or influence as from domestic oppression or discontent. A general clamor was indeed raised against France, in Europe, as if she were the enemy of all social order and government; but the fact is, their Governments would never have been affected but in proportion as they were intrinsically bad and oppressive. In this country the people love the Government because they are happy; keep them so, keep them as free as possible from taxes, embark them in no unnecessary wars or troubles, and you need never fear the effects of any foreign influence on them. Alarms of this kind may do well for hungry pamphleteers and greedy scribblers, whose writings, it is to be lamented, are so greedily purchased and read among us, but never ought to be admitted within the limits of these walls; all the noise of British and French parties in this country being merely terms of abuse bandied about, and at best but empty nonsense.

But it is said our independence is menaced, and we must make a second edition of it. By whom is it invaded? Does France want to govern us? She would have but poor encouragement in this from the fate of her predecessor. Can England desire it? She makes more by us in the silent but productive operations of trade. Let us not then deceive ourselves by this empty declamation. If France finds fault, it is not at our laws or Constitutions as they relate to us at home; surely, if by any effects of them abroad they operate to her disadvantage, she has a right to complain, and we ought to inquire into the complaint, and if well founded, to redress it as far as in our power.

But a gentleman from Massachusetts apprehends the Atlantic will not be able to restrain the tide of French victories; that they will land and revolutionize the Southern States and free the negroes. I confess, said Mr. S., I have no apprehensions of this kind; but if we really have such ideas, how much the more careful ought we to be to avoid a war which has been so desolating to other nations, and especially now, when they are getting so tired of it and anxious to put an end to

it; for it is plain their exhausted resources must soon compel them to do this, and it would be an unlucky moment for us to get into the scrape as others were getting out of it.

It has been often observed that the people and the Government are one; but if the Representatives are compelled to divide even to carry an Answer by a majority of one or two votes, will this carry an idea of unanimity? Had we not better modify the Answer in such a way as may produce a more general acquiescence in it? This will give more true dignity to our proceedings, and give a proof that we are governed by reason more than passion, by the love of our country rather than by any other consideration.

Mr. Livingston said that, having listened to the gentlemen who had preceded him with the most respectful attention, and heard their ardent expressions of patriotism and the lively sense which they entertained of the true dignity of our Government, he should not attempt to follow them into a field which had been exhausted, but would leave it to the consideration of the committee and his country to determine upon his sentiments and the measures which he should suggest whether he was not equally disposed with others to promote the peace and honor, the happiness and security of his country and Government; he would leave it for his measures to speak for him; he would not be led away by any idle or extraneous vanity from objects so solemn and important; he should speak freely as became an American at a crisis so very pressing. First, then, he should notice the Address that was before the committee, and the amendment which had been proposed to be made to it; he was sorry to observe the manner in which they had been discussed. It had been considered, on one side, that to adopt any language in reply to the Address but that which has been laid before the committee in the report, would amount to a surrender of all our rights, privileges, and independence, as a nation, to France; on the other, it has been held that the differences between us and France are distorted, and that we should at least not shut up every avenue to negotiation by an obstinate and blind assertion of our own infallibility. If he believed, with those of the former opinion, that we should in any shape incur the stigma of degrading ourselves, or if he suspected even that we should sacrifice one right of our country or Government by an adoption of the amendment proposed, or he thought we should not endanger our national character and safety by the adoption of the report, he should most certainly reject the amendment and adopt the report; or if he believed, with the gentleman from Massachus'ts, (Mr. Otis,) that the demands of France now were any wise analogous to those of Great Britain on a former occasion, sooner than consent to a dereliction of independence and national character he would not stop short of the language of that report: but as he could not force his judgment to so outrageous a misconstruction, as he saw on the contrary numerous reasons to entertain a very different opinion, he would not consent to incur the perils and the errors in which that report would involve us; he could not consent to so hasty, so precipitate, and inconsiderate a step.

The question properly before the House at this time is, whether we shall continue to express so perfect a reliance on all the acts of our own Government; whether we shall say obstinately to France that there is no possible case in which our judgment could have been misled or mistaken in our conduct towards her; and, by determining to adhere to our former conduct, preclude every possibility to an amicable adjustment; or leave a reasonable opportunity open for an effectual discussion and adjustment of differences, wherever they may subsist.

The scope of the Speech of the President to both Houses, it must be confessed, goes to bind us to the former conduct; and it is too evident that the report, in strict coincidence with the sentiments of several, but not all its supporters, bears that same dangerous tendency. From which line of conduct are we to expect the most beneficent issue, to treat with a complaining Power by a determination to show that its complaints are groundless, or by examining the complaints and the evidence in amicable negotiation and deciding afterwards? Let us examine the complaints of France, and then determine whether they are all so frivolous as to excite irritation at the mere mention of them; unless we are so convinced, unless we are thoroughly satisfied that they are so, we cannot vote the Answer as it is reported. Should we discover in such an examination that some of our measures have been founded at least in mistake, would it then be proper to adopt the language of the Address? But should we persist under such a possibility of mistake, what do we risk? an evil much more fatal than the worst that could follow the most sober resolution which we can now adopt; we risk the alternative of abandoning it after a war in which we may be sufferers, and after we may have retarded the increasing prosperity of our country half an age. We have an example before us in a nation that was eager to snatch at a remote pretext for an assumed interference in her Government; we have seen that nation, among the most powerful and haughty in Europe, the most vain of her dignity, (real or unreal,) the most apt to interfere in the government of others; we have seen her enter into a war, and we have seen her driven to the lowest state of humiliation; we have seen her obliged to pursue the most abject means of solicitation to obtain a peace from that very nation whom she had irritated to a war; and we saw her more humiliated still, by the rejection of those propositions which she had made to obtain peace. Have we a better prospect than that nation? Are our means equal to hers? Are we, indeed, ready to embark in a war—with France, too—and present such a lesson to the world as America at war with France, after France has defeated the efforts of all the world? He again asked, have we the means? Let gentlemen who are willing to plunge us into that dilemma make the reply; but let not gentlemen indulge in so hateful a picture. But, although we

have no means, he was still against surrendering the honor of our country; fortunately, no such sacrifice is demanded, no such measure is necessary; and were we ten times more destitute even than we are, he should never submit to our national degradation, were there a Power so insolent as to expect it.

But let us examine whether we have not been subject to the common lot of human fallibility in our measures; let us, to whom peace is so desirable, from experience, from principle, and from our natural love of happiness, and to whom the risks of war would be attended with such incalculable disasters, inquire before we rush wantonly upon them, whether it is really clear that we have been uniformiy right—whether we have not been sometimes wrong? Suppose it should be found that France has had some cause of complaint; that some of her claims are founded in reason; or even suppose that she only earnestly thought so, and that she would prove her sincerity, are we to shut our eyes and ears against an examination of these complaints; are we to leave no room for a fair and candid discussion, such as may convince whichever may be the mistaken party?

It was, he knew, a very ungracious, and often an unpopular task, to display the errors of our own Government; there was a national vanity, a vain and unmeaning pride, which sought to be bolstered up by frippery of words and acts of dissimulation. He knew that this empty and pernicious vanity often assumed the post and place of the true dignity of a country, and blinked contumely on him that was disposed to prefer the plain, frank, open path of integrity and truth. He would choose between these opposite passions of a nation, and preferring his duty to unmerited reproach, he would neither repress the sentiments of his mind, nor foster those which he conceived to be pregnant with ruin; he would glory more in promoting the justice of his country than in conducting her to the most brilliant triumphs in an unjust cause; he would, therefore, calmly examine whether France had just cause of complaint; and whether she had or not a just cause, he would assert that France might, without exciting indignation, think herself injured; that she might, was a sufficient reason with him for preferring the amendment, as it left an opening for rather amicable discussion and accommodation, rather than the report which had the opposite character.

In enumerating the complaints, it was very true that France had many which were not in themselves reasonable or well founded; but there were circumstances in which France was liable to mistake as well as ourselves. The objects presented themselves in a delusive or adverse form; and it was a subject rather of regret, which we should use as a warning to our own judgments, than a crime in her, if she acted in the same way that she should do when under the conviction and certainty of her rectitude, when she was unconscious of her error.

The first object of her complaint was the interference of our courts in prize causes. Was there no color of complaint on this subject? He did not mean to enter into any particulars of the cases that came before, or the decisions in, our courts; he only alluded to the 17th article of our treaty with France, upon which she grounded this subject of complaint:

"That it shall be lawful for the ships of war of either party, and privateers, freely to carry whithersoever they please, the ships and goods taken from their enemies, without being obliged to pay any duty to the officers of the Admiralty, or any of the Judges; nor shall prizes be arrested or seized when they come and enter the port of each party; nor shall the searchers or their officers of those places, search the same, or make examination concerning the lawfulness of such prizes; but they may hoist sail, at any time and depart, and carry their prizes to the places expressed in their commissions, which the commanders of such ships shall be obliged to show; on the contrary, no shelter or refuge shall be given in their ports to such as shall have made prizes of the subjects, people, or property of either of the parties; but if such shall come in, being forced by stress of weather, or the dangers of the sea, all proper means shall be vigorously used, that they go out and return from thence as soon as possible."

Every gentleman must see that the latitude of this article was indeed very wide, so wide that not even a searcher was permitted to go on board, nor an officer of our Admiralty entitled to a fee or duty, or any other of our judges. Ought we to be surprised that a nation imperfectly acquainted with the detail of our municipal regulations and official duties, should differ with us in the construction of this article, after our detention of their prizes? In the discussions that have taken place already on this article, the difference of interpretation is not at all suprising. They have said to your courts, "We allow their due jurisdiction, but as treaties are supreme laws, our prizes should not have been suffered to enter your courts. According to this article, you subject us to tedious delays, and involve us in litigious suits; but your Executive should have decided in a summary way, and not kept our armed ships idle and expensive to us." He would not say that in this construction France was right, or that our courts were wrong, far from it; all he wished the committee to consider was, whether France might not, without great violation of reasoning, conceive herself right, and accordingly claim of us such an explanation as might place us clear of any suspicion of designed wrong towards her in violation of that treaty.

The second complaint was our admission of vessels hostile to France, and that made prizes, into our ports, contrary to the last part of the same article; and France had also construed this one way, and our Executive another; but was a mistake a cause of hostility? Should the mistake be ours, would France be justifiable in hostility merely on account of the mistake? and should we be any more justifiable to risk hostility, rather than enter upon discussion?

Another cause of complaint was the conversion of our neutrality into an injurious hostility, by our indifferent sufference of the impressment of our seamen by Great Britain, by which her enemy became possessed of our force and employed them

against her, while we were on terms of the most intimate and friendly alliance, and they were embarked in a cause common with our own. They complain of this indifference very strongly, and it must be acknowledged that no open interference took place on our part upon that serious subject to ourselves, and important to us as a neutral nation, until the latter end of 1796; except a few lines from our Minister, Thomas Pinckney, in a letter to Lord Grenville, in the Summer of that year. From so long a silence on such a subject, was it surprising that France should entertain doubts of our disposition to preserve our neutrality? Was it surprising that she should consider that some hidden but unaccountable change had taken place in the attachments of the United States? Was it surprising, or a matter calling for hostility on our part, that she should consider this conduct, connected with the corresponding arrangements made with Great Britain, in a time of war, as pernicious to her?

Under the mean object of the British Treaty, which is one of the complaints of France, there are several subordinate parts. The first is that of the abandonment of that principle of the law of nations which secures the freedom of trade, by establishing the neutrality of goods carried in free ships. He would not dwell largely on the immense advantages which neutral nations—but above all others, our own—would derive from the complete and universal recognition of that just principle. But he would recommend it to the consideration of every candid and unbiassed man, whether France had not some ground to consider our proceedings on that subject as alarming to herself, when she had negotiated upon that valuable principle with us, when we had solemnly recognised it, and had carried the same principle repeatedly into negotiation with other Powers? Could France see us sacrifice the supreme advantages which our commerce would derive from its maintenance, and that too in the moment of her apparent adversity? Could she see this, and still be criminal for suspecting a cessation of that affection in our Government towards her which she was so indisputably entitled to expect—so contrary to our interests and the ties of treaties—and still be deemed hostile when she demands justice, equal justice at our hands?

But he should be told that the principle was not an universal one; that its recognition in the treaty of 1778 did not bind the United States from relinquishing it in any treaty with another nation. He would, by and by, examine the principle. Now, he would suffer it to be argued the contrary principle, that the right of seizure of enemy's property on neutral ships was the universal and received law. Was it the actually received law? Then, if it was, how came it to be made a part of that formal negotiation, and to constitute an article of the British Treaty? Why introduce it so unguardedly there, if it was already the universal and indisputable law? But we had even exceeded that law, for we had admitted the right to carry our ships into their ports merely on suspicion—a concession which was not even presumed to be authorized by any law or usage of civilized nations; a concession which neither went to profit ourselves, nor to ameliorate our condition as a neutral nation. If the principle even were fixed before, was it an evidence of our amity, of our tenacious regard for our own dignity, or of a seriously neutral disposition, to conclude these novel modifications, which went to fetter our commerce with the most perplexing shackles?

But let us inquire whether it is seriously the law of nations? And in making this inquiry, it is not from patched ideas, half quotations, or scraps of learned opinions, parcelled out and botched for convenience or subterfuge, that we must decide. If upon this examination we should find reason even to suspect our error, and that we have conceded any thing to Great Britain contrary to that law, it will be surely a substantial reason for our resorting to temperate and liberal negotiation. But on this he would not now dwell. The law of nations is founded on certain usages of nations, at various periods, and upon the stipulations of treaties of nations with each other. These laws were either partial or general, and the latter have been the subject of common claim among civilized nations. Now, in all that has been written on those laws, he knew of none which had received the common assent of all nations, or of nearly all, authorizing the seizure of enemy's property on free ships. The principle had been repeatedly urged, and, although it had been often evaded, it had never been disproved that a ship of a neutral nation should be as sacred as its territory. Wherever the flag of a neutral nation waves, that should be sacred, and goods seized on board a neutral ship is as much a violation of the universal law, as the seizure on the neutral land could be. Why is it that belligerent nations are precluded from seizure of the goods of an enemy in a neutral port? Because it would be a violation of the neutral rights. Do these rights depart from the citizens of free States upon their departure from their own ports? It is too absurd to expect any other but the plain reply. But if we cannot find the decision in the tomes of the civilian, let us look elsewhere: let us look into the treaties, and here we may obtain some satisfactory test upon which we may rest the question. Prior to the war of our Revolution, the treaties of European nations were a series of contradictory assertions and denials of known principles. The same principles were asserted in one treaty of the same nation, which were sacrificed to partial interests in another; the spirit of monopoly of trade corrupted the current of universal law; and local situation, a temporary stratagem, or an ambitious project, sealed what the other had negotiated. But in the midst of war, Europe saw arise a combination of neutral Powers, who were resolved to restore the law of nations to its primitive principles, from the intolerable abuse into which it had fallen; and they declared that principle, which no nation ought to deny.

Russia, finding that the depredations which the belligerent Powers were committing on her commerce, surpassed all bounds of justice, notified to

the other neutral Powers, in her first declaration, her purpose to ascertain and fix the principles which neutral nations ought to observe towards those at war, and reciprocally, and expresses herself thus: "She does this with the greater confidence, as she finds those principles founded on the primitive law of nations, which every one may have recourse to, and which the belligerent Powers cannot invalidate without violating the laws of neutrality, and disavowing maxims which they themselves have expressly adopted in different treaties and public engagements." He did not quote this as in itself conclusive authority, although the facts are irrefragable; but because every Power in Europe, great and small, weak and powerful—excepting only one—recognised and acknowledged it. But he should be told this is a private compact, and that the agreeing nations did not declare this ought to be the universal law of nations. Let those gentlemen answer me, is the principle inconsistent with reason and justice, is it unnatural, is it not the law of nations, is it not binding upon every nation who subscribed to or adopted it? Until gentlemen deny this, I shall fairly conclude that it is the true and genuine law of nations. But it will be said, there is one Power which did not agree to that convention, and therefore the agreement of all the rest is invalidated. Will this, indeed, be insisted upon? Is it because one haughty, overbearing, and oppressive nation, wishing to monopolize the trade and the power of the whole world, denies that law which alone could restrain her enormous avarice and tyranny? that this one nation, placed in the scale against all the other Powers of the world, peaceful and belligerent, and with justice and law, too, on their side, shall determine that the very law itself must become invalid?

But it is said, this declaration of the armed neutrality is only a temporary, and not a permanent compact, and we shall be told that this assertion is supported by an article of the Treaty of Neutrality itself. In arguing this objection, he felt a degree of uneasiness that he could not suppress; it had given much disquiet, because it very largely implicated the honor and character of our country. In a document published by the express authority of Government, professedly addressed to a public Minister then about to proceed on his mission, our Secretary of State published in the face of the United States and the whole world a letter which is to be the instruction of that Minister when in France, a mutilated half of an article of this treaty, in order to justify the measure of our concession to Great Britain. He had seen such bungling things attempted in courts of law in order to deceive an ignorant jury, or a more ignorant judge, but as an act of a national agent, of one of the principal officers of a Government, he believed the like was not to be found in the annals of the most vicious policy in any nation. In that letter the 9th article of the Armed Neutral Convention is thus quoted: "The Convention being concluded and agreed on for the time the present war shall last, shall serve as a basis to future engagements, which circumstances may render necessary, or on account of new naval wars which Europe may have the misfortune to be troubled with." And here the quotation is broken off short in the middle of the article. Was it to be supposed that our Minister of State could obtain only a mutilated copy of this important historical record! The article concludes with this weighty and important declaration, which our Secretary has entirely omitted: "These stipulations shall further be considered as permanent, and shall decide in all matters of commerce and navigation; and in short in every case where the rights of neutral nations are to be determined."

But a gentleman has told us this principle of the armed neutrality cannot be a true one; and why? truly because the same Empress of Russia, who was at the head of the Confederation, has, during the present war, entered into a treaty with that Power which formerly denied the principle, and had herself agreed to contravene it; and further, that Spain had acceded to that contravention. That this conduct of that Empress and of Spain is a melancholy proof of the capriciousness and instability of arbitrary councils and of nations, he was ready to confess; but he did not see upon what ground this partial dereliction of right principles should go to the universal establishment of wrong. France, in the convulsions of her Revolution, had alarmed all Europe; and Britain, always jealous of her power, but much more of that power under the influence of liberty, had entered into an engagement with Russia to starve France, and Spain accedes to this purpose; but under what circumstances? under the proclaimed avowal of the measure being adopted, because the Revolution of France was a new case; a flame had been lighted up, as they called it, which threatened to destroy all Europe; and to quench this flame they agree to overturn the law of nations, which, if obeyed or regarded, would counteract the designs of England and the wishes of Russia and Spain.

But we are told that our Government had receded from this principle on a former occasion, and had declared it in our correspondence with Genet; but he would ask any gentleman, does a date alter a principle? Do principles of right and wrong alter with the seasons or the years? If we abandoned it then or at this day, what is that to France? She tells us we have done it, and we acknowledge it is done; thus the question is then reduced to this point—have we done right? This question unfortunately does not rest with our partialities to decide; it not only rests upon the Powers of Europe, whom it may implicate or concern, but upon our own formal recognition and accession to the principles of the armed neutrality; nay, with the compliments expressed by our Government to the Empress of Russia for promoting it; upon our accepting of this principle, too, at a period in which we manifested that our love of justice was in perfect consonance with that love of liberty which then engaged us in our Revolution; upon our acceptance of it when it was calculated to operate most seriously to our disadvantage by depriving us of the supplies which could be thereby kept from us. It matters not then at what date, or

in what manner we relinquished it, if having formally received it we abandoned it to the disadvantage and injury of our allies and of other previously subsisting treaties. We have unquestionably done this evil, perhaps, from no malign disposition; but it was our duty, having committed the error, to rectify it. It had been argued, that we had been compelled to abandon the principle or go to war with Britain; and we had chosen it as the alternative. What! compelled? He would not discuss this unhappy argument; we have inflicted a wound on our commercial neutrality, but what is much worse on our national character, which he feared we should never recover.

Another stipulation is contained in the British Treaty relative to provisions, which admits the British, contrary to the law of nations, to seize upon our vessels going to France. It is said that this article does not admit any new principle, and that instead of being disadvantageous to France, she is put on a better footing than before! He would read the article. The first paragraph of the 13th article, after defining the new extension of what shall thereafter be deemed contraband, proceeds in the second thus:

"And whereas the difficulty of judging of the precise cases in which alone provisions and other articles not generally contraband may be regarded as such, renders it expedient to provide against the inconveniences and misunderstandings which might thence arise: it is further agreed that whenever any such articles so becoming contraband, according to the existing law of nations, shall for that reason be seized, the same shall not be confiscated, but the owners thereof shall be speedily and completely indemnified; and the captors, or in their default the Government, under whose authority they act, shall pay to the master, or owners, of such vessel, the full value of all articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage incident to the detention."

Our treaty, in the subsequent paragraph, recapitulates the ordinary provision for the circumstances attending ships proceeding, through error or inattention, to blockaded ports; but in the above stipulations a new principle is foisted into the law of nations by which we are to receive the full price of our articles and a reasonable mercantile profit; and after doing this we are told, that we place our ally in a better condition than she was before—that the power of her enemy to seize our ships, which are protected by the law of nations from seizure, having nothing contraband on board, when going to the ports of a belligerent Power not blockaded, is an advantage to that Power so deprived. We might admit what is not a fact, in the first instance, that provisions are contraband, and we accept compensation for our sacrifice of the universal law; we admit the inhuman and horrible principle, that one nation has a right to starve another at its discretion, and while thus conniving at, and profiting by the collusion, affect to be indignant when remonstrance or resentment flow from the injured nation; this is the sad and afflicting picture of error into which we have been blindly seduced! Of all the authors that have written on the law of nations, there is not one—no, not one—that supports the idea of provisions being liable to the description of contraband, in any case but in approaching a blockaded port; the only author indeed that mentions such a thing, even in the way of suggestion, is *Vattel*, who says, that possibly there may be a case where there is a reasonable hope of reducing a nation by want of provisions, they may be deemed contraband; but this is delivered as a mere suggestion, and, contrary to his usual diffuseness, he leaves it naked and unsupported by any one historical example or reference. But gentlemen say, we do not allow provisions to be contraband,—although *Vattel* has used this suggestion, we think the doctrine unsound. He would not dispute about opinions while he had facts, and he would say, while you have denied the doctrine you have allowed the practice; you not only do wrong there to France, but we have done it in the most offensive form; and irritated as she must be by the intrigues that have already torn her for so many years, the foreign machinations and the efforts to subjugate her by all the arts which perfidy could suggest, we should not be surprised if she should be reluctantly led to believe, that we had thus bartered our supplies to Britain, reckless of her ruin, and regardless of our treaties; I say she may be reluctantly led to believe this, since the error of our blindness or our weakness is visible as noon day.

But we are told that this stipulation is advantageous to France, as it holds out a temptation to mercantile adventurers from the certainty of payment in either event of a voyage; for his part he could not discover in the conduct of the negotiation nor in the treaty itself, any such intention on our part; but he could see in the sacrifice an effort, and he would ask any gentleman how far successful it had proved, to guard against British depredations; but he could see in the argument a weak effort to support a worse measure! But let us see what is the construction of our own Government upon this principle; it must be tested by other facts than its adoption or rejection in a treaty. Since the execution of the treaty our Executive has put a strong construction on this principle; but our Executive had also in a letter of instruction to Mr. Thomas Pinckney, expressed his sentiments equally pertinent but perspicuous; speaking of the order of the British Government for seizing provisions on neutral ships, the first article of which was in these words:

"That it shall be lawful to stop and retain all vessels loaded wholly or in part with corn, flour, or meal, bound to any port in France, or to any port occupied by the armies of France, and to send them to such port as shall be most convenient, in order that such corn, meal, or flour, may be purchased on behalf of his Majesty's Government, and the ships be released after such purchase, and after due allowance for freight, &c."

The Executive thus notices the order:

"This act, too, tends directly to draw us from that state of peace in which we are wishing to remain. It is an essential character of neutrality, to furnish no aids (not stipulated by treaty) to one party, which we

are not equally bound to furnish to another. If we permit corn to be sent to Great Britain and her friends, we are equally bound to permit it to France. To restrain it would be a partiality which would lead to a war with France; and between restraining it ourselves and permitting her enemies to restrain it unrightfully, is no difference. She would consider this as a mere pretext, of which she would not be the dupe, and on what honorable ground could we otherwise explain it? Thus we should see ourselves plunged by this unauthorized act of Great Britain, into a war with which we meddle not, and which we wish to avoid, if justice to all parties, and from all parties, will enable us to avoid it."

Now, sir, if Government thought France would not be the dupe of an artifice then, what reason have we to believe that she will now? Let gentlemen who are eager for the report, reply and show wherein the distinction lies. In 1793, our Executive considered it as a cause of war only to permit the infraction of that law of nations, or the partial supply of one or other party with provisions; and are we to expect France, to whom we were at least under some ties of regard, not to say obligation, should tamely condescend not to notice our sacrifices thus made? Gentlemen could not be serious and expect it.

It had been asserted, with singular confidence, that France was the first aggressor in spoliation, and that the British Order of Council of June 1793, had been preceded by one from the French Government to the same purpose; he need not enter into a refutation of that assertion, the gentleman from Massachusetts (Mr. FREEMAN) had yesterday completely exposed the fallacy of that artifice. The French have, throughout the present war, been compelled in their own defence to follow the unusual measures adopted by Britain, and in this instance the order issued by the French Government expressly states the British order, in its preamble, as the sole and necessary cause of her adoption of similar measures in her own defence. But we have testimony still stronger, if any stronger were necessary; it is the declaration of Lord Grenville to Mr. T. Pinckney: "Lord Grenville on being asked, said Spain would pursue the same line of conduct; and upon its being objected, that even their late convention with Russia did not extend to this object, he answered, that though it was not expressly mentioned, it was fully understood by both parties to be within the intention of it."

And thus it is that gentlemen endeavor to elude the truth, and to descant upon subterfuge, where the peace and happiness of our country is at stake. That such a privilege or concession should be granted to Britain in a time of war, was remarkable enough to excite the jealousy of the French Government; but that it should be objected to extend the same privileges to France by negotiation, is more extraordinary still. We are told that *Vattel* is mistaken in his doctrine: he is, in one case, no authority to be relied on—he must be utterly abandoned; but in another his authority is sacred. All that has been said on the subject of this article will equally apply to the disregard of the neutrality of goods on neutral bottoms, as declared in the instrument of the armed neutrality. Having offered his free opinion on these several articles, he was willing now to declare as freely that there were many of the circumstances of complaint urged by the French Republic which they were not justified in carrying to the extent which they do; and it was on this account, in an especial manner, that he considered the amendment proposed to deserve the most decided support of the committee. He had little doubt of their being wrong—he had little doubt of their being open to conviction; and as they no doubt thought themselves as much in the right in these cases as they thought this Government in the wrong, it became us to use towards them a language suitable to that liberality which befits a wise and prudent nation. It becomes us to examine our own conduct, and not rely on our infallibility—to inquire dispassionately, and not rush into war before we have considered either the cause or the consequences. He appealed to every gentleman, which would be the conduct most consistent with true dignity, to obstinately persist in error at every risk of character and disaster, or to examine our conduct; and if we have erred, to acknowledge it manfully? She does not require our humiliation, as gentlemen declaim; and if she did, we should never submit to it. From a single stipulation into which we have entered with any nation we ought not and will not depart; she does not demand it; and therefore we ought to say to her, we will place you on a footing with every other nation; you have been mistaken in some matters, we have been mistaken in others; we will discuss them, and this unpleasant difference. Would this be abject—would this be humbling us in the dust—or would it be the most consistent with true dignity? Which is it more noble, to repair a fault, or to persist in error, even with success? But where are the means to secure success, even if we should persist? But this is a delicate subject; he would not dwell upon it. Let us inquire whether we have maintained that impartial conduct towards all nations which we ought to have done.

There are some of those things which, if not founded in right, might, without any violation of virtue, have operated more in favor of France than any other nation. Gentlemen would perceive that he alluded to our connexions with that people in trying times of our Revolution. He was one of those whose number appeared to be decreasing every day, that retained his reverence for old-fashioned notions. He considered gratitude as among the most amiable of the virtues; and he was so very dull of discrimination, compared with others, that he could not consider that as worthy of admiration in the individual, and of no existence in a nation. A sense of obligation he conceived to be a more rational principle of connexion between nations, as well as individuals, than any that could arise from the sense of sordid interests: the one was capable of permanently attaching the affections, the other was always contingent and precarious. We have seen nations actuated by the most inveterate and un-

quenchable hatred; we have seen them, after entering into Treaties of Amity and Commerce, suddenly roused by the spirit of avarice, and, disregarding all the most sacred engagements, plunged into the most remoreless war. When we see those passions, shall we say, the milder affections have no place in the human heart to counterbalance such horrid passions? Forbid it, Reason, and forbid it, Truth! He trusted if our Government had erred, becoming pains would be taken to remove the sense of injury. That there had been favors conferred on our nation, which should impel us to this act of natural justice, he could prove. What was the language of our Government when we sought and obtained the succors of France? When in our need, we breathed not a sound but eternal gratitude for disinterested favors—for benefits magnanimously bestowed? What was our language in the hour of peril, when the threatenings of all Europe rung in her ears? Was it necessary for us to assert, at the hour in which we stood no longer in need of her support, that, although we felt some gratitude in the hour of our distress, that we now felt it no longer? Was it preserving the dignity of our country, the honor of our Government, and the respectability of a virtuous and independent nation? No. He believed that such conduct had lessened us in the eyes of the world, and that it became us now to retrieve our character by the removal of that falsification of the national probity. Let us look to the declaration of our Government, that we may ascertain what we thought of the favors of France in former periods. Look into the Journals of Congress of the 6th of August, 1778, and there it will be found—

"That the treaties between His Most Christian Majesty and the United States of America so fully demonstrated his wisdom and magnanimity as to command the reverence of all nations. The virtuous citizens of America, in particular, can never forget his beneficent attention to their violated rights, nor cease to acknowledge the hand of a gracious Providence in raising them up so powerful and illustrious a friend."

He hoped this gratitude would never be forgotten or done away; he hoped we should never fly in the face of that Providence by such blasphemy, but that the same Power which it had raised up in our adversity, would be respected in our prosperity.

Have we respected ourselves in this unhappy case? What were the sentiments of our predecessors in 1783? On the 16th of April, that year, a committee was appointed, consisting of Mr. Madison, Mr. Ellsworth, and Mr. Hamilton, to report on the subject of the 5 per cent. impost, and among the inducements for its adoption by the States, they say—

"If other motives than those of justice could be requisite on this occasion, no nation could ever feel stronger; for there are debts to be paid to an ally, in the first place, who, to the exertions of his arms in support of our cause, has added the succors of his treasure; who, to his important loans, has added liberal donations; and whose loans themselves carry the impression of his magnanimity and friendship."

In December of the same year, upon the resignation of General Washington, Congress declare to him—

"You have persevered till the United States, aided by a magnanimous King and nation, have been enabled, under a just Providence, to close the war in freedom, safety, and independence."

And is it now, that, irritated by unworthy or odious bickerings, we shall take upon us to fly in the face of our history—of our living and immortal history—and attempt to unsay all this? Yes. A production communicated to us last session, from one of the departments of our Government, and published to America and all the world, treats all these solemn records as things founded on error and falsehood, or on hypocrisy. In that very publication we are told that the Minister of France, through whom America received those signal benefits and support, had descended to intrigue against those very liberties, upon the support of which so much had been expended, and such distinguished measures carried into decisive execution. We are taught there to believe (if folly itself could be so credulous) that France interfered, privately, to prevent what she made such efforts to secure! And this is the language by which France is to be persuaded of our love of justice, of our love of virtue, of our infallibility, of our regard for the dignity of our country, whose sentiments are one and the same with the Government!

Oh, said Mr. L., let me not pass over unnoticed that joy which I so well remember to have beamed on every countenance upon the inspiring tidings that France had joined her arms to ours in defence of our liberties—no, it can never be erased from my heart, in the gloomy horrors of desolation and an assassinating war. I could read by the light of those flames which consumed my paternal mansion, by the joy that sparkled in every eye, how great were the consequences of her union to America. I feel the revival of that animating joy kindle this moment in my bosom. I will forever cherish it in my heart of hearts, and I trust never to part with it till I shall part with every other sensation.

Yet, after all, sooner than sacrifice one right—one principle—or make one unjust concession to France, he would sooner sacrifice his life; but he would still sooner behave like a truly dignified man, and acknowledge his error, if he should appear to have committed one, than support the error, with the utmost certainty of success.

France, then, may certainly complain, without justly exciting that indignation at her presumption, which some gentlemen express. She is charged with the commission of various injuries; the dismission of our Minister; the commission of depredations on our commerce; with refusing to treat upon our disagreements, and an interference in our Government. Upon the first of these subjects he felt a sense of indignity as much as any man rise in his breast. He felt for the respectable person who had the painful task to encounter, but he would not argue largely on that subject at this time, since it involved a considera-

tion of all the predisposing causes of that dismission; he would leave it to be the subject of amicable explanation; for, disguise it how we would, if we hold the language of the President, to war we must go. He would maintain what had been already done in the way of treaty; but he would leave it to the House to determine between better language and war. Our sense of infallibility and our conduct were like the two principles of the Indian mythology—ever at war with each other, and ruin would follow the obstinacy that resists all deliberation. The man who should pretend to attempt a negotiation at Paris, after such language from the Legislature and the Executive, should bear the cap and bells to save him from any other imputation than that of being a maniac. He could not expect to negotiate after them.

But gentlemen affect to believe—either they must be very imperfectly informed on the subject, or they do not earnestly believe—that the dismission of our Minister was actually the violation of a right. Of what right? By what law of nations is the right established that one nation can insist on keeping a Minister in another, contrary to the will of that nation? He defied any man, however learned and however great, to point out the foundation of any such right. If, therefore, it is not a right, the denial to receive a Minister cannot be dispassionately considered as in itself an insult, although the circumstances attending it may be attended with marks of the most unpleasant disrespect; yet, even there, appearances are no more than the necessary consequences of the impressions made on the French Government, from the consideration of our conduct in the particulars before noticed, and a false light in which they have taken others; for, notwithstanding this marked expression of their resentment, if gentlemen will read the latter part of the Minister's letter, they will find him declare the sentiments of the Government: "I pray you to be persuaded, Citizen Minister, that this determination having become necessary," that is, necessary under their impressions of our conduct towards them, "allows to subsist between the French Republic and the American people the affection founded upon former benefits and reciprocal interests." But, say gentlemen, the Directory has said they "will not acknowledge nor receive another Minister Plenipotentiary from the United States until after the redress of the grievances demanded of the American Government, and which the French Government has a right to expect from it;" and from this article, which precedes that which I have before quoted, gentlemen conclude that no Minister whatever will be received until we have conceded to them all they shall please to ask.

He would not trouble the committee by further exposing absurdities so visible as the supposition of an exclusion of every kind of Minister, and all negotiation, because they declare they will not receive a Plenipotentiary Minister until those causes of complaint are removed. How are they, or how can they be put in the way of explanation or removal but by a Minister? Upon the subject of the complaints themselves, he had already expressed his opinion that many of them were frivolous and others unfounded. It was frivolous, for instance, in our eyes, to complain of the arrangement of the names of the several States of Europe in an Almanac; but would any gentleman say that no intercourse can take place until this and others of a like kind are redressed. He believed it would only be necessary to explain their absurdity to redress them effectually. But the French Republic does not go so far as gentlemen appear to wish she had gone. She does not say you must redress every thing we complain of, but all those which she had a right to expect from the American Republic. And is it not by discussion and investigation that the question must be decided what she has and has not a right to demand redress of? If there is a possibility of another construction, and that would lead to war, which of them ought we to adopt?

But it is said that Mr. Pinckney probably had power to negotiate upon all their complaints; he thought he had not; he had powers of this remarkable character, "to remove complaints by showing that they were groundless!" Is this the language of investigation, or of sturdy and fastidious pertinacity? Is it the language of conciliatory power? But what does Mr. Pinckney himself say on this subject?

"I am thoroughly convinced that the sentiments of America and its Government, for they are one, are misunderstood, and that I am not permitted even to attempt to explain them, or, in the terms of my letters of credence, endeavor to efface unfavorable impressions, to banish suspicions, and to restore that cordiality which was at once the evidence and pledge of a friendly union." "Devoted as I am to the liberty, prosperity, and independence of my own country, the freedom, happiness, and perfect establishment of the French Republic have always been dear to me, and to have been instrumental in cementing the good understanding which, from the commencement of their alliance, has subsisted between the two nations, would have been the height of my ambition. I most fervently pray that there may be a speedy and candid investigation of those points in which you differ from us, that affection may banish distrust, and that the alliance of the two Republics may be perpetual."

Had Mr. Pinckney been vested with any powers which would enable him to enter upon a candid investigation of the points of difference, would he have thus expressed a wish, instead of performing what he so much desired, and would have been his direct duty? No, his letters were those of an ordinary Minister—a mere successor to the power of his predecessor, and no more—and therefore another assertion that had been made, of their refusal to treat, was not a fact.

Another ground is, the depredations on our commerce. This must be confessed to be a great and just cause of offence, but is it a cause that can in itself, without applying to negotiation, justify a war? In this place he felt it incumbent on him to notice a singularity that the sense of dignity and love of justice should have so much occupied the mind of the President in regard to the French depredations, as to shut out all reflection, to sup-

press all indignation which, in the natural order of reasoning, might have been expected to be excited by the depredations of other nations. France alone appears capable of crimes; to her offences only are we awakened to the call of dignity, and roused to indignation; over others, a Lethean mist is drawn, and an irritation of the sense and feeling are tenderly avoided. Whence does this emphatic silence arise? Surely it does not proceed from any kindness to us at the hands of Britain. It cannot be concealed that Britain has committed enormous depredations on our commerce, not perhaps to the same extent in value as those of France; but surely, when the nation is called to consider its situation and to provide for its security, the depredations of Britain were worthy of the nice regards of national dignity and Executive protection. There is one species of atrocity practised by that nation which France has never been so much as accused of—the impressment of our seamen; our fellow-citizens have been forcibly taken on board British ships of war, and compelled to fight in a cause which they abhorred, and against a nation to whom they bore the best grounded affection; nay, more, they have been compelled to assist in depredations on their own country. Another violence which France has never pretended to offer, is the declaration of unalienable allegiance, the seizure of vessels belonging to persons who have become citizens of these States since 1783, and confiscating them as good prizes. France has not done either of these acts of violence upon us, and yet we have heard of no remonstrance; we are not even told of the indignity, nor alarmed at the humiliation.

He would not impeach gentlemen's motives for their conduct in that House then any more than on former occasions; but at a time not long since, attempts were made to drive members from their right of opinion, by the terrors of impending war; while we exercised an undoubted right to reject a treaty acknowledged to be bad, and which none of us even now perhaps entirely approve. Apprehensions were excited and phantoms raised up to appal us from solemn and prudent deliberation; every terrific image was employed to display the horrors of war; the ocean was represented to us as foaming with the pressure of a thousand prows ready to disgorge upon our shores all the furies and passions of war; the earth was made to groan with the trampling of the hosts of cavalry, spreading desolation and blood far and wide; our woods were described as in one immense blaze, while the scalping-knives reeked in the blood of our simple husbandmen; the heavens were depicted as filled with prodigies and portentous omens, warning us of our impending danger; and hell itself was described as already yawning ready to receive and punish us for our prodigality and rashness in rousing up the resentments of an indignant nation! Was it not singular that all these chimeras should so soon vanish, and now we should be told by the same persons who conjured up these delusive threatenings to shake our opinions, that because we seek for peace and negotiation, we are betraying our country and laying it at the feet of a foreign nation? But if it was right and prudent at that time to avoid the remote chances of those horrors, so dismaying, at the immense sacrifices we made, is it not much more so now? He would beg gentlemen to contrast the consequences of the two chances of war, and to consider that the adoption of the Address, as it stands, without the amendment, most obviously leads to war.

He had already sufficiently proved that the alleged refusal to treat on the part of France was unfounded; there was yet one other cause of irritation of which we complained; it was the alleged interference of France between our people and the constituted authorities? What evidence have we of it? He would examine the foundation of this allegation in Mr. Pinckney's letter. He says:

"Those who regard us as being of some consequence, seem to have taken up an idea, that our Government acts upon principles opposed to the real sentiments of a large majority of our people, and they are willing to temporise until the event of the election of the President is known, thinking that if one public character is chosen, he will be attached to the interests of Great Britain, and that, if another character is elected, he will be devoted to the interests of France."

And he then proceeds to say, that they think more humbly of us than we deserve; they think "that we are regardless of our national character, honor, and interests," and subjoins these remarkable words: "To eradicate this ill conceived and unfounded opinion, will be a work of time and labor, so greatly have they been prejudiced by misrepresentation." So the opinions entertained by the people of France, and those acknowledged by our Minister, actually exist upon the basis of misrepresentation; do they form a just ground of war? The speech of Barras is considered as insulting, but will gentlemen say that speech is a just ground of war? He confessed the incivility and the unfounded nature of the assertions contained in that speech, but shall we go to war as some wicked nations have done to control and overturn opinion? Are we sure we could remove prejudice or convince the French nation, or an individual of that nation, of its error by a war? and what should we profit by the effort? That speech, insulting as it is, concludes with assurances of good will to the people of America. It is rather remarkable that the Representatives of the American people should entertain resentments because a foreign nation has expressed an affection for their constituents! The American people and the Government are one, sir, and it is impossible to divide them. The American people have demonstrated to the world their attachment to their Government by an unanimous obedience to many laws which they have not approved. As well might the Batavian Republic declare war against us for the aspersions cast upon it by Mr. Quincy Adams, our Minister Resident near the Republic. In his letter of the 4th November, 1796, to the Secretary of State, he says:

"The general disposition, even of the patriotic party

in this country, favors cordially and sincerely the neutrality of the United States."

After stating his opinion why, he adds:

"But, at the same time, the patriotic party can have no avowed will different from that which may give satisfaction to the Government of France. They feel a dependence so absolute and irremovable upon their good will, that they will sacrifice every other inclination, and silence every other interest, when the pleasure of the French Government is signified to them, in such a manner as makes election necessary."

When a Minister of ours writes, and our Executive publishes, such a letter, and such insinuations as these, it should seem a most extraordinary example of inconsistency in us to take offence at the opinions of an agent of the Republic for a similar licentiousness; can we wonder when our Minister speaks thus contemptuously of a nation, that others should make use of a similar freedom with us?

But, admitting for a moment that an appeal had been actually made to the people of the United States, and even that an attempt had been made to obtain influence with the people, contradistinguished from the Government, would the Government have anything to fear from such attempts? Are the people so little acquainted with their own interests and means of happiness, or have the Government so much to apprehend from their measures, that they could have to fear an issue of such efforts? No! every appeal which you make to the people, the more you strengthen the hands of the Government; it is in perfect unison with the practice of all nations to prepossess the people with whom we are about to negotiate in our favor; it has been our own conduct repeatedly, and it ought to be our conduct now again. We ought, by the propriety and temper of language, and by the most sincere demonstrations of our regard for our engagements and neutrality, to remove the prejudices which the French people have been injuriously led to entertain concerning us. Our present President, when in the character of Minister in Holland, found the happy advantage which resulted from prepossessing that nation in our favor; it was by obtaining the good opinion of the people through the medium of letters written by him and published with his consent, that our Revolution derived such essential support, and our negotiations proved so successful; and who will attempt to rob him of the well merited praise due to his patriotic efforts on that important occasion?

It has been our uniform practice to make use of appeals to the people of other nations, and that distinguished from, and in opposition to, their several Governments. We appealed to the people of England, and to the people of Ireland, during our Revolution, and we went so far as to tell them of the injustice and oppression of their own Government, and to hope for their support. He had lately read, as a reason for our forbearance, that the people would take a decided part against hostile measures; he did not think this reason was founded on any facts or on any basis of declared and assured evidence, but in whatever light it might be viewed, it could not be considered as a reasonable ground for pursuing hostility or provoking it by hostile language. However serious some of the matters in difference between the two Republics may be, and many of them were obviously trifling, he thought the House should pause before they adopt expressions encouraging irritation and provoking open hostility. We should weigh the important question whether—if even all that is charged against France is true and unprovoked on our part—there is still a possibility that we may be compelled to concession, and to retract our charges. In suspending the balances of war we should not calculate upon a positive and inevitable preponderancy in our favor. But in the Address we are told to adopt strong language. If we adopt the language of the report we shall follow that rash counsel, and the issue no man could foresee. He would, therefore, prefer the amendment which disarrayed our measures of that fashion of words only suited to war. But the amendment was objected to, and upon very singular, and indeed upon contradictory grounds. Let us examine these objections. One gentleman said it was too humiliating, and another that it was incorrect; one opposed it because it said too little, another because it said too much; and again one because it was too mild, and another because it was too strong; but one of those gentlemen, after expending a volume of breath upon the violent consequences of the amendment, at length condescends to qualify its vehemence with an *if*—it is an useful particle, and he would say, with Shakspeare,

"Your *if* is a great peace-maker."

But the objection to this amendment is, that we interfere with the Executive declaration; and, by implication, that we propose three things: to apologise to France, dictate to the Executive, and rely on France.

To the first he would reply, that no apology is proposed, and even if it were, that such a step would be preferable to war. To the second he would compare the strong case of the King of Great Britain, who, although an hereditary monarch and possessed of the legal right to declare war, it is never done without previous notification, and without a thorough discussion and the delivery of advice from the Representative House, when deemed proper. Justly our Constitution does not preclude the Representatives of the American people from declaring their sentiments on a question involving their dearest interests. He did not think such arguments could be entertained in that House. He believed the President himself desired it; that he waited for our opinion, and that if we echoed his Speech we should not afford him that information which he sought. On the third point, a reliance upon France, he would not encounter it, because it was an airy nothing, having no foundation in the amendment.

Upon the whole, if we reply as is desired by the report of the committee, we put an end to negotiation, because it precludes all discussion, by insisting on the maintenance of all past errors. We

are therein positively declared to be incapable of mistake. Is it not then desirable to remove an obstacle fatal to negotiation, which decides, by anticipation, discussion on the complaints of France, and assumes the monopoly of wisdom and perfecting their rights of demanding redress to ourselves—is it not indispensably required by prudence and good sense that we should extricate whatever negotiator we may send, from a dilemma so clumsy and forbidding?

One gentleman has descanted upon the mild style of our Address of last session, and he sees, or thinks he sees—for it is second sight—in it the true cause of the dismission of our Minister from France; and he considers it as couched in terms even more humiliating than those of Mr. Jay's letter to Lord Grenville. He wished not to revive the painful remembrance of that humiliating letter, but he could not resist the imputation of the Address of last session, because if there was any humiliation in it, the odium must fall equally on the Senate, who had expressed ideas exactly correspondent. But although he could not agree with the gentleman in the humiliating comparison of the Address with the letter alluded to, he should still go so far as to acknowledge that he thought the language of the Address of last session tended to produce the effect the gentleman had assumed, but from a very different cause: it was the irritating language of both that produced it; and it was on that account above others that he was now compelled to prefer the amendment to the report, because the latter was dictated in the same irritating spirit.

A gentleman yesterday had asked where we were to look for our prosperity: was it in the ruined farmer, and merchant, the fall of produce and stagnation of trade? The fair inference from this question was, that our condition now was as bad as that of a state of war; it means this, or it means nothing. He would, therefore, ask that gentleman whether a war would raise the price of produce? Whether we should live as peaceably at home as we now do? Will a war protect our ships, enrich our merchants, increase our trade? Will a war produce any one effect that could enable us to benefit by the change? Every step towards irritation is a step towards war, and a war of the most ruinous nature, whose consequences were so various as to be incalculable. With all his efforts, however feeble in themselves, he would oppose it. He had uniformly opposed the measures which he long foresaw, and had at last led to this unfortunate crisis; but he yet relied on the virtue and magnanimity of his country that it would terminate favorably to our liberty, our happiness, and our natural alliances.

Mr. COIT thought a greater degree of importance had been given to the business under discussion than it was entitled to. He regretted, with other gentlemen who had spoken on this subject, that the House had got into this habit of answering the President's Speech; but, having got into it, they must get out of it as well as they could. If it was to be a political thing, it would be well to pass it with as much harmony as possible. For his own part he had no objection to the Answer reported. He could not concur in the opinion of the gentleman from Georgia, (Mr. BALDWIN,) that it bore evident appearances of being the composition of a young man; he thought it a just and proper composition. But, though he approved the composition, he would not say it could not be amended; he thought it possible it might. Still he could not concur in the amendment of the gentleman from Virginia. Indeed he did not know the drift of it, or whether he meant to strike out all the remainder of the Address.

Whatever foundation there might be in the criticisms of the gentleman from Georgia, on the draught of the Answer reported, he thought the composition of the amendment was much more faulty; in some parts its meaning was doubtful, and in others very improper. He particularly objected to the passage, "but we flatter ourselves that the Government of France only intended to suspend the ordinary diplomatic intercourse, and to bring into operation those extraordinary agencies which are in common use between nations, and which are confined in their attention to the great causes of difference." He thought this was an idea which the House could not adopt. It appeared unfortunate that gentleman had taken this mode of amending the Address, by thus striking out in a tangent and making a new Address.

He would take the liberty of proposing, if he was in order, certain amendments, in lieu of those proposed, which he trusted would meet the wishes of the members of the committee; not that they would improve the Address as a composition, but probably make it worse, which was always the case when a production was the work of more than one hand. [Mr. COIT then went on to propose his amendments.]

Mr. C. apologised for troubling the committee with this dry business; but as he had done it from a wish to contribute towards a spirit of conciliation in the determination of the question, he trusted he should stand excused.

Mr. HARPER believed these amendments could not come under consideration until that of the gentleman from Virginia was disposed of, by being adopted, rejected, or withdrawn.

This being the case, he wished to set the gentleman from New York right in three facts which he had stated. The first was what he had mentioned respecting the Secretary of State having suppressed a part of an article of the armed neutrality in his correspondence with one of our agents abroad; and, he said, if he were disposed to treat that gentleman as he had treated the Secretary of State, he should say the misstatement arose from ignorance or prejudice; but he would not say so. He referred the gentleman to the history of the armed neutrality, and to the letter of the Secretary of State, upon which, if he only bestowed common attention, he would find the Secretary was perfectly in the right, and he in the wrong. [He read the article.]

The next point was with respect to the letter written by our Minister from the Hague. The gentleman, he said, forgot that this letter was not

addressed to the Dutch nation, as the Speech of Barras was to the French nation, but a private communication to the Secretary of State, at a time when it would have been a breach of his duty not to have written it. When differences like these were overlooked, the committee would determine what degree of credit was due to the gentleman's assertions.

The next article which he should notice was an appeal which the gentleman spoke of as made to the people of Holland, when Minister there. Did the gentleman know what this appeal was? He would inform him. There was a little club in Holland who made it their business to inquire into literary, historical, and political subjects. Mr. Colquhoun, a member of the club, with whom Mr. Adams was acquainted, submitted some queries to Mr. Adams, to which he requested his answer; he answered them, and Mr. Colquhoun read the answer in the club: they requested it might be printed, and, on being applied to, Mr. Adams consented that it should be printed.

And these circumstances were to be the set-off against all the abuses which the French Ministers have shown this country. It occurred to him that there was another fact in which he was mistaken, as a proof of which he should produce the best authority: it would be under his own hand. He had said, that there were thousands of our seamen, who had been taken by the British, groaning in captivity in foreign countries. They all remembered with what a glow of patriotism that gentleman had brought forward the subject; he was placed at the head of the committee; and, after a long time had been taken for making inquiries on the subject, he made a report, viz: that forty-two American citizens had been impressed by the British; also twelve British subjects, twenty-six foreigners, and twenty-seven whose country was unknown. Yet the gentleman had so far forgotten himself as to state the number at thousands!

Mr. LIVINGSTON said he would much rather be charged with ignorance than with designedly publishing a falsehood. He again quoted the article which he still charged the Secretary of State with mutilating. It was not with the construction put upon it (though he thought it a wrong one) that he found fault, but with the misquotation, and he insisted upon it that it was as he had stated it.

The next object was Mr. Adams's letter from the Hague. He did not say this letter was unjustifiable, but referred to it only to show that it was a common thing for Ministers to give opinions of the political situation of the country in which they reside.

The third objection was a misstatement said to be made respecting the impressment of our seamen, which the gentleman from South Carolina proposed to correct from his (Mr. L's) own hand. When he first brought forward this proposition, he was told (he believed by the gentleman from South Carolina himself) that it was impossible to carry his project into execution. Notwithstanding the opposition of that gentleman and others, it was enacted into a law; and, in consequence, a committee was appointed last session to inquire into the operation of the law, and whether any amendment was necessary. He reported that very few collectors had made returns; only five or six had complied with the act. Yet, in the short time which had elapsed since the passing of the act, the number above mentioned had been impressed. No gentleman supposed, when he said there were thousands of seamen in captivity, that he meant to say there were two or three thousand men thus enslaved; he meant no more than that there were a great number. No return had been made from New York and other considerable places. The multitudes of men seized before the act passed were not reported, nor those who have been taken since. He thought, therefore, if forty men were impressed in six months, when the British knew that an act had been passed on the subject, it was but reasonable to believe that there were now thousands groaning in slavery. Mr. L., therefore, trusted that the committee would be convinced that what he had at first mentioned was now confirmed.

Mr. COIT's proposed amendments were then ordered to be printed for the use of the members.

The committee rose, and obtained leave to sit again.

---

THURSDAY, May 25.

The House went into a Committee of the Whole (Mr. DENT in the Chair) on the amendment of Mr. NICHOLAS to the report in answer to the President's Speech.

Mr. GILES rose. He said that he had always been against this form of giving Answers, since the time the practice first began; it was derived from the British House of Commons, which was a bad source for precedents. In that House, however, the Speech and the Answer were both known to be the work of the Minister, and treated with great freedom. Mr. G. thought that it would be better to direct the Committee of Rules and Orders of the House, to make one standing Answer, which would serve regularly for all Speeches. This would be an improper time for such a regulation, but though we could not now get rid of a bad habit, it was not necessary to vindicate it. He said, that Mr. LIVINGSTON had yesterday taken part of the ground which he intended to take. The question before the House amounted to this: shall we recommend it to the President to place all nations on a level as to commerce, and to remove the inequalities between them? To assist him in deciding this point, he would refer to facts and dates; and, as he did not wish to represent things in false colors, he would be glad to be corrected, if he should happen to go wrong. He would begin at the 1st of February, 1793, when England dismissed the French Minister, and the Republic, in consequence, declared war against her. On the 22d of April following, the President declared this country to be in a state of neutrality, and warned the citizens to observe it. At this time, about the 10th May, M. Genet landed and raised a considerable alarm by commencing

an improper correspondence with our citizens. Government from that time took a wrong impression, and acted under the idea of a dangerous French influence in this country. All this was a mistake. Genet was universally reprobated, unless by a few disorderly people, and Government from that trial should have learned to trust us. In consequence of the disturbance that Genet made, many societies entered into resolutions to support Government. Even the pulpit reviled Genet. If execration, disappointment, and contempt, could fill up the measure of punishment, he had it. From the arrival of Genet to that of Fauchet, some sentiments were kept alive, and some phrases that he would review. The *Friends of Order* and the *Disorganizers* were two of them. Then we had the reign of *moderation*, but of so frantic a kind, for the short time which it lasted, as to exercise the greatest of despotism over opinion. This *order*, *moderation*, and *disorganization*, were all gone and no more said about them. Among Mr. G.'s constituents, when notice came of the Western insurrection, they were all ready to march in support of Government; instead of calling themselves the friends of order, they proved that they were so. The country remained from this time in a tranquil state till the arrival of Mr. Jay's Treaty. On the 5th of December, 1793, a Message was received from the President, speaking of France in the most friendly terms. In spite of Genet's quarrel there was no misunderstanding with the Republic, and Mr. G. quoted this circumstance to prove that there was no serious difference till the arrival of Mr. Jay's Treaty. Mr. G. said that he would review what was in the mean time passing in Europe. During the Summer of 1793, Britain made no less than six treaties with different nations, and one stipulation in each of them was that the contracting parties should stop all provisions going to France, and force all other nations to do so. The first of these treaties was made with Russia, on the 20th of March, 1793; the second was with Spain; the third with Prussia; the fourth with the Emperor; the fifth with Portugal; and the last with the King of the two Sicilies. It was said that France preceded Britain in the order for stopping provisions. Britain did not publicly issue such orders until the 16th of June, 1793; but Britain had, in reality, adopted the practice long before. The French orders fluctuated; but, at one time, the United States were exempted from stoppage, when others were stopped. He then noticed the stoppage of provisions to the West Indies; the Orders of the 6th of November, 1793, and the 8th of January, 1794. In the very short interval between these two dates, France had gone on so fast that Britain found it better to ameliorate the condition of neutral States. During this time, England also made a truce for Portugal with Algiers, and this truce has cost us fifteen hundred thousand dollars, besides what it may cost hereafter. Timber had been promised to be cut for the Algerines, of a kind which this country could not furnish in due quality. Some of it was to be brought so far as from the Northwest branch of the Susquehannah. He would pass over Lord Dorchester's speech to the Indians, and the British soldiers and savages joining the tomahawk against our Western frontiers. He mentioned these things, merely to keep them in view. There was something, he said which he could never think of without surprise. This was a conversation between Lord Grenville and Mr. Pinckney. It was related in a letter, dated the 9th of January, 1794, from Mr. Pinckney. It took notice of Lord Grenville telling Mr. Pinckney the desire which the British Government had of maintaining harmony with the United States, and their readiness to support the Government of this country against a dangerous Jacobin faction who wanted to overturn it. Mr. G. said, that this betrayed more interference on the part of Britain than there ever had been on the part of France. From this time our Government had taken a leaning towards Britain. French influence was only a sentiment which we felt for the sake of liberty, but which was sometimes conjured up as a chimera to serve certain purposes. The United States had a real interest in cherishing the sentiment, which never could be dangerous.

As for British influence, it was a matter much more substantial. That people speak the same language with us, are scattered from one end of the Continent to the other, intermarry with us, and have a very great commercial intercourse. Lord Grenville's proposition had led to Mr. Jay's Treaty. As to France trying to engage us in the war, any other nation in the world would be glad to do so. France had addressed the people of America, and was resisted: Britain had addressed our Government; and Mr. G. feared that the latter had not made so firm a stand. While Congress were taking proper measures to check the depredations, Mr. Jay, to the astonishment of mankind, was named Ambassador to England. The treaty was signed on the 19th of November, 1794. The instructions, Mr. G. had never seen, but if we may judge from the treaty itself, they were extremely full. For the making of such a treaty he had never heard a reason, nor had he ever been able to learn one good consequence likely to accrue from it. It had been called an instrument of peace, and its first effect was, that we were summoned to fight with France, Spain, and Holland. One of the articles was that free ships do not make free goods. This was highly injurious both to France and the United States; it implied a breach of the law of nations, because, before you can search for an enemy's goods you must stop neutral ships. This regulation could only be understood as operating against France. If we could not help the practice going on, we should at least have suffered it to stand as it was, without any countenance. All the principal articles of export from the United States were declared contraband, except tobacco, and, indeed, that might be included under the general title of provisions, as people would sometimes be in want of a chew. He spoke of this provision clause as infamous. He referred to Count Bernstoff, Minister of Denmark, who had kept his country in a more honorable

situation than perhaps any other in Europe had done during the present war. Mr. G. read the refusal of Count Bernstoff to comply with the British requisition to that effect. During the armed neutrality, the United States had owned that free bottoms should make free goods. Was there any reason since to alter our opinion? He would be glad to hear gentlemen answer if there was any. He had always said that the provision article was unjust to France, and yet on account of the British Treaty we are to plunge into a war before we know whether we are in the right or in the wrong. Gentlemen who had promoted the British Treaty now came forward to support it, but it would now be more manly to declare at once that we cannot do so. In Citizen Adet's complaints, many articles were unjust and trifling, but this was always the case in productions of that sort. Mr. G. then referred to the speech of Barras: he said that Britain still went on robbing and impressing American seamen. Mr. HARPER had yesterday said that the impressments were few; but how were we to be certain of that? The men are not allowed to write to us, and Mr. Pinckney informs us that vast numbers of them are in French jails. He had always wondered at our having so few communications on this head from the Executive. A law had passed in this House and in the Senate upon this subject, without any information from that quarter. Gentlemen had allowed that it would be just enough to grant an equality of privileges to every foreign nation; but, Mr. HARPER had objected, that if this were granted to France, she would still continue to demand. When she makes an unjust claim, said Mr. G., we should stop; he would not be for going any further. The French had not acted on vague claims; they take neutral and contraband articles; they take the ships, and when they find our seamen on board of British vessels, they threaten to treat them as pirates, and will not allow them to prove that they were impressed.

As for Mr. Pinckney's dismission, he would not say that it was right; he was sorry for it. He gave the gentleman great credit for his behavior; he had acquired as much reputation as, in such an exigency, it was possible to acquire. But Mr. GILES would not say that the dismission was entirely groundless. If he understood the Directory, their meaning was, not that they would receive no Minister; but that he must be vested with extraordinary powers. They, still say, that they hope to keep up harmony with the people of America. This surely cannot be reckoned a declaration of hostility, since the people and Government were the same. Is not this House a part of the people? But though he believed that the Directory wished for an Ambassador Extraordinary, they did not say so, but left us to our own reflections. In this they were extremely right; for such an intimation would have been called dictating to the Government. A gentleman had said yesterday, that this report of an Address was a second Declaration of Independence. Mr. G. had often thought about a year ago, that such a declaration would be well timed, when the British Treaty took away so many of our sovereign rights; then was the time for such a step, and not now. Gentlemen had said, that we were not indebted to France—that she acted on selfish principles; but, said he, in private life are we not always better pleased with the services of a friend when they are at the same time consistent with his own interest? To deny that we had obligations to France, was to contradict our own feelings. He could bring no proof of them, but laying his hand upon his heart, and saying, that he felt them. And are we now to be told, by cold calculating arithmetic, that we owe them nothing? So much had been said about French influence in this country, that the story was now becoming ridiculous. For his own part, he had no communication or acquaintance with any Frenchman on earth. He did not understand that kind of chemical process by which individuals lost all their gratitude, when they got into Government. If the House had been asked to declare war, for that was the tendency of the Speech and report, against any other country but France, he did not believe that there would be one single vote for it. As for an appeal to the people, every thing which came from the press was so; Britain constantly admitted of such. We had seen performances of that kind, than which nothing could more exactly deserve the name; in fact, every newspaper essay was an appeal. Mr. HARPER had told us yesterday of the present President, when Ambassador to Holland, having corresponded with a patriotic club, to whom he wrote letters, which were printed as an appeal to the people of Holland. [Mr. H. said, that they were only addressed to an individual.] But, said Mr. GILES, they desired him to ask leave from Mr. ADAMS to have them printed. Thus our President was corresponding with a democratic society.

Mr. HARPER rose again. If Mr. ADAMS had ever done so, he never would have heard my approbation—they were only a literary society.

Mr. GILES appealed to gentlemen whether this made any alteration. There was a strange cabalistical charm in these words democratic societies. Mr. G. said, that all M. Genet's efforts only showed that there was no such thing in this country as a French influence. He compared the style of the Answer to the President's last Speech, with Mr. Jay's memorial to Lord Grenville; the one spoke of the resources of the country, the other of the virtues of the British King.

Mr. G. did not feel himself degraded by having brought forward that part of the Answer to the President's Speech of last session, which recommended the cultivation of peace. [Here Mr. W. SMITH rose, and seemed to question whether Mr. G. had obtained the insertion of such a passage.] Mr. G. upon this read it, and it was in these words, "and by all honorable means to restore that peace and harmony with France and the United States;" and since Mr. S. would have the whole history of it, Mr. G. would further tell him, that he obtained the striking out of these words on the part of the Republic, and inserting

in their place the word *mutual*. Thus he had saved us from the presumption of saying that we were infallible. He could not help noticing again the very different ground taken in the present Address, wherein we rely on ourselves and our resources, and the memorial of Mr. Jay; wherein we rely on the magnanimity, &c., of the British King. A gentleman had spoken about the falling price of grain, and the bad effects of the French depredations on the farming interest. It was said last year, that the British Treaty would tend to keep the price of grain high; he was then an unbeliever in that doctrine; and since then wheat had fallen from two and an half and three dollars per bushel to a much lower price. Mr. G. was a farmer, and depended on his farm for his whole subsistence; he now sold his wheat for 7*s.* the bushel. At the time of discussing the Treaty a clamor was raised about peace, and what sort of peace has it proved to be? War with three nations in order to keep peace with one! Is not that the fact? We are told that Barras has insulted us. He owned it; but are we to go to war to dissipate the insult? Will the farmer or the merchant be the better for such a project? Will it produce any thing but greater taxes and lesser prices for produce? He hoped that we should not go to war under the idea of obtaining reimbursement. As for expressing our opinions with regard to the mode of negotiating, we had a right to do it, and it was a matter of policy to put all nations on an equal footing with respect to trade. France would think it equal to a declaration of war if this amendment was rejected. And here Mr. G. would stop for one moment to think of the consequences of the war. The first would be a more intimate connexion with Britain—a country convulsed both from without and within, and the credit of whose paper was now gone. Mr. G. said, that there was the greatest similitude between our conduct and that of Britain, before the war, towards France. On the other hand, the Republic, possessing immense resources, has millions of armed men, for whom she cannot find employment at home for many years to come. As to the effects of such a contest upon this country, they would be most destructive; and no one could tell the object for which we were to fight. The adoption of the report, as it stood, was equal to declaring war. The amendment merely recommended a point of good breeding. But yet, gentlemen would rather prefer a rupture. If France had not been the nation referred to, there would not have been one dissenting voice against it. Mr. G. said, it was no secret that the United States had not done justice to France. He concluded by making an apology for having taken up so much time of the committee, and sat down after having been up above three hours.

Mr. GALLATIN said, that the debate had been extended into so wide a field, that the object, which in his mind occupied the first place, was in some measure deprived of that full consideration which time and circumstances demanded. He thought those arguments which concerned the conduct of foreign nations towards each other might as well have been omitted altogether on the present occasion. The members of the committee may be made sensible of the irritation of such discussions, but he believed no one would pretend to say he was fully informed of foreign concerns, on either side, to decide upon their policy or impolicy. At the same time, it should be considered that our own situation, and the best policy to be pursued in that situation, are the only proper objects of our immediate attention, and those alone upon which we can pretend to be properly informed, or to decide with effect.

The question before the House was the amendment proposed by the gentleman from Virginia; and in considering that amendment, he would neither criticise upon terms, nor dispute about any of the nice delicacies of diction. These he considered of but very small consequence, indeed; and he cared not whether gentlemen should prefer "sensibility" to "indignation," or the contrary, so that the substantial ends of our deliberations shall be accomplished, and in a way the most conducive to our national honor and security. He did not pretend to censure gentlemen for the discursive manner in which they had debated on the amendment; he only fixed it as a rule for himself to adhere closely to it; and this he would do by offering such observations upon it as occurred to himself, and as arose from the remarks of other gentlemen; and he would notice the latter before the substantial facts.

It had been objected to the amendment that it was couched in language calculated rather to apologise for the conduct of France towards us, than to assert our injuries. The paragraph objected to was in these words:

"But we flatter ourselves that the Government of France intended only to propose the ordinary diplomatic intercourse, and to bring into operation those extraordinary agencies which are in common use between nations, and which are confined in their attention to the great objects of difference."

This is considered by some gentlemen as an apology for the dismission of our Minister. He would observe upon this objection very briefly; he would not inquire whether our Minister had ordinary or extraordinary powers; but he would consider that part of the amendment in that point of view in which there was no difference of opinion. We all agree that Mr. Pinckney has been dismissed, and no one has said that we should be, nor that we are, precluded from further negotiation. The Speech of the President, with the sentiments of every gentleman of the committee, are united. The amendment, then, appeared to him as an expression of that principle; and he believed that nothing more nor less than that opinion could be found in it.

Let us now remark upon the arguments against the other part of the amendment. A gentleman from South Carolina (Mr. SMITH) has told us, that possibly Mr. Pinckney had extraordinary powers, and, as he was dismissed, we should not agree in that amendment. While we agree in the principle of further negotiation, he could not discern the application of this objection. But

will it be said that Mr. Pinckney had extraordinary powers, and that he could not treat? Surely that would not be maintained. He would take upon him to assert that he had not extraordinary powers; because if he had, the President would either have told us he had, or furnished us with a copy of them; and, above all, because, had he such extraordinary powers, there would have been no alternative for us between submission and war.

Another gentleman (Mr. SITGREAVES) had said that he had no reliance on the magnanimity or the justice of France; that he would not trust to her as disposed to reconciliation; and yet the gentleman is disposed to support that part of the report which approves the purpose to negotiate. He believed that such declarations were not the best of all others to ensure, or even to promote, a spirit of reconciliation. If we were injured, we should not be the less so for a dispassionate representation of our injuries; and animosity is at the best of times an inauspicious temper to negotiate under. He believed, if we should be sincere on both sides, that our disputes would have an amicable termination, and if we mean to evince our sincerity that we ought to be unequivocal.

He would now take up what he deemed to be the substantial part of the Address. He thought it should contain, in one shape or another, a declaration of the disposition to place France on an equal footing with every other nation; and having found it in the amendment, it was with him an additional and powerful reason for supporting it. It says:

"We therefore receive with the utmost satisfaction your information that a fresh attempt at negotiation will be instituted; and we expect with confidence that a mutual spirit of conciliation and disposition on the part of the United States, to place France on the footing of other countries, by removing the inequalities which have arisen in the operation of our respective treaties," &c.

In speaking of this part of the amendment, it may be necessary to notice an objection which had been made to the discussion of the subject in that House, upon the principle of the Constitution, that the President, with the advice and consent of the Senate, is alone competent and authorized to consider and determine upon foreign relations. Would gentlemen then say that this House is precluded from the free exercise of opinion on the most interesting concerns of the nation? Will they say that the Representatives of the people shall have no voice or deliberative weight in questions which go to decide whether peace shall be preserved, or war rendered inevitable? Until they do assert this, or at least until the Constitution declares it—for it is so far fortunate that the Constitution is much stronger than those gentlemen—until they declare this, in the face of the Constitution, it will be the duty of that House to disregard such far-stretched doctrines, and to deliberate fully. But supposing that the House should resolve to express an opinion in terms more strong, or as strong as they possibly could be expressed, and inform the President that we wished for peace on such and such terms, gentlemen must know that the President is not bound by the Constitution to adopt our counsel. We have the right to declare our opinion—he has the right to act; but if he acts contrary to the national opinion, it must be upon his own responsibility.

It is clear, therefore, that we do not interfere with his duties; we do not usurp his functions; and there can be very little reason to suspect that the President will step out of the line of his duties or depart from the plans which his wisdom has formed, in consequence of any vote which we may pass, if it appears to him in itself wrong. If gentlemen would indeed rest upon the authority of precedent, and that derived from foreign and dissimilar constitutions, it would not be difficult to cover the table with quotations from foreign Parliamentary proceedings directly in the teeth of their assumptions, and these, too, from bodies whose rights were not so extensive, whose constitutions were not so free as ours. Gentlemen who insist on foreign precedent, and upon British Parliamentary precedent too, appear not to know or forget that it was a vote of the British House of Commons which terminated the American war; and on a late, but less important, occasion, that it was a vote of the House of Commons that terminated the Russian armament, which was a case not very remote from a resemblance of the present state of our own affairs. But gentlemen, as if conscious of the futility of these assumptions, abandon them for another kind of argument. They say our expression of our opinion betrays a want of confidence in the Executive. This argument would do very well in countries where the Executive was every thing and the people nothing; or where deliberation was only a form and not an essence. But in our free Government he did not know which to admire, the strangeness or the incongruity of the doctrine. He thought that, so far from betraying a want of confidence, he was fully persuaded the President was then waiting anxiously for the opinion of that House, or, at least, to know the opinions of the people. His wishes are for peace; but he is also desirous of ascertaining how far he shall be supported in the negotiations which are to secure it; and this disposition, and this desire, are the necessary result of his situation. He would remind gentlemen that six, seven, or eight weeks have elapsed since the President received advice of the dismission of our Minister, and yet to this hour he has not taken any steps, beside the calling of the Legislature together, towards that negotiation. What does he say to us?—

"Believing neither the honor nor the interest of the United States absolutely forbid the repetition of advances for securing these desirable objects with France, I shall institute a fresh attempt at negotiation, and shall not fail to promote and accelerate an accommodation on terms compatible with the rights, duties, interest, and honor of the nation. If we have committed errors, and these can be demonstrated, we shall be willing to correct them. If we have done injuries, we shall be

willing, on conviction, to redress them, and equal measures of justice we have a right to expect from France and every other nation."

From this explicit declaration of the opinion and intentions of the Executive, he concluded that it was a principal object to obtain a precise knowledge of the feelings of the American people, and that cannot be done in any shape, with a greater likelihood of certainty, than in that House.

But a question has been indirectly made by gentlemen, whether it is proper to offer to place France on the same footing with other nations? This question had indeed been already so well answered that there was little left for him to add, and it might be resolved into the question, What is the law of nations? Because, if there is a precise law of nations, it belongs to all, and must be mutual. This has been discussed in the merits of the armed neutrality, which, whether it contained truly or not the fixed law of nations, was accepted as that permanent law by America in the midst of her Revolution, when it was above all other seasons the least her interest so to recognise it, and which, if there was a doubt, she would have been justified in acting upon to her own salvation and benefit. In like manner the Treaty of 1778 was concluded. But the gentleman from South Carolina (W. SMITH) had insisted, and the Secretary of State, in his letter to Mr. Pinckney, had endeavored to argue, that it was not meant to be permanent. Their arguments had been already so pointedly refuted by a gentleman from New York, (Mr. LIVINGSTON,) that he had to add only one conclusive fact. The gentleman had asserted that the armed neutrality had ceased to operate upon the termination of the war. Now, if it should be found that one Power had entered into that coalition and recognised the principles thereof as a permanent law, the gentleman's conclusions fell at once to the ground. The gentleman had argued that the convention of armed neutrality was not to be permanent, and the Secretary of State had supported, or rather broached, the same opinion. What does that document itself declare? "These stipulations shall be further considered as *permanent*, and shall decide in *all matters* of commerce and navigation; and, in short, in *every case* where the rights of neutral nations are to be determined." To this article he would only add this plain fact, which he found recorded in the history of the armed neutrality, which had been quoted by gentlemen: That, in the year after the conclusion of the war, Portugal had formally acceded to that convention; its provisions concern shipping, and we see a maritime Power acceding to it in the tranquil moments of peace, and agreeing to it as the permanent law of nations; and it is upon our accession to the principle while we were ourselves at war, and when its acceptance was in opposition to our interest, but conformable to our love of justice, and upon our subsequent recognition of it as well in the one case of our treaty with France as with others, that we are now bound to put France upon an equal footing with those to whom we have since relinquished the principle. He did not know any treaties of other nations in which the same principle had not been recognised, unless it was in an instance mentioned of Russia having combined with England to do it away for the temporary end of starving France into a surrender, or, as was the fashionable expression, of blotting her out of the map of Europe. Denmark and Sweden indeed had in some measure given way to the necessity of the times by declaring that they would abide by none but generally received laws, and in this they no doubt acted with a prudence that could not be blamed; and it was right, under a pressure as urgent, that the United States had pursued a corresponding conduct; and, if right in these Powers, it could not be said to be wrong only in the case of France, who, being willing to maintain it, cannot find the other Powers ready or able to render the support mutual and general. But it had been said that America was not bound by her treaty with France not to make this relinquishment to Britain. As a foreign nation, unquestionably she had a right to treat as she pleased, and no other nation had a right to interfere in the acts of her sovereignty; but was it right to acknowledge it in opposition to the law of nations, and to grant it without an equivalent from the only nation that had before denied that law? It should have been the *sine qua non* in our negotiation with Britain—not of war, but a *sine qua non* of negotiation. It would have been our interest and our duty not to abandon the principle, even though our strength did not allow us to support the execution, and we should have left past depredations to have been amicably compensated, but asserted strenuously our security for the future. This is a real, effectual, and not such a fictitious security as we have now obtained. The mischiefs of an abandonment of the principle are to us of immense magnitude.

On the contraband article, the gentleman from South Carolina had found *Vattel*, who was every thing in all other cases, completely void of authority, although Great Britain agrees with *Vattel*. But how is France to be contemned for her maintenance of the doctrine against Britain? The only way to obviate the difficulty is by placing her on the same footing as France in this respect, and specially stipulating that the principle is not abandoned, but granted for a period coexistent to each of the Powers. This will be a lesser evil; but there is little to be derived from either party, and when two Powers are at war, when we are not able to enter into extensive hostility, we had better incur a disadvantage when there is no dishonor, than insist upon objects of subordinate value, which may be in more auspicious times retrieved.

It had been said we should not offer France an ultimatum. He had not heard one reason to show the bad consequences of such a step. He was for giving an ultimatum, and for this very plain reason: because every thing that could be known on this subject by either party was already perfectly understood; but more particularly because Mr. Pinckney informs us the people of France entertain an opinion that we are divided,

which, though true in some cases, would put us on such ground as to show that on the true national points we were united to a man. Those who oppose it on the ground of concession, would do well first to show that what we ought and are certainly willing to allow, can be so considered.

If this amendment should be rejected, or at least the spirit of it should not be adopted, can it be expected that gentlemen who formerly opposed and disapproved of the measures of administration will sacrifice their opinions, as has been insinuated they should? Can it be expected that after the clamor which has been raised with the obvious intention to overawe us—after the Executive has been put up as a kind of shield to stand between us and the truth, and to protect their arguments and irritating measures from animadversion, that we should not rather be the more alarmed for ourselves and more fixed to such measures as we are convinced are just? He had always spoken freely, and he would continue so to do, always preserving due respect for others.

Gentlemen in this discussion have taken a very wide scope indeed, and the gentleman from South Carolina in particular, who is usually very cool, had indulged himself in a poetical flight. He had indeed forgot himself, and launched into assertions for which there was not the least foundation. Speaking of the conduct of the several French Ministers, he had described Genet as making an appeal to the people; Fauchet as fomenting an insurrection, and Adet as insulting the Secretary. The particular point he meant to notice was the fomenting an insurrection. He was willing to allow that his constituents on that occasion had not behaved well; but it must be in the recollection of many gentlemen in that House, that the common cry and charge against them at the time was that they were going to join the British, and even the letter of Fauchet himself declares it to be the case. It is true he would not place much reliance on that man who could write on a subject one day, and sign a certificate to the contrary another; but he believed he was right in saying it was a poetical flight just made to round a period. He had found poetical occupations for his first and last personage, and it was necessary to find some business for this middle person; indeed this was rendered certain, for he had never heard of but one other authority for the flight, for it was never before asserted but by one *Phocion* and William Wilcocks.

The gentleman has, with the spirit of a legislator almost as sublime as his poetical character, told us that he should prefer carrying the question with only a majority of one or a casting vote, than not at all. A majority of what? Of the Representatives of the people?

Thus, then, it appears that this gentleman, who is at turns recommending unanimity and the union of the people, is indifferent about an equal division; content with the unanimity of the Government. So the Senate and Executive agree with a majority carried only by one, the gentleman cares not if the remaining half of the Representatives and their constituents differ upon the question to be decided! We see, then, who it is that really wishes to divide the Government from the people.

But he hoped that such adverse opinions would not prevail in that House; they were baleful to the very happiness of the country, and the due credit of the Government. He hoped that a great majority would be found unanimous in resisting the rashness that would drive us to a war. He hoped that there would not be found one man, *unless it was those who were eager after power or money*, who anticipated, in the desolations of war, the realization of riches by plunder, either as agents, contractors, or one or other of those train of wretches that hover like vultures in rear of battles—that none but such as these would be found eager to involve us in calamities which were too grievous to be yet forgotten among us, and too terrible to be encountered but in the last extremity.

Whatever may be our determination, he said, rash or weak men should not divert us from our sober purposes in the pursuit of measures calculated for accommodation and peace. We could not be too speedy in our decisions; the events on the other side of the Atlantic are so rapid as not to be within our reach or control. We do not know the events which have already taken place. He would not rely on the generosity of any nation in particular circumstances; and there is no knowing the extent to which success might lead men, under a mistaken impression of injury. We ought to lose no time. The haughtiness of France has overwhelmed nearly all Europe on land. What she may do next we know not. Whether she is just or unjust, we should at least not lose time in negotiation, and we ought the more steadily to do this, because there is no man in America, of what party he may be, who will not resist, if resistance is required; therefore, while the conflict is doubtful, we should determine our affairs; and, as the amendment appears to furnish the only grounds upon which negotiation is at all likely to be attended with the necessary effect of securing peace and independence, that ought to be preferred.

The amendment had been opposed on various other grounds: among the most curious, was that of the gentleman from South Carolina, (Mr. W. SMITH.) He says either we have or we have not granted a favor to England in the provision article; and his inferences are, if we have not France cannot complain; but if we have, since she has, by her decree of the 2d March last, taken the same advantage to herself, she has no right to complain. Thus, according to that gentleman's logic, we have done France the kindest favors, whether we meant it or not. He would just observe, and the committee would not forget it, that this sort of argument did not belong to the supporters of the amendment. We say France has no right to assume these immunities; we do not allow it. We say, by virtue of the 2d article of our treaty with France, she cannot insist on it. But supposing we should agree in the gentleman's style, and say, either we are resolved to be at-

tached to Great Britain or we are not; if we were, such arguments might be very properly used to cement that union; but if we were not, in the name of common sense, why object to the amendment? We who propose the amendment say the British Treaty exists; it is the law of the land, and we insist upon keeping it. We confess we have said it was a bad one, and so we say still; but we will not therefore go beyond it with you, France; we shall agree to make you equal, but no more. The gentlemen appeared to coincide in one particular: that was in their opinion of the British Treaty. They felt so sensibly alive to it that they dreaded even to touch it, and yet they insisted that it was universally popular, and that its popularity increased in proportion as it became more known. He would leave gentlemen unmolested in the solacing indulgence of that idea as long as they could persuade themselves into such a fantasy, but he would just suggest to gentlemen that there did not appear to him a likelihood of its gaining a considerable share of popularity on the Western frontier when the memorial of the Spanish Minister shall have found its way into that part of the United States.

It has been several times asserted, that all we can say or do on the affairs with France will be now perfectly useless, for she is determined to go to war with us at all events; and various reasons are assigned for this, among others that she resolved to make us break the British Treaty and to overturn the British trade. Gentlemen might have sufficient authority for the reasoning and they might not; indeed he would not argue it with them on this occasion. He would suppose it possible that France would sacrifice her interest with us to injure that trade which is the vital support of Britain, and commence a war with us on that account. But, if such is really the opinion of gentlemen, ought it not to be the first and most pressing motive with us to adopt measures likely to extricate us from such difficulties? But do gentlemen believe the fact? Do they, who give the President even more credit than he asked on so many occasions, doubt him on this, or have they better means of information on this subject? If they have, why has he not been made acquainted with it? But he still thinks we may negotiate, and consequently entertains no immediate apprehension of a war. This sentiment is expressed in his Speech, and it even makes a part of the report, and consequently those who support that part of the Answer, cannot with propriety oppose the same thing in the amendment.

It is also charged against the amendment that it concedes every thing and asserts nothing. Now, the impression which the amendment made on him was, that if any thing it took higher ground. We all agree as to an insult being given in the dismissal of our Minister; and in the amendment, while we leave open the ground for negotiation proposed by the President, we declare that a repetition of insult will put an end to every friendly relation; and after all, this firm language is said to be degrading!

Mr. W. SMITH, begged leave to offer a short reply. He had been accused of indulging a poetical flight, but the gentleman who accused him appeared himself in that particular to have been indulging a poetical license. He had talked of concessions as if France had not spoliated. We are not about to conclude a treaty of concession, but to enter on negotiation for a treaty of stipulations for equivalents. If we are to usurp the treaty-making power in this House, he hoped we would not forget to do something for America. As to the poetical flight, he appealed to the recollection of gentlemen who had read Fauchet's letter, wherein he pathetically deplores the failure of the Western insurrection by a too early explosion. The gentleman says he is not disposed to make any concessions; but is it not evident that force exists? Does this not invite hostility if we must concede? Do we not admit by this what France seeks, and if she obtains one article of the British Treaty by threats, may we not expect to hear her demand all the other articles by similar means, and the repeal of the law of 1794, and all her other insulting demands? The gentleman had made another extraordinary discovery, that the President seeks our advice. He denied it. He gives us a narrative of the state of the Union, and he tells us he means to pursue negotiations. He calls you to defend your country against external attacks, and be prepared to repel them; but here we work whole days in discussing business that does not belong to us; and perhaps in this great revolutionary change of Constitution, while we are thus employed, the Senate may be doing our duty and debating the means of defence.

The committee now rose, and had leave to sit again.

---

FRIDAY, May 26.

## ANSWER TO THE PRESIDENT'S SPEECH.

The House went into Committee of the Whole, (Mr. DENT in the Chair,) on the amendment of the Answer to the President.

Mr. DENNIS said, being unacquainted with the subject in a manner, and newly honored with a seat in the House, he thought it most prudent to observe silence hitherto, and should still have remained so, had he not observed the ground of some gentlemen's arguments, which had roused him to a sense of his duty. He, under that impression, came forward, not merely to examine many of the arguments introduced on this occasion, but to show his reasons why he could not vote in favor of the amendments now before the committee.

It appeared, from the turn the debate had taken, as though the question was, whether America should enter into a war or not; at least it would appear so to persons attending to the debate. Indeed, he said, he should not be at all surprised if at this moment wagon loads of petitions were on the road from all quarters to restrain this body from entering into a war with the French Republic. Was the question asked of a person who had not heard it, the answer

must naturally be war; whether we should now declare war against the French.

In the remarks he had to make, he could not flatter himself to be able to display the talents which some gentlemen had done; he must content himself with a few desultory observations, and endeavor to direct them as much to the point as possible. It had been the practice of some gentlemen to commence their harangue to the House on the impressions under which they came into the Government. Notwithstanding some observations which had been made on this subject by a gentleman, (Mr. LIVINGSTON,) though a new member, Mr. D. said, it would not be very extraordinary if he were to explain his impressions on first coming into the House; but he should not so take up the time of the committee; nor should he follow the other gentleman, (Mr. FREEMAN,) on the subject of federalism. He had no former errors to amend nor retractions to make; he came forward perfectly untrammelled, in which he was different from the gentleman who opened the debate, (Mr. NICHOLAS,) who said he came forward animated with zeal in behalf of the French nation, because of the powerful combination she had to cope with, and which attempted to rob her of her liberty; also on account of the indifference which seemed to pervade this country, not only to the cause of the French nation, but to Republicanism in general. I once, said Mr. D., had the same impressions; I once felt with enthusiasm the cause of the French, because her aim, her attempt was liberty. I rejoiced in her victories, and felt her troubles; so long as her aim was liberty, defending herself against aggression, I felt in her behalf; but now, in what a situation is she now? No longer the injured, the persecuted, but her victories have made her become the aggressor. No longer is the cause of freedom her aim, but interest, aggrandisement. With her change of conduct, it becomes obligatory for me to change from the approbation I formerly felt in her behalf. She now comes forward to regulate our concerns; I therefore can no longer espouse her cause, and must candidly declare myself perfectly untrammelled to any opinions except my own; not prejudiced in favor of any nation but my own, except their conduct demands that predilection. A greater national change scarce ever passed than that lately displayed by the French nation. Individuals may change from caprice and a thousand passions which attack the mind—this is not material; but, when we see a great and powerful nation changing—changing, from that glow of enthusiasm which has long been borne in the bosoms of Americans, what does it evince? It is a presumptive evidence that some great event has caused it. I come forward with no attachment but to my own Government; I think none so good. I will say that America, every thing in her, and belonging to her, in every respect, is superior to anything in any other country. This may be thought a narrow disposition, but I am not sure that to be more liberal would be to be more politically wise. I then come forward, not to vindicate the cause of France or Great Britain, nor to depreciate the one in violating the dignities of the other, but only to vindicate our own Government, because I think it has acted right. It seems curious to observe that, while all nations are employed in the admiration of our Constitution, our Government, and Administration, our own citizens are the only ones who express dissatisfaction at its form or its conduct. I do not mean to say that all that has been done on the part of the Government, has been critically right. I will not deny but it may have omitted to do what it ought to have done, or done in some cases what had been better let alone; but by the great mass of their transactions, they have assumed a situation as respectable as that of any other nation. The fiery ordeal we had to pass through, amidst conflicting nations, has been as successfully encountered by the conduct we pursued, as by any other path we could have chosen.

I cannot pretend to defend the violations committed by either of the belligerent Powers; they have both acted wrong, so much so as to impress the whole world that we cannot depend upon the "generosity" or "magnanimity" of either. But, the question is, have we sufficient cause to resent those insults? We all agree that an attempt to negotiate will most safely conduct us out of our present difficulties. We agree as to the object; but the manner to effect that object with honor to one nation is the point on which we are divided. An amicable adjustment of our differences, then, I take to be the unanimous wish, but, upon what terms? On a former occasion, it will be recollected that we adjusted a dispute with Great Britain by a treaty; an adjustment not inconsistent with the honor, advantage, or justice, of the nation, but consistent with all. This treaty received its proper ratification by every branch of the Government, and, I believe, is become generally popular; however, if it might not have met the acquiescence, it has the compliance of every one. Notwithstanding what some gentlemen would say upon the subject, I cannot believe, but, had not the prejudice against the British nation been so prevalent, that treaty would have been satisfactory to all; but, notwithstanding that, we have done it to our satisfaction, (I mean by a majority of the citizens,) although it might not be so in the sight of France. She says, by that act we have violated our antecedent treaty with her. Now, the question with us is, whether this assertion has foundation or not? I must say, I believe not. It was not a treaty, offensive and defensive, we made with her, nor to continue forever. This she well knew, else why did she not come forward and say to us, you are under obligation to join us against our enemies! No, they knew the contrary, and therefore could not exact it. We are ready to prove that none of the articles of the British Treaty does in the least contravene that with France.

But, it is observed by some gentlemen, that the article including contraband goods, "that free ships make free goods," is just cause of offence. I hope gentlemen will not be alarmed at my men-

tioning this alleged infraction, because I do not mean to enter into them. I think the gentleman from South Carolina (Mr. SMITH) has fully and most masterly answered all the arguments of the other gentleman (Mr. NICHOLAS) on this subject, and even anticipated all the ideas advanced by the other gentlemen on the same point so fully, that it would be entirely unnecessary for me to enter into the discussion, as I believe it has been fully displayed to the satisfaction of the committée. I shall just observe, sir, on that part of the article referred to which relates to supplying belligerent Powers with provisions, on what has fallen from the gentleman from New York (Mr. LIVINGSTON.) He has put this in a very extraordinary position. Says the gentleman, we should have said to Great Britain, there are cases in which, by the law of nations, provisions are to become contraband. Now, every one knows this! The only doubt which can arise on this occasion will arise, not out of the law, but out of the fact. We always denied that provisions were liable to become contraband unless where one belligerent Power had a well-grounded hope to compel another to peace, or to make a garrison capitulate. Where there exists an appearance of this, provisions, and, I may say, every thing in existence, may become contraband. It depends, then, on facts or existing circumstances. Nations sometimes declare a port in a state of blockade when it is not; neutral nations have then a right to exercise their judgment on that point. So it was when Britain declared the whole French Republic in a state of blockade. We denied the fact, and did not consider ourselves bound by that declaration. But, the gentleman says, if this be the law of nations, why did we recognise it? I answer, he may recollect nations recognising more simple facts than this when against the law of nations, too. It was recognised to make it more plain, for it is more important; if not, not only is the vessel taken, but a confiscation of the property. It might become nugatory and mischievous if not mentioned. It will appear, then, that we have granted no new right. We have stipulated that though these nations may take our provisions it shall not be without an ample consideration. This was altogether an article of our own, and if any nation found fault, it would be more reasonable to expect it would be Great Britain. This position goes to show that it was our interest, and not the particular injury of any nation, that this stipulation was made. But it has been said that we suffer our seamen to be impressed on board English ships, to the great injury of the French. I ask, in what manner have we suffered it? I will grant that the right of complaint is in us; I will grant that, if by partiality or connivance, we had suffered it, there would be just ground of alarm from the French. How have we suffered it? Because a strong nation took advantage of our weakness?

Another gentleman, who went copiously into the subject, says that we have surrendered the right of sequestration. I do not conceive this right when I am under a moral obligation to do it. It is not a surrender merely to say that we will not sequestrate.

The gentleman from Pennsylvania says, could we expect, while we were granting stipulations, that free ships should not make free goods, France would not act upon similar principles? I could not suppose that France would violate her treaty to us merely because it was her interest to do it. But here we complain of depredations committed upon a right predicated upon this supposition. I should not argue with any gentleman on the right of France to act upon the same principle with us, as we by treaty granted to Great Britain the liberty of doing.

The amendment now before us strikes me to present itself in three points of view, and to each of which I object. First, it ascribes all the misfortunes, depredations, and calamities, to the British Treaty, and exposes it in that view to the world. It has been sufficiently demonstrated by the gentleman from South Carolina, that if the British Treaty had never had existence, the grounds of complaint would have been the same, and that they have never been abandoned to the present time. The French Government informs us that those three complaints form but a small part of the long catalogue of crimes they can allege to our charge, and these, by the amendments we seem inclined to acknowledge. They also mention our Judicial and Legislative acts, and an infinite variety of others, which they say America has practised to her injury; and that, until these are removed, they will not come to terms of accommodation; and gentlemen here say they will grant it without even attempting to contradict the assertions. They certainly ought to wait the issue of negotiation, which the President has promised to pursue. But gentlemen seem to take it for granted that the President prevaricates; that he will not negotiate, although he has engaged to do it. They say the British Treaty is the sole cause of the grievance. But the French represent it as only one cause, and without the whole is removed they will not admit our Minister. We must, then, not only nullify the British Treaty, but we must instruct our judicial officers to remove their part of the grievance. We must permit the French to arm in our ports, to fight against nations with whom we are in amity; we are to bring war into our cities while our hands are tied; permit them to sell their prizes in our country, and by these means make enemies of those with whom we are now at peace, under their imperious command. They will take out of our harbors their enemies' ships, because their jurisdiction is paramount. We must give orders to all the Almanac printers in the United States to place their Minister's name first among the list of foreign Ministers. But I object to the amendment, also, upon another ground. It seems to me to create unnecessary apologies for the French, and because it expresses contradiction in itself. It goes further. It seems studiously to lay the whole blame upon our Government; it has followed up the blame cast upon us by the French, that we have not sent a Minister Extraordinary, with

proper functions, &c., and, having omitted to do this, our Government is chargeable. Many apologies have been brought forward by gentlemen to endeavor to clothe this conduct to appear fair; but, notwithstanding their display of oratorical ability on this point, I am not convinced. I only appeal to the feelings of this House on the rejection of our Minister. Gentlemen in general say that we ought not to go to war; that we ought rather to suffer indignity. If they had stopped here, if indignity had been all, and our dearest rights had not been involved, I should have found no difficulty in agreeing with them. With them, I will say that I am not for war.

The gentleman from Massachusetts (Mr. FREEMAN) has read a passage from *Vattel* to prove that they have only exercised their right, and he has said that Republics, in particular, have a right to send away foreign Ministers when they have nothing for them to do. But can the gentleman put his finger upon the place in the law of nations, or good manners, where any nation has rejected a foreign Minister without giving him an audience—refused a passport out of the State, and even thereafter, put him under the jurisdiction of the civil laws? I ask the gentleman, on this occasion, for I am at a loss to know, what could be the reason? Has Mr. Pinckney departed from his instructions? Gentlemen seem to talk about sending an extraordinary Minister to France. I am for it too. But what have we to do with that? It is better becoming us to leave that to the President. He may send Mr. Pinckney, with extraordinary powers, or any other Minister, but this will not satisfy the etiquette of the French. Their demands seem of such a mongrel kind that it is difficult to conceive them. I know no other way, from the least idea I have of their demands, than to call Mr. Pinckney on this side of the Atlantic, giving him the same power as before, but call him a Minister Extraordinary. This word "extraordinary" is a very extraordinary one indeed. This is an extraordinary enacting of Congress, on an extraordinary occasion, to send a Minister Extraordinary, and we, all this while, are, in a most extraordinary manner, exercising the powers in our intended directions to the President.

It is an opinion, sir, that, by offering to the French the same footing on which Great Britain is put by the treaty, they will abandon all their ground of complaint. Now, can this be supposed, when they say they have a "community of privileges?" That they claim, if we have granted privileges to Great Britain, they have a right to the same; therefore, what they can and will take as a matter of right, can be no grievance in our not granting it freely. But the gentleman from Pennsylvania thinks they recede from some ground of complaint; but what particular ground? Should we go to them and give up all into their hands with submission, and not say they have done wrong, and ask redress? Surely, we ought to do it, else where is our neutrality.

But the third which I mentioned is still more objectionable, because it is interfering with the Executive powers. I will not contend, though I do not doubt, that it is a violation of the Constitution, but confine it merely to the ground of prudence. What are we attempting to do? Why, to prove that there is not that unanimity in the Government which it has been supposed. It is to prove to the world that this body cannot trust the Executive with the power of negotiation, although he has declared he means to prosecute negotiation; yet gentlemen seem inclined not to believe him. They will say that he is about to involve the country in a war, and not prosecute any amicable adjustment with the French. If this is not evident, from the amendment, I am at a loss to know what is; and if not, from it, the observations of gentlemen prove the assertion.

According to an observation made, the Government is like a clock; that, if part does not do its duty, the other part will compel it. What does this evince? That if the President means hostility, the House will prevent it; that the House of Representatives take it for granted that the President has done wrong; that, contrary to his own inclination to do us justice, they will compel him; that the Representatives of the people being in favor of the French, and taking their part, will not regard their plunders and violation of right. While they say we are right, the French say, we will not regard the other parts; we will increase in our demands, while they are on our side.

Another gentleman from Pennsylvania says that he thinks the President waits for instructions from us. So, then, the President and Senate have not wisdom enough! Although I have heard of the House of Representatives monopolizing all the power, I never heard that they ever possessed all the wisdom of the three branches.

But it is asked, may we not express our opinions upon this occasion? I think we may as individuals, but not as a body; but if a body, not in this obligatory kind of manner.

There is another amendment which is not taken so much notice of as others. I have said the arguments of gentlemen seem to be predicated upon a supposition that the question is a declaration of war. It is easy to conceive that the greater part of the observations has been distant from the subject; and, while going on this, they might have talked forever, and not been nearer to a decision. Like a writer I have seen, who says, "where the tongue is let loose, in the frenzy of passion, it is the man, and not the subject, that is exhausted." I have heard but one opinion on this subject—I have heard war deprecated from every part of this House. No man is willing to go to war. The gentleman from Pennsylvania has asked if we would like to be taxed? whether the people would like to be plunged into an unnecessary war? I do not think the people would like taxes, and as much disapprove of war, and abominate an unnecessary one. We all want peace, but we differ about the means to preserve it. I believe the best way to preserve it is to let the Executive go on in its own way, in the act of negotiation, while we prepare means of defending our country; that, while we

are not willing to accede to any act of *offence*, we will prepare the most effectual means of *defence*. I ask, is there any reason to expect war? I believe not. But gentlemen say it is probable; it may be. I do not confide in any extraordinary negotiation; but, though I do not think it will be effectual, I am still willing to try it. My principal hopes centre in a change in the spirit and Legislature of the French Government. When they come to reflect on the indignities committed towards our Minister, and those of thirteen other nations, whom they have expelled, they will recall what they have done, and not from negotiation, nor our determination to defend our rights and honor.

I have been sorry to witness so much passion and partiality shown on both sides of the question. We did not come here to advocate the part of France or of Great Britain. It will be time enough to talk of that if a more ripe part of the subject should be presented. If gentlemen had not introduced the extensive arguments they have, and to no purpose, we should have been through the question before now.

I shall again mention that I am for providing a suitable defence, although I should not be willing to leave this city until the House had paid proper attention to the military, and put us on ground of defence. But in my measures with the French Republic, I would be for moderation, not only in words, but in action, which speaks louder, and not indulge that frenzy on either side which must naturally be attended with unpleasant effects. On the whole, I must express my disapprobation of the amendments.

Mr. SEWALL claimed the indulgence of the committee for some observations, in which he should be as brief as possible on this interesting occasion. He had said interesting, without having in his mind the estimate of it which some gentlemen had expressed. He did not consider that the fate of the United States, as to peace or war with the French Republic, depended in any degree upon the present deliberation. He thought the present question, however, sufficiently interesting, when he considered that the determination of it would go far to show the disposition of the House of Representatives as to a provision for the defence of their country, when in actual danger from a foreign Power. He observed this extraordinary session of Congress to be occasioned by the dangers which threaten the United States on the side of France. The President had informed them that in consequence of the complaints of that Republic, and their outrageous depredations on the property of good citizens, a respectable Ambassador had been sent to them; that the object of his mission, as expressed in his letters of credence, had been "to maintain that good understanding, which, from the commencement of the alliance, had subsisted between the two nations; to efface unfavorable impressions; banish suspicions, and restore that cordiality which was at once the evidence and pledge of a friendly union;" and his instructions were to the same effect—"faithfully to represent the disposition of the Government and the people of the United States, their disposition being one; to remove jealousies, and obviate complaints, by showing that they were groundless; to restore that mutual confidence which has been so unfortunately and injuriously impaired, and to explain the relative interests of both countries, and the real sentiments of his own."

Yet this peaceable messenger has been rejected without a hearing; has been threatened and insulted, and has taken refuge in another country. The complaints of France have been long heard and understood; they have been answered by the Department of State of the United States, and the answer remains without reply; but she goes on with her depredations, and at length she has recalled her Minister, and driven away ours. Her open violation of the right of a neutral nation, not only secured to us by the common principles of the law of nations, but also by a solemn treaty, which France claims to hold in force against us, and the contemptuous dismission of our Minister, evince a hostile disposition on her part, and that our danger is imminent. At a moment like this, to find in this committee, among the immediate Representatives of the people, the advocates of the French, condemning the Government of the United States, and acquitting the French Government, or palliating and excusing those violences and insults, of which the circumstances are too prominent to be disguised, this will be proving to them and to the world, that we deserve the character of us which is said to be prevailing in France, and which too probably has encouraged their attack upon us; that we are indeed torn with factions, and that there is a division between the Government and the people of the United States. To him it appeared that a former transaction, rather than the business before the committee, had produced this debate. Those who were once opposed to the carrying into effect the British Treaty, arm themselves as renewing that subject, and lighten up the yet unextinguished fires of that transaction.

If anything can prevent the open hostility which is now feared to be approaching, or can assure the United States of a complete defence, it must be the unanimity of their councils, and the mutual and unabating confidence between the Government and the people.

Three of the gentlemen who have advocated the amendment, have gone into very labored arguments to prove that the complaints made by France against the United States ought first to be remedied, and they urge upon this House immediately to condemn the Government of the United States, and to acquit France.

This proneness to condemn on the one side, and this anxiety to excuse on the other, would, in the transactions of common life, mark the conduct of an enemy, and not of a friend—not even of an impartial judge. Indeed, if they had made good the charges upon which the condemnation is to be brought, they might be excused for their sincerity, whatever might be concluded of their patriotism; but when the charges are inconsist-

ent, unfounded, and unjust, we are at a loss to say what are the motives of their conduct. It is far from being clear upon what grounds the Government of the United States is to stand convicted and self-condemned before the Directory of France; and the gentlemen who advocate their proceedings differ from each other as to the principles upon which they so readily condemn the Government of their own country. The gentleman from New York selects from among the French complaints, three charges, which he conceives to be entirely supported upon certain principles of the law of nations, and to admit of no excuse. The gentleman joins him in condemning the Government, but denies the principles upon which the gentleman from New York had proceeded, and has never conceived them to be a part of the law of nations. Another gentleman from Pennsylvania, with that caution and argument which distinguishes him, relies upon one only of the three charges, and upon this he thinks the Government would have been excusable, if there had been any necessity for a commercial treaty with Great Britain. He would proceed to a more particular examination of the three charges, but would first observe, that when the gentleman from New York could select only three of the many complaints of the French Republic as deserving attention, and had rejected all the others, though urged by them with equal seriousness and determination, it might naturally have occurred to him that these charges did not exhibit the real dangers of the French; that the real question between them and us, was not whether we had forfeited our neutrality by the articles of the British Treaty, of which she complains, any more than whether we had done her an injury by our law of 1794, or respecting the Consular convention, or any other instance of her numerous complaints, but the question is, whether the United States shall be involved and made a party with her in the European war, or whether our rights as a neutral nation shall be submitted to her, and we should violate, in conformity to her wishes, our treaty with Great Britain? In his opinion, it was that treaty which had excited the complaints of the French, but not as applied to any particular article of it. No, it was the treaty itself; and because the United States had thereby forfeited their neutral ground, and become more able to baffle the insidious designs of France for involving us in the European war. He would submit it to the committee, and to their own recollection, whether, from the coming of Mr. Genet, the French have not been incessantly endeavoring to drive us from our neutrality, and to engage us in the projects of war? Even the gentleman from Virginia, who so warmly advocates the French complaints, acknowledges this; but if it were not acknowledged, it would be impossible to resist the evidence which exists at this moment.

He conceived the charges to be examined were immaterial to the present question. He had thought that an Address to the President, in answer to his patriotic and animating Speech, might have rested upon the love of our country which must exist in the House of Representatives; that it would have been given spontaneously, and with one voice, showing that we were aware of the dangers which threaten us, and we thought only of the necessary defence.

Notwithstanding his opinion that the charges were irrelevant to the present question; yet, as they had been brought into view, they ought not now to be dismissed without an answer.

The first charge is, that by the article of the British Treaty the principle is admitted that free ships do not make free goods; and the gentleman from New York says that there is no amelioration of the effect of this principle, and that it is a surrender of our neutral rights; and he will have it that, by the law of nations, free ships make free goods, and defies the contrary to be shown. If there should be an examination of books of acknowledged authority in the purview of the law of nations, their decision would undoubtedly be against him. The law of nations may be considered in its origin as the law of nature, determined by the reason and common consent of mankind, and applied to the conduct of nations, who are to each other as individuals in a state of nature. If such a state may be supposed, the individuals in it are governed by their own natural reason and sympathy; and being without any common arbiter or judge, if an injury happens, it is revenged by force. And so among nations—injuries produce a state of war. Then each party in the war aims at conquest, for the purposes of securing dominion, by lessening the means and power, or by the destruction of its adversary. Hence is argued the right of every nation at war to possess itself of the goods and persons of the nation which has become an enemy. If we can suppose that one nation prosecuting hostilities against another has a right to destroy the persons of their enemy, we may readily allow the right of seizing their property, thereby to deprive them of the means of defence, and to reduce their power. If this may be considered as the general principle, it is for the gentleman to show the limitation and exception which he contends for, and to show some custom, convention, or rule, by which a neutral nation is allowed to protect the property of a nation at war from the rights of hostility and the power of its enemy. The armed neutrality is produced as a convention having that effect; and it is granted that, with regard to the nations who were parties to that convention, a different principle was thereby established, and became obligatory upon them; but it could not become the law to those nations who refused their consent and would not submit to it.

This is also an answer to the gentleman from Pennsylvania, who relied altogether upon the armed neutrality as constituting the law of nations; and he mentioned Great Britain as acquiescing in that convention. But in this he was mistaken, as between the United States and Great Britain: then the law of nations, in this particular, must be understood to have been that free ships do not make free goods; and, as a belliger-

ent Power has a right to seize the goods of its enemy wherever found, a neutral vessel cannot protect them, unless by force of some treaty to that effect. Indeed, the law was formerly carried to a much greater extent; for a neutral vessel, found in the possession of an enemy's goods, was formerly considered as infected, and was condemned, as well as the enemy's property on board. But the principle has been modified in this respect, and now it is argued that the enemy's property shall be prize, and that the neutral vessel shall go free.

Taking it then to be the law of nations, as far as it is generally established, that free ships do not make free goods, this article of the British Treaty affords to France no just cause of complaint. The value of the contrary principle to the commerce of the United States leaves no room to doubt the intents of their desire and endeavors to obtain it as an article of their Commercial Treaty with Great Britain. If their attempts were ineffectual, it would not be contended that the treaty ought to have been refused, or the hazard of war incurred for the sake of this principle. He observed, that the gentleman from Virginia had admitted the law of nations to be as stated by *Vattel*, and as now argued. But, says the gentlemen, though the principle is well established, yet the application of it is wrong; for, although an enemy's goods may be liable, yet it is a violation of a neutral right to enter a neutral vessel for the purposes of search or seizure. But the gentleman having admitted the principle, must yield also what is necessarily connected with it.

The gentleman from New York argued that, admitting it to be the law of nations, the United States should not have agreed to the list establishing it, because unnecessary, and it is made without any amelioration of the subjects. To this he answered, that there is something favorable to the United States in that stipulation. If a vessel is taken or captured on just suspicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war, the vessel is to be carried to the nearest port, and, after the case is decided, the vessel shall be liberated to proceed on her voyage. Besides, it has been long usual to introduce a stipulation to this effect, in commercial treaties, probably with some reference to what has been mentioned, as having been the most ancient rule in the case, and thereby to provide for the restoration of the neutral vessels and goods, which are not to be esteemed to be infected, or rendered liable to confiscation by the enemy's property found with them.

There remains another charge brought against the United States, and which is represented to be of a very heinous nature, indeed. The gentleman from Virginia had spoken of it as a stain in the annals of American history, which nothing can obliterate. It is said to be not only a stipulation unfavorable to France, but that we had contrived a mean pecuniary advantage to ourselves from a sacrifice of our interests.

To this he observed, that, if it is the existing law of nations that an hostile nation has the right of reducing its enemy, by preventing neutrals from carrying provisions into a blockaded port, then this article has given an advantage to the commerce of the United States, and is therefore favorable to the French nation. The risks of a voyage, in which supplies of that kind are undertaken to be carried, are materially lessened by this article. There can be no doubt that, in the case of a blockaded or invested port, provisions are liable to seizure; but, when our vessels are taken going to such place, the full value of the provisions, with a reasonable profit, freight, and damage, is to be paid. This, then, is an heinous offence, the disgrace of our country, which the gentleman endeavors to establish. He had argued that this article necessarily admits the practice of the English, which they claimed to maintain by the law of nations, and had pursued against the United States, but which they had never ceased to complain against—that is, the assumed right of forbidding the carriage of provisions to a large extent of territory, under pretence of some general invasion, or of the particular nature of the war, in which it was their design to reduce their enemy by famine; and this the gentleman from Virginia included, from a supposition that the case of blockade or investment is provided for by another article in a distinct manner from this. But there is no distinct provision of this kind; and what is said of vessels which happen to sail for a port belonging to an enemy, without knowing that the same is besieged, blockaded, or invested, connects itself with the former part of the same article, and may be rather understood to limit the intention of the whole article, than to give a larger extent to the former part. It is plain, however, that the whole article supposes no other case than what arises under the existing law of nations, which, in the cases provided for by this article, was not precisely agreed to; and it is not denied that, under the practice of the English, not only the United States, but Denmark and other neutral nations had complained. And even in this view it is justifiable, as tending to lessen the evil, to encourage the commerce of provisions, and to avoid a war with Great Britain, which the severe exercise of her claim might excite; what, in the existing law of nations, must, in any case of capture, be determined by the courts of law having a maritime jurisdiction, and as the English practice of seizing provisions in the extensive manner contended for by them had never been before allowed, as it is not allowed by this act.

The letter of Mr. Pinckney on this subject, and which has been so triumphantly quoted as determining the law, does not deny the right of stopping provisions from going to a blockaded port, but denies the construction by which the English had endeavored to maintain their novel and unjustifiable practices; and it is of this Mr. Pinckney complains.

These complaints may be also fairly answered together by observing that if there had never been a treaty with Great Britain, and she had main-

tained the same conduct towards us as the treaty authorizes respecting nations with whom she is at war, the depredation to France would have been the same, and the only alternative to us must have been war, or a submission to the construction by Great Britain of the law of nations, and from which her superior force prevents an appeal. As to the increase of the list of articles deemed contraband of war, it was no violation of neutrality, even determining by the Convention of the Armed Neutrality. Here the evidence from that convention concludes against those who would establish this complaint. It ought to be understood that the declaration of the King of Denmark, making a part of that convention, relies upon his treaty with Great Britain, and which expresses and makes contraband the same lists which are enumerated in her treaty with the United States.

If there is a necessity of yielding to France, and giving up principles which are just and honorable for us to maintain, let it be done in the mode pointed out by the Constitution—by the means of discussion between the Minister of the Executive and the Directory of France. He thought it a matter of great importance to the United States that we should preserve those articles in our treaty with France, which give freedom to our commerce in time of war, and which limit the articles of contraband. To suspend our advantages during the present war in compliance with France, if she requires it, would be better than a total relinquishment. The close of this war may give an opportunity of discussing this subject more successfully than it could be done at this time. Perhaps the United States may obtain even from Great Britain to consider and agree to make goods free on board of free ships in all cases but those of actual blockade and investment; we may obtain from her to limit the articles of contraband. If it can be done, it is needless to say that our commerce will be greatly benefited, and in the periods of European war will very much increase. In any view, he asked, why surrender this part of the treaty with France without a reciprocal stipulation as to some articles which are disadvantageous to the United States? Why is this to be done out of the ordinary course, and by the direction of the House of Representatives, without the concurrence of the other departments of the Government? He here anticipated an argument which he had intended to offer in another place, and proceeded to show that the House could have no reason to hesitate in giving their confidence to the Executive, for there had been no remissness of endeavors for entering into a negotiation with France; on the contrary, it would appear from the highest authority that attempts had been made to negotiate, and that the negotiation had been directed to the very object of our present concern; and had there been on the part of France a disposition to accommodate, they might long have had satisfaction upon all the complaints which any of the committee have thought deserving of consideration. He then read from Mr. Pickering's letter to Mr. Adet, dated June 30, 1795, several passages to prove the eagerness which the Executive then discovered to Mr. Adet for a negotiation with France; and having contrasted the conduct of the Executive of the United States, in overlooking Mr. Adet's want of formal powers, with the conduct of the French Directory, who were supposed by their advocates to have driven Mr. Pinckney from France because he had not the character of a special Envoy, he proceeded to read some passages from a letter of Mr. Adet, stating objections to the British Treaty, and the reply of the Secretary in July, 1796; and upon these he argued the eagerness of the Executive of the United States to give France satisfaction on the subject of those complaints which Mr. Adet had offered as objections to the British Treaty. In fact, he was ready to allow that the advantages supposed to be secured to our commerce by the treaty with France, but which, in fact, we had never enjoyed, as France had instantly and openly violated the treaty in this respect, could not be retained unless all nations would submit to the same rule, or unless neutral nations should arm themselves in support of the rights of their neutrality; but, with the United States, the commercial advantages to be obtained would never compensate for the hazard and expense of arming. To concede these articles of the French Treaty, during the period of the present war, was a matter of no importance; but to retain them as a subject for discussion when peace should ensue, and with a view to their being generally adopted, appeared to him to be very important. To make the concession, as proposed by the amendment, was at once to lose our hopes of an equitable arrangement, which might prove so advantageous to the commerce of neutral nations. Suppose, said he, that the amendment before the committee is agreed to, and an Envoy Extraordinary is sent to Paris, carrying with him, not as concealed instructions, but openly, this direction of the House of Representatives to the Executive of the United States, what will the Executive Directory say? "Your Representatives have conceded to France this article of your treaty, and are desirous we should have a right to inflict upon you all the losses which you suffer at the hands of our Envoy." If this Envoy talked of entering into stipulations, they would tell him he had nothing to argue: "You have your instructions from the Representatives of the people—look to them." It would be in vain for him to urge his instructions from the President. They would answer him, "We know your Government; your Executive is separate from the people; it is an idea we have a long time entertained; now you see it verified. The House of Representatives, the immediate Representatives of the people, declare the fact."

I have endeavored to come to this conclusion, for, after all the violations of our neutrality, the depredations and spoliations on our commerce by both France and England have little to do with the question before us.

The question is, whether we will agree to such an Address as will show our disposition to defend our country in case peace cannot be maintained

with France. Whether the United States shall have peace or war with the French Republic, was, in his opinion, to depend upon events over which we have no control.

The French are not pointing their measures against the United States in particular, but they mean to compel all other neutral nations to abandon the British commerce. To this end they have coerced the Republic of Genoa. Their influence has been more direct still upon Geneva, whose Government they have overturned without any open war; they have annihilated the independence of the Dutch, and they lead as in strings the humbled Monarch of Spain. It is not the United States alone that is threatened: Denmark, Hamburg, and Bremen, have heard the mandates of the French Directory, and are required to withhold from any commerce with England. It depends, then, upon the power which France may have to execute these intentions whether the United States shall be alike coerced.

Looking upon this country as involved in the general designs of France, we should provide for our defence before she shall suddenly overwhelm us, annihilate our Government, and reduce us again to the abject state of Colonies. If this cannot be done, we must abide the misery which we cannot avoid. Let us have it to say that we were not negligent in providing against the evil; that our nation did not meet its fate without a struggle; and that we did not at once join with France in producing the misfortunes of our country. Let us have it to say that we have fortified our harbors; that we animated our militia, and armed our shipping; but, after all, that we were forced to submit to events we could not control.

He believed that we had resources in ourselves, and that we should obtain the aid of foreign nations. It is not to be supposed that they will look on inattentive, or that they will be indisposed to join in alliance with any nation likely to be involved in their common calamity. If France has already divided many nations, and by that means overcome them—if she is still rushing on in her mad career, the time may come when all nations, seeing no end to her ambitious projects, will rise together to oppose her. Their united exertions may succeed against the overwhelming power of France, and secure to the nations their independence.

There is a hope that our danger may be prevented by various circumstances. France is yet in a revolutionary state; there are frequent changes in the French Government. A change of men may produce a change of measures, and the apprehension of driving us into a close foreign alliance may have considerable effect in preventing her from prosecuting any hostile intention she may entertain against us.

He did not mean to insinuate that any gentleman in the committee was in the smallest degree under the influence of France. He would attribute observations and arguments unaccountable to him to that sentiment of gratitude to France of which so much has been said.

He thought if we could relieve ourselves in the present crisis by our own exertions, we shall be more secure hereafter, we shall have less confidence in the kindness of France, and we shall become more secure, as we are convinced that our happiness depends alone upon ourselves, upon the love of our country, and the support of the Constitution, and a disposition to defend it against all encroachments from foreign influence or domestic faction.

If the Address to the President is viewed in this interesting light, we cannot hesitate to reject the amendments; we cannot hesitate to leave it to the proper constituted authorities to make the compromise, which we all desire with the French Republic.

He had been surprised to hear it said that the President's Speech was a declaration of war. Nothing can be more contrary to the truth. In what part is the sound of war? Is a recommendation to arm in our own defence a declaration of war? Is it a declaration of war to say we will defend our Government and ourselves? It might be understood that Americans are attached to their own institutions, and will defend them to the last.

The means of this defence recommended by the President are not now under consideration. There is no choice of measures in the report of the Select Committee; there is nothing intimated that implies such an idea. He understood the reported Address merely to express that we will undertake the defence of the country. If the subject had been thus considered, we had been spared from hearing accusations of the Executive, and a debate to settle the articles of a treaty. We ought to leave that business to the proper envoys, and attend to the necessary public defence, which, instead of plunging us into hostilities, is the best mode of avoiding them. A country well prepared for its defence is not likely to be attacked. Are these counsels of war? No, they are counsels of peace. He then read the principal passages of the Address, observing upon their propriety to the occasion, the necessity of declaring the indignation which every one must feel at the insults offered by the French Directory to the Government, and, as it ought to be understood, through them to the people of the United States, and upon the call we now had to vindicate, by a public declaration, the conduct of the Government in maintaining their neutrality, which he himself was of opinion had been perfectly impartial, and from which no one would accuse them of an intentional departure; and observed that the words of the Address which had been objected to as applicable to the Executive departments alone, evidently comprehended the whole Government; and, after some other observations upon the tenor of the Address, concluded with observing that gentlemen were very improperly anxious to provide for a negotiation with France, and to settle the terms, but for his part, he thought that, if we would promote the negotiation as well as prepare against an unfavorable event, our principal care should be to provide for the public defence.

Mr. FINDLEY followed Mr. SEWALL in favor of the amendment, and the sitting was closed by some additional observations of Mr. OTIS, and some remarks upon them by Mr. NICHOLAS.

SATURDAY, May 27.

Two other members, to wit: from Kentucky, THOMAS T. DAVIS; and from Massachusetts, TOMPSON J. SKINNER, appeared, produced their credentials, and took their seats.

ANSWER TO PRESIDENT'S SPEECH.

The House again went into a Committee of the Whole on the Answer reported to the President's Address; when, Mr. NICHOLAS's amendment being under consideration, Mr. BAYARD opened the debate against the amendment. Mr. SHEPARD followed on the same side. Mr. RUTLEDGE also again occupied the attention of the committee against the amendment, and in the course of his observations having noticed some remarks of Mr. SWANWICK, he was replied to by him. Mr. SMITH next occupied the floor in behalf of the amendment; afterwards Mr. DANA, who was opposed to the former part of it, which related to the rejection of our Minister, but in favor of that part which had reference to the placing France on the footing of other countries with respect to treaties, and with some small exceptions to the other parts. Mr. DANA having finished his observations, and it being the usual hour of adjournment, there seemed to be a pretty general wish to take the question, the call for it being very loud; when Mr. HARPER rose, and wished to deliver his sentiments on the occasion. After he had spoken about half an hour, in opposition to the amendment, Mr. OTIS informed the committee that he was sorry to say that the SPEAKER was indisposed, and suggested the propriety of the committee's rising, that the House might adjourn.

The motion was immediately put and carried, and the House adjourned.

MONDAY, May 29.

ANSWER TO PRESIDENT'S SPEECH.

The House again formed itself into a Committee of the Whole on the Answer reported to the President's Speech, and Mr. NICHOLAS's amendment being under consideration—

Mr. HARPER resumed his observations against the amendment, as follows:

Mr. Chairman, at the time the interruption took place on Saturday, by the unfortunate indisposition of the Speaker, I had drawn near to the close of those observations, with which, at that time, I intended to trouble the committee. I shall now resume, as nearly as possible, the same train of remarks, and bring them to a conclusion as speedily as possible. As more time, however, is now afforded to me, I will take a range somewhat more extensive than I had prescribed to myself on the former day, endeavoring, at the same time, to avoid everything not strictly relative to the question on the amendment now under consideration.

[Mr. H. here observed, that he should go a little out of his way, in order to notice and refute some positions laid down by gentlemen in favor of the amendment, which, though wholly irrelevant to the present question, would have a tendency, if allowed to pass uncontradicted, to render the people discontented with the Government. Having concluded his remarks upon this subject, he proceeded thus:]

The scope and object of this amendment is to recommend it to the President, to offer certain concessions to France, in the negotiations which he has declared it his intention to commence. These concessions are understood to relate to the list of contraband, which is more extensive, as stated by the British Treaty, than in that with France; and to the right of taking enemies goods out of neutral ships, which Britain enjoys, and France, by her treaty with us, has given up. In these two points it is the scope and object of the amendment to recommend that the two nations should be placed on the same footing. Hence the amendment is to be considered under two points of view; first, the recommendation itself; and secondly, the thing recommended.

As to the recommendation itself, I ask, is it Constitutional? is it useful? is it politic?

With respect to its constitutionality, everybody knows that the power of negotiation is given wholly to the President by the Constitution, and that of making treaties to the President and Senate. Can the House of Representatives control or direct that power? Can it instruct the President in matters which the Constitution has entrusted solely and exclusively to his judgment? Shall it undertake to instruct him? will he be bound to obey those instructions? Should he think fit to pursue a different course, will the House be justified by the Constitution and their duty in withholding supplies, and in leaving the country without defence? Do gentlemen foresee the dilemma which they are preparing for themselves and for the House; a dilemma in which they must choose between pride and duty, between supporting the Executive in measures adopted against their advice, and leaving the country defenceless, at the mercy of all who may choose to assail it? What possible effect can this interference have, but to lay the foundations of a schism between the different departments of Government?

But admitting such a recommendation to be conformable to the Constitution, in what is it useful? Is it to dispose the Executive to treat? If so, it is useless, for he already has that disposition, and has strongly declared it in his Speech to both Houses. He has declared it as his resolution "to institute a fresh attempt at negotiation, and to promote and accelerate an accommodation, provided one can be made on terms compatible with the rights, duties, interests, and honor of the nation." He has declared that, if we have committed "errors, and these can be demonstrated, we shall be willing to correct them. If we have

done injuries, we shall be willing, on conviction, to redress them." Can there be a spirit more conciliatory; or would gentlemen wish to see the negotiations conducted on other principles?

Is it to give information to the Executive, to point out the course which the public good requires to be taken? But do gentlemen imagine that the Executive is ignorant of the public interest, or less acquainted with it than the House? Is it not notorious that bodies of this kind are always unfit for negotiation? Have not the people declared it, by placing that power in the hands of the President? Can gentlemen suppose that the House possesses, or can possess, all the information necessary, in forming an opinion about what ought to be given, and what ought to be required, in a negotiation with another nation? Can the House foresee all that may happen, to render this offer inexpedient, or useless, or unnecessary, to justify other offers, or to make demands necessary, instead of offers of any kind? What will become of the power of negotiation in the Executive, if the House is first to instruct him, and afterwards to censure him?

Some gentlemen have seemed to think that this amendment would give weight to the negotiation abroad; would strengthen the hands of the Executive, and place him on higher ground. But how is this effect to be produced? By showing, it is answered, that, in making this offer, all the branches of Government are united, and that the ground thus taken will be firmly supported. But must it not be perfectly evident that the best way of giving this impression is, to pursue a conduct and hold a language which will evince a perfect confidence in the Executive, and a determination to support him with the whole force and resources of the country? Then it is, that the offers of the Executive will come with weight, when they come with evidence of union in the Government, and of mutual confidence among the various departments.

Some gentlemen have supported this amendment on the ground that it will give confidence to the people of this country in the Executive: and one gentleman from Virginia (Mr. NICHOLAS) has gone so far as to say, that the people of this country will not support the Government unless its measures are right. Admitting this opinion to be true, (and I am inclined to think it may be,) still it will remain to be inquired, by what means and on what standard the people would form their opinion of the propriety and wisdom of the measures pursued by their Government. Not certainly from the declarations of that gentleman or his friends; because there has not been one measure adopted by the Government since its formation which they have not opposed in the House and out of it, on which they have not set the stamp of their most decided censure; and yet, sir, we have seen all these measures supported and approved of by the people. We have seen the late President, who was in a peculiar manner the author of them, under whose auspices they were adopted and established, in spite of the most violent and persevering opposition from these very gentlemen—we have seen him surrounded with applause, with gratitude, and with thanks, from every quarter of the Union; we have seen the wisdom and firmness of his administration made one very principal ground of these thanks and applauses; and even in a former House of Representatives, where the principles of these gentlemen did so greatly preponderate, when they moved to strike out of an address to this great man a clause expressly approving his administration, as wise, firm, and greatly beneficial to his country, the motion was overruled by a very large majority; and when the address itself, containing this obnoxious clause, was put to the vote, it passed with only twelve nays. Yet gentlemen talk to us, as if they were the standard by which the people would measure the conduct of Government! Sir, the people are not truly estimated by those gentlemen. They are not the blind, ignorant herd which those gentlemen take them to be. They will do in future what they have always done heretofore—they will judge of the measures of Government by the measures themselves, and by the just confidence which they have long placed in those whom they have appointed to administer it; not by the opinions or invectives of this or that set of men, either on this floor or out of doors. Gentlemen ought to be admonished, by the frequent and always unsuccessful appeals which they have made to the people, to give up at length this vain chimera of being able to rule public opinion, with which they have so long suffered themselves to be deluded.

I hold, sir, in my hand a paper from that very quarter where gentlemen probably suppose, and not without appearance of reason, that their labors in the vineyard of opposition have been crowned with most success. It is an address from Mecklenburg county, in Virginia, to their Representative on this floor, and contains sentiments so just, so truly patriotic, and so applicable to the point of confidence in Government, that I cannot help reading it to the committee, though I am sensible it must have already attracted the notice of every individual. [Mr. H. then read the address.]

This paper, sir, affords a most consoling and honorable contrast to the speeches which have lately been heard on this floor. It contains sentiments which I have no doubt are reverberated from the hearts of every American in every part of the Union, and which prove how far the people, even that part of them on which these gentlemen have most particularly relied, are from sharing with them in their want of affection for the Government, and of confidence in its measures. There is nothing in this address to prove that the people in that part of the Union will refuse to support the Government, unless those gentlemen should inform them that its measures were right.

I also consider the recommendation contained in this amendment as extremely impolitic. Is it good policy to show the enemy your eagerness to treat, your eagerness to make concessions? Is it good policy to show to France that you have no

confidence in the Executive, in his wisdom, his information, his patriotic intentions, that you think it necessary to instruct and direct him? Is it good policy to send the Executive trammelled to France; to send him in a situation, where he must either yield to a part of her demands, or go against the recommendations of this House? Is this the way to give weight to his negotiations, or to lessen her demands? Is it true, that there is in this House a majority who do not confide in the Executive? I repeat the question, and I address it not to those gentlemen whose constant employment it has been for eight years past, in the House and out of it, to oppose the Executive and every measure which he was understood to favor, to declare their distrust of him, and endeavor to weaken that confidence so justly reposed in him by the people. I address not myself to these: I address myself to those gentlemen, and some such there no doubt are, who, entertaining just ideas of the Constitution, and reposing full confidence in the Executive, may, nevertheless, be inclined to favor this recommendation, because they think it a harmless thing. I could ask these gentlemen, whether there is a majority in this House who do not think the Executive worthy of confidence in the performance of his Constitutional functions? I could ask them whether they are willing to make this declaration, if they do not believe it? I could ask them whether, admitting it to be true, it would be prudent to tell France so? I would ask them what, beside such a declaration, France can see in this amendment? I answer, and they must, I think, join me in the answer, that she can see nothing else. She will see in it a proof and confirmation of her present opinion, that we are a divided people; that the people are divided from the Government, and the Government divided within itself. This will encourage her to press and heighten her demands; for, seeing us, as she will think, divided, she will remember one part of the Scripture, while she forgets all the rest, that "a house divided against itself cannot stand."

As I believe this recommendation to be unconstitutional, useless, and highly impolitic, I can never give my vote in its favor.

I will now ask gentlemen, who may think the recommendation not improper, whether the measure recommended is entitled to their support? Why should it be entitled to support? Either because it is necessary, or because it is useful; because it is demanded by justice, or recommended by good policy?

If the measure were really necessary, or useful, surely the Executive is as well apprized of that necessity and utility, as well qualified to judge about it, as the House of Representatives: and the thing will be as well done by him alone, and will have as much effect, as if the House were to join in it: the claims of justice can be as completely satisfied in one case as in the other; the ends of policy as completely attained. Though I myself have very little reliance on the usefulness of the measure, and no conviction of its necessity, still I, for one, am perfectly willing that it should be tried by the Executive, and perfectly willing that it should be effected, if the Executive think fit. Neither have I any doubt that it will be tried. The very debate in this House will inform the Executive of the propriety of trying it; and I have no doubt, moreover, that the Executive is disposed to make the attempt, to offer these advantages to France. I know nothing directly of the opinion of the Executive, but I know that those who are about the Executive have this opinion, and are disposed to make this offer to France; not perhaps in the unqualified and unconditional manner recommended by some gentlemen, but on terms consistent with the honor and interests of this country, and with which the public, when it comes to be informed of them, will be satisfied. I, therefore, even if I thought this measure not only useful but necessary, should still leave it most willingly to the President. But as there are gentlemen in the House, who may be inclined to favor the recommendation, from an opinion that the measure recommended is necessary or useful, I will address some considerations to them, by which they may, perhaps, be induced to doubt whether it is either the one or the other.

First, I ask them, how this measure, this concession to France, can be necessary? Do gentlemen contend that this country is too weak to defend her rights; that it must yield to the demands of a foreign Power, merely because those demands are made? I have not so understood them. Supple as their language has been, and submissive as their course of policy seems calculated to become, they have not yet bent thus low. But they have contended that this concession is necessary, because it is right; because justice requires it. And how does justice require it? Because, according to them, having yielded these rights to England by our treaty with her, impartial justice requires that we should yield them also to France.

This argument rests on the ground that Britain does not possess these rights by the law of nations, which point gentlemen have taken much pains, and made many elaborate dissertations, to establish. I shall not follow them through this long diplomatic discussion, which is much better suited to the Department of State, and has there been handled in a very masterly and satisfactory manner. I believe, that when the official paper on this subject, lately published from the Department of State, shall be read and compared with the speeches of gentlemen, very little doubt will remain on the point. I have another reason, too, for avoiding a dispute on the law of nations. Gentlemen seem disposed to treat the law, and the writers on it, with as little respect as the one and the other have received from the nation whose cause they advocate. One Minister of that nation, in this country, has declared those writers to be no better than worm-eaten volumes, whose contents he was happy to have forgotten. Another, at Genoa, declared that the French had taken up arms for the express purpose of subverting the law of nations. After this I should be almost afraid to cite writers on the law of nations, lest I should be told, "that they are worm-eaten

volumes." There is, however, one authority on this point, which perhaps may be acknowledged, and which I will therefore adduce. It is the marine code of France herself; from which it appears, that by the law of nations, and her own laws founded upon it, enemies' goods are liable to capture, in neutral ships.

Sir, it appears from *Valin*, vol. ii. page 250, that, on the 21st of October, 1744, the King of France published a regulation, "concerning prizes made at sea, and the navigation of neutral vessels in time of war." The first, second, third and fourth articles specify all the cases in which neutral ships in time of war may sail free from molestation. Then comes the fifth article, which is in these words: "If in any of the cases specified in the first, second, third and fourth articles of this regulation, there shall be found on board of the said neutral ships, to whatsoever nation they may belong, merchandise or effects, the property of His Majesty's enemies, such merchandise or effects shall be good prize, even though they be not the production of the enemies' country: but the ships shall be released." This regulation continued in force till the 26th of July, 1778, when the King of France, having engaged in the American war, (for the Treaty of Alliance was early in February, 1778,) found it his interest to relax from the principle, in hopes of prevailing on England to do so too. Accordingly on that day he published a regulation, by the first article of which, enemies' property, on board of neutral ships, is declared to be safe from capture by French armed vessels. The article, however, contains the following clause: "But His Majesty retains to himself a right to revoke the permission contained in the present article, should the enemy Powers fail to grant a similar permission within six months from the date hereof."

Hence it is clear, that France not only has asserted and long exercised this right, which she charges us with having conceded to England, but even possesses it at the present moment, and may exercise it, if she thinks fit, without violating the law of nations; she being only restrained in those cases, in which, as in ours, she has renounced it by treaties. All this appears from her own laws and public acts; for her relinquishment of this right in July 1778, having been merely conditional and dependent on a similar relinquishment by England, which has never taken place, may be at any moment revoked, and indeed has been; for, notwithstanding all her clamors against the English for exercising this right, it is very well known that she has constantly exercised it herself from the beginning of the present war.

It may, therefore, be expected that we shall not hereafter be told, by either France or her advocates, that the right to take enemies' goods in neutral vessels is not a right given by the law of nations.

It has, however, been contended that the law of nations, in this respect, has been altered by the Convention of the Armed Neutrality. I will not stop to refute this position, which has been so often and so completely exposed; still less will I undertake to prove what is in itself so perfectly obvious, that the Convention of the Armed Neutrality, being no more than a treaty, is confined, like all other treaties, to the parties who agree to it, and can in no manner affect the general rights of other States, under the general law of nations; but I will remark, that this objection about the armed neutrality, comes with a very bad grace from France; because France, when requested to accede to this Convention of the Armed Neutrality, expressly declined it. She declined it under pretence, that its principles were already established by her regulation of July, 1778. This regulation, however, as has been seen, was temporary and conditional, and left France at full liberty to adhere to the law of nations, or adopt the principles of the armed neutrality, as she might afterwards find convenient. She afterwards did refuse to accede, as appears by the authority of Mr. Gibbon; in one of whose letters to Lord Sheffield, dated September 11th, 1785, and published in the first volume of his miscellaneous works, page 6, there is found this passage: "The other day the French Ambassador mentioned, that the Empress of Russia had proposed to ratify the principles of the armed neutrality by a definitive treaty; but that the French had declared that they would neither propose nor accept an article so disagreeable to England."

This, sir, is a good comment on their former proceedings with respect to this right; and proves that they never meant to renounce it, though they were willing, for a short time and for a particular purpose, to suspend its exercise. It is true, that France afterwards, in the years 1786 and 1787, made a treaty with Russia, in which this right was finally relinquished. The same thing is done in her treaty with England in 1786. But her having so long retained it, and her very agreement at last to give it up, proves most incontestably that she believes herself to possess it, under the general law of nations.

A dispute has arisen, whether the Convention of the Armed Neutrality is permanent in its nature, or merely confined to the duration of the American war. I have been of the latter opinion myself, on the construction of the instrument itself, and of the acts which have grown out of it; and I shall not enter again into the discussion, which I believe to be wholly immaterial; because, whether this convention be permanent or tempory, still it is no more than a treaty, and can have no effect on the general law of nations. I will, however, correct a mistake into which a gentleman from Pennsylvania (Mr. GALLATIN) has fallen on this subject. In order to prove that the Convention of the Armed Neutrality was permanent in its nature, that gentleman has asserted that Portugal acceded to it after the war. But the gentleman has forgot the dates. The accession of Portugal was signed at Petersburg, July, 1782, and ratified at Lisbon, September, 1782. The ratifications were exchanged on the 21st of January, 1783; whereas the provisional articles of peace were not signed till November 30th, 1782. The armistice for suspending hostilities took

place on the 20th of January, 1783, and the definitive treaty, by which the war was really ended, was not signed till September, 1783, many months after the accession of Portugal. That accession even preceded the provisional articles by some months; and yet the gentleman from Pennsylvania has told the committee that Portugal acceded after the war.

The gentleman, however, has given up the point, so strongly contended for by others on the same side of the House. He has admitted that we did not, by the treaty with England, concede to her the right respecting neutral bottoms; but he contends that we should have made no commercial treaty with her till she had relinquished that right. I will, however, ask that gentleman and the committee, whether it is not wise to obtain the modification of a right which operates unfavorably to us, when we cannot obtain its relinquishment? Is it not wise and lawful, since we cannot prevent this operation, to render it as little injurious as possible; to lessen its inconveniences when we cannot quite remove them? This is what the treaty has done; and surely we may do this without asking the permission of France, or giving her cause of offence.

From all this it must evidently appear, that we have not conceded this right to England, since she possessed it by the law of nations; and that we have done France no injury. Consequently, justice does not require us to concede it to her. The argument of necessity, of course, falls to the ground.

Will the argument of utility avail gentlemen any better? They contend, that if not necessary, it would at least be useful to make this concession to France; that if not demanded by justice, it is at least recommended by policy. If so, it may be done by the President without our assistance or advice, and the same good effects will still result from it. But why will it be useful? Will it be valuable to France? Does she want it? Will this concession satisfy her? These are questions which, in my opinion, deserve particular and serious consideration.

In the first place, I would ask how this right can be valuable to France? We are not carriers for Britain. For many nations, indeed, we are carriers, but not for Britain; which, on the contrary, is very considerably a carrier for us. Our produce is often found in her ships; her goods very seldom in ours. Consequently, the right to take British property on board of our ships, is a right of no value to France. Her interest, and a very powerful one it is, consists not in using the right herself, but in taking it away from England. It is not to seize English property in our ships that she is so anxious, but to make French property safe from being seized in them by the English. Could she once accomplish this point, her commerce would float safely in our ships, and England, being prohibited to touch it, would become infinitely less formidable to her. The navy of England would, in fact, become in a great degree useless to her, in a war against France, since it could not touch her commerce secured under our neutral flag; while France, having her commerce thus carried on for her, would be able to employ every ship and every sailor she possessed, in attacking and destroying the commerce and the navy of England. Thus that naval superiority which she so much dreads, and which enables England to counterbalance her power in Europe, would be stripped of all its effects and all its terrors. It is not, therefore, wonderful, that France should be so extremely anxious to deprive England of this right, or so ready to renounce it herself. It is of no use to her, and of infinite use, perhaps necessity, to England.

Accordingly it has been seen, that France, while perpetually urging us to resist the exercise of this right by England, and even quarrelling with us for not doing so, has never hinted the least desire to have it herself. She has not been slow or diffident, everybody knows, in demanding what she thinks useful to herself; and it may, therefore, be most safely concluded, that, since she has not demanded this, she thinks it of no use to her, and does not want it. To show us, indeed, how little she cares about it, she has taken it lately by a formal decree, and yet still continues to quarrel with us, and plunder us.

What reason, then, I would ask, is there for supposing that France will be satisfied by this concession? Does she limit her claims to this? Some gentlemen, particularly one from Maryland, (Mr. S. SMITH,) has said so: but does she say so? Is that gentleman in the secret of her councils, or authorized to explain her pretensions? If so, let him show his credentials. If not, the House must take the liberty of judging, not from his assertions, but from the acts of France herself; from the official papers presented by her Ministers. Let the gentleman from Maryland read these papers. He will find in them a great many pretensions to which he will never submit, but not one word of this. That gentleman has said, that her decree of March 2d, wherein she takes these rights, which gentlemen are so anxious to have conceded to her, ought to overrule all her former acts, to be considered as her *ultimatum*, as the final declaration of her wishes, her claims, and her pretensions. If so, why continue to plunder and maltreat us since that decree? Why send away our Minister? Why refuse to receive another, unless all the grievances of which she has complained, and to the redress of which she thinks herself entitled, shall first be removed? Gentlemen have found in that phrase, "to the redress of which she is entitled," a wonderful restriction of all her demands, and a very conciliatory disposition. But who is to declare which are the complaints, to the redress of which she is entitled? Certainly she herself. And where is this country to look for the declaration? Certainly in the official acts of her Government directed to ours, and not in decrees passed long after, nor in the speeches of members on this floor. The first of these acts is M. Delacroix's summary, delivered to our Ministers at Paris, March 9th, 1796, and containing complaints against the whole British Treaty, against

the interference of our courts with French prizes, and against the construction, put by our Government on the laws of neutrality, and on some articles of the Treaty with France. Next comes the decree of July 4th, 1796, for enforcing these complaints. After that is M. Adet's fifth note of October 27th, 1796, communicating this decree; and last of all comes his manifesto, November 15th, 1796, in which all the former complaints made by himself, his predecessors, and M. Delacroix, are enlarged upon and enforced. On the 12th of December following, the Directory refused to receive our Minister, and declared that they would, in future, receive no Minister Plenipotentiary from us, till all the injuries, of which they had complained, were redressed. What are the complaints here referred to? Certainly those contained in the manifesto of M. Adet: for as the Directory had no doubt given him instructions, as to the manifesto and the time of publishing it, they must have known that it had been published, when they gave this answer to Gen. Pinckney; and to that manifesto, and the complaints contained in it, the answer no doubt refers. As to the decree of March 2d, which gentlemen say, ought to be considered as the *ultimatum* of France, it did not take place till two months afterwards: and to suppose that the Directory, in refusing to receive a Minister on account of grievances complained of, had reference to a complaint made two months after, would certainly be to charge them with a very singular absurdity.

I cannot, therefore, be persuaded that these concessions, so much relied on by gentlemen, will satisfy France, since it is certain that they form no part of her present demands, that she never has asked for them, and that they would be of little value to her, if she had them. This conclusion is greatly strengthened by the consideration, that although she had possessed herself of these rights by the decree of July 4th, 1796, and still more formally expressed by that of March 2d, 1797, she still continued to pillage and maltreat this country, under the pretext of other complaints; whereas, had these rights now proposed to be ceded to her, been the sole or the chief object of her desires, she would have ceased to complain and plunder, as soon as she had seized them.

I should be glad to hear what use is to be made of this conclusion. Is it to dissuade our Government from making the offer to France? No; I, for one, wish the offer to be made, and I have no doubt that it will be made, whether recommended by the House or not; but to dissuade the House from relying too much on the efficacy of this offer; to dissuade them from regarding this offer as in any degree an effectual mean of satisfying the demands of France, of checking her insolence, or of restraining her aggressions. To prevent them, if possible, from being led, by confidence so false, into a neglect of those decided and energetic measures of defence, on which the success of the negotiation must entirely depend. This idea, I believe, cannot be too much pressed upon the House. I conceive it to be of infinite importance in the present situation of our affairs. I am persuaded that our only hope of avoiding war or disgrace, lies in a strict and practical attention to it. In order to enforce the more effectually its importance, I conceive that it will be highly useful to inquire what the real wishes and objects of France are, as well as what they are not. In order to find out this, it will be proper to ask what has been the scope of her policy in this country? And what is the ground of her anger at the British Treaty? For my part, I have no doubt that the whole scope of the French policy towards this country has been to draw it into the war against England, and the tendency of the British Treaty to defeat this project, the whole ground of their animosity against that instrument. It is, in my opinion, a vain delusion to suppose that France has conceived this mighty resentment, and is committing these unheard of outrages, on account of this or that article of treaty, this or that advantage given to another nation, and withheld from her. It is the treaty itself which has given her offence; and its tendency to preserve peace between this country and Britain is the ground of that offence. If it should be asked, how this appears to have been the drift of France? I answer, that it appears, in the first place, by the instructions to Genet. These instructions have been given to the public by M. Genet himself, in order to justify his conduct in this country. They must still be fresh in the recollection of most persons; but as there may be some who have not particularly attended to them, or have forgotten their tenor, it will not be improper to cite some of the most remarkable passages. "The Executive Council (says M. Genet) are disposed to set on foot a negotiation on these foundations, (the overtures made by General Washington and Mr. Jefferson for a new treaty,) and they do not know but that such a treaty admits a latitude still more extensive, in becoming a national agreement, in which two great nations shall suspend" (this, sir, should have been translated unite,) "their commercial and political interests, and establish a mutual understanding, to befriend the empire of liberty wherever it can be embraced, and punish those Powers who still keep up an exclusive colonial and commercial system, by declaring that their vessels shall not be received in the ports of the contracting parties." Thus it appears that this treaty is not only to be a commercial, but also a political union: that we are to assist in extending French principles and French influence, under the name of guaranteeing the sovereignty of the people, and befriending the empire of liberty; and that, in order to accomplish this end, we are to shut our ports against all the Powers who maintain an exclusive commercial and colonial system; that is, against the English, Spaniards, Danes, and Dutch. This amounts in substance, and almost in name, to an alliance offensive and defensive with France.

Lest, however, her views should be misunderstood, she has gone on, in the instructions, to explain them in a manner still more clear and explicit. "As it is possible, however, (continues M. Genet,) that the false representations which

have been made to Congress of the state of our internal affairs, of the situation of our maritime force, of our finances, and especially of the storms with which we are threatened, may make her Ministers, in the negotiations which citizen Genet is instructed to open, adopt a timid and wavering conduct, the Executive Council charges him, in expectation that the American Government will finally determine to make a common cause with us, to take such steps as it will appear to him exigencies may require, to serve the cause of liberty and the freedom of the people." This passage, sir, assuredly can require no comment. In the supplementary instructions the system is more fully developed. And, indeed, the passage relative to the point under consideration is so conclusive, that I will cite it entire. These are the words: "The reciprocal guarantee of the possessions of the two nations, stipulated in the eleventh article of the treaty of 1778, can be established upon generous principles, which have been already pointed out, and shall equally be an essential clause in the new treaty, which is to be proposed." In order to understand this, it will be necessary to recollect that the treaty of 1778 was purely defensive; so that France could not claim the guarantee in a war, in which she should be the aggressor. As she was then preparing to attack England, against which she declared war within less than a month after these instructions were signed, this defensive guarantee would not answer her purpose. She therefore evidently wished to make it offensive and defensive. For had she meant to remain on the defensive herself, the defensive guarantee would have been sufficient, and she would have wanted no other. The instructions then proceed thus: "The Executive Council, in consequence, recommend it especially to citizen Genet to sound early the disposition of the American Government, and to make it (the guarantee) a condition *sine qua non* of their commerce with the West Indies, so essential to the United States. It nearly concerns the peace and prosperity of the French nation, that a people, whose resources increase beyond all calculation, and whom nature has placed so near our rich colonies, should become interested by their own engagements in the preservation of these islands. Citizen Genet will find the less difficulty in making the proposition relished in the United States, as the great trade which will be the reward of it will indemnify them in the end for the sacrifices which they may make in the outset; and the Americans cannot be ignorant of the great disproportion between their resources and those of the French Republic, and that for a long period the guarantee asked from them will be little more than nominal for them, while on our part it will be real, and we shall immediately put ourselves in a condition to fulfil it, by sending to the American ports a sufficient force to put them beyond insult, and to facilitate their communication with the islands and with France." Thus it manifestly appears that an alliance, offensive and defensive, in the war which she meditated against England, was to be formed with France; that the object of this alliance was to be the preservation of her islands, and commercial privileges its reward; that we were to make sacrifices in the outset, and be reimbursed by these privileges; and that a French fleet was to be sent to our coast, for our protection. In other words, we were to become the carriers and servants of France, and she was to defend us against England.

This point indeed is so clear, that it has been admitted by the greater part of those who possess any information on the subject. Many gentlemen, however, are of opinion that when Genet was recalled, this system was given up by France. But I ask these gentlemen, what was the real motive of Genet's recall? Was it to disavow his plans, or to satisfy our complaints? Certainly not. His violent and foolish proceedings, which counteracted the plan instead of promoting it, were no doubt intended to be censured, and there probably was a disposition to coax and flatter our Government, by the recall of this Minister, in order to prepare it better for that insidious policy, which was to be adopted by his successors. The true cause, however, of Genet's removal was the fall of the Brissotine party, to which he had belonged; and every person connected with or employed by which Robespierre had removed. Hence the Consuls in America, against whom we never had complained, were removed, as well as the Minister. But did the French Government disavow the instructions or the proceedings of M. Genet? Did his successors relinquish his claims and pretensions? Certainly not. On the contrary, they were all renewed and perpetually urged by those gentlemen, who never ceased to talk to us about efficacious measures against England, about a vigorous reaction. And in the manifesto published by one of them, (M. Adet,) the whole of Genet's measures were expressly revived, and all his complaints renewed and enforced. Even that appeal to the people, which he was disgraced for threatening, was actually made by this manifesto.

The policy of France to draw this country into the war, appears also, from the clamor raised by her and her partisans against the Proclamation of Neutrality. This clamor is fresh in the recollection of us all. Genet cried out against this proclamation; Fouchet indirectly complained of it, and Adet stigmatized it as insidious, perfidious, and "a cloak under which this country presented England with a poniard, to cut the throat of our ally." Societies passed resolutions against it; orators declaimed, and newspapers teemed with abuse. Whence all this, if the object had not been to engage us in the war? Had France, as she pretended, been desirous of our remaining in peace, whence all this rage at the measure, the only possible object of which was to preserve peace? That such was her object is moreover manifest from the measures themselves which she wished us to adopt; for it is impossible to suppose her Government ignorant of the direct and necessary tendency of these measures to bring us into a quarrel with England.

In the first place, she wished us to resist and repel the right, claimed and exercised by the Bri-

tish Government under the law of nations, of taking the property of their enemies on board of our ships. She constantly urged us, not only to deny this right, but to resist its exercise in an efficacious manner. But could she have imagined that England would yield this right to us? She knew that the English, when France, Spain, Holland, and the United States, were in arms against them alone, had refused to yield it, though pressed by the formidable combination of all the neutral Powers, with the Empress of Russia at their head: a combination supported, too, by the united maritime strength of Prussia, Sweden, and Denmark. She knew that, after the American war, Russia, whose treaty with England expired in 1786, and who, as a Power desirous of extending its navigation, was extremely desirous of this concession, had never been able to obtain it from England.

Sir, England has constantly refused it to the formidable fleet, the immense strength, the overbearing influence, and the wise and vigorous Government of the Empress of Russia. She has constantly refused it to the united solicitations of Sweden, and Denmark, and the Hanse towns; though she has carried on a very extensive and important commerce with all those nations. She has constantly refused it, in time of peace, to all of them. To France, indeed, she conceded it in 1780, because she gained great equivalents, and had no interest in withholding it from her, as she could never expect to be engaged in a war without having France for her enemy; and in that case the stipulation could not operate. But what did she say to those nations who might remain at peace, while she and France should be at war—such as the Russians, Swedes, Danes, and Hanse towns? She said, "I will never relinquish this right to you; because it would enable you to become the carriers of France, whenever she is at war with me; and she will thereby be enabled, in her turn, to employ all her ships and sailors in attacking my commerce, while hers will be safe under a neutral flag." In the year 1793, indeed, when Russia entered into the coalition against France, Britain made a temporary cession to her of this right, because the reason for which it had been withheld could not operate, while Russia as well as England was at war with France; but even then she would not entirely relinquish it. All this France perfectly well knew; and, knowing it, could she suppose that England would relinquish this right to us, who had not a single ship of war, when she had refused it to the vast force of the Armed Neutrality—that what she had refused to so many powerful nations she would yield to a people who, though possessing vast resources, could not call them into action without great injury to themselves, and much delay? that what she had refused in time of peace she would surrender in a war, where not only her success, but her very existence, depended on the support of her naval power—and surrender it, too, to that very nation, which, possessing the greatest number of ships and sailors, was most capable of exercising the right to her injury and destruction? No, France expected no such thing. She knew that England would not surrender the right; and when she so warmly and pertinaciously urged us to resist the exercise of it, she could have had no other view than to set the two countries to quarreling. England, she well knew, would not yield. Should we persist, a war must immediately take place.

The same, sir, will apply to the measures she wished us to adopt respecting the impressment of seamen in our ships. It is well known that England insists on a principle, by which all persons once her subjects always remain so, unless the right to their allegiance has been given up by the Government itself. This is the case with all persons born in the United States, or settled in them at the Treaty of Peace. From these she claims no allegiance. But such as have come here since the treaty she still considers as her subjects, and claims the right of treating them as such, whenever she finds them on her own territory, or on the high seas, the common territory of nations. Of this description there are numbers of sailors on board of our ships, and she claims a right to impress them. This right I do not mean to defend; I know that in its exercise it is liable to great abuse, and is particularly inconvenient to this country; but it is claimed and exercised by France herself, and by every other nation, as well as England. Yet France has constantly urged us to resist the exercise of it by England. We have done every thing in our power to induce England to renounce it, and, not succeeding in that, we have taken all proper steps to remedy and prevent its abuse. But this does not satisfy France; she urges us to resist the right itself. Why? Because she supposes that England will yield it? No, sir; no such thing. She well knows that England will not and cannot yield it with any regard to her own safety; it being of the last importance to her in a war like the present, where she has every thing staked on her maritime exertions, to prevent her seamen from passing from hers into neutral ships, where they get better wages, lighter duty, and are free from danger. France well knows, therefore, that England will not yield this right, and this is precisely the reason why she urges us to resist it; because such a resistance must immediately produce a quarrel between Great Britain and the United States.

The same spirit is visible in her other demands; all of which tend to the same point. She wished us to adopt a construction of the treaty that would have given her complete possession of our ports, and shut them to England. She would have armed vessels, and enlisted crews, in our country; she would have sold her prizes here; she would have taken the merchant ships of England on our shores, and in our very rivers; and our courts must not have interfered. No English ship of war could have entered our harbors, which she would not have expelled by simply affirming that it had made prize on her citizens, no matter whether lately or four years ago, whether in the East Indies, the West Indies, Africa, or Europe. Could she have imagined that England would see all this partiality, all these favors to its enemy, with-

out anger and jealousy? Could she have imagined that bitter complaints, or irritating remonstrances, on the part of that country, would not take place? Certainly she could not. She knew that anger, jealousy, and irritation would necessarily be excited; she knew that a system which, under the name of neutrality, would have all the effect of an alliance with her, must produce resentment and remonstrance on the part of England, and that these, added to the ancient animosities not yet extinguished, but heightened on the contrary by recent injuries, must speedily end in hostility.

Sir, the plan of ambition and aggrandizement, pursued by France in Europe, affords additional proofs of her policy respecting this country. I have no doubt, that any gentleman, who will carefully examine the subject, will be convinced, that France deliberately attacked Austria as well as England, and of her own accord, and, in pursuance of a regular system of policy, lighted up the flames of the present war. I shall not, however, stop to examine that question, which would require a minute and tedious detail of facts, and is by no means essentially necessary in the present deliberation. Whether France began the war from projects of dominion, or was driven into it for the defence of her independence, is, in some degree, unimportant at present; since it is perfectly evident, and has indeed been admitted on all sides, that with whatever motives the war began, it has long since been a mere contest for power. In this contest, France, having detached Prussia from the alliance, enslaved Belgium, subjugated Holland, and obtained an absolute control over the Government and forces of Spain, found her progress resisted by nothing but the firm persevering courage of Austria on one side, and the vast maritime power of England on the other. Accordingly, she bent all her efforts to weaken and destroy these two Powers, and left nothing unattempted to divide them. She made continual efforts to induce the Turks to fall on the house of Austria on one side, and to arm Prussia against it on the other. She offered to divide its spoils with Prussia, in order to engage the avarice and ambition of that rival Power, by whose assistance she might break the strength of Austria, and then rule both, with the rest of Germany. As the fear of Russia has kept the King of Prussia in awe, and restrained his enterprises, she has left no stone unturned, to lull the new Emperor of Russia into security, and obtain his acquiescence. By thus raising up enemies against Austria on every side, and pressing upon it at the same time with her whole military force, she is attempting to compel it to relinquish a large part of its territories, and make a peace separate from England. But she constantly refuses either to give up her own conquests, or to make a peace in which both England and Austria should be included. The policy of this is obvious and important. Could she, after having stripped and weakened Austria, succeed in detaching it from England, she would be left free to turn her whole undivided force against that rival nation, so long the great object of her jealousy and hatred, and whose maritime superiority, it has been her policy, for a century, to reduce. In the meantime, she leaves nothing unattempted to accomplish this purpose; and knowing that the naval strength and pecuniary resources of the English depend on their trade, she resolves to assail their trade in all possible ways. Hence her former and recent attempts to exclude English vessels from every port. Hence her instructions to Genet to draw us into an alliance, one condition of which is to be the exclusion of English vessels from our ports. Hence her threats to Portugal of an invasion by Spain, unless English vessels are excluded from the Portuguese ports. Hence her recent attempts of the same kind on Denmark and the Hanse towns.

To the success of this project against the commerce and navy of England, the aid of the United States is of the highest importance, and is so considered by France. I have it from the highest authority, that the plan of a maritime coalition against England, was early formed by France; that to the completion of it the accession of the United States was alone wanting; and that that accession was requested and refused. The pretence of this coalition, was to reduce the exorbitant maritime power of England, and prevent her tyranny over the other commercial States. The object of it was, and the certain effect of it if successful would have been, to break down England; by which means France, who came next to her in naval power, would have been left to reign unrivalled and uncontrolled in her stead. The United States would have been the most important member of this coalition. The great number of their ships and sailors would have enabled them to become the carriers of France, while she should employ all her maritime resources in attacking England. Their privateers also would have struck a deadly blow at the English commerce; and the use of their resources and their ports to France would have given her a decided superiority in the West Indies, and obliged the English to send so great a force there, as greatly to weaken their operations everywhere else. Hence it is evident that France could have no ally so important to her, in the naval war against England, as the United States. Indeed, without their assistance, she could have no hopes of success in the West Indies. Accordingly she took steps to secure this assistance, as soon as she began to form her project against England, and has pursued them ever since with the most unwearied perseverance, and by every expedient of threats, promises, flatteries, fraud, and intrigue.

It being, as I conceive, perfectly manifest from all these considerations, that the plan of France has always been to draw us into the war, the House is furnished with a ready solution of her anger against the British Treaty, and a clue to all her present measures. It is evident, that her anger at the treaty has arisen entirely from its having defeated her plan of drawing us into the war; and it will readily appear, that the whole aim and object of her present measures are to

compel us to renounce it; to drive us into that quarrel with England, into which she has failed in her attempts to entice us. She must either mean this, or she must mean seriously to attack us, and drive us into a war against herself. To discover which of these is her real object, what is the true motive of her present measures, is of the utmost importance; because, till that is done, it will be difficult to determine in what manner those measures ought to be counteracted, which is the point immediately under consideration. I can never believe that it is the intention of France seriously to attack this country, or to drive it into a war against herself. She has too much to lose and too little to gain by such a contest, to have seriously resolved on it, or even to wish it. In her councils, I have observed great wickedness, but no folly; and it would be the extreme of folly in her to compel this country to become her enemy; especially in the present war, when we can throw so formidable a weight into the opposite scale. France well knows our power in that respect, and will not compel us to exert it. She well knows that we possess more ships and more seamen than any country upon earth except England alone. She well knows that our sailors are the most brave, skilful, and enterprising in the world, and, that by arming our vessels, our commerce would soon be made to float safe from privateers; while her fleets and large ships would be kept in awe by those of England. She knows that in the late war, the State of Massachsetts alone, with its privateers, took one-third of all the merchant ships of Great Britain; and that, though she had no commerce to be attacked, these maritime materials, greatly increased since that time, would enable us, if driven to the necessity, to create speedily a formidable marine, with which we could not only defend ourselves, but attack her possessions. She knows that we have a population not far short of six millions, and that the martial spirit which conducted us gloriously through the trying scenes of the late war, though dormant indeed, could not have been extinguished. She knows, that by co-operating with the English, (a co-operation which must result naturally from our being driven into the war,) by opening our harbors to their ships, permitting them to arm, refit, and victual in our ports, to recruit among our seamen and to employ our vessels as transports, we could give them a most decided preponderance in the American seas, under which her own colonies, and those of Spain and Holland, which she most justly considers as her own, must speedily fall. She knows, that in case of a war with us, Spain and Holland, who must be her allies, would be within our grasp. She knows that the Americans could and would lay hold of New Orleans and the Floridas, and that they are well acquainted with the road to Mexico; and she would dread that enterprising valor which formerly led them, through barren wilds and frozen mountains, to the walls of Quebec. She knows, in fine, that to drive this country into a war with her at the present juncture, would bring about that co-operation of means, and that union of interests and views between us and the English, which it has been the great object of her policy to prevent, and which she had undertaken two wars, in the course of half a century, for the sole and express purpose of breaking. It is, therefore, I think, impossible to conceive, that France means to drive or provoke us into war. Her object, in my opinion, must be altogether different. It must be to compel us to renounce the British Treaty, and renew all our differences with that nation, under circumstances of irritation which must speedily end in a rupture. What has led her to form this project? From whence could she derive hopes of success? She has been led to form it, in my opinion, from a persuasion, erroneous indeed, but favored by many appearances, that we are a weak, pusillanimous people, too much devoted to gain to regard our honor, too careful about our property to risk it in support of our rights, too much divided to exert our strength, too distrustful of our own Government to defend it, too much devoted to her to repel her aggressions at the risk of a quarrel, too much exasperated against England to consent to that co-operation, which must of necessity grow out of resistance to France. Various occurrences have combined to produce and confirm this persuasion, and the forbearance which our Government has exercised towards herself, is not the least of them. She has seen us submit with patience to the insults and outrages of three successive Ministers, for the very least of which, she would have sent the Minister of any nation out of her country, if not to the guillotine. The Minister of the Grand Duke of Tuscany, with whom France had recently concluded a treaty, learning that the daughter of Louis the Sixteenth was to be sent out of the country, requested permission to pay her a visit. This request to visit an unfortunate young lady, the near relation of his Sovereign, and whose tender age no less than her sex, her virtues, and her calamities, entitled her to respect, was answered by an order from the Directory to quit the territories of the Republic. His expression of a wish to show one mark of regard to virtuous misfortune and suffering innocence, was considered as an affront by the Government of France, and punished by the instant dismissal of the Minister. Accustomed to act thus herself, how can she impute our long suffering and forbearance, under the perpetual insolence and insults of her Ministers, to anything but weakness, pusillanimity, or a blind devotedness to herself? The conduct of gentlemen on this floor, too, has more and more confirmed her in this injurious opinion of us; has confirmed her in the erroneous persuasion, that there is a party in the very bosom of the Government devoted to her interests. I do not mean to charge gentlemen with acting under French influence. I am persuaded that, in the course they have taken, they believed themselves to be aiming at the good of their country, which they supposed might best be promoted in the manner recommended by them. But I would ask those gentlemen, and I solemnly call on them

to lay their hands on their hearts and answer me—I would ask them, whether the course of conduct which they have pursued is not calculated to impress France with a belief, that they are devoted to her interests and not to those of their own country? Whether the manner in which they have always connected the interests and wishes of France with their opposition to the measures of this Government does not necessarily tend to create and confirm this belief? When she saw them constantly making it a ground of opposition to measures, that they would be hurtful or displeasing to her; constantly supporting those plans which she was desirous of seeing adopted; constantly opposing all that she opposed; what could she infer, but that they were a party devoted to her views? As she knows their numbers and importance, and has these apparently strong reasons for relying on their attachment, what can she conclude, but that however unable they may be to direct the Government according to her wishes, they will be ready and able so to clog its operations as to prevent it from adopting or pursuing vigorous measures against her? She no doubt does believe, and there is evidence of the fact from the most respectable quarter, our Minister in that country, that she has nothing to do but press hard on the Government, in order to lay it, bound hand and foot, at the feet of this party, by means of which she might then govern the country. She is further confirmed in this belief by the conduct of the people of this country; by their warm partiality for her cause and her nation; by their enthusiastic exultation in her victories, and the fond, sympathising sorrow, with which they mourn her disasters. Mistaking the source of these generous emotions, she has seen in them nothing but the proof of a slavish devotedness to herself, which would render this people incapable of asserting their own rights, when it must be done at the risk of her displeasure. She does not know, nor can she be made to understand, that it is the cause of liberty in which she is thought to be struggling, that inspires this enthusiasm, and that, should she change her conduct, and abandon the principles which she professes, these generous well-wishers would be found among the firmest of her opposers. A similar mistake she committed with respect to England, and that mistake further confirmed her original error. She saw much resentment excited by the attacks and outrages of England, and she supposed that resentment to be deep-rooted and durable. She did not know, and could not conceive, that, when England had given up her injurious pretensions for the future, and agreed to make a fair and just compensation for the past, we should forget our resentments, and cherish sentiments of mutual and friendly intercourse. She supposed these resentments to be far more deeply rooted, more universal, and more permanent, than they really are, and relies on them as a certain means of preventing any union of interests and operations between us and England, however recommended by policy or even required by necessity.

In all these delusions she is confirmed by the conduct, the speeches, and the writings, of persons in this country, both our own citizens and hers; by the information and opinions of some of her citizens, who, having resided here, have carried home with them those erroneous opinions which foreigners generally form about countries they visit; and it is to be feared by the behaviour too of some of our citizens in her own country, who, forgetting the trust reposed in them, and the situations in which they were placed, allowed themselves to pursue a course of conduct and conversation calculated to confirm France in all her unfounded and injurious opinions respecting this country. Supposing, therefore, that the people of this country are unwilling to oppose her, and the Government unable; that we should prefer peace with submission, to the risk of war; that a strong party devoted to her will hang on the Government, and impede all its measures of reaction; and that, if she should place us by her aggressions in a situation where the choice should seem to lie between a war with England and a war with her, our hatred to England, joined to those other causes, would force us to take the former part of the alternative; she has resolved on the measures which she is now pursuing, and the object of which is to make us renounce the Treaty with England, and enter into a quarrel with that nation: in fine, to effect by force and aggressions, that which she had attempted in vain by four years of intriguing and insidious policy.

If such are her objects, how is she to be induced to renounce them? By trifling concessions of this, that, or the other article of a treaty; this, that or the other advantage in trade? No. It seems to me a delusion equally fatal and unaccountable, to suppose that she is to be thus satisfied: to suppose that, by these inconsiderable favors which she has not even asked for, she is to be bought off from a plan so great and important. It seems to me the most fatal and unaccountable delusion that can make gentlemen shut their eyes to this testimony of every nation, to this glare of light bursting in from every side; that can render them blind to the projects of France, to the herculean strides of her overtowering ambition, which so evidently aims at nothing less than the establishment of universal empire, or universal influence, and has fixed on this country as one of the instruments for accomplishing her plan.

It is against this dangerous delusion that I wish to warn the House and the country. I wish to warn them not to deceive themselves with the vain and fallacious expectation, that the concessions proposed by this amendment will satisfy the wishes or arrest the measures of France. Do I dissuade you from these concessions? Far from it; I wish them to be offered, and in the way the most likely to give weight to the offer. It is a bridge which I am willing to build, for the pride of France to retreat over; but what I wish to warn the House against, is the resting satisfied with building the bridge, to the neglect of those measures by which France may be induced to

march over it, after it shall be built. I wish to negotiate, and I even rely much on success; but the success of the negotiation must be secured on this floor. It must be secured by adopting firm language and energetic measures; measures which will convince France, that those opinions respecting this country, on which her system is founded, are wholly erroneous; that we are neither a weak, a pusillanimous, nor a divided people; that we are not disposed to barter honor for quiet, nor to save our money at the expense of our rights: which will convince her that we understood her projects, and are determined to oppose them, with all our resources, and at the hazard of all our possessions. This, I believe, is the way to insure success to the negotiation; and without this I shall consider it as a measure equally vain, weak, and delusive.

When France shall at length be convinced that we are firmly resolved to call forth all our resources, and exert all our strength to resist her encroachments and aggressions, she will soon desist from them. She need not be told what these resources are; she well knows their greatness and extent; she well knows that this country, if driven into a war, could soon become invulnerable to her attacks, and could throw a most formidable and preponderating weight into the scale of her adversary. She will not, therefore, drive us to this extremity, but will desist as soon as she finds us determined. I have already touched on our means of injuring France, and of repelling her attacks; and if those means were less than they are, still they might be rendered all-sufficient by resolution and courage. It is in these that the strength of nations consists, and not in fleets nor armies nor population nor money: in the "unconquerable will—the courage never to submit or yield." These are the true sources of national greatness; and, to use the words of a celebrated writer, "Where these means are not wanting, all others will be found or created." It was by these means that Holland, in the days of her glory, triumphed over the mighty power of Spain. It is by these, that in latter times, and in the course of the present war, the Swiss—a people not half so numerous as we, and possessing few of our advantages—have honorably maintained their neutrality amid the shock of surrounding States, and against the haughty aggressions of France herself. The Swiss have not been without their trials. They had given refuge to many French emigrants, whom their vengeful and implacable country had driven and pursued from State to State, and whom it wished to deprive of their last asylum in the mountains of Switzerland. The Swiss were required to drive them away, under the pretence that to afford them a retreat was contrary to the laws of neutrality. They at first temporized and evaded the demand: France insisted; and finding at length that evasion was useless, they assumed a firm attitude, and declared that, having afforded an asylum to those unfortunate exiles, which no law of neutrality forbade, they would protect them in it at every hazard. France, finding them thus resolved, gave up the attempt. This was effected by that determined courage which alone can make a nation great or respectable; and this effect has invariably been produced by the same cause in every age and every clime. It was this that made Rome the mistress of the world, and Athens the protectress of Greece. When was it that Rome attracted most strongly the admiration of mankind, and impressed the deepest sentiment of fear on the hearts of her enemies? It was when seventy thousand of her sons lay bleeding at Cannæ, and Hannibal, victorious over three Roman armies and twenty nations, was thundering at her gates. It was then that the young and heroic Scipio, having sworn on his sword, in the presence of the fathers of the country, not to despair of the Republic, marched forth at the head of a people firmly resolved to conquer or die; and that resolution insured them the victory. When did Athens appear the greatest and the most formidable? It was when giving up their houses and possessions to the flames of the enemy, and having transferred their wives, their children, their aged parents, and the symbols of their religion, on board of their fleet, they resolved to consider themselves as the Republic, and their ships as their country. It was then they struck that terrible blow, under which the greatness of Persia sunk and expired.

These means, sir, and many others, are in our power. Let us resolve to use them, and act so as to convince France that we have taken the resolution, and there is nothing to fear. This conviction will be to us instead of fleets and armies, and even more effectual. Seeing us thus prepared, she will not attack us. Then will she listen to our peaceable proposals; then will she accept the concessions we mean to offer. But should this offer not be thus supported; should it be attended by any circumstances from which she can discover weakness, distrust, or division, then will she reject it with derision and scorn. I view in the proposed amendment circumstances of this kind; and for that, among other reasons, shall vote against it. I shall vote against it, not because I am for war, but because I am for peace; and because I see in this amendment itself, and more especially in the course to which it points, the means of impeding, instead of promoting, our pacific endeavors. And let it be remembered, that when we give this vote, we vote not only on the peace of our country, but on (what is far more important) its rights and its honor.

Mr. GALLATIN followed Mr. HARPER, on the contrary side; and having noticed some remarks which fell from Mr. H., that gentleman rose to explain. The call for the "committee to rise," and for the "question," from different parts of the House, became very loud, when Mr. GILES rose, and said, the gentleman last up had thrown out insinuations of misconduct against (he supposed) one of our late public functionaries in France. Insinuations of a similar kind he had frequently heard out of doors, but he thought them unworthy of notice; but as the gentleman had thought proper to introduce the calumny in that House, and as he was a friend of his, and not here to answer for himself, he wished to know of the gentleman

whether it was to him he alluded; and, if it were, he called upon him for proof of his assertions. Mr. HARPER replied, that he did allude to that gentleman, and would, at a proper time, produce evidence of what he had said.

The CHAIRMAN reminded the gentlemen that this conversation was out of order.

The confused call for the "committee to rise," and the "question," was again renewed; when the question for the committee to rise was put and negatived, there being only thirty in favor of it.

The question was then put on Mr. NICHOLAS's amendment—ayes 46, noes 52.

Mr. NEW moved that the House meet in future at 10 in the morning. The motion was negatived, there being only thirty-six in favor of it.

---

TUESDAY, May 30.

JOHN FOWLER, from Kentucky, appeared, produced his credentials, was qualified, and took his seat.

## ANSWER TO PRESIDENT'S SPEECH.

The House again resolved itself into a Committee of the Whole, on the Address reported in Answer to the Speech of the President of the United States; when

Mr. W. SMITH inquired of the Chairman whether there was not an error in counting the votes on the question of yesterday.

The CHAIRMAN replied that there was. It arose, he supposed, from the number of strangers in the House, and their pressing too near the members. The true numbers were—for the amendment 46, against it 52. He requested strangers would not stand so near the members as to cause a similar mistake in future.

The CHAIRMAN proceeded to read the third and fourth paragraphs of the Address; when, having read the part which says, "although it is the first and most ardent wish of our hearts that peace may be maintained," &c.

Mr. DAYTON (the Speaker) wished to introduce an amendment. He did not believe it ought to be "the first and most ardent wish." It had been well shown by the gentleman from Pennsylvania (Mr. SITGREAVES) that liberty was more dear than peace. He therefore moved to insert "earnest," instead of "first and most ardent." Carried.

Mr. COIT moved the amendment which he had already laid before the committee, after the word "world," in the 4th line of the 4th paragraph, to add, "and although we wish that Republic to stand on ground as favorable as any other nation, in their relation to the United States; yet," &c.

This motion, not being seconded, fell of course to the ground.

Mr. WILLIAMS proposed an amendment, intended as a substitute for the above, which was ordered to lie on the table. It proposed to put France on the same footing with other nations, professing that if she was not so, it was not owing to any partiality in favor of any other nation, and that in expressing this wish, the House did not mean to interfere with the powers of the Executive.

Mr. WILLIAMS also moved to insert, instead of "we can never surrender our rights," in the same paragraph, "we never will surrender." Carried.

Mr. LYON moved to strike out, in the 7th line of the same paragraph, "wisdom, dignity, and moderation," and to insert in their place, "good intentions;" as he said he did not come there prepared to approve all the former acts of Government, but for other purposes.

Mr. W. SMITH thought it would not show the wisdom and dignity of that House to agree to the amendment.

It was put and negatived, there being only 30 votes for it.

Mr. COIT said he thought that part of the 5th paragraph which related to the Executive Directory would be less exceptionable, and equally convey their disapprobation of such sentiments, if it were expressed more generally, and without any allusion to M. Barras. He proposed, therefore, to strike out from "at," in the 4th line of the 5th paragraph, to "United States," in the 6th line, and to insert, "any sentiments tending to derogate from that confidence; such sentiments, wherever entertained, serve to evince an imperfect knowledge of the real opinion of our constituents."

Mr. GILES seconded the motion, but wished it extended further, as he did not know what was meant by the expression, "to separate them from themselves."

Mr. W. SMITH objected to the amendment of the gentleman from Connecticut, (Mr. COIT,) because it was hypothetical. He wished, as the fact was clearly established, to have a direct reference to the Speech of Barras, in their indignation at the sentiments. As the matter had appeared of sufficient importance to find a place in the President's Speech, he thought it was also worthy of their notice. He insisted upon its being an attempt to divide the people of this country from their Government, by speaking insultingly of the latter, and flattering the former. He did not exactly know what was meant by the "suggestion of our former tyrants," but he supposed it meant bribery, and that by "perfidious people," General Washington was included.

Mr. NICHOLAS was in favor of the amendment. He denied that "suggestion" could mean bribery, or that insidious persons could include General Washington. He hoped the gentleman would not thus make it his business to hunt up for insults. As to the expressions of Government and people, they were certainly one, and could not be divided. The American Government was the people of the United States; and if the remainder of this offensive Address was attended to, it would be seen that the French Government and French people were used as synonimous terms. He allowed that the Speech alluded to was one of the most foolish things he had ever seen, but he could find no serious cause of offence in it.

Mr. W. SMITH said, that by the Government, the Executive only was meant. He was con-

vinced of this from the manner in which he had seen the word used in the French Government paper, entitled the *Redacteur*.

Mr. COIT believed, that whatever M. Barras had said, it was not worth their attention. We might defy France or Frenchmen to say worse of us than they themselves said. He did not himself know how far the Speech of Barras was an act of Government; for, said he, when we directed our Speaker to reprimand Randal and Whitney, the words he used upon the occasion were not an act of the House. On another occasion, when the House were about to receive the French flag, they could not call what was said by the Speaker on that occasion, an act of the House.

Mr. WILLIAMS said, if Mr. Pinckney's letter was an authentic paper, the Speech of Barras was likewise so; and if so, it was doubtless an indignity to Government. He did not think with the gentleman from Massachusetts, (Mr. FREEMAN,) that it was "childish gasconade." He believed it was intended as an insult to the Government of this country. As to the gratitude which had been said to belong to the French nation, for their assistance in the war, he thought their services were amply repaid by the separation of this country from Great Britain. Besides, he added, the French never came to the assistance of this country until they saw we were likely to be successful in our struggle.

Mr. GORDON said there could be no doubt of the authenticity of Barras's Speech, since it stood upon the same ground as the rest of the documents. It was a flagrant insult upon Government, in his opinion, and warranted all that had been said upon it, as it was doubtless an attempt to separate the people from the Government.

Mr. THATCHER said the question was, whether or not any notice should be taken of the insulting Speech of Barras. When, said he, the French flag was presented to this House, we were told we were not to stop to reason, but to express forthwith our feelings of affection. But now, when the most unexampled insult is offered us, such as one man would not receive from another, we are not to notice it at all, lest it should offend the French Republic. He knew of only one reason for passing it over in silence, and that, it was true, had some weight with him. That Barras spoke as the organ of the French nation, there could be no doubt; but he had his doubts whether he knew himself what he said. The Speech had strong marks of *delirium*, and he could not help believing that, when he delivered it, he was either *drunk* or *mad*. If the world went on for six thousand years to come, they would never again behold such a production.

Mr. MCDOWELL was in favor of the amendment. He did not think himself bound, as had been insinuated by the gentleman from South Carolina, to echo all the sentiments in the President's Speech. He wished to have an opinion of his own. He agreed that Barras's Speech was an indignity to the United States. He felt it, and would express it; but he did not think this the proper time. He denied the justness of the construction put upon the Speech by the gentleman from South Carolina. He supposed by "perfidious persons," was meant the persons in this country, generally called the "British faction." He differed in opinion also with that gentleman on the subject of dividing the people and Government, and could not allow that the phrase "good people" was intended as an insult. He allowed it was going too far to say that we owed our liberty to France; but being in some respect true, it took off from the offence. He was sorry to see on one side of the House constant attempts made to excite the resentment of the people of this country against France. It was not necessary at present to raise such feelings. They were not about to unsheath the sword, and to say, "We conquer or die." What gentlemen could not effect by reason, they seemed inclined to effect in a different way. He did not think this fair conduct.

Mr. VENABLE supported the amendment. He did not think any of the objections made against it had much weight in them. He thought the mode of expressing our sense of the indignity shown to this country by the Speech in question, was judiciously chosen by the gentleman from Connecticut. It was most consistent with dignity. It was not wise in them to take notice of every harsh expression which might be used against this country in any foreign nation; for, if such were our conduct, foreign nations would have good ground of complaint against us, and on that floor the account would be settled. Nor did he think it very becoming or dignified in gentlemen in that House so to express themselves as to excite frequent risibility; nor was it very honorable to that Assembly. [Alluding to the gentleman from Massachusetts.]

Mr. SITGREAVES had no doubt of the Speech of Barras being an official paper, and that its object was to divide the people from the Government. If he proved this, he trusted the language of the report would be preserved. It would be allowed that Barras was the mouth of the Directory, and that the sentiments which he speaks, are not his own, but what were beforehand agreed upon. It was doubtless, therefore, a solemn official act. With respect to the observation of the gentleman from Virginia, that what he said respecting our Government was not applicable to the Executive, but to the people at large, he believed he was wholly mistaken, as the word Government, in the French language, constantly meant Executive, as was abundantly clear from the way in which it was used in Mr. Adet's notes. [He quoted a number of passages to prove his assertion.] It was generally used for the Executive in contradistinction to Congress, or any other of the constituted authorities. If it were clearly intended to convey an insult upon our Executive, (and there could be no doubt of it,) even the mover of the amendment could not think it unbecoming in that House to express themselves in the words of the Address.

Mr. GALLATIN said whatever might be the insult intended by the Speech of the Executive Directory, he thought it best to notice it in general terms as it was the sentiment which was objectionable

and not the Government of France. But as so much had been said about Government and people, he would say, that an insult offered to the people could not be less offensive than one offered to the Government. He supposed they alluded to the British Treaty, which was as much the instrument of Congress as of the Executive, and of the people as either, since they very generally petitioned in favor of it. He then took notice of the perversions which the gentleman from South Carolina had put upon the words of Barras, and denied that there was the least ground for them, and said that the *Gazette of the United States* might as well be called a Government paper of this country, as the *Redacteur*, that of France. If, said Mr. G., it be our intention to declare war at once, then there might be some propriety in taking hold of every word which would bear to be construed into an insult, but if we wished for peace, it was unwise to do so. Besides, he said, this Speech was not communicated in an official manner, nor could it be so communicated. It was sent by Mr. Pinckney in a newspaper, from which the copy sent to them was translated, but the translation was not even authenticated, as usual. He did not dispute the fact, but it was a thing which they were not bound to notice; indeed, an error with respect to a name appeared on the face of the paper; and being delivered to Mr. Monroe who was no longer Minister, it could not be officially communicated. He therefore thought it was not worth their notice.

Mr. OTIS thought it right to pay respect to what was recommended by the President. The question was whether they should notice the insult generally, or in reference to the Directory. He was in favor of the first; but as this was the only opportunity given in the Address of expressing their opinion of the conduct of the French Government, he wished the Address to stand as reported.

Mr. O. remarked upon Barras' Speech. He did not know what was meant by granting peace. When parties were at war, one granted the other peace; or sometimes a stronger Power suffered a weaker to be at peace. He supposed the French meant it in the latter sense towards this country. On condition that we respect her sovereignty! What was meant here? If it was sovereignty over their own nation, we had nothing to do with it; if it was any other, it must be the sovereignty they had over us. He concluded by remarking, that if there were any members in that House upon whom any imputation could rest of their being unduly attached to the French cause, he thought it a good opportunity to come forward and convince the world that the charges were unjust.

Mr. LIVINGSTON took notice of what had fallen from the gentleman last up, and showed the folly of adopting an irritating tone; as, if we charged a foreign Government with making use of one disrespectful expression, they would have no difficulty in retorting the complaint, as in the course of that debate, the gentleman from South Carolina (Mr. HARPER) had called the King of Spain the humble vassal of France, and had not been sparing of his epithets to other Powers; and the gentleman from Massachusetts (Mr. THATCHER) had termed Barras drunk or mad. He also noticed the constructions put upon the words "granting peace," and "sovereignty," as very extravagant. The Speech, he allowed, was bad enough, but he saw no reason for torturing it in this manner.

Mr. OTIS wished to know what he understood by the word sovereignty?

Mr. LIVINGSTON replied, that if he were to do that, he supposed he should be called the *Defender of Barras*, as he had already been termed the *Defender of France*. He would not, therefore, do it.

Mr. GILES said the gentleman from Massachusetts had called upon persons who might lie under imputation of being friends to France, to come forward, and show the imputation false. He informed that gentleman that he did not feel his reputation hurt by any imputation which he or any other person might throw upon him. He would rather the gentleman would convince them they were wrong, than call them names.

Mr. OTIS explained. He declared he meant only to say that they had been unjustly charged with those imputations, and that such a conduct would show it.

Mr. W. SMITH again urged the propriety of retaining the words in the Address as reported, as the amendment proposed had no reference to the President's Speech, as that referred to an official act; whereas the amendment had no relation to France, but would apply to the people of China, or the people of this country, as well as to those of France. He believed the discussion had been of some use, because it was now on all sides acknowledged that the Speech of Barras was an insult, which was not allowed at the beginning of the debate. He could only say that gentlemen died hard; to use the expression of his friend from Pennsylvania, (Mr. SITGREAVES,) they seem determined to *die in the last ditch*. The objections to the words of the present Address, were like the objections of *Thomas Paine* to the writings of Moses. He denied that there was any similarity between expressions used in debate in that House, and expressions used by an Executive authority. No notice, he said, ought to be taken of what fell from members in that House, whilst they were allowed to be in order; and if foreign Ministers attended to hear their debates, and heard things which they did not like, they ought not to take exceptions at it, since they came there uninvited, and it was their duty to say what appeared to them right at the time.

The question was put on the amendment, when there appeared 49 votes for it, and 49 against it. The Chairman declared it carried in the affirmative.

Mr. EVANS proposed to have struck out the words "an attempt to separate them from themselves;" but Mr. VENABLE defending the propriety of the expression, he withdrew his motion.

Mr. COIT thought the first sentence in the sixth paragraph rather sunk the composition. He

wished to strike them out, and "however" in the fourth line, and add after the end of the next line, "by the transactions disclosed by your communications." Carried.

Mr. DAYTON (the Speaker) said he had an amendment to propose. It was to strike out the words after "peace," in the eighth line in the sixth paragraph to the word "nation" in the fourteenth line, and to insert, "We therefore receive with the utmost satisfaction your information that a fresh attempt at negotiation will be instituted, and we cherish the hope that a mutual spirit of conciliation, and a disposition on the part of the United States to place France on grounds as favorable as other countries in their relation and connection with us, will produce an accommodation compatible with the engagements, rights, duties, and honor of our nation."

Mr. W. SMITH thought this amendment the same in substance as that which had been negatived, and if so it was out of order.

Mr. NICHOLAS said the gentleman might satisfy himself it was not the same with his, as it would not give occasion to all the petty objections he had brought against it.

Mr. DAYTON hoped the gentleman from South Carolina would take a more manly ground of opposition to his amendment than the one he had suggested. The amendment was not the same as the one rejected, it was not introduced in the same part of the Address, nor would it require to be recommitted, to be inserted. He would also find that some gentlemen would vote for this, who put their negative upon the other; if this would not satisfy the gentleman, he believed the Chairman would.

The CHAIRMAN declared the motion in order.

Mr. THATCHER called upon the mover to state in what this motion differed from that which was rejected.

Mr. DAYTON said, that this motion contained a principle not found in the report of the committee, viz: to place France in as favorable a situation as other countries, hoping that this will be the means of accommodation. He wished this sentiment inserted in the letters of credence of the Envoy. Yet he wished he might not be charged with standing on forbidden ground. If this sentiment were not inserted in the Address, he should look upon it with perfect indifference. He would have proposed this amendment, if he had not met with a second. He was desirous of preserving peace with the French Republic upon any terms short of national disgrace. The gentleman from Massachusetts would see the difference between the two motions.

Mr. W. SMITH spoke at considerable length against this amendment. He said nobody would object to putting France upon as good a footing as Great Britain, if she was not so, but he believed she was now in a better situation. and that therefore she would not consent to be placed on the same footing with Great Britain. He objected to it also, because it held out an idea that reconciliation could only be had through that House, and because it would be an interference with the Executive. He dwelt upon each of these objections at considerable length; and, upon his saying that it was possible if the Executive should think it right not to comply with the direction of the House, it might be made the ground of impeachment, Mr. DAYTON interrupted him by insisting upon it that no such construction could be put upon his amendment. Mr. S. begged to differ in opinion, and continued his objections.

The call for the question, when Mr. SMITH sat down, was very loud; but, on Mr. ALLEN wishing the committee to rise, that time might be given for an inquiry how far this motion would go, as he was not sure but some improper treaty might have been made, and if so, it would put France in the same situation, he moved for the committee to rise. It rose accordingly, and had leave to sit again.

---

WEDNESDAY, May 31.

## ANSWER TO THE PRESIDENT'S SPEECH.

The House again resolved itself into a Committee of the Whole on the Answer to the President's Speech, Mr. DAYTON'S amendment being under consideration.

Mr. HARTLEY was persuaded there was but one wish in the House with respect to peace, notwithstanding insinuations to the contrary; but he could not agree with the proposed amendment, as he wished the negotiation to be left wholly to the President. The treaty entered into with France provided for their being placed on the same footing with other nations, and wished that right to be recognised by negotiation, and he doubted not the President would do it; for as he must see that peace was the desire of all, he would take such steps as would be best calculated to lead to it. He was against encroachments on the Executive, as, if they once begun, there was no knowing where they could stop. He thought there was no danger of war; it would be a disagreeable thing for men who fought in the Revolutionary war, to be obliged to unsheath their sword against France; but he trusted, before they rose, means would be taken for putting the country into a state of defence.

Mr. SWANWICK hoped the amendment would be adopted. The objections against it were of a curious nature. It was first said, if France was put upon the same footing with other nations, we should have an equivalent; they ought to pay for the spoliations committed on our property. Again: it was observed, that to offer them this, would be to put them in a worse situation than before, and that they would laugh at such a proposition. Mr. S. took a view of the advantages which France was said to enjoy, over other countries, with respect to bringing prizes into our ports, and showed that they no longer existed. He took notice of a fact related by Mr. W. SMITH yesterday, respecting a French prize being brought into Charleston, and denied that there was any favor done to the French in the business, but the contrary. France, he said, suffered material

injury from the British Treaty, and there needed to be no apprehension of their refusing to be put on the same ground with other nations. He reprobated the idea of being denied the privilege of giving an opinion to the Executive, and said, there was no expression in the Answer which echoed to that in the Speech, with respect to a willingness to retract error, which the Senate had carefully reverberated. If gentlemen were sincere in their wishes for peace with France, he could not see how they could object to the amendment. Why say peace ought not to be made, except redress was received for spoliations? He had himself suffered very materially in this respect, as well as many of his constituents, and he felt, of course, as ardent a wish they should be paid for as other gentlemen; but he did not think it would be good policy to go to war, if satisfaction was refused. This would be probably to risk the loss of a pound for the sake of gaining a penny. Besides it might be, that when these claims came to be settled, France (like Britain with respect to Virginia debts) might bring charges against us, and settle the account. He was willing to leave that business to be settled by the Executive.

Mr. CRAIK observed, that the gentleman last up seemed perfectly willing to entrust one business with the Executive, whilst he was afraid to trust him with another. With respect to the ground of gentlemen being changed, he wished it might not appear so by any agreement to this amendment, which was exactly the same in effect as that which had been negatived. He expected the mover would have shown wherein it differed from the former, when called upon to do so by the gentleman from Massachusetts.

Mr. DAYTON said, the member from Massachusetts would bear him witness that he did answer the inquiry.

Mr. CRAIK said, if it were so, he had been mistaken. He thought there was no difference between them. He wished to repel the insinuation that the opposers of the amendment were enemies of peace, and enemies of France, which was constantly insisted upon by gentlemen on the other side. He wished to show France the same justice as other nations; but he was not willing to insert the sentiment in this Address. Nor did he wish to go into the inquiry how far they were or were not at present on the same footing. He had the same objection against this amendment that he had against the one brought forward by the gentleman from Virginia, viz: that it was an unconstitutional interference with the Executive, and showed a want of confidence in that part of the Government, which was at present peculiarly improper to be shown. This consideration had been treated very lightly. It was true, that foreign politics had too much mixed in the political conduct of persons in this country; and he believed the distinguishing feature between the two parties was, that one wished to grasp all power in the House of Representatives, and the other to maintain the other branches of Government in the exercise of their constitutional powers. He thought this amendment was calculated to promote the views of the former. The same design of extending that power, had led them to decide the right to decide upon treaties, and to break treaties. He asked whether the power they were about to exercise was a Legislative or an Executive act? If it were intended, as doubtless it was, to influence the Executive, it was certainly of the latter kind, and therefore not their business. But it was said the Executive was anxious to receive this opinion. He found nothing of this sort in the Speech of the President, and he did not know upon what ground this assertion could be made. It was well known, Mr. C. said, that it was insinuated in France that the Government and the people of this country had different wills; it therefore became them to act in such a manner as to repel the charge; but if they agreed to the present amendment, the opinion would be strengthened.

Mr. C. concluded by observing, that although unanimity was very desirable upon a question of this sort, yet it was above all things to be avoided, if it were to be at the proposed sacrifice. The gentleman from Pennsylvania had called upon the committee to convince the French nation that there was no British influence in that House, but he hoped they should not show them at the same time that there was no American influence. He trusted they should not show to them that they were all Frenchmen; that they were divided from the Executive, and had no confidence in it; that the President was under British influence, and that he could not therefore be trusted. This would indeed be re-echoing the calumnies which had been raised against this country.

Mr. DAYTON said, that the tedious length of debate, and unprofitable waste of time which the first amendment occasioned, had determined him to submit his proposition to the committee, and without troubling them with his comments, to leave it to its fate. The criticism which it had provoked from the gentleman from South Carolina would have justified him in departing from that determination, even if there had been no other inducement; but as several gentlemen had desired a modification of his motion, he rose more immediately to gratify them, as he found he could do it without affecting the principle.

Mr. D. here particularly pointed out the alteration which he consented to make in his amendment; which, being accordingly made and read by the Chairman,

Mr. D. said, that he trusted that all parts of the House were impressed with the importance of their being united at a time and upon an occasion so critical, when the eyes of a considerable part of Europe were turned upon them, and when they had been informed that their Address to the President, far from passing unnoticed, had probably already influenced the conduct of some of the European Powers towards the United States.

With this information before them, he hoped the gentlemen would not obstinately persist in maintaining their ground, without yielding in the least to each other, and in resisting all advances

towards accommodation, especially when it appeared that their difference was confined to words, or at most to forms, and that in substance they were almost all agreed. From all parts of the committee, a disposition had been avowed to place France on grounds as favorable as other countries, and not a wish had been uttered to the contrary, even by the gentleman from South Carolina, until yesterday. Believing himself that the United States were thus favorably disposed towards that Republic, and very much preferred an honorable accommodation to an unprofitable warfare with them, he had thought it his duty to offer an amendment avowing such principles. He had before said, and now repeated, that he was desirous of maintaining peace so long as it could be effected without the loss of independence, or national honor. He trusted that he should not be charged with a want of zeal in the cause, if he did not particularly answer the arguments, and follow the footsteps of those gentlemen, who had taken it upon themselves to arraign France like a culprit at their bar, and to compel the committee to sit, as it were, in judgment upon the conduct, the motives, and the designs of that Republic; not in relation to the United States, whose interests alone were confided to the care of their Representatives, but in respect to the nations of Europe, who had been leagued for her destruction, and with whose internal regulations and political connexions, that House had nothing to do. If truth had permitted, decency should have forbidden the members to address the nations of Europe, and to say to one nation—"You are enslaved;" to another, "You are oppressed;" to a third, "You are deceived, and your Monarch held in leading-strings by the French Republic under the semblance of friendship." Policy and decorum should equally have restrained gentlemen from such reflections at a time when representatives from those very nations were received and accredited as the Ministers of nations sovereign and independent as ourselves, and permitted, not only to reside in our metropolis, but to sit within these walls, and listen to our debates. If we were discussing the means of maintaining the balance of power in Europe, and were deliberating into which scale the United States should throw themselves as *make-weights*, then indeed such observations might be more pertinent and justifiable; but as the question really was, by what means the peace of this country should be honorably preserved, he could not see the propriety of such reasoning. He hoped he should not be accused of a want of spirit, if he did not assume the high tone of menace which some gentlemen had done; if he did not talk of war as a mere matter of pastime, or of conquering whole provinces, as if they had only to walk over and make them their own, or of buckling on the armor of hostility, and of *dying in the last ditch*.

He had conceived that this country might exhibit becoming firmness, without rushing into intemperance, and that they might show a proper spirit of resentment, without exhibiting the rage of a madman. Fortunately for them, it was not necessary that they should crouch as suppliants at the feet of a master, and hold out a *carte blanche*, to have inscribed on it the terms of the submission and peace; nor, on the other hand, to assume the posture of gladiators, and sound the trumpet of defiance. He, nevertheless, felt the full force of the indignity which had been offered us in the rejection of our Minister; and he owned that he could not calmly hear the French Republic addressing the United States in terms the most imperious, and saying: "This law you must repeal—these decisions you must rescind—those engagements you must annul—before we can have further communion or intercourse with you." Such language was unwarrantable and insulting. But he desired still, if possible, to conciliate rather than to make war; and a sense of gratitude, not yet extinguished in his breast, induced him to moderate his indignation, although it did not prevent his resisting such improper attempts to interfere in the Government. The recollection of what France had been to us in times the most critical, would incline him still to address her, and say: "You Frenchmen were our first, you have been our best, ally. You alone came forward to our assistance at a time when Great Britain not only threw us from her protection, but endeavored to reduce us to unconditional submission. When every other nation fled from our alliance, and all other people avoided any intercourse—treating us rather as rebels than as men struggling for our just rights—then you, people of France, (or, if gentleman prefer it, your Monarch)—strong in your strength, rich in your wealth, supported by your will—nobly held out a helping hand for our protection, and acknowledged our independence. Then was signed that compact which united your fate and interests with ours. But if owing to change of circumstances that treaty operates now to your injury, we will no longer hold you to its observance. That which you generously granted in 1778, as a pledge of friendship, we as liberally restore to you in 1797, when it is in your opinion unequal, and has become a source of disquiet to you. We agree that it should be cancelled. Our laws made for the preservation of our neutrality and peace we cannot repeal; the decisions of our courts we cannot rescind; our engagements with foreign Powers we cannot violate; but we freely consent to cancel that compact existing between us which prevents your participating in the favors granted to Great Britain in the treaty of 1794. This obstacle removed, the three articles of Mr. Jay's Treaty, namely, that of neutral ships not protecting enemy's property; that regulating what shall be contraband, and the provision article, can be extended to you."

This, Mr. D. said, was the language which he conceived to be most proper and dignified on the present occasion. He, however, resisted the construction which had been put upon the second article of the treaty of 1778, and had been the pretext for passing the decree of the 2d March, and by no means admitted that France could

claim those favors as a right. Although he could never consent to repeal the act of Congress of 1794, nor to violate, in the least, our engagements and treaties with other nations at the requisition of France, or any foreign Power, because the independence, the honor, and good faith of the United States forbade it; yet he should rejoice to learn that our Government would think proper to offer at the very commencement of the negotiations to annul the French Treaty, in which their Minister says they find only disadvantages. This, he believed, would be found the truest policy, also, in respect to all other nations whose treaties with us should, from change of circumstances, cease to be equal and reciprocal. They would otherwise be the sources of hostility rather than of friendship and good neighborhood.

The amendment which he offered to the Committee of the Whole had expressed a hope to that effect—that the disposition (which was not questioned) in our Government to place France on grounds as favorable as other countries, joined to a mutual spirit of conciliation, would produce an accommodation compatible with our engagements, rights, honor, and interests. If he had believed that such a disposition did not exist in this country, or that the expression of a hope that it would effect an accommodation could be fairly construed into an improper interference with the Executive authority, he should have been among the last to advocate a motion of such tendency; but as, on the contrary, it contained nothing in it dictatorial or imperative, and as the Speech of the President wanted them to give an opinion relatively to the contemplated negotiation, he was persuaded that it was not liable to any Constitutional objection, and that it might have a conciliatory effect.

After making these general remarks, Mr. D. said, it might be proper to take some notice of the objections of the gentleman from South Carolina, (Mr. SMITH,) which were in conflict with each other. He said "France would be offended at the proposal." If that were true, then, agreeable to the doctrine of his colleague, (Mr. HARPER,) it would inspire them with respect for us. But he added, also, that France would "laugh at the proposal." This was indicative of contempt, and Mr. D. did not see how they could look upon it with such opposite sensations at the same time. The same gentleman went on to say, that to place France on grounds as favorable as other countries, would be to put her on a worse footing than she then stood; and yet, in almost the next breath, he declared that the Representatives would betray the interests of their constituents, if they did not demand from that Republic some compensation in return for granting them such favors. These were inconsistencies which the gentleman must reconcile before he could be entitled to a more particular answer.

Mr. D. then took notice of what had been urged against his amendment, as improperly dictating to the Executive, and as a violation of the Constitution, and showed that it was neither the one nor the other. He concluded by saying, that such a sentiment might have an influence in preparing the way for the favorable reception of their negotiations, and prove the harbinger of peace between the two countries.

Mr. HARPER complained of some insinuations made by the gentleman last up, which he supposed alluded to him, particularly with respect to the terms "gladiator" and "madman." [Mr. D. replied that he did not mean them for him; but, if he chose to take them, the committee would judge of the justness of the application.]

He had no doubt that the President would do all that was wished by them to conciliate the French. He did not know but he would do more; nor was he sure that it would not be proper to do more than had yet been contemplated. He did not know but it would be necessary to deal with France as with Algiers. Such questions were questions of expediency, and the ultimatum should be given with care. It was difficult to say what the designs of the French were. He apprehended they wanted to involve us by degrees in a war with her enemy.

Mr. BALDWIN wished, since they must return an answer, that it should be done in the least mischievous way. He believed the majority of the committee was in favor of the principle of the amendment, and differed only about the manner of expressing it. The treaty of 1778 had long been considered as bearing hard upon the French, and propositions had been made for relaxing it, but they had been refused by our Executive. This conduct the House were called upon to approve; but they choose rather, by means of the amendment, to say, "you have done right hitherto, but, rather than hazard the peace of the country, we wish France to be put upon the same footing with other nations."

Mr. N. SMITH thought members had been more desirous of addressing the people out of doors, than confining themselves to the subject in debate. He insisted that to express a hope that the President would do a certain thing, was to coerce him to do it. He denied the Constitutional right to do this. He charged gentlemen with founding their arguments on the warring in the departments of Government. It was his opinion that Government could not go on except there was an union of design amongst the different parts of it. One branch of Government ought to say to the other, you have done wrong; but full faith should be given to each. The Answer to the Speech of the President should not introduce any new matter by way of advice, but respond only such sentiments as were addressed to them. He was against offering the advice proposed, because it was saying to France and to the world "We fear our President will not do right, except we direct him." It was said the President met with difficulty in his negotiation, which was owing to the slanders which had been spread in France, viz: that the Executive was all English and the people all French. On this account the French looked upon the Executive with a jealous eye. If the committee thought these things groundless, they should assure the French that the President is less

English, and they less French than have been represented, by expressing their confidence in him. But it was said, they should give their ultimatum; but that, if the amendment passed, he said, would not be the case, because the President would make what ultimatum he thought proper.

Mr. Sewall corrected the statement of the gentleman last up, by insisting that our Executive had entered into a negotiation, and did all in his power to form a new treaty, and that it was entirely owing to the French Minister that it was not completed. Mr. S. complained of the remarks which had fallen from the Speaker. If gentlemen were deemed in order by the Chair, he did not think that gentleman was authorized, when out of that situation, to pass his censures upon them. Although the agents of foreign countries were present, he said, they were not to be prevented by this circumstance from expressing their sentiments freely.

Mr. Brent was not surprised that the gentleman just sat down was displeased with the amendment. He had told the committee, on a former occasion, that he had no hopes of reconciliation; he stated that we had nothing to hope but from our own unanimity, and from the combination of foreign nations with us against the aggressions of the French. He did not, therefore, address himself to that gentleman, but to those who did not entertain so despicable an opinion of the French nation—to those who believed the irritation subsisting between the two countries might be put a stop to. To them he recommended the amendment as a conciliatory measure. He then examined the different objections which had been urged against it; and insisted upon the right the House had at all times to express their difference of opinion from the other branches of Government, since the Government was made up of checks. He also advocated the right that they had to offer an opinion to the Executive upon important occasions, especially in a case in the event of which war might be involved.

Mr. W. Smith said the doctrine of checks held, as it respected laws which were passed by the three branches of Government, but had nothing to do with business that belonged only to one or two of the branches: for instance, that House had no right to check the President in duties which the Constitution has reposed in him. But the gentleman from New Jersey had introduced a new check—a check on the freedom of speech, when particular characters were present. He did not expect to have heard any such observation, particularly from the quarter from whence it came.

Mr. Dayton wished the gentleman to state what he had said fairly. Mr. D. repeated his expression.

Mr. W. Smith said members were not to be called to account for what fell from them on that floor, and he hoped a remark of the kind would never again be made. He was not at a loss to know the motive for all the anxiety which appeared for the passing of this amendment. The French had never asked for what was proposed to be granted to them; he would undertake to say they had refused it. Mr. S. showed, by the correspondence between Mr. Randolph and Mr. Adet, that there had been a perfect willingness on the part of our Executive to make alterations in the existing treaty with that nation, agreeably to their wishes, and that it was not owing to any thing on our part, that it was not done.

All that could be said for the present amendment was, that it was not quite so bad as the one negatived, for there was not a single word in this which altered the sense from the other. He repeated the propriety of making a stipulation for the payment of our twelve millions of loss by spoliations, which, if the French were not able to pay in money, they might pay in ships of war and frigates. He did not wish France to be put upon the same footing with other countries, because there were stipulations in some of our treaties which he should not like to see in a French treaty; for instance, in our treaty with Sweden, there was an article which had produced great inconvenience—he meant the embargo article. There was an article also in the treaty with Spain which, though it may not be injurious as it relates to that country, he should be very sorry to see inserted in a French treaty. By the 16th article of that treaty, the Spaniards were allowed to take great liberties with our vessels; when their ships of war, in want of provisions, meet any of our vessels, they are allowed to take out of them such necessaries as they stand in need of, for which they give a receipt, to be paid by their Government agents. This liberty he should not like to have given to French vessels, that they might take provisions from our vessels in exchange for a bit of paper. There was also an article in our treaty with Algiers, (the 12th,) which he would not have inserted in a French treaty, viz: "That a citizen found on board an American vessel having no passport, shall be considered as a lawful prize."

It was very extraordinary that gentlemen were continually calling the British Treaty a bad one, and still they wished the French to be put upon the same footing with the British. He would rather give them an equivalent in some other way. The gentleman from Pennsylvania had wished the committee to rally round the standard of peace, (by which he meant the amendment before them.) This put him in mind of the story of a recruiting sergeant, who was beating up for recruits when the Prince of Wales was a little boy, who, seeing some boys playing at marbles, in order to seduce them, said they would have nothing to do but to play at marbles with the Prince. He doubted not every member in that committee wished for peace; but he trusted they had too much discernment thus to be taken in.

Mr. Gallatin said, one of the observations made by the gentleman last up, he could not assent to; he did not believe they were all desirous of peace; for, if he must express his opinion, he did not believe that gentleman wished for peace. Mr. G. drew this conclusion from the variety of contradictory objections which he had urged

against the amendment. To prove that our Executive wished to have remedied the grievances complained of in the British Treaty, he had read letters which passed between the French Minister and the Secretary of State, in July, 1795.

These letters were written before the British Treaty was ratified by the President, and therefore it was not possible they could treat upon the articles contained in that treaty, especially as the powers given to Mr. Adet were given to him before the British Treaty was known. The transaction only showed, therefore, that our Executive was disposed to enter into a new Commercial Treaty with France, more reciprocal than that of 1778. But the offer to treat was made—with whom? With a man who had no power to treat, and he had not heard that the Executive had sent over to France any person empowered to treat with that Government.

But it was said this amendment was big with danger, as it would give to France certain provisions granted in treaties with other Powers, which it is not desirable she should have. An article in the Swedish Treaty was mentioned, but gentlemen should recollect that this was an artiticle of reciprocity; we have the same right in a Swedish port that Swedes have in ours; and as we had heard great complaints about embargoes upon our vessels in French ports, if an article of this sort was agreed upon, it would be a great advantage to us. The next objectionable article was one in the Spanish Treaty, allowing ships of war in distress to take out provisions from our vessels, on giving a receipt. This, Mr. G. said, was allowed by the law of nations, if there had been no provision of the kind in the treaty, and only provided the manner of paying for what was taken. As to the Treaty with Algiers, he could see no connection between that and the treaties in question; yet, even in that treaty, free bottoms were allowed to make free goods. Besides, Mr. G. observed, this Address was to be sent to our Executive, who knew very well what was meant by the expressions used in this amendment. He charged gentlemen with endeavoring to raise the prejudice of members with respect to the treaty in question, in order to get them to rally round the standard of opposition to the amendment. He apologised for having so expressly charged the gentleman from South Carolina with not wishing for peace, but did not mean to retract the expression.

Mr. W. SMITH said, he wished to relieve the gentleman from the uneasiness he seemed to feel from having made so direct a charge against him; but he would tell him, that he did not believe (though he had said so) that if the French were not satisfied with the terms offered in this amendment, he would be willing to go to war. And now he thought the account settled between them.

Mr. COIT said, that having brought forward a motion similar in its spirit to the one under consideration, which had not been seconded, and intending to vote against the present, it became necessary to give his reasons. He did not think it the same thing. The difference, it was true, was not very great, but was so great as to induce him not to give his vote for it. It consisted, he believed, in this—in Mr. C.'s amendments the words were "on ground as favorable;" in Mr. DAYTON'S, "on ground similar to." But he thought the expression ambiguous.

The question, on Mr. DAYTON'S amendment, was put and carried, there being for it 52, against it 47. The committee rose, and had leave to sit again.

---

THURSDAY, June 1.

## ANSWER TO PRESIDENT'S SPEECH.

The House again resolved itself into a Committee of the Whole, on the reported Answer to the President's Speech; and the CHAIRMAN having read the remaining clauses, and no further amendment being suggested, a motion was made for the committee to rise, and report the Address, with the amendments; which was accordingly done.

The House then took up the amendments, which were read at the Clerk's table, and afterwards the SPEAKER proceeded to read them, and to take the sense of the House upon each.

The first and second were agreed to without opposition; but on the third being read, viz: the introduction of the following words into the Address—"any sentiments tending to derogate from that confidence; such sentiments, wherever entertained, serve to evince an imperfect knowledge of the opinions of our constituents,"

Mr. SITGREAVES called for the yeas and nays; which were taken, and stood—yeas 48, nays 46, as follows:

YEAS—Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Nathan Bryan, Samuel J. Cabell, Thomas Claiborne, Matthew Clay, John Clopton, Joshua Coit, Thomas T. Davis, John Dawson, George Dent, Lucas Elmendorph, Thomas Evans, John Fowler, Nathaniel Freeman, jr., Albert Gallatin, William B. Giles, James Gillespie, Andrew Gregg, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, David Holmes, Walter Jones, Edward Livingston, Matthew Locke, Matthew Lyon, Nathaniel Macon, Joseph McDowell, Anthony New, John Nicholas, Josiah Parker, Elisha R. Potter, Tompson J. Skinner, Samuel Smith, William Smith, of Pinckney District, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, John Swanwick, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable and Robert Williams.

NAYS—John Allen, George Baer, jr., James A. Bayard, Theophilus Bradbury, David Brooks, John Chapman, Christopher G. Champlin, James Cochran, William Craik, Samuel W. Dana, James Davenport, John Dennis, George Ege, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, William B. Grove, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, James Machir, William Mathews, Daniel Morgan, Harrison G. Otis, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, William Smith, of Charles-

ton, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, and John Williams.

The fourth amendment, which was of a trifling nature, was agreed to; but on the amendment introduced by Mr. DAYTON being read, Mr. WILLIAMS proposed to add the word "justice" in one part of it; but

Mr. W. SMITH said, he should propose an amendment, which he supposed would supersede the one moved by Mr. WILLIAMS. He wished, instead of directing the President to any particular measure, to make the expression general, which would remove most of the objections to the amendment. He wished to strike out all that followed the word "instituted," and insert "nor can we too strongly express our sincere desire that a mutual spirit of justice and accommodation may produce a conciliation compatible with the rights, duties, and honor of our nation."

Mr. NICHOLAS said, this amendment was either a substitute, or the same as the original motion, which had been decided yesterday.

The SPEAKER having read the motion, declared it to be out of order.

Mr. SITGREAVES said, if the motion just made was out of order, he should make one which he believed would be in order. It was to strike out all the words in the amendment of the Committee of the Whole from "conciliation" to the word "exist," and insert "justice and" before conciliation.

Mr. GILES said, that this proposition went to destroy the amendment altogether. If they were to strike out that part of it which went to the placing of France on the same footing with other nations, it would be inferred that they refused to place her in that situation, and would place her in a state of outlaw. He wished, if gentlemen meant this, they would declare it.

Mr. HARPER thought the alarm of the gentleman last up perfectly groundless. Gentlemen had constantly declared that their reason for opposing the words to be struck out was an unwillingness to interfere with the Executive authority. They were not disposed to withhold from France what other gentlemen were disposed to give her; but they did not wish to give it to her in this way. If the present motion prevailed, the inference could not be that it was not the wish of the House to preserve peace; the Republic of France would very well understand it.

Mr. COIT said, the warmth of the gentleman from Virginia had surprised him. He denied that France could draw any unfavorable inference from an agreement to the present proposition: for, said he, if the Lord's Prayer were inserted in our Journals, would the gentleman say it would be rejecting the Lord's Prayer to expunge it? He refused to vote for the amendment of the Committee of the Whole, because he conceived it was neither English nor common sense.

Mr. VENABLE said there was no occasion for warmth. He could suppose no other view in gentlemen bringing forward the motion, except that they thought the House would vote for it, without understanding the drift of it.

Mr. SITGREAVES did not know that the understanding of the House would be enlightened by the explanation which had been given to the motives of the friends of the motion. He felt perfectly indifferent as to the motives which might be attributed to him by certain persons. He meant this proposition to produce that conciliation which appeared to be the wish of every one. All were agreed that some concessions should be made to France; but there was a difference of opinion about the propriety of an interference with the Executive. He thought, if this amendment took place, it would produce the effect desired; because, if any inequality exists with respect to treaties, it would be removed by this general expression, as well as by a particular one. This was his intention. He did not know how members would vote on this occasion, but he trusted there were those who wished France to have justice done her, who were also desirous of not interfering with the business of the Executive. It was to meet the wishes of such gentlemen that he introduced this amendment. If this sentiment was not adopted, he should vote against any Answer to the Speech of the President which should contain the sentiment introduced by the amendment of the Committee of the Whole.

Mr. MCDOWELL said, that after having discussed this question for nearly a fortnight, and they had come to a vote upon it, an attempt was now made to set aside that vote in an indirect way, instead of meeting it in an open manner. He should have been better pleased with gentlemen if they had employed a part of that time which they had occupied in talking about the powers of the Executive, in enlightening him with respect to the rights of that House. They had been told that they ought not to doubt the wisdom of the Executive—he would do what was right; but he believed the President waited for, and expected the opinion of that House.

Mr. NICHOLAS said, if he understood the amendment of the gentleman from Pennsylvania, the Constitutional principle, which had been so much talked of, would be as much infringed, if this passed, as if it stood in its present form. He saw no difference, as to the Executive, than this, that by an ambiguous, general expression, their meaning might not be understood.

Mr. DANA said, he was opposed to the amendment, for it might be necessary to make concessions to France, which justice did not require, but which the interest of our country might. Mr. D. said they were possessed of two descriptions of rights, viz: rights of sovereignty, and rights which were obtained by virtue of treaty. They proposed to say to the President in this Address, "we will never surrender our rights as a nation;" but he did not know that it would be for the good of the country that they should maintain all they possessed by treaty, and therefore he did not wish to insist upon it. And he considered this Address as pledging themselves to preserve all our other rights, which he thought it proper at this time to do, especially as they had been called upon by the President for the purpose. The ob-

ject of this Address was, therefore, to assure the President how far he might rely upon them. But, if an amendment like that which was now proposed to be displaced, was not agreed to, the Executive might suppose the House pledged to do more than they intended to do. He thought the House had a Constitutional right thus to speak, because they had the right to declare war, which gave them this right.

Mr. POTTER said, he voted against the amendment in Committee of the Whole, not because he did not wish to put France upon the same footing with other nations, but because he did not wish to give up the ground of recovering redress for the spoliations committed upon our commerce. The same reason would induce him to vote for striking out the words now proposed to be struck out. He thought there had been much unnecessary debate on this subject, about French party and English party. For his part, he should like such an Address best as should mortify both the most.

Mr. W. SMITH repeated his reasons for opposing the amendment in Committee of the Whole, and was of opinion that the thing was not clearly understood even by its friends. The Committee of the Whole having, however, declared that France should be placed upon the same ground with other nations, he saw no reason for carrying the matter any further, by inserting it in the Address to be presented to the President. He thought the matter might very well rest here, and introduce the words "mutual spirit and justice" into the Address. If they must, however, suggest to the Executive, he did not think they ought to confine themselves to making concessions to France. Indeed it was contradictory to speak of mutual conciliation, and propose nothing to be done by France. If gentlemen insisted upon this amendment as passed yesterday, he should think it his duty to propose that France should be called upon to do justice, by inserting, "and a disposition on the part of France to redress the injuries committed against the United States."

Mr. S. SMITH charged the gentleman last up with repeating the same observations over and over again. Mr. S. denied that the privilege of coming into our ports with their prizes was any longer serviceable to the French, since they were not permitted to sell them. Under these circumstances, he said, the French would not bring their prizes into our ports. Did Great Britain, he asked, keep her Treaty in this respect? No, she did not. It was true she did not bring her prizes into our sea-ports; but she brought them into our rivers and bays, and then sent them to Halifax. But, because the French had come upon our coast with some vessels of war, it had been accounted a very extraordinary thing—though the British ships of war are constantly on our coast. Indeed, he said, they had just taken the brig Liberty, from Philadelphia, and a schooner from Baltimore, (which he saw with pleasure set sail,) laden with some families, chiefly old women and children, who were returning home to Cape Francois, which were sent to Halifax. These vessels of the British keep possession of one of the mouths of our rivers, and yet we are not surprised at it because we are used to it, but because one or two vessels are taken by French privateers, we are greatly surprised.

He was far from justifying the conduct of the French; but he was not for making war upon them, on account of what they had done, because he believed the French Government would disavow many of the injuries which had been committed against us. He vindicated neither nation; both had injured our commerce and entrenched upon our rights. The British, said he, oblige our vessels passing in or out of the bay of the Chesapeake, to *douse their colors;* yet this nation lately made a treaty with us! This was not an agreeable thing to Americans, but they were obliged to submit to it. He mentioned these things to show that France was not singular in her aggressions towards this country.

Mr. BALDWIN repeated his objections to the report, which he made yesterday, in order to show the propriety of disagreeing to strike out the words in question.

Mr. OTIS did not think it necessary to go into a comparative view of the outrages committed against the commerce of this country by the British and French. He believed the House was tired of such repetitions. The gentleman from Maryland had told them that the British had taken a cargo of old women. The French army and conventions had been introduced amongst them by turns, and now the gentleman had brought forward the old women; whatever effect the former might have had upon their debates, he knew of none this cargo could produce. The question, he said, was now reduced to a narrow compass, viz: to a proposition to insert general words in the place of particular ones. Both were intended to have the same effect, and the object of the present amendment was to produce conciliation. It had been insinuated that gentlemen who voted for the amendment of yesterday could not vote for this; but he thought they might with propriety do it, and, by thus acting, escape the danger of encroaching on the duty of the Executive. It had been relied upon, that because the Legislature had power to declare war, *ergo,* this House has a right to decide upon what terms it will be willing to declare war. He did not think the Constitution ever intended such a dialogue to be held with the Executive; for the House of Representatives and Senate might disagree, and therefore it was a thing not to be anticipated. Though he was charged with being of the war party, yet he did not know that he should be willing to go to war, even if the present negotiation were to fail; indeed, he thought the particular proposition more threatening than any other. But it had been said that if the present motion passed, France would be in a state of outlaw. If such consequences could be seriously charged upon the passing of a motion of this kind, what situation, he asked, were we in? It seemed as if the cup of indignation must be filled to the brim.

Mr. VENABLE denied that the proposition now

moved was to the same effect as the one intended to be struck out. If it were so, indeed, he would ask why gentlemen were so anxious to have it passed? What did gentlemen mean by conciliation? He believed they meant this—Come over to our side. The gentleman last up had the other day said, let gentlemen descend from their pride and opinion, and come and rally round us. This was a peculiar kind of modesty which that gentleman seemed to possess, and he wished him to keep it.

Mr. DENNIS said, admitting that the words as they stand are not unconstitutional, he could not see why gentlemen should be so tenacious of them. It seemed as if they were distrustful of the Executive. They were told by the public prints that the President had appointed negotiators, men of character, who it could not be doubted would do their duty, and that they were actuated by a disposition to heal the differences between the French Republic and this country. He believed there was a majority in that House who wished to depend upon the Executive. He could only see one reason for the conduct of gentlemen on this occasion, and that was, that they were afraid the Executive would do right, and acquire too much reputation. They want it to appear to the world that it was they who delivered their country from the danger with which it was threatened. Much, he observed, had been said about the rights of that House; he did not mean to go into the subject, but he would ask whether, if the Executive should unnecessarily draw the country into war, would that House, when war was raging among us, refuse to appropriate money for carrying it on? They certainly would not. All would unite in repelling the danger.

Mr. GILES hoped that by this time gentlemen had got rid of their Constitutional scruples, as this proposition involved in it an interference with the Executive in an equal degree with that it was meant to supersede. It would also have an operation upon the next clause of the Address, which asserted that the conduct of Government has been just and impartial to foreign nations, which went as well to France, with respect to her treaties, as to other Governmental acts. This was the difference between the two propositions. Indeed, if it were only a substitute for the words struck out, there would be an objection on the threshold. The object was, were they willing to make some concession for the sake of peace? He would rather give up the spoliations than go to war. He would rather pay for them. But he trusted, if our negotiators proposed to do justice to France with respect to her treaties, this sacrifice would not be necessary. The gentleman from Maryland charged gentlemen with wishing to deprive the President of the reputation of accommodating the existing differences; but, he said, if they had any share of the reputation, they would also have a share of the responsibility for any concessions which it might be found necessary to make, which would attach to him. A curious idea had been started by the gentleman from South Carolina. He thought, having carried the question in a Committee of the Whole, that the matter had gone far enough. So that gentlemen having yesterday agreed to what they thought right, might to-day agree to what they believed to be wrong. He could not conceive that this kind of argument could operate upon the House.

Mr. GALLATIN had no objection to the word "justice" being introduced into the amendment, but not as a substitute for what was meant to be struck out. He looked upon the amendment as of two parts, the first to strike out the words relative to putting France upon a footing equal with other nations; the second, to introduce the sentiment that a mutual spirit of justice will produce accommodation. He was against the first part, and in favor of the other. The question to strike out was the main question reserved. He wished the yeas and nays to be taken upon it.

Mr. SITGREAVES could not suffer misrepresentation to pass unnoticed. It had been said that this amendment was connected with other parts of the Address, and that by agreeing to it, the House pledged themselves to support the existing treaty between this country and France. This he showed was not so. He also referred to what had been said by Mr. DANA on the subject of rights, from whom he disagreed. He insisted that this amendment had nothing to do with respect to approving any past measures of Government; all it was intended to do was, to conciliate the different opinions in the House on this subject.

Mr. GORDON said, it seemed to be insinuated no gentleman could be in favor of this amendment, except such as were averse to putting France on the same footing with other nations; but he would say, that though he wished France to be so placed, and though he felt as much gratitude for the assistance which France had afforded this country in the time of her need as any other gentleman, yet he was in favor of the motion to strike out, because he would avoid all appearance of any interference with the Executive; as he knew how easily opinions slided into advice, advice into precedent, and precedent into mischievous effects. He differed in opinion from the gentleman from Connecticut on the subject of rights, and the construction he put upon it.

Mr. NICHOLAS did not wish the present question to depend upon nice distinctions. He wished gentlemen to recollect that it was not the object of the amendment reported to make war, but to prevent war. That House, he insisted, had a right to say it will not declare war, except such and such things are done. They had the power of preventing war without consulting the Senate. They could say they would have peace.

The question for striking out was taken—yeas 49, nays 50, as follows:

YEAS—John Allen, George Baer, jr., James A. Bayard, Theophilus Bradbury, David Brooks, John Chapman, Christopher G. Champlin, James Cochran, Joshua Coit, William Craik, James Davenport, John Dennis, George Ege, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, William

Barry Grove, Robert Goodloe Harper, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, James Machir, William Mathews, Daniel Morgan, Harrison G. Otis, Elisha R. Potter, John Reed, John Rutledge, jr., Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, William Smith, of Charleston, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, Peleg Wadsworth, and John Williams.

NAYS—Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Nathan Bryan, Samuel J. Cabell, Thomas Claiborne, Matthew Clay, John Clopton, Samuel W. Dana, Thomas T. Davis, John Dawson, George Dent, Lucas Elmendorph, William Findley, John Fowler Nathaniel Freeman, jr., Albert Gallatin, William B. Giles, James Gillespie, Andrew Gregg, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, David Holmes, Walter Jones, Edward Livingston, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, John Nicholas, Josiah Parker, James Schureman, Thompson J. Skinner, Samuel Smith, William Smith, of Pinckney District, Richard Sprigg, jr., Richard Stanford, Thomas Sumpter, John Swanwick, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

Mr. KITTERA wished to offer an amendment. It appeared to him that the expression of "mutual spirit of conciliation," was improper, as the passage of the Address now stood, without any thing being stipulated to be done on the part of France. He therefore proposed to add the following words, viz: "to compensate for any injury done to our neutral rights, and on the part of."

Mr. HARPER thought this proposition made bad worse. They had been contending for a long time against interfering with the Executive, and now they were about to extend that interference. For himself, the same motive which led him to oppose the former motion would lead him to oppose this, as he never could vote for a proposition of this sort.

Mr. KITTERA hoped the yeas and nays would be taken upon the question. He was against giving advice to the President as much as any one; but if they were to give it, he would make it as consistent as possible, and at the same time that attention was paid to concessions to France, he was not willing to forget our own citizens.

Mr. GILES said this proposition would serve to perplex the business instead of dissipating difficulties. We were to demand from France compensation for spoliations, or what? We will go to war, for that must be the consequence.

Mr. GALLATIN was in hopes this proposition would not have been brought before the House, for, if they voted in favor of this resolution, would it not be putting themselves in a situation of saying, if you do not allow compensation for these injuries, we will seek redress in another way; and if they voted against the resolution, it would appear as if they intended to abandon the claim. Being forced, however, to vote in one way or the other, he must vote against it. He was in favor of making certain concessions, because he conceived it to be for the interest of this country to do so. He should vote against the proposition, because, if the French refused to comply with the condition, war must be the consequence. He wished the question could be avoided, because he saw no benefit that could arise from a decision upon it.

Mr. BAYARD was surprised, that after it had been agreed that it should be recommended to the President to make certain concessions to France, that gentlemen should be opposed to any provision in favor of our own citizens. If the French, said he, complain of inequality with respect to treaties, how much more reason have our citizens to complain of the spoliations committed upon their commerce? He thought this amendment calculated to make a bad thing better.

Mr. VENABLE was apprehensive that a decision upon this question would be a real injury to the claimants; because, if any thing was done which would prevent an accommodation, these claims would stand on a worse footing than at present. He should be sorry to be obliged to vote upon the question, but, if he did vote, he must give his negative to it. There were two hazards to be run; if it were negatived, it would appear as if compensation was not expected, and if carried, and the French refused compliance, war would be the consequence.

Mr. NICHOLAS wished gentlemen to consider what a serious barrier they were putting in the way of the peace of the country—a clog, which, if persisted in, must lead to war. It was possible, he said, they might have carried their zeal too far, but what was it to effect? The peace of the country; whilst the zeal of their opponents led to war. He felt this question of so important a nature, and, in his opinion, so improper to be decided, that he should move the previous question upon it.

This motion being supported by five members, (according to the rules of the House,) the question now became, "Shall the main question now be put?"

Mr. HARPER said, if no other good could be effected by this motion, it had produced declarations in favor of the Executive from all sides of the House. He left it, however, to the ingenuity of gentlemen who voted in favor of the former proposition, to show why they voted against this. He noticed what had fallen from a gentleman from Virginia, with respect to supporting the Executive; he believed the best way of supporting the Executive was to leave him to himself.

Mr. GILES said, when gentlemen were themselves turning round, they were apt to believe all the world was doing so. He thought there would indeed be inconsistency for any member to be in favor of both propositions. He was in favor of peace, not because valuable to a foreign country, but because valuable to American citizens, and he thought the mode he and his friends had advocated was the only one to secure it. He believed the business of spoliations should be left to be settled by the President, in the best way he could do it.

Mr. ALLEN thought gentlemen seemed too much disposed to lay this country at the feet of France. If the Address were examined, it would be found that we only cherish a hope that France would compensate our wrongs. Surely, he said, this cannot give offence.

Mr. GORDON was in favor of peace, and still in favor of what gentlemen had called a war motion, and against what they called a peace motion.

Mr. LIVINGSTON was against the main question being put, because he was afraid, if it were put, it would be lost. He saw no impropriety in the motion; it would be no clog upon the negotiation, because it must be made a part of it. But the losing the amendment would have a bad effect; and he believed it would be lost, because, if gentlemen acted consistently who voted against the former amendment, they must vote against this also.

Mr. GOODRICH said, that as they had assumed the right of advising the President, he wished at least as much respect to be paid to the claims of our fellow-citizens as to those of the French Republic.

Mr. SITGREAVES saw the difficulty in which gentlemen were placed, which was, either to abandon the claims of their fellow-citizens, or their own views, and he had no doubt in saying that an endeavor to get rid of the question, was an endeavor to abandon those claims. As it was not an ultimatum, it would not be called a war proposition.

Mr. N. SMITH said, the argument of the gentleman from New York was a singular one; because, if the previous question was carried, it would amount to a negative.

Mr. BRENT defended the argument of the gentleman from New York.

Mr. SWANWICK spoke at some length, as to the finesse which had been used on this occasion; as it appeared, he said, that it was the wish of gentlemen to carry this proposition for the sake only of defeating both, when the vote came to be taken on both together. If both propositions could be carried, he should be in favor of both; but he could not consent to vote for this, in order to give gentlemen an opportunity of defeating the other.

Mr. VENABLE again expressed his embarrassment.

Mr. W. SMITH said as the hour of adjournment was arrived, and the debate did not appear to be exhausted, he moved to adjourn.

---

FRIDAY, June 2.

## ANSWER TO PRESIDENT'S SPEECH.

The House again took up the subject of the Answer to the President's Speech. The following amendment being under consideration, viz: "to compensate for any injury done to our neutral rights, and on the part of."

Mr. F. WILLIAMS expressed his concern that this motion had been brought forward at all. In order to extricate the House from the difficulty, he had proposed to insert the word "justice," which he believed would have had the desired effect. He did not think it was the business of that House to take into consideration the losses sustained by our merchants from the spoliations of the French; if they chose to run risks, they must take the consequences. But the question having been brought before the House, if it were negatived our merchants would have a claim upon Government for their losses. He wished, therefore, to have kept the subject out of sight, since our citizens would not like to be taxed to pay for these spoliations. It was the opinion of one part of the House, that the proposition for placing France on an equal footing with other nations would have the effect to preserve us in peace; he wished, therefore, that it should go out unclogged. He hoped the mover would withdraw his motion; he thought it would be a conciliatory step, and his proposition, he was of opinion, would answer every purpose.

Mr. SEWALL would not have troubled the House on this question, but that part of his constituents being interested in the question, he felt himself called upon to make a few remarks upon it. If this motion had not been brought forward, he himself should have thought it his duty to have introduced something of the sort, since the former amendment was carried. He did not think with the gentleman last up, that the bare admitting of the question would pledge them to pay for the spoliations. He was of opinion that merchants carrying on trade, under the sanction of the Government, were entitled to protection, and to be shielded from insult every where; but he did not understand that this protection went to the making good of losses, but only to protect them with the public force in their defence. The injuries committed against them might, indeed, be so great as to be a just cause of war, or of a partial war of retaliation, or for a call upon the nation committing the injury for redress. It had been denied, when the former question was under consideration, that they were dictating any terms to the Executive. It was then said that they were only about to offer him their opinion; but now, when only a single article was to be added in behalf of our fellow-citizens, it is said to be an ultimatum. This was changing of ground, and brought the amendment, which he did not think very hurtful before, to give them the power of making peace or war in the country; they might force the Executive and Senate into a war against their inclination. The Constitution had provided otherwise: the Executive was to take measures for preserving peace. This was sufficient to show the absurdity of undertaking the business. If, said Mr. S., gentlemen refuse to consider the question, it will be adding insult to injury upon our fellow-citizens. A treaty without this stipulation would be absurd. Was the President to go on with the idea that the only suggestion in this Answer was the ground on which he was to go? If so, and he were to do any thing more, and war were to be the consequence, he would have to bear the opprobrium.

Gentlemen said they had no objection to this

amendment, provided it was not an ultimatum; he had no idea that it could be so considered. It was the more hazardous, since (as he before observed) he believed that no steps which they could take would secure peace. With respect to the consistency of members who voted against the former amendment, from Constitutional scruples, voting in favor of this, he always held it good, that when a measure was carried to their wishes, they ought to endeavor, in justice to themselves and their constituents, to prevent the thing from doing as little injury as possible; and, upon this ground, he should vote for the main question, and against the previous one.

Mr. WILLIAMS (after leave was obtained to speak a second time to a previous question, which was obtained by every member who spoke twice on this question) observed, that there seemed to be a difficulty in so amending the Address as to attend to the claims of their fellow-citizens, without appearing to impair their desire for peace. In order to promote conciliation in the House, he should move to recommit the Address and amendments to the Select Committee who prepared it, and, if he were successful, he should move to add some new members to it.

The motion was put and negatived, there being only 24 votes in favor of it.

Mr. S. SMITH said that, in the language of Mr. Barras, they presented a novel spectacle to the world. They had been called together by the President to do some act, but they were wasting that time which should be employed in effectual measures—how? To get clear of what he could not tell how to get clear of, without a recommitment. The object of calling Congress together was to take into consideration the spoliations committed upon our commerce, and the indignities shown to our Minister. They had proofs of the latter fact, but none of the former. He had mentioned this the other day, when the Secretary of State was present, expecting that he would have remedied the deficiency. He would again say, when British spoliations were the subject of complaint, they had documents before them. At present they had none, for the representations made by Mr. Skipwith long ago, and which were in a train of settlement, could not now be the object, but something recent. He wished to know whether these were irregular depredations or regular captures. They had been told of certain claims of our merchants. He asked what they were. It was true that a number of merchants (and he amongst them) had contracted with M. Fauchet and others to deliver flour in France, and some of them had got paid and others not. Many of their vessels had been, it was true, improperly embargoed in French ports, for which they had claimed payment; whether it would be obtained or not he knew not. He trusted they were not to go to war to obtain this payment. He was persuaded that when the Treasury of France got into a better state than it was at present, that our merchants would be paid; but if war was to be gone into, there would be an end of payment. Americans had been in the habit of trading to what the French called Rebel ports, in the West Indies, and when the French took our vessels going to those ports, would it be right to go to war to get redress? No neutral Power was permitted to trade with this country when we were declared by Great Britain to be Rebels. Vessels taken in going to British islands, in the West Indies, would be looked upon as regular captures; but those captured in going to the Rebel ports, could not be expected to be compensated. He knew the French had taken vessels bound to these regular ports; but he also knew that their numbers were small, and that, instead of *twelve millions*, it might be found that there had not been to the amount of *half a million*, or a *million* at most, taken in this way. And, said he, shall we go to war to recover this? He trusted not, but that the same course would be followed which had been taken with respect to British spoliations. At that time a negotiator was sent over to Great Britain to settle the business (and a proper person he was, since it was always wise in such cases to send persons who are well known to have a friendly disposition for the nation with whom they go to treat.) He wondered that the Secretary of State should have left the gentleman from South Carolina to refer them to Mr. Skipwith's documents. The man who carried on trade from this country with British ports (which was mostly the case at Philadelphia and New York) was subject to French spoliations. He who traded to French ports was in like manner subject to the spoliations of the British. Both countries plundered us. [Mr. HARPER wished to have interrupted Mr. SMITH; but Mr. S. would not give way, he said, to a man who had told him, the other day, he knew what he was going to say better than he did before he uttered his words. Besides, he knew it was the practice in county courts to endeavor to confuse a speaker by interruption, but he had been too long in public life to be thus affected.]

The SPEAKER said, any member had a right to call another to order. Mr. HARPER said he did not mean to call the gentleman to order. "Then," replied the SPEAKER, "You, sir, are out of order."

Mr. SMITH proceeded. He said he had lately seen papers, which he meant to lay before the Secretary of State, from which he found that orders had been issued in April last, by Admiral Harvey and General Simcoe, for taking all American vessels bound for Hispaniola, and to carry them into Cape Nichola Mole. He had mentioned, on a former occasion, the manner in which Colonel Talbot had been treated by the British Admiral; the gentleman from South Carolina at that time apologised for his conduct, by saying Colonel Talbot had behaved improperly. He now informed that gentleman, that, so far from this, Colonel Talbot was not permitted to speak to the Admiral.

The indignity shown to our Minister, Mr. S. said, seemed to be more dwelt upon than the spoliations. But suppose, said he, we were to complain to the French Government, might not M. Delacroix say, "What injury has been done to

you? your Minister could not diplomatically be received, since our Minister had been recalled—you have merely mistaken an article in diplomatic proceedings." Suppose this were found to be the case: the complaint would then only be, "You did not show a sufficient degree of politeness to our Minister." The answer might be, "We told him he might remain among us subject to the same laws with other strangers." And surely, said Mr. S., we who are tenacious of our own laws, shall not refuse to respect those of other countries. He confessed he was no diplomatic man, but he supposed this might be the course such a complaint would take.

With respect to the previous question, it appeared to him when principles had been fully determined upon, and an attempt was made to set them aside, this was the best way of preventing the measure. If the gentlemen who supported the proposition would vote for the whole, when amended, he would also vote for it; if not, he would vote for the previous question; because he did not like tricking.

Mr. HARPER was not surprised that the gentleman last up should have so far wandered from the subject; nobody who knew him would be surprised. From what he had said, he should have thought the motion before the House had been a call upon the Secretary of State for papers. The reason why the papers the gentleman mentioned were not before them, was, they had not been asked for. He looked with contempt upon what the gentleman had said about the practice of county courts; he thought it indicative of his want of sense and good manners.

Mr. RUTLEDGE wished to make an observation, which, though not strictly in order, he trusted he should be permitted to make, as it was in reference to what had fallen from the gentleman last up.

The SPEAKER said he could not be permitted to proceed with remarks not in order.

Mr. W. SMITH supposed, that as the gentleman from Maryland had been permitted to make his observations, a reply to them ought to be allowed.

The SPEAKER said, the remark of the gentleman from South Carolina was equally out of order. [He read the rule.] The gentleman having set out with saying what he should offer would not be in order, it was his duty to stop him. He should ask leave of the House for him to proceed. Leave was asked and given.

Mr. RUTLEDGE observed, the gentleman had frequently called for documents with respect to spoliations. The gentleman could not have read the documents on the the table, without seeing Major Mountflorence's papers on that subject, which not only confirmed the taking of vessels, but also the resuscitation of an old law requiring the protection of seamen to be countersigned by the officers of Government. He should vote against the previous question; nor should he think he acted inconsistently in doing this. He disliked the thing; but he was for lessening the evil as much as he could, which was a common course in passing of bills. If the amendment was adopted, he should vote for the whole.

Mr. S. SMITH answered, that he had noticed the documents which had been mentioned, when he was up the other day.

Mr. CRAIK thought there was no necessity for further proof of the spoliations committed upon our commerce by the French, than they had before them. He thought it right that the stipulation in favor of our citizens should be added, and that the attempt to get rid of it by the previous question was unfair, as a refusal to consider the subject would amount to a justification of the spoliations, and to a denial of the right of our citizens to satisfaction. He denied that there was any danger of a war in consequence of the French refusing to make the satisfaction here mentioned; nor could he conceive gentlemen need to be alarmed for the loss of the amendment when amended.

Mr. NICHOLAS said, it was his wish to offer France the concession already agreed upon, for the sake of peace, and at the same time to convince them that they had nothing to expect from any party in this country, (which it appeared they had been led to believe,) in support of any unjustifiable claim. The amendment which had been agreed to, he thought well calculated to produce this effect; as it declared what these Frenchmen, (as they have been stigmatised,) were willing to do; but now gentlemen came forward and wished to tack another proposition to this, viz., that compensation should be made for spoliations committed upon our citizens. It was not doubted that this was a proper subject of negotiation; but when they saw the zeal which was shown by the Executive in favor of our own claims, they did not suppose these would be forgotten; but they think it possible from the complexion of the Speech of the President, and the reported Answer to it, that it was possible the concession which they had introduced might not be attended to. They wished, therefore, as they believed the peace of the country depended upon it, to express their wishes on that subject; but if the subject of spoliations was introduced in the way proposed, it would be to say, "we will have satisfaction for spoliations, or we will not treat;" for, said he, it is either a *sine qua non*, or it is not; if it were, he apprehended war would be the consequence; if it were not, it could not be of any use, but would destroy the claims of the merchants. He denied that gentlemen averse to this proposition were averse to obtaining redress for the merchants; their object was peace, and they did not wish to clog the negotiation with any thing which might prevent a continuance of that blessing to our country. Mr. N. defended himself and those who voted with him from the charge of being friends of France. He believed they could challenge gentlemen on the other side to show that they had more reason to be attached to this country than they; he thought their fortunes were as stable, their domestic comforts as great, as were those of other gentlemen.

Mr. N. was proceeding on this subject, but was called to order.

Mr. OTIS said, he was not deterred from giving

his opinion on this subject, from the high responsibility which was attached to it; he hoped that the previous question would not prevail, but that the main question would be put. If they were brought to a decision on this question, it was not the fault of gentlemen on his side. It appeared to him, there could only be three reasons for wishing to postpone a decision upon the main question; they were, that gentlemen were ready to abandon the spoliations altogether, or that it was inexpedient to enter into the discussion of them at present, or they were not prepared to enter upon it. With respect to the first, he could not believe any gentleman wished seriously to give up the claims. As to the second, he believed it would have been inexpedient, if they had not gone certain lengths; but, if they were to dictate to the President one set of terms, he wished to add something to them which would render them less exceptionable. But this was called a war proposition, a trammelling of the Executive. A war proposition! said Mr. O., to hope for a redress of wrongs! Was it ever criminal to express a hope? Hope, the consolation of the wretched—hope, which the malefactor at the bar may entertain without offending his judge! If this were the case, we were at the last extremity of humiliation. But it would trammel the Executive! If it were not a serious subject, said he, could any man help smiling, that those men, who had advocated the equality clause, should complain of this? If gentlemen, added Mr. O., will knock down the Executive, on one side and the other, it would be necessary for him to have a prop, at some future period, to support himself, either by means of corruption or by force. But, he believed, if they did not encroach upon his prerogatives, he would be able to support himself.

But gentlemen were unprepared to meet the question. Why unprepared? Because we want documents. But, added he, suppose there were no evidence, or that the fact was not true, where would be the danger of hoping redress? What member of the Executive Directory could complain of this? It would only be a vain hope, such as many of them were in the habit of indulging, and which he had never heard was insulting. But would the gentleman from Maryland go back to Baltimore, and say there were no documents? Were there not depredations committed, and at this hour committing, upon the property of his constituents? They would not permit him to doubt on the subject; they would say to him, Look at the tears of the widows and children; our injuries stare every one in the face; they are felt in the heart of every man.

Another reason for adding this clause is, he did not decide that compensation and concession should go hand in hand, but he would not decide the contrary; and if they were called upon to respond to one part of the Speech and not the other, they would be understood to say they should not go hand in hand; for, according to a legal maxim, "The designation of one thing was the exclusion of another." He believed it would be seen by this vote, therefore, who were the friends of the merchants and who were not. He denied that there was any *trap* intended by this question. He professed it his intention to vote for both propositions.

Mr. GALLATIN said the question had assumed somewhat of a different shape since yesterday, as several gentlemen had expressed their intention of voting for both propositions. This would have induced him to vote for the amendment, for the sake of conciliation, if he had not strong objections to it. Therefore, when he stated his reasons for voting against the main question, he did it that they might be answered, if they were not well founded.

The gentlemen who supported this amendment said, Surely we can have no objection to express a *hope*. If no more was expressed, there could not be a single objection to it.

Gentlemen needed not to have told them there was no degradation in expressing a hope. If it was nothing more, it would be an unnecessary thing. But the amendment proposed not only hoped that such a disposition would exist, but it went on to say that that disposition would produce an accommodation. It was to this he objected. He considered it in the shape of an *ultimatum*. It was the *condition* of the hope that it would produce accommodation. If that disposition was not found on the part of France, there was no hope of accommodation. This appeared to him to be the literal meaning of the amendment. He might be mistaken; he wished a different construction could be given to it. Mr. G. mentioned several collateral reasons for believing that this was the construction intended to be given to it.

If, said Mr. G., this proposition was meant as an *ultimatum*, it would doubtless strengthen the hands of the Executive. If they were prepared to say, that except the French will pay the amount of the spoliations committed upon our commerce, we will go to war, it would have an effect. Being, however, a doubtful thing, was a sufficient reason for his voting in favor of the previous question. He denied that it was the same thing to say they would not take up the subject as to negative it, since to decline the consideration of it at present would not be to abandon it.

Mr. DANA said he was perfectly satisfied with the vote which he had given on the proposition for placing France on the same footing with other nations. He, notwithstanding, acknowledged the obligation he was under to those gentlemen who seemed to express solicitude at the dilemma in which they supposed those who voted for that question were now placed. However, the solicitude of gentlemen on this account was misapplied, as to himself, as he did not wish to evade a vote upon the main question. He should therefore vote against the previous question.

It had been said that if the proposition now proposed to be introduced was carried, it would be either pledging the House to go to war, or amount to a relinquishment of the claims of our merchants. If he thought it would pledge them to go to war, if not acceded to, he should be against it. The question having been brought up, if no decision

was had upon it, it might be supposed that the House did not consider that any injury had been done to our neutral rights. In case we were disposed to go to war, if this hope was not complied with, we should go on to state we should proceed to act accordingly against France. To suppose the expressing of the hope, in the way proposed, would be offensive to France, was perfectly humiliating. France, said he, has violated our neutral rights, and he hoped she would, at least, pay our merchants the amount of their losses; and he would have expressed this hope if the former amendment had not been agreed to. It was saying no more than that we hoped the French would be honest.

Mr. W. SMITH thought it his duty, as representing a large commercial city, to express his sentiments on this occasion. He denied that the construction put upon the proposed amendment by Mr. GALLATIN was a just one. It meant no more, he said, than to express a hope that the French would have a disposition to make the injuries done to our neutral rights a subject of negotiation. They had been often told of the justice and magnanimity of the French nation, (he believed, by that gentleman;) and he trusted they would not be so unjust, so atrocious, as, because we express a hope that they will do this, to make war upon us.

Mr. GALLATIN interrupted Mr. S. to say that he had never made use of such sentiments; he had never spoken of the French making war upon us. He never said the expressing a *hope* would be an *ultimatum*. He made two propositions of the question, (which he explained as before.) He never said anything either about the justice or magnanimity of the French nation.

Mr. W. SMITH said he would not interrupt the gentleman, because he expected he would confirm what he had asserted. Mr. S. said he was first endeavoring to show how it would operate with respect to France; because, if that nation was so great and just as she was reported to be, there would be no danger of war on her part; and he was going to show how far war was likely to take place on our part. In order to support his argument, the gentleman must show that we pledged ourselves to go to war. There was no such thing, and he denied that any such idea existed. No gentleman objected to negotiate; nay, it was known that a nomination had taken place above-stairs of negotiators.

They were now, Mr. S. said, doing the business of the other departments of Government; but, as it had been so determined, they must consider themselves as in their situation. He therefore supposed that House as forming a council to the President. He supposed that the President might be in the chair, and they were advising him how to act. He asked their opinion. In the first place, said he, we answer, you must concede to France the article respecting free ships, &c. Other gentlemen say, that is not all, you must speak of spoliations. They sit down, and begin to draw the articles of instruction for the negotiators. They first mention the concession with respect to the British Treaty; but, say other gentlemen, you must add a hope that payment will be made for spoliations; but they answer, no; you must not ask France for this, that would be an ultimatum. This, said Mr. S., would be our situation. He denied, however, that such a proposition was any more than expressing a hope that the spoliations would become a feature in the negotiation.

Gentlemen asked, why triumph in their dilemma? There was no doubt they were in one; they confessed it. And why? Because they did not wish to make this claim. Why did not they wish it? It was difficult to say; but they might conjecture; and he believed it was, that to agree to such a proposition, would be to say that there had been injuries done to this country by France. Do they wish to hold up an idea that France is justified in their spoliations? Do they think the conduct of our Executive has been such as to provoke them? He hoped not; though the conduct of some gentlemen seemed to imply it. It would be easy to show that this was not the case; and he had no doubt that when our Commissioners came to make a candid explanation of that conduct to the French Government, there would be a disposition on the part of France to make reparation.

But the gentleman from Maryland said there was not many regular captures; that the vessels taken were mostly going to rebel ports; if so, they would be the easier compensated.

Gentlemen allowed that the first part of the proposition was what it ought to be; but it was improper to say anything about spoliations. By this it appeared as if that House intended to *entrap* the Executive. Gentlemen say, if you demand compensation for spoliations, it will involve a war; yet they expect the Executive to make a demand on this head. Did not this hold out an idea that that House was for peace, and the Executive for war? He believed, though this was not expressly said, it had all along been insinuated. We will usurp the right of making a peace proposition; but we will throw the obloquy of the war proposition upon the Executive. We will hold out the olive branch; but the Executive shall brandish the sword!

Mr. S. referred to the measures of sequestration and a prohibition of commercial intercourse, which were proposed when British spoliations were complained of; but now, he said, they were not to express a hope for redress.

With respect to the fear of war, Mr. S. asked if France were to send an agent to make a requisition upon them, if the same arguments as were now used would not apply? Suppose, for intance, they should want five millions of dollars, and if not paid within a certain time war would be made upon us. It might be said, why shall we go to war about this? One campaign would cost more than all this. Would not such language as this encourage them to make a requisition upon us? If they discovered our utter want of spirit to resent wrongs, they might carry on a mockery of a negotiation, and in the meantime let loose their cruisers upon our commerce. In

countries where the French have armies, said Mr. S., they can do all this and more. They say you must raise us so many millions of money, and such a quantity of supplies, by such a day; you must do this, or take the consequence. If we were in their situation (which, thank God, we are not at present, whatever we may be,) we could not help complying.

Mr. McDOWELL spoke in favor of the previous question, and was replied to by Mr. OTIS.

Mr. BRENT declared his intention of voting in favor of the previous question, though he had expressed his intention yesterday of voting differently; but, since hearing the arguments of the gentleman from Pennsylvania, and having himself seriously considered the subject, he was determined to vote against now putting the main question.

Mr. KITTERA said, he had kept his seat with difficulty when he heard gentlemen speak of this as an offensive proposition to France; he thought to cherish a doubt that they would do justice, would be more likely to insult that nation. Many professions, he said, had been made with respect to wishing the peace of the country to be preserved. Immediately representing people who enjoyed peace above everything else, it would be difficult to make them believe he was not as sincere in his professions for peace as any man. He believed his proposition did not tend to war but to peace. He thought the main question ought now to be put, as the proposition, carried without the amendment, would carry a strong implication that this Government was about to abandon the claims of her citizens.

Mr. R. WILLIAMS would make no apology for troubling the House as was common, as he conceived he had a right to express his thoughts on this and every other question presented to him. It was said that if the present motion was not adopted, it would be abandoning the rights of our fellow-citizens. This argument, he supposed, was used to frighten members into a vote which they did not wish to give. He considered the nation as bound to protect its citizens in the legal exercise of their business on the ocean; but, if any other nation injured them, they were to look to their own Government for redress, and not to the foreign nation. It was true, the Government had a right to look for satisfaction for the wrongs. He did not therefore consider this vote as in any degree injuring his fellow-citizens. They did not at present know the amount of the spoliations. It would be an after-consideration, if they should not be paid, whether we will pay them ourselves, or go to war. Mr. W. took notice of several arguments which had been used against putting the previous question; he particularly observed upon the singularity of what fell from Mr. OTIS, that he believed the principle wrong, and that such encroachment upon the Executive would lead him to fortify himself by corruption or force; yet he would vote for it.

Mr. POTTER hoped the previous question would not prevail. He trusted the Representatives of the American people were not prepared to give up the claims of their fellow-citizens, without even asking for a satisfaction of them.

And on the previous question, viz: "Shall the main question now be put?" it passed in the affirmative—yeas 51, nays 48, as follows:

YEAS—John Allen, George Baer, jr., James A. Bayard, Theophilus Bradbury, David Brooks, John Chapman, Christopher G. Champlin, James Cochran, William Craik, Samuel W. Dana, James Davenport, John Dennis, George Ege, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, William Barry Grove, Robert Goodloe Harper, Thomas Hartley, Jonathan N. Havens, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, James Machir, William Matthews, Daniel Morgan, Harrison G. Otis, Elisha R. Potter, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, William Smith, of Charleston, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, Peleg Wadsworth, and John Williams.

NAYS—Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Nathan Bryan, Samuel J. Cabell, Thomas Claiborne, Matthew Clay, John Clopton, Joshua Coit, Thomas T. Davis, John Dawson, George Dent, Lucas Elmendorph, William Findley, John Fowler, Nathaniel Freeman, jr., Albert Gallatin, William B. Giles, James Gillespie, Andrew Gregg, John A. Hanna, Carter B. Harrison, David Holmes, Walter Jones, Edward Livingston, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair M'Clenachan, Joseph McDowell, John Milledge, Anthony New, John Nicholas, Josiah Parker, Tompson J. Skinner, Samuel Smith, William Smith, of Pinckney District, Richard Sprigg, jr., Richard Stanford Thomas Sumter, John Swanwick, Abraham Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

The main question now recurring, that the House do agree to the amendment to the amendment,

Mr. HAVENS observed, that one part of the amendment was hypothetical, and the other positive. He wished both to be hypothetical; and moved, that instead of "injuries done to our neutral rights," it should read "injuries which may have been committed upon our neutral rights."

This amendment was agreed to without a division; and the main question being about to be put,

Mr GALLATIN observed, that a majority having determined the question should be taken, he now considered it as his business to choose between two evils. He had considered this amendment as saying, that, except the French would compensate the spoliations they had committed upon our commerce, no accommodation could take place, and of course a war must ensue; but gentlemen who supported it, denied that it had any such construction, he should, therefore, take it in the sense they gave it, and vote for it, though he had rather no vote had been taken upon the occasion.

The question being put, it passed in the affirmative—yeas 78, nays 21, as follows:

YEAS—John Allen, George Baer, jr., James A. Bay-

ard, Theophilus Bradbury, Richard Brent, David Brooks, John Chapman, Christopher G. Champlin, Thomas Claiborne, Matthew Clay, John Clopton, James Cochran, William Craik, Samuel W. Dana, James Davenport, John Dawson, John Dennis, George Ege, Lucas Elmendorph, Thomas Evans, William Findley, Abiel Foster, Dwight Foster, Jonathan Freeman, Nathaniel Freeman, Albert Gallatin, James Gillespie, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, William Barry Grove, John A. Hanna, Carter B. Harrison, Thomas Hartley, Jonathan N. Havens, William Hindman, David Holmes, Hezekiah L. Hosmer, James H. Imlay, Walter Jones, John Wilkes Kittera, Edward Livingston, Matthew Locke, Samuel Lyman, James Machir, William Matthews, John Milledge, Daniel Morgan, Anthony New, Harrison G. Otis, Elisha R. Potter, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Tompson J. Skinner, Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, Samuel Smith, William Smith, of Charleston, William Smith, of Pinckney District, Richard Sprigg, jr., Richard Stanford, John Swanwick, George Thatcher, Richard Thomas, Mark Thomson, Abram Trigg, John Trigg, John E. Van Alen, Philip Van Cortlandt, Joseph B. Varnum, Peleg Wadsworth, and John Williams.

NAYS—Abraham Baldwin, David Bard, Thomas Blount, Nathan Bryan, Samuel J. Cabell, Joshua Coit, Thomas T. Davis, George Dent, John Fowler, William B. Giles, Andrew Gregg, Robert Goodloe Harper, Matthew Lyon, Nathaniel Macon, Blair M'Clenachan, Joseph McDowell, John Nicholas, Josiah Parker, Thomas Sumter, Abraham Venable, and Robert Williams.

And then the question being put, that the House do agree to the said fifth amendment of the Committee of the Whole, amended to read as follows:

"We therefore receive with the utmost satisfaction your information that a fresh attempt at negotiation will be instituted, and we cherish the hope, that a mutual spirit of conciliation, and a disposition, on the part of France, to compensate for any injuries which may have been committed on our neutral rights, and on the part of the United States to place France on grounds similar to those of other countries, in their relation and connection with us, if any inequalities shall be found to exist, will produce an accommodation compatible with the engagements, rights, duties, and honor, of the United States:"

It was resolved in the affirmative—yeas 58. nays 41, as follows:

YEAS—Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Nathan Bryan, Samuel J. Cabell, Christopher G. Champlin, Thomas Claiborne, Matthew Clay, John Clopton, Samuel W. Dana, Thomas T. Davis, John Dawson, Lucas Elmendorph, William Findley, Nathaniel Freeman, jr., Albert Gallatin, William B. Giles, James Gillespie, Andrew Gregg, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, David Holmes, Walter Jones, John Wilkes Kittera, Edward Livingston, Matthew Locke, Matthew Lyon, James Machir, Nathaniel Macon, Blair M'Clenachan, Joseph McDowell, John Milledge, Daniel Morgan, Anthony New, John Nicholas, Harrison G. Otis, Josiah Parker, Elisha R. Potter, John Reed, John Rutledge, jr., James Schureman, Tompson J. Skinner, Samuel Smith, William Smith, of Pinckney District, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, John Swanwick, Richard Thomas, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, John Williams, and Robert Williams.

NAYS—John Allen, James A. Bayard, Theophilus Bradbury, David Brooks, John Chapman, James Cochran, Joshua Coit, William Craik, James Davenport, John Dennis, George Dent, George Ege, Thomas Evans, Abiel Foster, Dwight Foster, John Fowler, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, William B. Grove, Robert Goodloe Harper, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, James H. Imlay, Samuel Lyman, William Matthews, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, William Smith, of Charleston, George Thatcher, Mark Thomson, John E. Van Alen, and Peleg Wadsworth.

The question being about to be put upon the Address as amended,

Mr. LIVINGSTON said, having had occasion to express his doubts about the propriety of the conduct of the Executive towards foreign nations, and not believing it had been "just and impartial," and not from the fear of offending any foreign nation, as had been insinuated, he was not willing to vote for an Address containing words so exceptionable.

Mr. LYON moved to strike out the words "foreign nations."

Mr. LIVINGSTON said, he had other objections.

Mr. GALLATIN wished to strike out the whole of the paragraph from the word "believing." His great objection to this paragraph, he said, was not to the clause which said, that the conduct of the Government had been "just and impartial to foreign nations;" for, although he could not say the Government had, in every instance, been just and impartial to foreign nations, yet, generally speaking, he believed it had been so. Though he did not approve of the conduct of the Executive, with respect to the British Treaty, yet he was not willing to attribute bad motives to them on that account; but the part he objected to, was that in which they pledged themselves that the laws were fairly executed; so far as it related to the Executive, he doubted not this was the case, but with respect to the subordinate departments of the Executive and the Judiciary, he could not give an opinion of this sort; but his chief objection was to the last sentence, in which they said "they did not hesitate to declare, that they would give their most cordial support to principles so deliberately and uprightly established." He did not know what principles, what support was meant.

Mr. W. SMITH said, the word principles had reference to the laws they had passed. He did not think the paragraph exceptionable; one nearly similar was inserted in the Address of last session, and he thought it at this time peculiarly proper.

Mr. OTIS thought, there was something more artful and insidious in this attempt than in any which had been made in the whole business, as it went to cast a censure not only on the Executive, but on all the Departments of Government.

Mr. ALLEN believed, there was American blood enough in the House to approve of this clause, and American accent enought to pronounce it.

And on the question being put, it passed in the negative—yeas 45, nays 53, as follows:

YEAS—Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Nathan Bryan, Samuel J. Cabell, Thomas Claiborne, Matthew Clay, John Clopton, John Dawson, Lucas Elmendorph, William Findley, John Fowler, Nathaniel Freeman, jr., Albert Gallatin, William B. Giles, James Gillespie, Andrew Gregg, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, David Holmes, Walter Jones, Edward Livingston, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair M'Clenachan, Joseph McDowell, John Milledge, Anthony New, John Nicholas, Josiah Parker, Tompson J. Skinner, Samuel Smith, William Smith, of Pinckney District, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, John Swanwick, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

NAYS—John Allen, George Baer, jr., James A. Bayard, Theophilus Bradbury, David Brooks, John Chapman, Christopher G. Champlin, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, James Davenport, Thomas T. Davis, John Dennis, George Dent, George Ege, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, William B. Grove, Robert Goodloe Harper, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, James Machir, Daniel Morgan, Harrison G. Otis, Elisha R. Potter, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, William Smith, of Charleston, George Thatcher, Richard Thomas, Mark Thomson, Abram Trigg, John E. Van Alen, Peleg Wadsworth, and John Williams.

The question was then taken on the Address as amended, and resolved in the affirmative—yeas 62, nays 36, as follows:

YEAS—John Allen, George Baer, jr., Abraham Baldwin, David Bard, James A. Bayard, Theophilus Bradbury, David Brooks, John Chapman, Christopher G. Champlin, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, James Davenport, John Dennis, George Dent, George Ege, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Nathaniel Freeman, jr., Albert Gallatin, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, William B. Grove, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison, Thomas Hartley, William Hindman, David Holmes, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, James Machir, John Milledge, Daniel Morgan, John Nicholas, Harrison G. Otis, Elisha R. Potter, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Tompson J. Skinner, Thomas Sinnickson, Jeremiah Smith, Nathaniel Smith, Samuel Smith, William Smith, of Charleston, George Thatcher, Richard Thomas, Mark Thomson, Abram Trigg, John E. Van Alen, Peleg Wadsworth, and John Williams.

NAYS—Thomas Blount, Richard Brent, Nathan Bryan, Samuel J. Cabell, Thomas Claiborne, Matthew Clay, John Clopton, Thomas T. Davis, John Dawson, Lucas Elmendorph, William Findley, John Fowler, William B. Giles, James Gillespie, Andrew Gregg, Jonathan N. Havens, Walter Jones, Edward Livingston, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair M'Clenachan, Joseph McDowell, Anthony New, Josiah Parker, Samuel Sitgreaves, William Smith, of Pinckney District, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, John Swanwick, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

*Resolved*, That Mr. SPEAKER, attended by the House, do present the said Address; and that Mr. VENABLE, Mr. KITTERA, and Mr. NATHANIEL FREEMAN, jr., be a committee to wait on the President, to know when and where it will be convenient for him to receive the same.

And then the House adjourned.

---

SATURDAY, June 3,

A report was received from the Commissioners of the Federal City, which was ordered to be printed.

## ANSWER TO THE PRESIDENT'S SPEECH.

Mr. VENABLE, from the committee appointed to wait on the President of the United States, to know when and where it will be convenient for him to receive the Address of this House, in answer to his Speech to both Houses of Congress, reported that the committee had, according to order, waited on the President, who signified to them that it would be convenient to him to receive the said Address, at twelve o'clock this day, at his own house.

Mr. LYON said he yesterday voted against the appointment of a committee to wait upon the President to know when and where he would receive their Address, because he believed the President should always be ready to receive important communications. He wished to make a motion, which was, "that such members as do not choose to attend upon the President to present the Answer to his Speech, shall be excused." He wished to be understood. He thought the motion a reasonable one, because it proposed to leave them at liberty to do as they pleased. And by the rules he saw, he was obliged to attend, except sick, or leave of absence was obtained; now, as he hoped not to be sick, he wished to put himself out of the power of the Sergeant-at-Arms, if he did not attend. He had been told he might stay behind without being noticed; but this was not enough for him, as he was a timid man, and the House had the law on their side, as he recollected something of a reprimand which had been given to Mr. WHITNEY. [The SPEAKER reminded him it was out of order to censure the proceedings of the House on any former occasion.] He said he stood corrected, and proceeded.

He had spoken, he said, to both sides of the House (*as they were called*) on the subject. One side dissuaded him from his motion, and laughed at it; the other side did not wish to join him in it, because it would look like disrespect to the person lately elected, who was not a man of their choice; but he trusted our magnanimous President would, with the enlightened yeomanry of America, despise such a boyish piece of business. This, he said, was no new subject with him, he had long heard the folly of the wise made a mat-

ter of wonder in this respect. It was said this was not the time to abolish the custom; but this was the cant used against every kind of reform. No better time could ever arrive, he said, than this, which was the threshold of a new Presidency, at a time when the man elected to the office was beloved and revered by his fellow-citizens; he was as yet unused to vain adulation; he had spent a great part of his life amongst a people whose love of a plainness of manners forbids all pageantry; he would be glad to see the custom done away. Were he acting in his own personal character, he perhaps might conform to the idle usage, but acting as he was for eighty thousand people, every father of a family in his district would condemn him for such an act.

The gentleman from Connecticut yesterday hoped there would be American blood enough to carry the question. [The SPEAKER again reminded him that he was out of order to allude to what was done yesterday, and said the proper motion would be to rescind the rule.] He did not wish to rescind the rule, he said, only so much of it as obliged the House to attend. This, he said, was no trifling thing with him, he should have as great an objection to attend this business, as a Quaker would to make his obeisance to a magistrate. [The SPEAKER said he must move to rescind the rule, or that he himself be excused, no other motion was in order.] Then, he said, he must confine himself to the narrow ground of himself. He had no objection to gentlemen of *high blood* carrying this Address. He had no pretensions to *high blood*, though he thought he had as *good blood* as any of them, as he was born of a fine, hale, healthy woman. Before yesterday, he never heard of gentlemen boasting of their blood in that House. He could not say, it was true, that he was descended from the bastards of Oliver Cromwell, or his courtiers, or from the Puritans, who punished their horses for breaking the Sabbath, or from those who persecuted the Quakers or hanged the witches. He could, however, say that this was his country, because he had no other; and he owned a share of it, which he had bought by means of honest industry; he had fought for his country. In every day of trouble he had repaired to her standard, and had conquered under it. Conquest had led his country to independence, and being independent, he called no man's blood in question.

Mr. BLOUNT said he had seconded the motion of the gentleman from Vermont, in order to give him an opportunity of stating his reasons for making it, and not from any desire to rescind the rule.

Mr. DANA observed that the House would not wish to do violence to the gentleman's feelings. It was true some of the most respectable men in the United States had waited upon the President in a similar way, yet, if the gentleman thought it would not comport with his own dignity to do it, he hoped he would be excused.

The motion was put, and carried unanimously.

The SPEAKER informed the House the hour was arrived at which the President had appointed to receive them.

Mr. MACON moved that the House do now adjourn. He should wait upon the President; but it seemed to be understood that members were obliged to go. He thought, however the power of the House might extend to bringing a member into the House, there was no power to carry him out.

The motion was negatived without a division.

The House then withdrew, and waited upon the President of the United States with the following Address:

*To the President of the United States:*

Sir, the interesting detail of those events which have rendered the convention of Congress, at this time, indispensable, (communicated in your Speech to both Houses,) has excited in us the strongest emotions. Whilst we regret the occasion, we cannot omit to testify our approbation of the measure, and to pledge ourselves that no considerations of private inconvenience shall prevent, on our part, a faithful discharge of the duties to which we are called.

We have constantly hoped that the nations of Europe, whilst desolated by foreign wars, or convulsed by intestine divisions, would have left the United States to enjoy that peace and tranquillity to which the impartial conduct of our Government has entitled us; and it is now, with extreme regret, we find the measures of the French Republic tending to endanger a situation so desirable and interesting to our country.

Upon this occasion we feel it our duty to express, in the most explicit manner, the sensations which the present crisis has excited, and to assure you of our zealous co-operation in those measures which may appear necessary for our security or peace.

Although it is the earnest wish of our hearts that peace may be maintained with the French Republic, and with all the world, yet we will never surrender those rights which belong to us as a nation; and whilst we view with satisfaction the wisdom, dignity, and moderation, which have marked the measures of the supreme Executive of our country, in its attempts to remove, by candid explanations, the complaints and jealousies of France, we feel the full force of that indignity which has been offered our country in the rejection of its Minister. No attempts to wound our rights as a sovereign State will escape the notice of our constituents; they will be felt with indignation, and repelled with that decision which shall convince the world that we are not a degraded people, that we can never submit to the demands of a foreign Power without examination and without discussion.

Knowing as we do the confidence reposed by the people of the United States in their Government, we cannot hesitate in expressing our indignation at any sentiments tending to derogate from that confidence. Such sentiments, wherever entertained, served to evince an imperfect knowledge of the opinions of our constituents. An attempt to separate the people of the United States from their Government, is an attempt to separate them from themselves; and although foreigners, who know not the genius of our country, may have conceived the project, and foreign emissaries may attempt the execution, yet the united efforts of our fellow-citizens will convince the world of its impracticability.

Sensibly as we feel the wound which has been inflicted by the transactions disclosed in your communications, yet we think with you, that neither the honor nor the interest of the United States forbid the repeti-

tion of advances for preserving peace. We, therefore, receive with the utmost satisfaction your information that a fresh attempt at negotiation will be instituted; and we cherish the hope that a mutual spirit of conciliation, and a disposition on the part of France to compensate for any injuries which may have been committed upon our neutral rights; and, on the part of the United States, to place France on grounds similar to those of other countries in their relation and connection with us, if any inequalities shall be found to exist, will produce an accommodation compatible with the engagements, rights, duties, and honor of the United States. Fully, however, impressed with the uncertainty of the result, we shall prepare to meet with fortitude any unfavorable events which may occur, and to extricate ourselves from their consequences with all the skill we possess, and all the efforts in our power. Believing with you that the conduct of the Government has been just and impartial to foreign nations, that the laws for the preservation of peace have been proper, and that they have been fairly executed, the Representatives of the people do not hesitate to declare that they will give their most cordial support to the execution of principles so deliberately and uprightly established.

The many interesting subjects which you have recommended to our consideration, and which are so strongly enforced by this momentous occasion, will receive every attention which their importance demands; and we trust that by the decided and explicit conduct which will govern our deliberations, every insinuation will be repelled which is derogatory to the honor and independence of our country.

Permit us, in offering this Address, to express our satisfaction at your promotion to the first office in the Government, and our entire confidence that the pre-eminent talents and patriotism which have placed you in this distinguished situation, will enable you to discharge its various duties with satisfaction to yourself and advantage to our common country.

To which the PRESIDENT returned the following answer:

*Mr. Speaker, and*
*Gentlemen of the House of Representatives:*

I receive with great satisfaction your candid approbation of the convention of Congress; and thank you for your assurances that the interesting subjects recommended to your consideration shall receive the attention which their importance demands; and that your co-operation may be expected in those measures which may appear necessary for our security or peace.

The declaration of the Representatives of this nation of their satisfaction at my promotion to the first office in the Government, and of their confidence in my sincere endeavors to discharge the various duties of it, with advantage to our common country, have excited my most grateful sensibility.

I pray you, gentlemen, to believe, and to communicate such assurance to our constituents, that no event which I can foresee to be attainable by any exertions in the discharge of my duties, can afford me so much cordial satisfaction as to conduct a negotiation with the French Republic, to a removal of prejudices, a correction of errors, a dissipation of umbrages, an accommodation of all differences, and a restoration of harmony and affection, to the mutual satisfaction of both nations. And whenever the legitimate organs of intercourse shall be restored, and the real sentiments of the two Governments can be candidly communicated to each other, although strongly impressed with the necessity of collecting ourselves into a manly posture of defence, I nevertheless entertain an encouraging confidence that a mutual spirit of conciliation, a disposition to compensate injuries, and accommodate each other in all our relations and connections, will produce an agreement to a treaty consistent with the engagements, rights, duties, and honor, of both nations.

JOHN ADAMS.

UNITED STATES, *June* 3, 1797.

The members having returned to the House, the SPEAKER again took the Chair, and having read the answer of the President,

Mr. W. SMITH said the Speech of the President of the United States had been referred to the Committee of the Whole on the state of the Union. Before the House resolved itself into a Committee of the Whole on that subject, he wished the rule to be read, which respected the closing of the galleries. [It was read accordingly.] This rule says, that when any Message shall be received from the President which shall require secrecy, or when any member has any communication to make which, in his opinion, requires secrecy, the galleries shall be cleared.

Mr. W. S. gave notice that he had a communication to make which required secrecy, and begged the galleries might be cleared.

Mr. NICHOLAS hoped they should understand from the gentleman, whether it was any new information, or matter which grew out of the business before the House.

The SPEAKER said it was sufficient for the gentleman to declare his communication was of a secret nature, which required the galleries to be cleared, to have them cleared. The propriety of the measure would be afterwards judged of. The galleries were accordingly cleared, and remained closed till the House adjourned.

---

MONDAY, June 5.

The Journals of the proceedings of Saturday having been read,

Mr. NICHOLAS supposed there was an omission, as no mention was made of the resolutions which had been brought forward by the gentleman from South Carolina, after the doors had been closed, and which it had been determined were not of a nature to require secrecy.

Mr. W. SMITH said the vote which had been taken only related to a part of what he had brought forward.

Mr. NICHOLAS said, he understood that the letter which he had produced was a private letter, and therefore it was not necessary to notice it.

Mr. GALLATIN observed, that no distinction had been made. If the letter could be considered as part of the communication, it was also included in the vote, as it was simply that the communication did not require secrecy.

Mr. MACON thought the resolutions stood upon the same ground as that upon which a motion offered to the House, upon which no decision was made, which was never recorded until it was taken up.

Mr. THATCHER concurred in the opinion.

Mr. NICHOLAS was still of opinion an entry ought to have been made on the Journals, and moved to amend them.

The question was put, and there appearing 41 votes in favor of it, and 41 against it, the Speaker decided it in the negative.

## DEFENSIVE MEASURES.

The House then resolved itself into a Committee of the Whole on the state of the Union, and the Speech of the President, at the opening of the session, having been read,

Mr. W. SMITH said, he wished to lay upon the table a number of resolutions, which it appeared, if it should not be found advisable to carry the whole of them into effect, were at least worthy of discussion. He did not, however, at present, pledge himself to support the whole: they were as follow:

"1. *Resolved*, That further provision ought to be made by law, for fortifying the ports and harbors of the United States.

"2. *Resolved*, That further provision be made by law, for completing and manning the frigates United States, Constitution, and Constellation.

"3. *Resolved*, That provision be made by law, for procuring by purchase a further naval force, to consist of —— frigates of —— guns, and —— sloops of war of —— guns.

"4. *Resolved*, That provision be made by law, for empowering the President to employ the naval force of the United States, as convoys to protect the trade thereof.

"5. *Resolved*, That provision be made by law, for regulating the arming of the merchant vessels of the United States.

"6. *Resolved*, That the existing Military Establishment ought to be augmented by an addition of one regiment or corps of artillerists and engineers, and —— companies of dragoons.

"7. *Resolved*, That provision be made by law, for empowering the President to raise a provisional army, to consist of —— regiments of infantry, one regiment of artillery, and one regiment of dragoons, by commissioning the officers, and by volunteers or enlistments, whenever the circumstances of the country shall, in his opinion, render the said army necessary for the protection and defence of the United States: *Provided*, That neither the officers nor soldiers shall receive any pay or emoluments until called into actual service.

"8. *Resolved*, That provision be made by law, to authorize the President to borrow, on the credit of the United States, a sum not exceeding —— dollars, to defray the expense which may arise in providing for the defence and security of the United States.

"9. *Resolved*, That provision be made by law, to raise a revenue adequate to the reimbursement, within —— years, of such sum as may be borrowed, as aforesaid.

"10. *Resolved*, That provision be made by law, to prohibit, for a limited time, the exportation of arms, ammunition, and military and naval stores."

The resolutions having been read from the Chair,

Mr. W. SMITH moved the first of them.

Mr. MACON wished the gentleman from South Carolina to inform the committee, whether he meant to repair all the fortifications which had heretofore been contemplated. Perhaps some might be necessary, but he thought, considering the present state of our finances, few of them ought to be attended to. Much of the money already expended on this subject had been thrown away. He particularly mentioned New York.

Mr. W. SMITH thought the gentleman had been long enough a member of that House to know that, when they were about to settle the principle of a thing, it was not usual to go into details. If the resolution was agreed to, a committee would be appointed, who would report such fortifications as it appeared to them necessary to be attended to, with an estimate of expense, upon which the House would determine; or a sum of money might be voted, and leave it to the President to employ it as appeared to him best; but this was not the question, but merely whether a further sum of money should be voted for this object.

Mr. THATCHER thought they were not ripe for this subject, as they did not know what was the state of the different fortifications. He thought, as there were a number of propositions, in some degree connected, that it was desirable they should be printed; he therefore moved that the committee might rise, to give time for this to be done.

Mr. GILES wished the gentleman would reverse his propositions, and let the one for raising money come first. He did not know whether they were prepared to meet this expense. He did not mean to oppose the present motion; he supposed it would pass. But he thought they were about to be too precipitate in their measures. At a time when all Europe seemed to be tired of war, and about to make peace, we seemed to be disposed to rush into it. He did not believe that much good would be done by this system of fortification. He did not think the United States were more secure now, than before they had a single work of the kind. We have, said he, an extensive seacoast, and it was not to be expected that an enemy would choose to come to precisely the place where a fortification stands. It was his opinion that the interests of the country would be served, by letting this matter lie over till next session.

Mr. WILLIAMS observed, that the sense of the committee would be first taken upon the propriety of going into the measure; if there was a majority in favor it, (and he could not doubt it,) the matter would be referred to a select committee, who would make their report upon it.

Mr. S. SMITH was in favor of going into this measure; for if the war continued in Europe, he thought it probable we might be drawn into it.

Mr. SWANWICK should not be opposed to the present motion, because he agreed with the gentleman from Maryland, that whilst the war continued in Europe there was a probability of this country being drawn into the vortex. But he thought there was some weight, also, in the observation of the gentleman from Virginia, with respect to the ways and means; because, if, after they should agree to carry into effect certain measures, they should disagree about the means, their time would have been spent to no purpose.

The question was put and carried, there being 62 votes in favor of it.

Mr. W. SMITH moved the second resolution.

Mr. NICHOLAS wished to know whether the provision already made for completing the three frigates was not sufficient?

Mr. W. SMITH said, he had no information on the subject; he had inserted the word *completing* as well as *manning*, lest there should be any deficiency.

Mr. OTIS was not prepared, in so rapid a way, to press resolutions of this importance, without having them printed, or time to deliberate upon them. If he voted for these resolutions, he should consider himself as pledged to carry them into effect. He therefore hoped the committee would rise.

Mr. MACON was opposed to this resolution. He did not believe that seamen could be got to man the vessels, as nearly four times the price was paid for seamen's wages that was paid when the law for building these vessels passed.

Mr. RUTLEDGE was in favor of the committee's rising.

Mr. NICHOLAS had no objection to the committee's rising, if gentlemen wished it; if so, he hoped the resolution agreed to would be reported. He wished the principle of the different resolutions, however, to be settled in a Committee of the Whole.

Messrs. CRAIK, CLAIBORNE, VARNUM, and COIT, were in favor of the committee's rising.

Mr. SWANWICK thought it would be best that a committee should be appointed to report on the business.

Mr. S. SMITH saw no reason for the committee's rising, because, if gentlemen were not prepared to vote upon this resolution, they might go on to others. Though he should vote in favor of this proposition, he should not hold himself bound to vote ultimately for the bill, if he disliked it.

The motion for the committee to rise was withdrawn, and afterwards renewed by Mr. McDOWELL, who also withdrew it, on a suggestion from Mr. LIVINGSTON that the resolution would be less objectionable to run, "that a committee be appointed to inquire into the propriety of," &c., and, when a committee had the business referred to them, they could possess themselves of the necessary facts, and report them to the House.

Mr. GALLATIN said, if the question was to determine the principle of manning the frigates, the resolution stood right as it was. But if it were not intended, by adopting this resolution, to commit any man, but only to say that they would take the business into consideration, and if found useful and necessary, and funds were attainable, they would carry it into effect, then the amendment of the gentleman from New York (Mr. LIVINGSTON) would be proper. As to the committee's rising, he could see no ground for it, as these propositions were not new—they had had them before them for three weeks in the Speech of the President. Of course, so far as related to the frigates, gentlemen must have formed an opinion; yet he agreed that it was desirable to see some documents on the subject, before a decided affirmative or negative was given. He was, therefore, in favor of the amendment for a committee to be appointed. He wished all those subjects which were of a doubtful nature to be then determined. On the other hand, those upon which members were ready to decide at once, either by an acceptance or rejection, might be voted upon in the form in which they were introduced.

Mr. PARKER read the motion which was entered into last year, and thought it would be a good model for the present.

Mr. W. SMITH was of a different opinion. He thought the committee should first decide the abstract principle. He thought it would be wrong to refer to a select committee a business in which every member was so intimately interested, and he doubted not gentlemen were ready to decide upon this abstract question. With regard to expense, he was of opinion that if the situation of the country required it, that should be no object. If gentlemen thought differently, they would of course negative the proposition. Any information on the subject could be got before the business was finished. He thought they should first say what were the necessary objects of expense, and then provide the money, which might be done by borrowing or by taxes. If there was a necessity for the expense, there was no doubt the money would be raised. If gentlemen were not prepared to discuss the subject, he had no objection to the committee's rising, and, in the House, the Secretary of War might be called upon for information.

Mr. NICHOLAS thought the question was not fairly presented. It was whether they should man the frigates. But when they were called upon to determine this, they should know when they would be ready to receive the men. The probability was that the frigates would not be ready to receive the men before the next session of Congress.

Mr. DAYTON (the Speaker) was in favor of the original proposition. He wished to provide for manning all the frigates which could be got ready before the next session of Congress. He believed if they adopted this plan, unnecessary delay would be prevented.

Mr. PARKER was ready to vote for the proposition of the gentleman from South Carolina. He believed the frigate in Philadelphia might be equipped, rigged, and manned, in three months. The only reason why he varied his motion was, that he might include the next proposition; but he believed it would be better for them to stand separate, as, before he voted for the additional vessels, he should wish to know how the means were to be got, and for what purpose they were to be used. The vessel at Boston, he said, would not be ready so soon, but it would be in readiness before the next meeting of Congress; that at Baltimore would be in readiness to receive her men in four months.

Mr. S. SMITH said, the frigate building at Baltimore would be launched on the 4th of July, and the equipments were in greater forwardness than those for the frigate at Philadelphia.

Mr. BALDWIN was against referring this proposition to a select committee. It would be desirable, indeed, to know what the cost of doing the business would be, but every one knew how little to be relied upon were estimates of this kind. He was ready to vote for manning the frigates; indeed, there was no question upon which he was so ready to say aye, as upon this.

The question was about to be put on Mr. LIVINGSTON's motion, when

Mr. VARNUM said he thought the wording of the resolution improper, as the word "completing" would clash with the act of last session.

The question was put and negatived, 50 to 34.

Mr. MACON wished the frigates to be completed, but not manned, he therefore moved to strike out the words "and manning."

The question was put and negatived; there being only 24 votes in favor of it.

Mr. GILES moved to strike out the word "completing;" but, after some conversation, the motion was withdrawn, and the original resolution was carried.

The third proposition next came under consideration.

Mr. NICHOLAS hoped the gentleman who introduced this motion, would tell them for what purpose these additional vessels were wanted. He supposed this resolution to be connected with the next, and if so, he thought they should be considered together. What, he asked, were to be the instructions given to the commanders of these vessels? He thought it a very embarrassing business, and one that would certainly lead to war; nay, indeed, the thing seemed to be a war operation in itself.

Mr. W. SMITH wished the gentleman had made his inquiries before. They would have come more properly when the frigates were under consideration, as the same objection would be against both; and the next resolution had no more connection with this than with that already agreed to. The gentleman seemed to have let go the opportunity of calling upon him; as, however, he did not wish to evade his call, (though he was not willing to say he would himself vote for the measure,) he would say that it appeared to him, from the present state of the commerce of this country, to be necessary to provide convoys for our vessels. These vessels might not, indeed, be employed as a regular convoy, but partly confined to the coasts and harbors. This was a separate question; or it might be left to the Executive to employ them as he might see proper. He was not, however, ready to give an opinion on the subject. He rose principally to remark upon what had fallen from the gentlaman last up, as to employing a convoy being an act of war. He owned he had not looked deep into the subject at present, but he recollected in our treaty with Sweden, there was a stipulation that when both Powers were neutral, they should protect each other's commerce.*

Mr. GILES thought this a very extraordinary measure. He called the attention of the committee to the critical situation of Europe, and thought, before they went into any expensive operations, they should wait the issue of the negotiation, especially as he supposed it was probable a full session might be necessary. It had been said that several of the ports in the West Indies were in a blockaded and rebellious state. He did not suppose it was the intention of the committee, by means of a convoy, to press a trade to those ports; this would be a certain means of provoking war. He thought they ought to make a pause; as it was probable that, in less than four months from this time they might again be in session; and, in the meanwhile, the affairs of Europe might have taken such a turn as to do away the necessity of going into hostile measures.

Mr. NICHOLAS expected the gentleman from South Carolina would have acknowledged that the two resolutions were connected. Indeed he must have intended those vessels to be employed in this way, or such a resolution would not have been introduced. With respect to Sweden's treaty for a reciprocal convoy, there was some ground for it, as there was a difference between the Northern Powers of Europe, as to the principle of free ships making free goods; but where there was no difference as to the principle, no such thing could take place.

Mr. GALLATIN said the present resolution was certainly in some degree connected with the next. It was understood that the purchasing of frigates and sloops of war, was for the purpose of convoying our trade. Under the present circumstances of this country, he should be opposed to this proposition; not that he denied the right of neutral Powers to afford convoys to their merchant vessels; but, because under present circumstances it was impolitic to adopt the measure, not only for the reasons urged by the gentleman from Virginia, but on account of our situation with respect to France at the present moment. By our treaty with France, enemy's property was to be respected on board of American vessels, and certain articles used in the building of ships were not considered as contraband; the President would, of course, be obliged to give orders to have our vessels protected in this situation, and who could not see that this would be the source of war; and if the convoy were not to be employed to enforce

* The following is the article of our Treaty with Sweden, produced and read by Mr. W. SMITH:

"If in any future war at sea, the contracting Powers resolve to remain neuter, and, as such, to observe the strictest neutrality, then it is agreed that if the merchant ships of either party should happen to be in a part of the sea where the ships of war of the same nation are not stationed, or if they are met on the high sea without being able to have recourse to their own convoys, in that case the commander of the ships of war of the other party, if required, shall, in good faith and sincerity, give them all necessary assistance, and, in such case, the ships of war and frigates of either of the Powers, shall protect and support the merchant ships of the other: Provided, nevertheless, that the ships claiming assistance are not engaged in any illicit commerce contrary to the principles of neutrality."

these two privileges, he did not see what use it could be of. He knew that depredations without number had been committed in the West Indies; but he was led to believe that this was done by pirates more than by any other vessels. But suppose it were practicable to distinguish between those vessels which were regularly, and those which were piratically taken; yet, he must confess, he would not be for running the risk of a rupture, by sending out armed vessels to contest the point, especially when we have reason to believe that these attacks are unauthorized by the French Government.

Mr. G. thought it would only be necessary to extend our navy in case of war, and were this unhappily to be our situation, vessels might easily be purchased without delay; but whilst we were at peace, he did not think the advantages which could be derived from a convoy, would be a sufficient inducement to go into the measure. Besides he was induced by another motive to give this proposition his negative. He knew the depredations upon our commerce had been great; but he did not look upon this loss as falling only upon merchants. There was not an individual who did not bear a part of it. For instance, if a merchant paid ten or fifteen per cent. additional upon his cargo, he will put a proportionably high price upon his commodities, which must eventually be paid by the consumer. Therefore, so far as an argument might be drawn from this circumstance, it became a question of expediency, and he thought it would be granted, that the loss to individuals would be less in this way than if they had to support a navy to protect our trade.

Mr. W. SMITH acknowledged that there was considerable weight in the arguments of the gentleman from Pennsylvania, though he did not find sufficient weight in them to change his opinion of the propriety of the measure. The gentleman from Virginia had endeavored to show that, as there was no difference of opinion as to principle between France and this country, the regulations entered into with Sweden did not apply; whilst the gentleman from Pennsylvania had produced arguments to show that we were in that situation. With respect to the treaty articles in dispute, it would be an easy matter for the President to give the commanders of our vessels proper instructions on that head. And would any gentleman say it was not right to defend our vessels against pirates? Would not the French say, if they were applied to for redress, "You knew these were pirates; why did you not defend yourselves against them?" The expense, which seems so much to alarm gentlemen, should be put out of the question. The only question, said he, is, if your property is unjustly attacked, will you defend it?

But it was said the loss did not fall upon the merchant, but upon the consumer. Mr. S. asserted it fell upon the country; and so far from the expense of the proposed armament being equal to the loss sustained by captures, it would not, in his opinion, be a tenth part of the amount, for whatever the plunderers got this country lost.

Mr. S. said he had made a rough calculation of what would be the expense of three frigates of 32 guns, and six sloops of war of 16 guns, and found it to be $926,000, including the equipment and manning for one year.

But, said Mr. S., does not the farmer suffer by these spoliations? He certainly does; for, if the merchant was obliged to pay an extravagant insurance, he would give the less for the farmer's produce; but, added he, the expense of the frigates will be no loss to the country, as, if they cost a million of dollars, the whole will be paid to our citizens; every article used in the building of these vessels being the produce of the United States.

But gentlemen complain of our impatience in the business; he thought the wrongs we had suffered sufficient to rouse our resentment. It was also said, that there was a probability of peace, and why go on with this expense? But he might as well say there was no probability of peace. One supposition would stand against the other. Indeed, who knew that the Czar of Russia would not join the coalition against France? A hope of peace, therefore, was not a sufficiently stable ground upon which to calculate. We must either interdict all trade, suffer merchant vessels to arm, or go into the measure proposed.

But it was said that France had declared certain British ports in the West Indies blockaded, and in a state of rebellion, and therefore we must not trade with them, but he did not know why our vessels should be subject to be taken, and our seamen to be hung, because they chose to make these declarations; declarations which he trusted this country never would acknowledge.

What, said Mr. S., will be the consequence of negotiating, without taking any measure of defence? It will put it in the power of France to make requisitions on us to any amount she pleases, she may spin out the negotiation by throwing difficulties in the way of it. She may take all our vessels, and when she has drained us of all our wealth, it will be said, *we must submit.* Where will then be your privateers? Your vessels are taken, and your seamen gone!

The gentleman from Pennsylvania admitted the right of neutral Powers to convoy their vessels; that gentleman put the matter upon the expediency of the thing, which was the true ground upon which he wished to have it discussed.

Mr. GILES said, the gentleman from South Carolina talked of defensive measures, but his plans were offensive. That gentleman had undertaken to doubt the right of France to declare her ports rebel ports. Was this defensive? Every nation had this right. It was not long since Great Britain exercised it against us. Yet, aided by a convoy, he wished to push our trade to these ports. This would not only be hazarding the peace of the country, but taking the direct road to war.

Besides, said Mr. G., could it be expected that six or ten frigates could convoy all our vessels? No; not a twentieth part of them. They could, therefore, be of little use, but might be the means of producing the greatest evil to the country.

Mr. BALDWIN said, in all their determinations with respect to a naval force, however great the emergency, it had always been determined to build, rather than purchase vessels, and he saw no reason for departing from this mode in the present instance.

After some objections from Mr. W. SMITH to the building plan, which he said would take three or four years to furnish the proposed vessels, whereas merchant vessels might be immediately purchased, which would answer the purpose of small frigates, the committee rose, reported the two resolutions, which the House took up and agreed to, and committees were appointed to report upon them by bills or otherwise.

A message was received from the Senate, with two bills which had passed that House, viz: a bill for prohibiting for a limited time the exportation of arms and ammunition, and for encouraging the importation thereof; and a bill to prevent citizens of the United States from privateering against nations in amity with, or against citizens of the United States; both which were twice read, and committed to a Committee of the Whole tomorrow.

---

TUESDAY, June 6.

## EXPORTATION OF ARMS, &c.

The SPEAKER having taken the Chair, Mr. W. SMITH moved the order of the day on the bill from the Senate for preventing the exportation of arms and ammunition from the United States.

Mr. NICHOLAS hoped they would take up the unfinished business of yesterday, as having a priority of claim.

After a good deal of conversation on the subject, in the course of which each insisted upon the propriety of taking up the measure he advocated, as calling for the most immediate attention, the motion was put for taking up the unfinished business of yesterday, and negatived, there being 42 for it, and 48 against it. The speakers in favor of going into a Committee of the Whole were, Messrs. NICHOLAS, VARNUM, S. SMITH, GILES, GALLATIN, BALDWIN, and LIVINGSTON; those against it, and in favor of taking up the bill from the Senate in preference, Messrs. W. SMITH, RUTLEDGE, SEWALL, BROOKS, OTIS, and THATCHER.

The motion for going into a Committee of the Whole on the state of the Union having been negatived—

Mr. W. SMITH renewed his motion for taking up the bill from the Senate for preventing the exportation of arms and ammunition.

Mr. LIVINGSTON moved to strike out the words "one year," so as to confine the duration of the bill to the end of the next session of Congress; which motion, after some objections from Mr. W. SMITH, on the ground of delay, as the bill was already engrossed, was carried, 43 to 40.

Mr. LYON wished to strike out the words "cannons and bombs," as he thought if the exportation of these articles were prohibited, it would considerably injure the manufacturers of them, and there could be no doubt but a sufficient quantity might always be commanded for the use of the United States.

Mr. S. SMITH thought this amendment of some importance, as he believed there was not more than one man in the State of Maryland that knew how to bore a cannon; and if he was taken from that employment by a law of this kind, it was probable, whenever the manufactory was resumed, he might not be found.

Mr. LYON said, it was not altogether with the same view which the gentleman from Maryland had given of the subject that he had brought forward this motion. The New England States would produce one hundred men acquainted with the boring of cannon. Every furnace would be glad to be employed in this business; and as to the casting of balls and shells, there was nothing easier. The reason for which he wished these articles to be struck out was, because he did not wish these manufactories to be deprived of employment.

The motion was put and negatived.

Mr. DAYTON (the Speaker) wished to make a motion, which he supposed might, in some degree, effect the end proposed by the gentleman from Vermont. It was to strike out "bombs and cannon balls." He did not think there need be any fear of the United States falling short of these, as the single State of New Jersey, or a single county of that State, would cast sufficient to supply the whole world.

Mr. BROOKS inquired whether these were articles exported? If they were not, the mention of them could do no harm. Or, whether these articles and powder were not purchased for the use of the picaroons which were so troublesome to our trade?

Mr. GORDON thought if there was no greater advantage attending a regulation of this kind than that of depriving our enemies of these articles, which might be used against us, he thought the provision a good one.

Mr. DAYTON believed that the operation of this provision would be the destruction of these manufactories. In answer to the gentleman from New York, he could inform him that many of these articles were exported from New Jersey, and from the town in which he lived; but if the exportation was stopped for any length of time, the furnaces would be turned to some other business; and, in six months from the passage of this act, there would be a greater scarcity of these articles than if the bill had not passed. An act of this kind might, indeed, carry an imposing air, and look as if we meant to take care of ourselves. If the bill were to pass, however, he should be glad to have it pass with this amendment.

Mr. S. SMITH observed, that in a former law of this kind, bombs and cannon balls were not included. It was asked, who exported those articles, and for what purpose they were used? To say who exported them would not be right, as they were contraband, and he could not tell who used them, nor was it an object of their inquiry. Picaroons had no occasion for them, since they went along side vessels and boarded them. The

same argument which was used against exporting these articles might be used against the exportation of provisions.

Mr. W. SMITH said, the bill was predicated upon being an injury to manufactures; nor did he know why they should make an exception in favor of one more than another, which would give just cause of complaint. The operation of the bill, since the amendment had been carried, would be of short duration. The object of it was two-fold, viz: to preserve these articles in the country, to be ready in case of emergency, and to keep them from foreign Powers, who might turn them against us. Though we had no occasion at present for cannon balls, we could not help looking forward to the time when they would be wanted; and though no bombs were at present used against us, yet the time might probably arrive when they might be so used, and it was politic to guard against the possibility of it.

Mr. BROOKS said, though this law might operate an injury to manufacturers, yet he did not believe it would be so great as had been supposed, as the places where these were cast, were not wholly employed in this business, but cast also innumerable quantities of hollow ware, as well as metal in pigs; when they were not, therefore, employed in manufacturing articles for the destruction of mankind, they were employed in making such as were of use to them.

Mr. NICHOLAS said, this subject had taken a much more serious shape than it assumed when it was first introduced. It seemed as if it were not so much the intention of this law to regulate our own wants, as to prevent the supply of foreign Powers with warlike articles. This, he said, might be attended with serious inconveniences, since it would certainly operate principally against one of the belligerent Powers; and except we are prepared and determined upon war, we should be careful in provoking it. It was conceded that there was no probability of our wanting bombs or cannon balls, the operation of the law was of course intended against one of the belligerent Powers; for though both had an equal right at present to come here and purchase these articles, every one would see that France would be principally affected by the regulation. It would be little short of hostility, therefore, to say these articles should not be exported. Indeed, he feared there was more in this business than the committee understood; that they were taking a ground which could not be maintained, and which, pending on negotiation, ought not to be taken.

Mr. S. SMITH said he believed that some of the manufacturers of cannon balls might be manufacturers of hollow ware; for he understood there was an action now pending on account of their having cast a parcel of cannon balls hollow, which had burst the cannon in which they were fired, and done other mischief.

Mr. LYON believed the gentleman from New York was not well acquainted with the business. Hollow ware and pigs were not cast at the same furnace with bombs and cannon balls. Many furnaces worked with ore which, though not fit for pigs, &c., answered very well for cannon balls and bomb shells. In his district there were several of these manufactories which exported many of these articles into Canada. He trusted gentlemen would not have the same objection to sending them thither, that they had to sending them to French ports.

Mr. THATCHER thought this law could give no nation cause of complaint, because the articles were contraband, and it would perhaps have the good effect to prevent the loss of some of our vessels employed in carrying them.

Mr. HARPER thought the objection of the gentleman from Virginia deserved some consideration. No measure of defence had been or seemingly could be mentioned, but it was said it might give offence to France. He asked how long we were to be deterred from taking such measures as should seem to be necessary, for fear of offending France? If we were not to take general measures for the protection of our citizens, because there might be a possibility France would not approve them, where was the humiliation to stop? He supposed we should next be told, that we must not fortify our ports, or arm our vessels, lest it should be offensive to France. He trusted that House would no longer hold so disgraceful a language, but that they should consult what would be for our own good, without reference to any foreign nation. Our Government, he observed, had not said it would never prohibit the exportation of arms and ammunition. The English had been permitted to purchase these articles, of which the French complained, and equal liberty was given to both nations; but this was no reason why both nations might not be prohibited from doing so, if it should be found expedient. And though he did not believe that all the advantages which were expected would be derived from this law, yet he should be in favor of it, not because it would not offend a foreign nation, but because it would be serviceable to ourselves; for, he said, if they were to go on in consulting the feelings of the French nation on what they did, if they saw us thus prostrate and feeble, they would soon take advantage of our timidity and folly. On the contrary he would show foreign nations that we were determined to regulate our own affairs in our own way, in the way of justice; for, if we went on in the present humiliating way, he should not be surprised at receiving a note from the French Minister, saying, that such and such a law must be repealed, as they were offensive to the French Directory.

Mr. DAYTON, thinking himself alluded to by the gentleman who had preceded him, asked if he meant to insinuate that he was actuated by other motives than the good of this country? when Mr. HARPER interrupted him by saying expressly, he had never intimated any such thing; his remarks being confined to the gentleman from Virginia.

Mr. NICHOLAS said he would tell the gentleman from South Carolina when he would cease to hear this clamor about offending foreign coun-

tries. It would be when he found a greater disposition in all the departments of Government for preserving the peace of this country; when he was convinced they had as great a desire to preserve this blessing as he had. He did not believe this was the case at present; and it was from this distrust that he suspected every measure which was brought before them. Was he not justified, he asked, in saying that a measure of this kind was calculated to remove peace from us, as it was a measure which would operate wholly (as he before stated) against the French? Mr. N. said he disdained to answer what the gentleman had said about fear. It could not be found in him; and he thought that gentleman was possessed of no small degree of assurance to fancy that he (Mr. N.) was less attached to the interests of this country than he himself was. He felt as sensibly for his country as any man, and therefore he could not help expressing his apprehensions of war from every step which gentlemen seemed inclined to take.

Mr. BROOKS did not expect the argument to have taken this turn. There was nothing to prove that these articles were not as necessary for our safety as the other. It had been said they were cast in plenty in one part of the Union, but they might not be cast at all in other parts. He disclaimed all idea of considering how the measure would affect any other nation; he attended only to his own, and he believed they were at liberty to prohibit the exportation of any article whatever.

Mr. GALLATIN said the gentleman who had just sat down had forgotten his own arguments. He charged others with having reference to foreign nations, in speaking to this question, when he and the gentleman from South Carolina were the first to introduce the mention of them; it was, therefore, not right in him to charge others with doing what he himself had done.

Mr. BROOKS replied, that he had said nothing about foreign nations. It was true, he had supposed the picaroons, which had intercepted our West India vessels, might have been served with these articles; but gentlemen had denied that these were authorized by France.

Mr. LYON would have no objection to join the gentleman last up in withholding these articles from the picaroons, if his constituents might be suffered to transport their manufactures down the lake to Canada.

Mr. HAVENS said, it appeared as if those gentlemen who opposed the amendment, believed we could monopolize all the bombs and cannon balls. He believed picaroons could get these things independent of us, and that we need be under no apprehension of wanting them ourselves.

Mr. HARPER believed there was policy in preventing the exportation of implements of war which might be turned against us. He did not accuse the gentleman from Virginia with personal fear; he believed he was incapable of it; but he doubted whether his zeal for serving his own country would be so great as he professed, when the interest of another country happened to clash with that of his own.

Mr. DAYTON referred to a former prohibition law, to show that cannon balls were not included in the list. He believed they might make the proposed prohibition without giving just cause of offence to any foreign nation, and, therefore, if they were offended we need not care; but if the only object was to preserve a larger quantity of these articles in this country, (as he had before observed,) the end would be defeated, as it would both discourage the manufacturing and the importation of them; but as it would have an appearance of an intention of defending ourselves against the unjust attempts of any foreign nation, if the amendment was agreed to, he should vote for the resolution; and if it were not, he had not determined to vote against it.

Mr. WILLIAMS wished this act to be conformable to that passed in 1794, which had been attended with good effects. He, therefore, moved that the amendment should be divided.

The question was divided accordingly, and the sense of the committee was first taken upon striking out the word "bomb-shells," which was negatived, there being 41 votes for it, and 45 against it. The question was then taken upon striking out the words "cannon balls," and carried, there being 52 votes in favor of it.

The committee then rose, and reported the bill as amended. It was taken up in the House, the amendments confirmed, and ordered to be engrossed for a third reading this day, which it afterwards received; but, from an objection as to the wording of the penal clause, the passing of it was postponed until to-morrow.

## PREVENTION OF PRIVATEERING.

On motion of Mr. W. SMITH, the House resolved itself into a Committee of the Whole on the bill from the Senate to prevent citizens of the United States privateering against nations in amity with, or against citizens of, the United States. After some conversation on this bill, particularly as to its operation, whether it should affect only American citizens concerned in armed vessels fitted out by private persons, or whether it should affect all citizens employed only in foreign service, or such as were employed only in foreign service in cruising against the vessels of the United States—upon which subjects there appeared a considerable variety of opinion—the bill was recommitted to a select committee of five members, in order to be put into a somewhat different form.

---

### WEDNESDAY, June 7.

Mr. OTIS presented a petition from sundry merchants of Boston and Charlestown, trading to China and India, praying for a suspension, for a limited time, of certain duties imposed last session upon tea and upon white cotton goods, intended to take place from the first of July next, on the ground that it was the intention of the Legislature to exempt from the duty the cargoes of all vessels then on their voyages, alleging that their vessels required a longer time to make their voyages than vessels from other ports of the Union. Referred to a select committee of three members.

Mr. W. SMITH moved that the House go into a Committee of the Whole on the bill for prohibiting, for a limited time, the exportation of arms and ammunition; which it accordingly did; and, after receiving sundry verbal amendments, suggested by Mr. BAYARD, the committee rose, and the House agreed to them. The bill was ordered to be re-engrossed.

## DEFENSIVE MEASURES.

The House then resolved itself into a Committee of the Whole on the state of the Union; when the third resolution, relating to the purchase of additional armed vessels, having been read,

Mr. SEWALL submitted it to the gentleman who brought forward these resolutions, whether it would not be better to postpone a determination upon the third and fourth resolutions, until the fifth was disposed of; because, if it were agreed to, it might have an effect upon the votes of gentlemen upon the other two, as they might be of opinion that, if the merchant vessels were armed, there would be no necessity for a convoy.

Mr. W. SMITH had no objection to postpone the consideration of the third and fourth resolutions for the present, in order to take up the fifth.

Mr. NICHOLAS supposed this could not be done, except the gentleman chose to withdraw the third and fourth resolutions.

Mr. W. SMITH said, it might be done by general consent.

Mr. GILES could not consent to depart from the plan of discussion laid down by the gentleman from South Carolina. For his part he should vote against the whole of the resolutions, and trusted a majority of the committee would do so; and he did not wish the decision to be delayed. He wished the country at large to know the sense of the committee upon them as soon as possible.

Mr. OTIS could not see how it was material to gentlemen who intended to vote against the whole, in what order the resolutions were discussed; to those who were not decided it might be material. He was of opinion with his colleague, that it would be best to take them up in the way he proposed, and he thought it would be uncandid to object to the postponement. The Senate had already passed a law on the 3d and 4th, and those might as well be considered in their bill.

Mr. W. SMITH said, he should adopt a mode which would not require the consent of gentlemen. He withdrew, for the present, the 3d and 4th resolutions.

The 5th, which was in the following words, having been read,

"*Resolved*, That provision be made, by law, for regulating the arming of merchant vessels of the United States,"

Mr. SWANWICK inquired, with what view these vessels were to be provided? Against whom they were to be employed? and in what cases they were to defend themselves? The information which he might receive on these inquiries, he said, would have considerable weight in influencing his vote.

Mr. HARPER said the detail would be brought forward in the bill; the principle was now only to be determined. He had not thought of all the modifications which might be given to it, though he had thought of many; but it would be best discussed in this general form. The gentlemen, if he thought proper, might introduce into the resolution any principle which he might wish to have inserted in it.

Mr. WILLIAMS said it was well known that a number of our merchantmen were arming in different ports of the Union, and it was, therefore, necessary to regulate this business, to prevent mischief being done. Gentlemen might differ in opinion with respect to the marine law or laws of nations on this subject; but all would wish, since vessels were arming, that they should be put under some restraint. When he voted for manning the frigates, he did it with a view to have them employed in the defence of our coasts, and not as a convoy. Our situation, he said, was truly critical, and he was undetermined how far it would be proper to arm the merchant vessels of the United States; but to prevent mischief, he wished the resolution might be agreed to, reserving to himself the right of voting ultimately for or against it. It might afterwards undergo such modifications as should be found necessary.

Mr. LIVINGSTON said the gentleman from Pennsylvania had very properly inquired what was the scope of the present resolution, and he expected some answer would have been given. The gentleman from South Carolina had said they must vote for the principle, and the detail would come of course. So that without knowing its object, whether it was defensive or offensive, they were called upon to agree to the principle. This deficiency had been supplied in some degree by the gentleman from New York. He says the merchants have undertaken to arm their vessels. He wished to know whence he derived his information? The only information before them was in the President's Speech, where he says he has forbidden such armament, except in the East India trade. He therefore supposed the fact not well founded. What, he asked, was intended to be done with these armed vessels? He said they must argue hypothetically. He supposed they were intended to protect our trade. He did not believe they were meant to operate offensively. But he would ask if this were the case, if it would not lead directly to war? since individuals would be left to determine the law of nations, and of course the peace of the country would be placed at their disposal; and all precautions, on the part of Government, would be in vain, since individuals, who might have an opposite interest to that of the Government, might be continually committing acts of hostility.

Who, said Mr. L., are our merchants? Were they all men in whom implicit confidence could be placed? Were they all Americans? He believed the generality of them might be well disposed towards the interests of this country; but if there were one man of a contrary spirit, the peace of the country would be at his disposal; for what

would avail all the instructions which were given, if one foreigner had the power to commit acts of hostility on a Power with whom we are at peace? and if Government were to disavow violations of this sort, yet a repetition of them would certainly involve the country in a war. And when it was considered what a number of English and French we had amongst us, who would wish to see this country take part in the present war, it would not be extraordinary if they should seize such an opportunity of provoking hostilities with one or the other Power. For his own part, he looked upon the measure in so serious a light, that he should not hesitate to say he should prefer a declaration of war to such a step, because it would be a dereliction of principle thus to commit into the hands, of they knew not whom, that most sacred trust, the preservation of the peace of the country; whereas, if war were to be declared, we should put ourselves into a state of defence accordingly. A measure of this kind, taken under the mask of peace, would be plunging a dagger into the vitals of the country, from which it would be a long time in recovering. Mr. L. concluded by remarking upon the extraordinary manner in which this business was conducted, and attributed the withdrawing of the third and fourth resolutions to a persuasion that they would have been negatived, if persisted in.

Mr. S. SMITH acknowledged that the present was a very delicate subject; but had not the President forbidden the arming of merchant vessels, he should have been of opinion that the merchant vessels of a neutral Power had always a right to arm for their own defence. But he believed it was necessary that something should be done. Merchants would arm their vessels from the right given to them by the law of nations, and, if not restrained, might go on to do acts which could not be justified. Though he believed merchants possessed the right of arming their vessels, yet, rather than do any thing which would involve the country in war, he believed they would desist from the practice, and bear the losses which they might, for the want of arms, suffer. He moved to strike out the word "regulating," and to insert in the place of it "restricting in certain cases."

Mr. SWANWICK believed it would be very difficult to devise any plan by which to regulate a power of this kind, since private interests were set to work to evade the law. There had always been great difficulty to prevent privateers from being fitted out in our ports, and it was known that many of the vessels employed against our trade in the West Indies, notwithstanding the precaution, had been fitted out in our own ports, and whenever permission was given to merchants to arm their vessels, that permission would be a cover for a variety of abuses. Besides, the arming of vessels, Mr. S. said, would be attended with an expense which no regular trade could support. If it were not for this, nations at war might carry on trade as well as neutral nations. He looked upon the advantages which the United States had derived from their trade, to be owing to their having carried it on without the necessity of arming; this provision, therefore, could have no other effect than to involve us in war. What, he asked, had been the conduct of other neutral nations? He did not believe Denmark, Sweden, or Venice, had carried guns on board their merchant vessels, though they had very considerable commerce. He believed the only proper protection for the trade of a nation was the armed force of the Government, which would always be under due regulations. For these reasons he should be opposed to the present measure.

Mr. GALLATIN said it seemed as if the motion of the gentleman from South Carolina was susceptible of any shape, since the amendment now incorporated into it seemed to have a different view from the original. At present he would state his objections to the principle of the resolution itself. The first inquiry was, whether the law of nations permitted the merchant vessels of neutral nations to arm? If they had not a right to permit it, whether they are not bound to prohibit it? He had examined the law of nations on this subject, and found no such authority, nor did the practice of modern times justify the practice. He took a view of the different stages of society, to show that whenever regular governments were established, the public defence was always placed in them, and it was their duty to protect individuals, since they did not give them leave to protect themselves.

Mr. G. said he knew of no exception but in cases of letters of marque and reprisal, and he did not know a single instance within the last century where these had been granted, but war had been the consequence, so repugnant were they to the present state of society. It was true, nations might be in such a state as to find it necessary to grant such a power; as when a nation with which it has to do is unable to support the common relations of intercourse. Two instances of this kind presented themselves, viz: The East India trade and the Mediterranean trade. In carrying on our trade with the East Indies, our vessels were met by those of a number of uncivilized Powers, upon whom no restraint could be had, so that no remedy was left to us, but immediate resistance. Nearly of the same nature was the situation of the Barbary Powers in the Mediterranean; and, although we enter into a treaty with them, we have not a perfect reliance upon their observing their engagements, our merchant vessels are therefore permitted to trade to those parts armed. He knew it might be said that, at present, the West Indies were in a similar situation. He believed, in some respects, they were; and this could be the only plea for adopting a measure like the present. If it were to be understood that there was to be an end of the negotiation with France, or that the privilege of arming would not be abandoned, it might be proper to authorize the arming of merchant vessels; but he believed, if it were considered that such a permission would be almost certain to involve us in war, it would appear to be much more wise to await the event of the negotiation with France; not that he was afraid of offending France by a measure of this

kind, but he was afraid of involving our country in a war.

Mr. G. observed that, when he said it was our duty to prohibit the fitting out of armed merchant vessels, he thought he owed it to our own security to do so; and as the President had told them that he had prohibited the fitting out of any such vessels until the will of Congress was known upon the subject, he saw no danger that could arise from vessels still remaining unarmed. And if there were any merchant vessels arming, he believed it would be the best for the Government to remain silent on the subject; for then, if merchants proceeded to acts of hostility, Government might disclaim the act, and they alone would have to answer for them.

Mr. G. concluded by saying, that this being a new subject, he should be glad to hear what could be said in favor of it, or of any historical fact which could throw light upon it.

Mr. COIT complained of the proposition when first introduced, and now amended, being very indefinite. He thought the provision should be made, but he wished the object to be defined. He could not say that he could so modify the resolution that he could himself vote for it; he had not made up his mind upon the subject as to what cases restrictions should be made; but, in order to take the sense of the committee, he would move an amendment, in order to bring the subject before them. It was to strike out "certain cases," and to insert at the end of the resolution "bound to the East Indies and to the Mediterranean."

Mr. HARPER proposed to amend the amendment by adding the word "West," after "East," so as to read "East and West Indies."

Mr. W. SMITH did not think it material whether West Indies was inserted, or the amendment rejected altogether. It was his wish that the committee should first have decided upon the abstract principle. Presuming it to be the existing law of this country that merchants have a right to arm their vessels, he wished to know whether it was their wish to interfere in regulating and restricting that right. He believed the modification of the subject might very well have been done in the bill. He would have risen before to have given his reason for this, had he not been prevented from doing so by gentlemen who had complained that he had not done it. He was in favor of the amendment to the amendment; but if it was not carried, he should be against the amendment. It would be in vain to take into consideration the East India and Mediterranean trade, when spoliations were principally committed in the West Indies, when, indeed, the object of the present meeting of Congress was principally to take into consideration the protection of the West India and European trade; he presumed, therefore, if they meant to do anything effectual, they should take into consideration the West India trade. Gentlemen were very ready, he said, to object to every plan brought forward, but they themselves proposed nothing. All they did was to hold out alarms of war, though every one expressed a desire for peace.

The gentleman from Pennsylvania (Mr. SWANWICK) had objected to the arming of merchant vessels because of the expense. He believed the merchants of the United States in general thought differently, though there might be some merchants in this city who would be averse to the measure. As to the expense, he believed the expense of fitting out the vessels would be more than saved in the insurance. But there was a further consideration—by this means the vessels and seamen would be preserved to the United States; whereas, if it were not adopted, we not only lose our vessels and men, but they go to strengthen the power of a nation which may use them against us. And unless France knows that this Government will afford protection to its vessels, we might expect that she would take advantage of our remissness, by spinning out the negotiation, and plundering our property.

Something had been said about the conduct of other neutral nations. He believed they had armed their merchantmen, though he did not pledge himself to prove it; but if this were not the case, they had fleets to convoy their trade. We, on the contrary, had no fleet, nor did gentlemen seem desirous that they should have any, since they have expressed their wishes that the frigates now building were burnt. He asked what was to become of the commerce of this country, if we refused to protect it? If we were to resort to an embargo, what would be the consequences? You would not, said he, suffer your vessels to lay up forever. After a time, they would be sent out again, and they would be taken again. In case of an embargo, what, he asked, would become of our seamen? They would wander about the country, discontented, and perishing for want. What would become of our produce? It would rot upon our wharves.

The gentleman from Pennsylvania (Mr. GALLATIN) had not said neutral nations had not a right to arm their merchant vessels, and he had no doubt, if he could have done it he would. Was it, then, right for us to sit still and see the property of our merchants spoliated? Was it not our duty to protect our commerce, our merchants, our revenue? If we were to suffer these to be laid waste, when that state of things arrived, which he believed was not far distant, in what a situation should we be! Nay, he believed that the conduct of gentlemen on that floor would have the effect to increase the demands of France upon us, by contrasting her means and our weakness.

The gentleman from Pennsylvania had justified our right to arm merchant vessels to the East Indies and the Mediterranean, but had introduced some nice distinctions to show that the same reason did not exist for arming our West India vessels; but he could see no reason for it in one case, which did not also exist in the other.

But he was surprised that that gentleman should have treated so cavalierly our good ally, the Dey of Algiers, who had behaved so very politely and generously to us. He thought much more respect was due to the Dey than to Victor Hugues, though that gentleman did not seem to speak of

him with equal respect. The Dey of Algiers had lent forty thousand dollars to our agent for the purpose of making a treaty with Tunis. Victor Hugues, on the contrary, took all that he could get from us.

Unless some means of protecting our vessels was determined upon, our coasting trade would be lost, since the picaroons had been off the Capes of the Delaware. And if they were to know that Congress had adjourned without doing anything for our protection against them, our coast would swarm with them.

But gentlemen were afraid, if our vessels went to the West Indies armed, war would be the consequence. He did not think so. He believed France considered all that part of the country as outlawed, and that it had little connexion with the Government of that country. Indeed, he knew it as a fact, that the French Minister had assured our Government, before he left Philadelphia, that the spoliations committed in the West Indies were unauthorized; and, therefore, if no means of defence were taken against them, we could have no ground upon which to expect redress from France.

But gentlemen said, why take these measures at present, since they may be looked upon as hostile, while our negotiation is pending? He believed, that after the present dispute should be adjusted with France, it would be necessary to arm our vessels trading to the West Indies, as he believed, for some years to come, these bucaniers of various colors would continue to infest those seas. And if this were the case, why ought they not to go into arming our vessels at present, when they were met for the purpose of taking effectual measures for the defence of our country?

Mr. S. SMITH conceived that Congress were called together to adopt such measures as were best calculated to preserve the peace of the country, by means of negotiation, and to fix upon such means of defence as would not be injurious to the country. It was his opinion that the President was not authorized by law to prevent the vessels of merchants being armed; but the merchants of the United States would readily submit to any loss rather than go to war. He knew that this was the opinion of the Philadelphia merchants: he had seen many of them. Nor had he met with one native American who wished to go into this arming plan; they believe it would infringe our neutrality, and throw us into a war. When he came here, his mind was scarcely made up on the subject. He did not like to give up his right to defend his property; but he had found this to be the general opinion, and therefore he brought forward the amendment, which had been well amended by the gentleman from Connecticut. The gentleman from South Carolina had since added *West Indies*, and this brought them to an issue; for it was war or no war.

If the latter amendment was agreed to, he should be for striking out the whole, leaving it general; because, with West Indies in it, it would be particularly pointed.

They had been told of the loss sustained by spoliations, and where it fell. He believed it fell upon the great body of the people of America, and that the fall in the price of produce had been occasioned principally by the British Admiral having forbidden the carrying our provisions to Hispaniola. The British fleet in the West Indies, he said, was supplied with provisions from Ireland, whilst the French depended upon this country for supplies; so that they were our best customers there.

The gentleman from South Carolina (Mr. W. SMITH) supposed the cry of war would have no effect in the country; but let us refer back to the British Treaty, said he, when that gentleman was so loud in his cry. But that was a war with Great Britain, and not with France. At that time there was not a British tear which was not called forth by the appeals which were made on this ground. But, Mr. S. said, he did not then fear war, nor did he now, if they took prudent measures. The gentleman said his plan was to prevent war, and yet he proposed to go to fight and sink the vessels of a particular nation. This was a way for preserving peace peculiar to himself.

If merchant vessels were armed, they would serve the purpose of privateers, which might be used against our own vessels. This was a risk he did not choose to run. But it was a curious fact, that at the same time that we are proposing to permit the merchants to arm, they express a disinclination to it, because they love their country better than their own interest. But the gentleman had said the expense of insurance would be lessened by this arming. On the contrary, he (and he was an underwriter) should consider the risk greater from their having guns. Indeed, he found the insurance offices were all against the measure.

But the gentleman says, let the French know we are preparing. He trusted we should prepare a defence which could not offend any one. Let us do all we can to promote peace—let the negotiations go on. It would be a fine story, indeed, when a reconciliation was about to take place betwixt our negotiators and the French Government, that they should hear we were sinking her privateers at the West Indies! They would doubtless send them about their business.

The gentleman from South Carolina seemed to think it was right for our vessels to go into rebel ports in the West Indies, and had told them of our men being taken by Victor Hugues, considered as pirates, and hung. [Mr. W. SMITH denied having said our citizens were hung.] Mr. S. read Victor Hugues's proclamation, (though he said he had no more respect for him than that gentleman, as he had lost 6,000 or 7,000 dollars by him,) and showed that those persons were only considered as traitors who sailed out of rebel ports, and not citizens of the United States. Nor were those ports considered as rebel ports which were taken by the English. (Cape Nichola Mole was one of those,) but merely those which were in a state of rebellion, to which, if we were determined to trade, it would certainly lead to war.

Mr. S. said he was surprised to hear the gentleman from South Carolina make one concession, viz: that the French Minister had assured our Government the captures made in the West

Indies were unauthorized; because, when he had asserted the same thing, on a former occasion, that gentleman denied it. Mr. S. insisted that the French trade carried on to the West Indies was a productive one, and that payments were in general made as punctual as in any other parts, and referredto Major Mountflorence's letter for an act of generosity never shown by the British; nay, he thought there was a better chance of getting money owing from France than there was of getting it for any spoliations committed by the British, and now under adjudication.

Mr. S. concluded by saying he had another reason for opposing this measure. Two-thirds of his constituents were farmers, and one-third citizens, and they enjoined him to do all in his power to keep this country out of war. He thought the rejection of this resolution as tending to this end, and therefore he opposed it.

Mr. HARPER observed that it did not seem to him necessary for members to preface their observations in that House with accounts of themselves, or declarations about their motives; much less could it be necessary to talk about the motives of other people. He believed that gentlemen were, for the most part, far better known to others than to themselves; and, as for their motives, they would best be judged of by the nature and tendency of their actions. He would, therefore, content himself with stating his own reasons, and endeavoring to controvert those of gentlemen who opposed him, without saying anything about his motives or theirs.

He could have wished that other gentlemen had acted thus. They had, however, chosen to pursue a very different course. They had constantly and loudly attributed to him, and other gentlemen who thought with him, the very worst of motives—a desire to bring their country into war; and this in contradiction to their express and repeated disavowal of such intentions. When he, and gentlemen with whom he had agreed, had made the most solemn asseverations that it was their whole desire to preserve the peace of this country, in every manner consistent with its true interests, and that they advised certain measures because they, in the best of their judgment, thought them best calculated to produce this effect, they had been repeatedly told, though not always with the same rudeness, that they were not believed. The accusation of intending to draw the country into war had been extended to all who differed in sentiment with certain gentlemen, and every measure which they did not like was imputed to this intention. The charge had been extended to the Executive; and it had been said, both on that floor and elsewhere, that proofs of this hostile intention were to be found even in the pacific measures which he had resolved to pursue.

On this head, Mr. H. said, he did not know how gentlemen were to be cured of their incredulity. How did he know whether it was desirable that they should be cured? He certainly should take no further pains to do so. Of one thing, however, he could assure gentlemen: that the fear of their censure on his motives, or the desire of averting it, should never induce him, in any degree, to alter his conduct. It was the public good he sought; and the public esteem, in addition to his own, was the reward he desired. As to the good opinion of certain gentlemen, if it came in his way, he should not reject it; but he could not say that he would go out of his way to obtain it. If, therefore, it was an effect on him they meant to produce, they might spare themselves the trouble in future. If it was an effect on the public, still their labors would not affect him, for he was very willing to let his motives be laid before the public, on his own sincerity, weighed against the accusations of those gentlemen.

He had been led into these remarks, not only by the course constantly pursued by gentlemen in general, but by the assertion of the gentleman last up, from Maryland, (Mr. SMITH)—that this motion, for excepting the West India trade from the prohibition to arm for defence, was a motion for peace or war! In this opinion he could not agree. He was persuaded, and he should endeavor to show, that the right of arming merchant ships for defence in the West India trade might be so regulated and restricted, as to become in no degree dangerous to the peace of this country.

He said, merchant ships had the right of arming for defence; for he took this to be a right inherent by the law of nations in every neutral State. He had not, he confessed, made researches into the law of nations on this point, but the general course of his reading had led to this conclusion. It was also confirmed by history, and the practice of neutral States, whose merchant ships did very frequently sail armed in time of war. It was a natural right to carry arms for defence, as much on the water as on the land. The offence lay in either case, not in the arming, but in the improper use of the arms. If a man on his journey should carry arms for his defence against robbers, this would be proper; but, should he use them to rob others, he becomes punishable as a felon. So it is at sea. The arms may be carried, and may be used properly. If used improperly, punishment ensues. This he had, morever, understood to be the result of the best legal opinions in this country, and, indeed, it had not been denied.

It must, however, be admitted that the abuse of this right was far more easy, and far more dangerous, at sea, than on land. It was, therefore, proper to lay it under much stronger restrictions, and some nations had thought fit to restrict it altogether. Whether we should do so in the present circumstances was the question. This question, he would repeat, was not about the giving of a right, but about the restricting or taking away entirely of one which already existed.

When this proposition was first brought forward by his colleague, it was presented in the most general and abstract form. It was "to regulate the arming of merchant ships for defence." Afterwards, by the consent of the mover, it had been expressed differently: "To restrict the arming of merchant ships for defence to particular

cases." A gentleman from Connecticut (Mr COIT) had moved to amend it so as to read: "To restrict the arming of merchant ships," &c., "to the trade to the East Indies and the Mediterranean." It had then been moved to insert before the word "Indies" the words "and West," so as to make the proposition stand, "to restrict the arming of merchant ships," &c., "to the trade of the East and West Indies, and the Mediterranean." That was the motion then under discussion. The question was, whether merchants' ships engaged in the West India trade should be prevented entirely from arming for defence? And this the gentleman from Maryland had declared to be a question of peace or war.

But how, he would ask, was it a question of peace or war? Was it not practicable to leave the merchants possessed of this right, but under such regulations and restrictions as would take away the danger of abuse, or, if abuses should happen, would save the nation from responsibility, would take away cause of offence from other nations? He believed it was practicable, and he should now endeavor to show it. The question had now been presented to us in its abstract form. In this form it was proper first to discuss it. The modifications would come afterwards, when it should assume the form of a bill. Gentlemen had complained of this mode, and called for the modifications in the first instance; but they had themselves proved that this mode was proper. They had not only proved by the tenor of their opposition, that they meant to vote against the measure under any possible modification, but had expressly declared it. One gentleman from Virginia, (Mr. GILES,) had even declared that he would vote against every proposition on the table. Why, then, spend time in modifying a measure, which, however modified, gentlemen were resolved to oppose? The proper way was to see whether it could be carried in its general form, and let the modification come afterwards. Though, however, he thought it improper to propose any modification at present, he would tell gentlemen and endeavour to show the committee how, in his opinion, it might be modified so as to strip it of all its dangers.

There were, he said, three kinds of trade, as between us and France. There was one kind prohibited either by treaties or the law of nations; one kind in dispute, and one kind neither prohibited nor in dispute. To this last kind the right might be, and in his opinion ought to be restricted. These restrictions should be expressed in the law, and in precise instructions, and heavy penalties, under good security, should be exacted for the observance of these instructions. Thus, as the instructions would be confined wholly to a trade neither prohibited nor in dispute, they could not be complained of, and if they were infringed, it would not be the act of the nation. The nation would have only to disavow the act, and show the instructions whereby it was forbidden; it then became the private act of parties, for which they were punishable, but the nation not bound to answer. This must be admitted by all, especially by those gentlemen who contended that the French Government is not accountable for the hostile acts in the West Indies, though avowedly founded on one of their decrees, and done by their public and acknowledged agents. If, under these circumstances, the French Government be not answerable for these acts, because it has not especially authorized them, how, he would ask, could the American Government be accountable for acts done, not only without its authority, but against its express and public orders? For acts which, instead of being able to avow, should it think fit, as the French Government do with respect to the depredations in the West Indies, it would be bound to punish.

He would exemplify this general position as to the manner of modifying this measure, by some particular cases, not in order to point out all the modifications whereof it was susceptible, or to declare that he would support all that he should mention, but to show how it might be modified so as to remove every objection.

In the first place, Britain exercised the right of taking the goods of her enemies, if found on board of our ships. This France alleged was a right given to the English by our treaty with them, and that she also had become entitled to it. She therefore declared that she would take the goods of her enemies whenever she could find them in our ships. This point we do not concede; but neither do we mean to resist the right by force. We intend to negotiate, and perhaps to yield it, if found expedient. It would therefore be improper, and contrary to the spirit of this negotiation, to permit our vessels to arm in this trade; and consequently every vessel which shall take on board goods the property of the enemies of France, must be prevented from arming. Every vessel, before she arms, must give sufficient proof that she has no such goods on board, and sufficient security not to take them.

So also as to contraband, about which there is a point in dispute between us and France, which we mean to settle by negotiation. The French Treaty limits the contraband list. In the British, it is more extended, and the French declare that they will extend it in the same manner. Here is a dispute, which, like the former, we mean to settle, if possible, by negotiation. We must not, therefore, permit our citizens to contest it by arms, and accordingly, no vessel should be permitted to arm without proving that she had none of these articles on board, and giving security to take none. If she did so, it would be contrary to her instructions, and at her own risk. The bonds would be forfeited, the act disapproved, and the nation saved from all responsibility.

The same observations, he said, would apply to the case of a place blockaded or besieged. By the laws of nations, provisions could not be carried to a blockaded or besieged place. What would constitute a siege or blockade, was a question of the law of nations; but the existence of the siege or blockade must, in the first instance, be notified to neutrals by the party forming it. It could be known in no other manner; for the

neutrals must be unacquainted with the circumstances, and the besieged party would not testify against themselves. Indeed, access could not be had to them, and, of course, their opinion could not be known. The besiegers must therefore make the declaration in the first instance, and neutrals must believe it. Whether false or true, becomes afterwards a question in the Courts of Admiralty, or between the Governments; but for neutrals to dispute it in the first instance, at the mouths of their cannon, would be an act of hostility; therefore, if a French squadron should place itself before an English port in the West Indies, and declare it in a state of blockade, our armed ships must be instructed to abstain from any attempt to enter. Even if half a dozen French privateers were to station themselves off Portsmouth, and declare it in a state of blockade, our ships must not dispute the point or attempt to go in by force. If they do not think it blockaded, they may attempt to enter peaceably, if they please, and, when taken, dispute the point in the Courts of Admiralty, or leave it to the two Governments to be settled by negotiation; but they must be prevented from clearing out for such ports with arms, and forbidden, under strong penalties, to attempt to enter by force. Should they make such attempts, it is at their own risk, and not an act of the Government.

So also as to places declared to be in a state of rebellion. There are several ports in the West Indies which the French authority there has declared to be in this state. The truth of this declaration will be a matter of controversy when any of our vessels shall be taken in the attempt to enter those ports peaceably; but, in the meantime, they must not be allowed to attempt to enter by force. They must be prohibited in the same manner as if the place were declared by the commander of a squadron to be in a state of blockade. At least, Mr. H. said, this appeared to him to be proper, according to his present view of the point. He might hereafter think otherwise, for his mind was not fully made up. But the adoption of the proposition demands serious consideration; it was certainly practicable, and, if done, would save the Government from any responsibilty, and that was sufficient for the present purpose.

These modifications, Mr. H. said, and as many more as might be thought necessary, it would be practicable to introduce into a bill. The provisions of this bill would be digested into a set of instructions, and owners of vessels applying for permission to arm defensively, would be obliged to conform to the law, and to give large bonds with sufficient security for conforming to the instructions. Resolves, by way of indictment, might also be added for masters of vessels who should contravene the instructions. If they should still be contravened, the Government would have nothing to do but disavow the act, show the instructions, and say to the other nation, "punish these persons if you can catch them; they have disobeyed our orders, and if they come here we will punish them. In the meantime, we will forfeit these bonds." And thus all justifiable cause of offence would be taken away.

He said "justifiable cause of offence," because it was, and always would be, impossible to take away pretexts of war from a nation that has resolved on it. Such pretexts, it was well known from the history of all nations and ages, had never been wanting, when one Power was resolved to attack another. All that could be done by a State desirous of peace, was to avoid real cause of offence, justifiable cause of quarrel. This must be our conduct. We must avoid justifiable ground of complaint and offence; this would be done by the measures recommended, and we could do no more. If France were so determined on a quarrel as to attack us under so flimsy a pretence, she would find others were we to deprive her of this. War we should have, if war was her desire; and the only possible chance of avoiding it would be by letting her see that it was not her interest. Mr. H. was not afraid to pronounce the word war. He was neither afraid of the thing, nor alarmed at the sound; and he could conceive easily of circumstances in which all the interests of this country would call for war. Those circumstances he did not believe now to exist. He believed they might be averted, and that to adopt this measure, would strongly tend to produce that effect. Much had been said about a clamor of war which had on former occasions been raised. If such a clamor had been raised, the justice would be done him to acknowledge that he had never assisted it. He had never resorted to the alarm of war. It was an event which he had never apprehended, nor did he now apprehend it. It was an event always possible, and for which every country ought to be prepared, and this constant state of preparation was the best means of averting it, which was not to be done by temporising measures. A country which acts justly towards others and shows a desire of peace, and, at the same time, a resolution to defend itself, will always be the most safe from injury and aggression.

When Mr. H. sat down, there was a loud call for the committee to rise (it being past three) when Mr. LIVINGSTON rose, and hoped the question would be taken. The question was put for the committee to rise, and carried—42 to 40.

### CORPS OF ARTILLERISTS, &c.

A bill was received from the Senate for raising and organizing an additional corps of artillerists and engineers, which was read the first time; when Mr. MACON moved that it be rejected, as he saw no necessity for increasing our army. The motion was opposed by Mr. W. SMITH, who said the men would be wanted for supplying the garrisons; and in order to get rid of the question, he moved the House to adjourn. Carried.

---

THURSDAY, June 8.

### EXPORTATION OF ARMS, &c.

The bill for preventing the exportation of arms and ammunition, was read the third time; when

Mr. LYON said, except the word "cannons" were struck out of it, he could not consent to vote for the passing of the bill.

Mr. W. SMITH called for the yeas and nays upon the passing of this bill, which were accordingly taken, and stood—yeas 74, nays 8, as follow:

YEAS—John Allen, George Baer, jun., Abraham Baldwin, David Bard, James A. Bayard, Thos. Blount, Theophilus Bradbury, David Brooks, Nathan Bryan, Samuel J. Cabell, John Chapman, Christopher G. Champlin, Thomas Claiborne, Matthew Clay, James Cochran, Joshua Coit, William Craik, John Dawson, John Dennis, George Dent, George Ege, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Nathaniel Freeman, jun., Albert Gallatin, William B. Giles, James Gillespie, Henry Glen, Chauncey Goodrich, William Gordon, Andrew Gregg, Roger Griswold, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison, Jonathan N. Havens, William Hindman, David Holmes, Hezekiah L. Hosmer, James H. Imlay, Walter Jones, Edward Livingston, Samuel Lyman, James Machir, Joseph McDowell, Daniel Morgan, Anthony New, Harrison G. Otis, Josiah Parker, Elisha R. Potter, John Reed, John Rutledge, jun., James Schureman, Samuel Sewall, William Shepard, Tompson J. Skinner, Thomas Sinnickson, Jeremiah Smith, Nathaniel Smith, Samuel Smith, William Smith, of Charleston, William Smith, of Pinckney District, Richard Sprigg, jun., Richard Stanford, John Swanwick, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, Joseph B. Varnum, John Williams, and Robert Williams.

NAYS—Lucas Elmendorph, William Findley, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, John Nicholas, and Abraham Venable.

## PREVENTION OF PRIVATEERING.

Mr. W. SMITH, from the committee to whom was referred the bill for preventing the fitting out of privateers, made a report, which recommended an agreement to all the amendments of the Committee of the Whole, except one for prohibiting citizens from taking command, or entering on board of any vessel with an intent to cruise against vessels of the United States; instead of which, they recommended another to be enacted in a separate law, confining this bill entirely to private vessels.

The House went into a Committee of the Whole on this report, agreed to it, and afterwards took it up and agreed to it in the House, and the bill was ordered to be engrossed for a third reading.

Mr. W. SMITH moved, that a committee be appointed to prepare and report a bill to prohibit citizens of the United States from taking the command of, or entering on board, any ship of war of any foreign Power. A committee of three was accordingly appointed.

Mr. COIT believed, that some inconveniences arose from vessels which had been taken prizes from citizens of the United States, being again sold to citizens of this country, and from their obtaining fresh registers for them, as the doing of it appeared to be an additional inducement to captures. He therefore proposed a resolution to appoint a committee to consider the propriety of prohibiting the practice in future, which was agreed to, and a committee of three appointed.

## CORPS OF ARTILLERISTS, &c.

Mr. W. SMITH moved that the House take up the bill which was under consideration yesterday when an adjournment took place, viz: the bill for raising an additional corps of artillerists and engineers; when

Mr. MACON said, he should not renew his motion for rejecting the bill, as it might consume more time than letting it take its course; but he did not think he showed any want of candor in wishing to get rid of it in that way. The gentleman from South Carolina talked as much about candor, and showed as little of it as any man in that House.

The bill was referred to a Committee of the Whole to-morrow.

Mr. LIVINGSTON said, it was well known that the Commissioners for settling the British debts were now organized and ready to proceed to business. It had been suggested that great evils might arise for want of an agent to check the claims of the British. He should, therefore, propose that such an agent be appointed. He laid a resolution upon the table, directing that provision be made by law for enabling the Executive to appoint an agent for this purpose.

## DEFENSIVE MEASURES.

The House again resolved itself into a Committee of the Whole on the state of the Union, and the 5th resolution, viz: that respecting the arming of merchant vessels, with the amendments which had been yesterday offered, being under consideration—

Mr. OTIS said, it ought to be considered that they were not about to grant a privilege to our vessels to arm in their own defence, but to modify that right. He thought all discussions on the law of nations were secondary; for, if our own law did not forbid the practice, it was necessary something should be done to regulate it, and when the bill was brought in, gentlemen might direct their objections to such parts of it as they thought proper. There could be no doubt that the law of nations warranted the practice; but it might be our policy to put it under a stricter control than other nations had done, because all other commercial nations had fleets to protect their commerce. He spoke of the difference between carrying arms on board a vessel and of using them.

Mr. O. referred to a provision in the law of nations, which, if it did not positively acknowledge the right of merchant vessels of neutral nations to be armed, at least implied it. It was, that vessels of war have a right to examine merchant vessels, and, if they make any resistance, they shall be considered as lawful prize, which supposed them to be in a capacity to fight. It was acknowledged that this power might be abused; and therefore it was, that they proposed to restrict it in the most effectual manner. At present there was nothing to prevent the owner

of any vessel from arming it, from which great disorder might ensue, but the order of the Executive, which might be any day revoked. But these regulations were scrupulously to avoid cause of offence to any nation, and the improper conduct of the captain of any vessel would be disavowed. The only question was, which was the best way of doing this. All were agreed that the regulation would be proper to the East Indies and the Mediterranean, but there seemed some doubt as to the propriety of including the West Indies.

Mr. O. contended, that if the danger in the West India seas was as great from unauthorized cruisers as it was in the East India or Mediterranean seas (and he thought this had clearly appeared) the same regulation ought to be extended to that quarter. But it was said it might be the cause of war. He took it for granted such restrictions would be made in the law as would prevent any real pretext for war, and if the French were determined to act upon specious ones, they would not want them: and if they had them not, they could manufacture them, and nothing that we could do would prevent them from making war upon us.

Mr. O. denied that resentment could have all the effect ascribed to it, since it would only operate to any effect upon a few individuals; nor did he think the captains employed in the West India service would be less likely to consult the interest of their employers and of their country than those employed in the East India and Mediterranean trade. He denied also, that if a captain was so imprudent as to force a vessel into a rebel port, that it would be a cause of war, nor would the French Republic ever make it a pretext of offence. Indeed, if it were a fact that the unauthorized cruisers in the West Indies were in rebellion to the French Government, we should, in fact, be fighting their battles by fitting our vessels to oppose their unjustifiable attacks.

The gentleman from New York had objected to this proposition because it appeared naked. He thought this no objection, because the gentleman could take it out into the committee room and clothe it with his own ideas. The gentleman from Pennsylvania had said the expense would be an objection; but he might have known that no one would be forced into the regulation. But it was said the merchants were against arming their vessels. They were apt, he said, to suppose that because half a dozen persons with whom they conversed were of their opinion, that every body thought alike.

But suppose this was the opinion of some merchants, did not they expect there would be other measures taken for the protection of our trade? In order to put the matter upon a right footing, gentlemen should say to these merchants, "We will do nothing; we are willing that privateers should not only come off your Capes, but up to your city, and take your bank; (he did not know whether there would be any one found to welcome them;) we want to go home; the weather gets warm; our own affairs have need of our attention." But, added Mr. O., if the merchants are averse to this proposition, why do they not meet and declare their opinions? If they were to do this, it would have some weight with him.

Another gentleman had told them that the loss sustained by depredations upon our commerce did not wholly fall upon our merchants, but upon the public at large. That the gentleman from Pennsylvania should have supported a theoretical idea of this sort, would not have surprised him; but that a gentleman, who was himself a merchant, should have given countenance to it was extraordinary. If the merchants and insurers were to lose the whole of their capitals by these spoliations, would it be any satisfaction to them to be told that the farmers would also be affected by their losses? Or, if the matter was reversed, and a mildew should destroy the crops of a number of farmers, the misfortune would of course raise the price of grain, and the public would be affected by the misfortune; yet, the advance in price would be general, and the suffering would be confined to those who crops had been destroyed.

Seeing, then, said Mr. O., that our commerce is thus exposed, shall we desist from all prudent measures of protecting it? If we do, we shall be obliged to the mortifying alternative of putting our vessels under British convoys, or suffer them to be captured; and he believed if nothing was done for the protection of our trade, it would be found at the next session of Congress, that all the vessels which had arrived safe, would have been thus convoyed.

Mr. O. concluded by a complaint of the want of candor in charging gentlemen, who advocated this motion, with being advocates of war. He thought gentlemen had used language in the course of the debate that they would not have used out of doors. He feared the time was coming when they should be obliged to unite in the defence of their common country, and he thought it would be well to avoid all unreasonable provocation. But, if gentlemen were determined to say, because he advocated the arming of our merchant vessels, that he advocated a war proposition, and that it would produce war in six months, he could not help it. The public must judge between them.

Mr. VARNUM said the gentleman last up had taken much pains to show that the citizens of the United States had a right to arm their vessels, and to resist the attacks of foreign nations. If this were true, he was astonished the doctrine should have lain so long dormant. But he believed the right had not been considered to exist, and he believed it ought to exist. Though the President had forbidden the arming of merchant vessels, yet gentlemen asserted they had a right to do it. [Mr. OTIS interrupted Mr. VARNUM to read an extract from the President's Speech on the subject, where he says he did not doubt the policy and propriety of merchants arming their vessels.] Mr. V. said the President might not doubt the policy and propriety, and yet not be satisfied as to the legality of the measure. If individuals had this right, he hoped they should pass a law before

they rose, to prevent its exercise, as he doubted not if this plan was gone into that this country would soon be involved in the horrors of war.

Mr. V. wished to know what cause existed at present more than for four years past, for going into this measure. Gentlemen had brought forward many ideal depredations committed by the French Republic, of which no evidence had been attempted to be adduced. They had proof indeed of three or four vessels being taken into France in the report of Major Mountflorence, yet gentlemen exclaimed that our commerce was laid at the feet of France. If this were so, why did not the evidences lie before them? The cries of women and children, which had been the other day introduced, was no proof. He believed those cries had been produced by an overbearing spirit of speculation, in this country, more than by the depredations of any nation whatever. He saw nothing in the French Republic like a wish to injure the property of the citizens of the United States. Mr. V. then took notice of the decree which they had taken in respect to the British, and doubted not, when our negotiators should settle that business, that the present misunderstanding would be done away, and they would be convinced of our good wishes towards them. He did not wonder that the French should have been offended with this country. He thought they had cause for offence in the British Treaty; nor was he of opinion that our conduct towards them had been more friendly than to other nations, which he thought they had some reason to expect; not but that he applauded our Executive in taking such a part as was calculated to keep us out of the war. He believed it would have been a wise thing not to have entered into any treaty with either nation till the conclusion of the war.—[The Chairman reminded Mr. V. of the question.] He concluded with hoping we should wait the event of negotiation, without doing anything which might eventually lead to war.

Mr. NICHOLAS would not again have troubled the committee, had not the importance of the question appeared to him to require it. They were told that merchants had a right to arm their vessels, and a motion was made to sanction the arming of them to the West Indies, in addition to the East Indies and the Mediterranean, under certain restrictions. So that they were about to admit the right of the merchants to do the thing. It was necessary therefore to inquire, whether this was the practice of nations.

It was said that there was no law to prevent arming; yet the President had forbidden the arming of merchant vessels, except in certain cases, and he should not be willing to believe that he would do what he had no right to do. And surely no gentleman would contend that the President had the power to do, or not to do, according to his will. It was his business to execute the law, and not to make it. He believed there had been no hesitation, since the passing of the law in 1794, in believing that vessels arming in the ports of the United States were doing so with an intent to commit hostility. To suppose the contrary, would be to bring the Executive into a situation which he did not deserve.

The gentlemen declared it was their intention to suppress a natural right. He would not willingly dispute their intention, but he believed this was not the whole of it, because the gentleman from South Carolina had spoken of forcing our vessels into the rebel ports of the West Indies, than which no step could be taken which would sooner lead to a war. But gentlemen said that the law of nations countenanced this doctrine, and said it remained with them who opposed it to prove the contrary. The fact was, the law of nations was silent upon this point. But if it had been a beneficial thing, and conducive to the happiness of a country, would it not have been at some time acted upon, and noticed by the writers on the law of nations? And is not their silence pretty strong evidence that the right was never exercised? The reason of the case was strong against the practice, as, if unrestrained, it was acknowledged it would lead directly to war, as it would have a tendency to violate the rights of other nations; and if this would be the natural consequence of the measure unrestrained, he believed the same effects would be produced, notwithstanding any restraints which might be enacted to regulate the practice; and if they authorized a practice which produced evil, it would be the same as if they authorized the evil.

But gentlemen say this measure could give the French no real offence, and if they would act from specious ones, they would never be in want of them. Mr. N. said he did not want to remove specious pretences of offence, and, if this country gave no solid ones, he should never be heard to raise his voice in favor of France. But it was his opinion this proposition was pregnant with real offence.

The gentleman last up seemed to think that if the merchants were indisposed to the measure, then it would not be carried into effect, and of course could do no harm; but, though the generality of merchants might be opposed to it, yet there might be enough ready to enter into it to involve the country in mischief. For, when once this business was gone into, they could not say—thus far it shall go and no farther; nor would any bond which could be entered into be an effectual security for our peace.

He was surprised to hear the complaints of the gentleman last up, with respect to attributing improper motives to gentlemen, since he believed that gentleman had himself been as reprehensible in this respect as any other. Indeed, this very day he had spoken of the French coming up to our wharves, and intimated certain persons would be ready to receive them. He thought the admonition came ill from one who had been twice obliged to recant what he had said in this way.

Mr. N. concluded with hoping the amendment would be rejected; nor did he wish the resolution to be agreed to without it, since he believed if it passed that House, it would not pass the Senate, and if any law passed on the subject, he wished it to be so expressed as to do away the

supposition that the right in merchants to arm was acknowledged.

Mr. SWANWICK said, that as the question was to insert the words West Indies in the resolution, it might not be amiss to make a few observations on that trade. Much had been said about the restrictions which should be laid on vessels going out, that they should carry no contraband articles or English or French property, and that therefore they could not be legally stopped; but, he asked, under what regulation vessels were to be put on their return? What documents could a vessel bring from any port in the West Indies? Every person who was acquainted with the West India trade knew that it was a continued source of distrust, lest the French or English should export their property under cover of American property; and, in either case, where the fact appeared, vessels were looked upon as good prizes. This collusion, he said, had been carried on in a variety of ways, some of which he explained. He knew of no method by which this could be prevented, and still he believed more vessels were taken coming from than going to the West Indies. Mr. S. saw no advantages from arming, because, he believed, we should not only lose our vessels, but also the arms on board; and these vessels would probably be made use of as privateers against our own trade.

But why, said Mr. S., is so much said about the French in this debate? This arming, he said, would operate principally against Great Britain, as a greater number of our vessels in the West Indies were taken by the British than by the French, because we had much more valuable trade with the French, Spanish, and Dutch Islands, than with the British. France would rather be pleased than offended at our determination to protect our trade, because the want of that protection had been one of their causes of complaint; and they would know that in a fortnight after we sent our armed vessels to sea they would be fighting with the British. So that this measure would be like a two-edged sword, and cut a contrary way from that which its movers and supporters intended.

It was asked how long we should submit to the degradation of our vessels being convoyed by the armed ships of Great Britain? He would answer, that these convoys were confined to their own ports, and did not extend to the French, Dutch, or Spanish ports. If the French had a sufficient force in that quarter, they might also convoy our vessels from thence.

When he spoke before on this question, he said the expense of this measure was of itself a sufficient objection to it; when it was answered that this was no objection, because if merchants did not find their account in it, they were not obliged to go into the measure. But it was not only on this account that he objected to the plan, but because it would give rise to collusions of the most dangerous kinds, and all regulations which could be thought of would be insufficient to prevent them.

It had been said, if this measure was not gone into, our coasting trade would be ruined. Was it then expected that French privateers would come and take our coasting vessels? If so, were our coasters to be armed? This he could hardly suppose, as no transportation could support the expense of such a measure, and if not, what became of the argument on this ground?

Mr. S. concluded by saying, he had shown that a regulation of the kind proposed could not effect its object, that our vessels would not be able to cope with the force they would meet with, and that it would lead to war. He believed we must determine upon one of two things, viz: either to continue our trade, as at present, by means of insurance, or give it up altogether. And this might be left to regulate itself; because, whilst the profits arising from it were sufficient to make it worth the attention of merchants, it would be carried on; when it was not, it would be declined.

Mr. POTTER hoped the amendment would prevail, and that we should soon have the question, as he thought there had been more than enough said upon it. He was afraid no question would hereafter come up, but gentlemen would think it necessary to tell them all they knew about the law of nations, &c. Many gentlemen had complained of long speeches and personalities, and immediately made *still longer*, and been *more personal*. He could not say whether these long speeches were made to display members' own *vanity*, or from their opinion of the *ignorance* of the House.

Mr. HARPER took notice of what had fallen from Mr. SWANWICK on the subject of French and British spoliations. On a former occasion he had said that the depredations of the British were equal to those of the French; but now he told them they were much greater. Mr. H. said, he then called upon him for his proof, and he referred him to the insurance offices. He had accordingly applied to them; and though he had not yet got his information complete, such as it was, he would lay it before the committee.

From the Insurance Company of Pennsylvania, he found that since the 1st of January the French had taken four ships, five brigs, and three schooners, insured in that office, and the British only two brigs in the same time. From the North America Insurance his account was less complete, as it went back to the beginning of 1796, and ended with the end of it, when the spoliations of the French were not so great as they have been since. The total amount of British captures during that period was $99,274—of French, $271,000. But he believed, if the account was brought up to the present date, the French spoliations would be ten times the amount of the British. But of this he should be more certain to-morrow, as he was promised a statement of them at that time.

Mr. S. SMITH said, if he understood the observations of the gentleman from Pennsylvania, it referred to captures of fair and honorable trade, and not to those made of vessels of the United States engaged in illicit intercourse. If, when the gentleman obtains his information from the insu-

rance offices, he will get them to state to what place vessels which were taken were bound, and with what they were laden, the committee could be able to understand what they were about. Philadelphia, he said, was particularly situated in this respect. One of the most respectable houses in the city was one upon whom Mr. Whigglesworth, the British agent, drew all his bills for produce, carried for the use of the British Government. This gave them an advantage over other parts of the Union, and hence it was that there were more depredations committed by the French upon vessels from Philadelphia than from any other port; but much of this trade was illegal, as it was carried on to ports where there were only a few British troops, and which were deemed by the French rebel ports. It was on this account that he had twice proposed a resolution to the House, but had not able to pass it, to get a particular account of vessels taken, in going to the West Indies, since the 1st of October, 1796. This account from the insurance offices, he said, was not a fair one. Many vessels, he said, were captured, taken into British ports, and, after being put to great loss and inconvenience, released. These did not come within the view of the insurance office, though they were, probably, obliged to sell their cargoes at fifty per cent. under their value. Therefore, any account which could be got from insurance offices could not be relied upon.

Mr. S. said, he had this morning received letters from different captains in his employ to and from French ports, who had been carried into British ports, and obliged to sell their cargoes at a price by which he would lose fifty per cent. He learnt that the privateers state their orders to be, to take and carry into British ports all vessels bound to and from French ports. They state that nine American vessels were taken in this way, and carried into Cape Nichola Mole, and afterwards sent to Jamaica. These, he said, never came before an insurance office, because they were excepted against in the policy of insurance.

The gentleman from Massachusetts had said, why did not the merchants meet, and express their wishes on the subject. The merchants in Philadelphia, Mr. S. observed, consisted of English, French, and American, and so different were their feelings, that were they to meet, they probably would not agree to any declaration which could be formed.

Mr. S. read the proclamation of Victor Hugues, wherein he declares certain ports of the West Indies in a state of rebellion, and forbids trading to them. He thought this provision just, and if persons continued to trade to these ports, after this notice, they must take the consequence.

Mr. CHAMPLIN interrupted Mr. SMITH to inquire whether Martinique was included in the rebel ports, because it had been taken by the British after a vigorous resistance. Though, he said, he was no merchant, his friends were engaged in commerce, and from them he had some knowledge on that subject. The gentleman from Pennsylvania had stated our commerce was stopped to the Havannah, whereas he knew that thirty or forty vessels which trade between Rhode Island and the Havannah had arrived safe. They had been searched, but, after examination, all of them had been dismissed.

Mr. S. SMITH said Martinique was considered as a rebel port by Victor Hugues. It was true that Port Royal was bravely defended by French troops, but the island itself was given up to the British without resistance. But suppose that island was taken fairly, they were cautioned against trading there, and it would afterwards become a matter for discussion between the two Governments; and if it ought not to be considered as a rebel port, he trusted we should get redress for the property which had been taken in going there. The property of vessels bound to the regular ports of Great Britain, Victor Hugues caused to be sold, and the amount placed in the treasury.

Mr. CHAMPLIN again interrupted Mr. S. to say, that property thus taken was sold for one-tenth of its value, and the small sum of money for which it was sold was placed in their treasury—so that the whole value was detained from the owner.

Mr. S. SMITH acknowledged that this was true. The goods were sold at vendue (perhaps unfairly) for what they would fetch. Mr. S. here mentioned the case of a ship of his taken by Victor Hugues, which had been misrepresented to his disadvantage. It was the ship Jane, chartered by him, the supercargo of which was cruelly treated, and placed in prison, from the idea that the vessel belonged to a Scotch merchant in Baltimore, of the same name with his supercargo; but, on the mistake being cleared up, and finding on the trial that the vessel belonged to a real American, who was in the habit of trading to French ports, and that she was bound to Martinique, and not to Guadaloupe, she was released. This account of the transaction was at the time fairly represented in the *American Daily Advertiser*, but, from some cause or other, had got represented to his disadvantage in other papers. He apologised to the committee for having troubled them with this fact; but, as it had been alluded to by several gentlemen in the course of the debate, he thought it necessary in his justification to state it.

Mr. BROOKS said the committee had long been amused with matters no way connected with the subject under discussion. He should confine himself to it. That an individual had a right to arm his vessel for self-defence, was very clear. It was the practice not only of this, but of every other nation. The next consideration was, whether it was expedient at this time to go into the measure. Gentlemen had talked about what had been done on a former occasion, when another nation captured our vessels, which he thought had nothing to do with the present question. Heretofore our merchant vessels had been captured by vessels of considerable force; but of late the principal depredations committed upon our commerce were the acts of small vessels without authority. He thought it was therefore a question with the committee, whether they could not so modify the re-

solution as to lessen the evil, without any danger of offence to other nations. He thought they might. Attempts had been made to terrify them with the cry of war; and that they must not pursue that or the other plan, for fear of offending the French Republic or the British nation. He thought, when they were considering the best mode of defending our merchants against pirates and bucaniers, no nation had a right to take offence at them; and, if masters of vessels transgressed their orders, they must be accountable.

Mr. GILES reprobated the idea of masters of vessels being accountable, and of placing the peace of the United States at risk upon a merchant's bond. The gentleman might be very bold about war; he could not help saying he dreaded it. Why, he asked, did they all at once feel this ebullition? They had all the information last session which they had at present, except as to the insult offered to our Minister; yet he believed, if any man had come forward with a proposition like the present at that time, he would have been deemed a madman. And now commissioners are appointed to settle our differences, and they were about to lay the foundation for a thousand fresh disputes. He found himself much alarmed at this, because he knew this country had all to lose, and nothing to gain, by war; and nothing increased his apprehension more than the language of gentlemen on that floor. The proposed scheme, he said, was a visionary one, and pregnant with mischief. They all knew there were complicated difficulties with respect to the law of nations, and it would be the height of folly to arm our vessels to contest the point with any foreign Power.

Nor did Mr. G. think our present situation so calamitous as some gentlemen had affected to state it. He believed it was as good as it ever would be in any time of peace. The best criterion was the price of produce. Much mischief, it was true, had been occasioned by spoliations upon merchants' property at sea; but he believed much greater had been occasioned by wild speculations on land. And it was no wonder, that when individuals were out of humor from their losses, that extravagant measures should be thought of; but that they should be seriously urged in a legislative body, was surprising. He trusted there never would be a House of Representatives so lost to the interests of its country, as to agree to a measure like the present.

Mr. GALLATIN said, that the question having been so frequently called for, he would not again have troubled the committee, had he not considered the present amendment to be of as great importance as any question that was likely to come before them during the present session. It was nothing less than to declare that our merchant vessels, armed in the West India trade, should be under certain restrictions. It had no relation to whether the right existed or not; but whether they should give the power, if it did not exist, or restrain it, if it did.

He meant to contend, that if the measure was adopted, it could not be productive of one single advantage, but that it would produce great evils, modify it as they pleased.

If the power of self-defence was employed against search or capture, it would transgress the law of nations. To prove that resistance to a search was ground of capture, he read passages from *Vattel* and *Marten*. If resistance could be used at all, then it must be to resist illegal search. This would depend upon Treaties of Commerce which might be in existence. By our treaties with France, Holland, and, he believed, Spain, the modes in which searches shall be made have been pointed out. No vessel of war was allowed to come nearer to our vessels than gun-shot, and were not to oblige our vessels to send out their boats, but were themselves to send their boat, with a certain number of men, on board.

If one of their vessels should attempt to search an American vessel contrary to these stipulations, it might be called an illegal search, and the provision of self-defence might be carried into effect, and in this case alone. And he wished to know whether any advantage was to be derived from being authorized to resist in such case? It might produce an engagement, but could never prevent a vessel being taken; because one of two things would happen—the privateer would either comply with the regulations, or go on to fight and take the vessel. He said it was not possible to prevent the vessel from being taken. The gentleman from South Carolina had pointed out a number of restrictions under which it would be proper to place vessels thus armed; but suppose the vessel to be in none of these situations, what was then to be done? Our vessels, he said, might be loaded with papers and regulations; the fact was, that we had no right to judge of the fact. We say no privateer has a right to take this vessel, because engaged in a legal trade; but, if a privateer, on inspecting the vessel's papers, suspects the contrary, he may take the vessel, and the cause must be tried in the admiralty court of the captor. To prove this, he referred to sundry documents.

This being the case, he did not see a single advantage to be derived from arming, for a privateer might not only deny the cargo to be a legal one, but that the vessel was American, as had been the case of a capture of a vessel going out from this port last year—[Mr. G. alluded to the ship Mount Vernon]—and as no suit had been instituted, he supposed the ground was a good one. Indeed, he was informed that the vessel and cargo was consigned by power of attorney to the consignee in England, to be delivered up on her arrival, and that a person on board was in possession of the consignment. If there were any other advantages to be derived from arming, he wished to hear it.

It was not, Mr. G. said from a fear of offending this or that Power, that he was against this regulation, but because it was calculated to draw us into hostility; because, if our vessels either resisted search or capture, it would certainly lead to war; it would not only lead to war, but it was war!

In addition to what had been said, it might be observed, that when the British exclusively committed depredations upon our commerce, nothing was said about arming our merchant vessels; and if they had done it, he believed it would have been considered as an infraction of the law of 1794. He, therefore, submitted it to the committee, whether a provision like the present would not be considered as an act of partiality. From this opinion, and that the measure would be immediate hostility, he should oppose it.

Mr. HARPER charged the gentleman last up with building his superstructure upon a sandy foundation. He insisted that the power of carrying vessels into port on suspicion, was done away by treaty, and that if a vessel had a regular sea-letter and passports on board, there could be no plea for carrying her in. Mr. H. complained that many American vessels were taken by small privateers without any authority whatever. The Mount Vernon, he said, was taken by one of these, and there could be no ground of offence to any Government to resist the attacks of such marauders. The spoliations of 1794, and the present, were wholly different; and, therefore, there could be no ground for a charge of partiality. At that time our vessels were taken by large authorized privateers; now they were principally attacked and taken by small unauthorized vessels.

Mr. GALLATIN maintained his ground, and denied that a show of regular papers was sufficient to secure a vessel.

Mr. W. SMITH said, if the construction given to our treaties by the gentleman last up was a good one, it would go to nullify several articles in our treaties whose only tendency was to prevent vessels being carried into foreign ports as prizes, and therefore, as they were certainly meant to have some meaning, his construction could not be a good one.

The question was not whether we should authorize our vessels to arm to protect themselves; but whether, in the first place, our citizens have a natural right to arm and defend themselves, and if they have the right, whether the Legislature ought to restrict it, and in what cases. Though some gentlemen had denied this right to exist, no proof had been adduced in support of that opinion. The question then was, whether the right should be restricted in voyages to the West Indies as well as to the East Indies and Mediterranean.

There could be no doubt, Mr. S. said, that if a search was attempted in any way contrary to the mode directed by treaty, such search was illegal, and warranted resistance. That merchant vessels had a right to arm in their defence, in addition to their authorities, he had the opinion of the Attorney General of the United States, which he trusted would have due weight with the committee. [He read it; it was dated June 1.]

It was said this power was not exercised in 1794; but he said they were now only about to restrict a right which was then unrestrained. Indeed, the privateers which then took our vessels would have been more than an overmatch for any armed merchant vessel, whilst a merchant vessel would be equal to cope with any vessel which now annoyed our trade in the West Indies.

If merchant vessels armed at all, he thought there was as much necessity for it to the West Indies as to any other part. He contended that the construction put upon Victor Hugues's proclamation was a good one. He said he had examined into the practice of the neutral nations, and he found that Sweden was in the habit of arming her merchantmen.

He called the attention of gentlemen to the consequences of rejecting the present amendment. He believed, if the restrictions were confined to the East Indies and Mediterranean, that the bill would not pass the Senate, if it passed that House. The right of arming would then be sanctioned, and they would have determined not to restrain it. The consequence would be, that merchants would arm their vessels incompetently, go and trade with what were called rebel ports, which would cause bloodshed; their vessels would be taken and they would be hanged; whereas, if the restriction passed, the arming might be confined to large vessels, which would be able to defend themselves. He hoped, therefore, the principle would be agreed to.

Mr. MACON was surprised to hear the gentleman from South Carolina introduce the opinion of the Attorney General in the way he had done. That gentleman was to give his opinion when called upon by the House; but it was extremely irregular to introduce it in the way he had produced it, as given to an individual. He was opposed to the resolution, and said, if large bonds were to be taken, none but men of property could find the security, and it would of course destroy all the small vessels trading to the West Indies.

The call for the question was loud, and also for the committee to rise. The question for the committee to rise was put and negatived.

Mr. WILLIAMS said he was as desirous of taking the question as any one, but he wished to give his reasons for voting in favor of the amendment. He was far from thinking that the adoption of this resolution would amount to a declaration of war; if so, he should be the first to oppose it. The measure was recommended to them in the Speech of the President, and he wished to go into a consideration of it. He wished the principle to be agreed to, and referred to a special committee, that they might have a plan reported before them. But, in doing this, he should not consider himself as pledged to support the bill, except he approved of it.

The question was then taken on inserting the "West Indies," and negatived, there being 35 votes in favor of it, and against it 46. A motion was then made by Mr. HARPER for the committee to rise, which was negatived, there being only 32 votes in favor of it. The question was then taken on the first amendment, to insert "East Indies and the Mediterranean," and carried, 41 to 40.

The question was about to be taken on the resolution as amended, when Mr. DAYTON said he had an amendment to introduce, but that as it

was then past four o'clock, he should move that the committee rise. He would just say that his amendment was intended to change the principle of the resolution altogether; it was to strike out "restricting," and insert "authorizing under certain regulations." He could by no means agree to give his countenance to a resolution that should convey an idea that the merchants had a right to arm their vessels without the previous consent of the Legislature.

The committee then rose, and the House adjourned.

---

FRIDAY, June 9.

STEPHEN BULLOCK, from Massachusetts, appeared, produced his credentials, was qualified, and took his seat.

The bill for preventing privateering was read the third time and passed.

### RETURN OF ARMS, &c.

Mr. BLOUNT proposed a resolution to the following effect:

"*Resolved*, That the President of the United States be requested to cause to be laid before this House a return of all the arms, ammunition, accoutrements, and other military stores, owned by the United States, specifying their condition, and the place or places of their deposite."

The resolution was taken up the next day and adopted.

### DEFENSIVE MEASURES.

The House then resolved itself into a Committee of the Whole on the state of the Union; when, the fifth resolution being under consideration—

Mr. DAYTON (the Speaker) rose to make the motion which he yesterday proposed to make. It was to strike out "restricting," and to insert "authorizing under certain regulations."

Mr. D. asked the committee if they had attended to the consequences which would follow the passing of a resolution like this, for restricting armed merchant vessels bound to the East Indies and Mediterranean? What would be the consequence, if this elementary proposition did not pass into a law? And if it was now carried, the bill, if the detail was not approved, might die in that House or the Senate. In that case, this proposition would be different from all other original abstract propositions, because it would go to establish the principle that merchants had a right to arm their vessels, to all parts of the world, if not restricted. And it even had been hinted by the gentleman from South Carolina, for what purpose he could not tell, that in the entering upon this discussion, the right to arm was in some degree admitted. This had excited some degree of alarm in his mind. He was willing that a committee should be appointed, and that a bill should be reported on the subject to authorize merchant vessels to arm under certain regulations. When that bill was before them, such restrictions might be introduced as should render it agreeable to the House; but he never could agree that a resolution should pass which should go to deny the right of the Executive to interfere in preventing vessels to arm under any circumstances. Members who were in favor of arming merchant vessels to all parts of the world, could not be against this proposition, because it could be so modified, if a majority should think it desirable; but he did not think it safe to establish the principle, that merchant vessels have a right to arm, without an act of the Legislature to sanction the practice. If this amendment was carried, a bill might be brought in accordingly; if not, he should give his decided negative to the resolution.

Mr. DANA thought this measure tended to arraign the conduct of Government. The President had not supposed it to be his duty to prevent armed merchant vessels from sailing to the East Indies and Mediterranean. The instructions given to the custom-houses seemed to be founded on the ground of a right to arm; but, if they went on the idea that the merchants had no right to arm without permission, it seemed as if they ought to have been prevented from arming.

Mr. DAYTON showed the reverse of the position of the gentleman who had just sat down, to be true. He thought the restriction which the President had lately put upon arming vessels, was lawful and commendable.

Mr. VENABLE supported the amendment.

It was put and carried, there being fifty-one votes in favor of it.

An amendment to add the words, "and for restricting," was moved and carried.

Mr. POTTER was against this resolution, because he thought to pass a resolution allowing our merchants to do what they already did, that is, to go armed to the East Indies and the Mediterranean, would be doing nothing.

Mr. W. SMITH said he should vote for the amendment, because it would not take away the right of merchants to arm, if it already existed; it would, on the contrary, sanction it, in the same way as the inserting of a known law of nations in a treaty, sanctioned that law. It might also serve as the foundation of other useful regulations.

Mr. OTIS believed this resolution would be a narrowing of the present ground; because he did not know that the word East Indies would include Africa. He thought it would be better to leave the resolution a blank. He moved to strike out the words which defined the places to which the regulations should extend.

The CHAIRMAN declared this motion not to be in order.

Mr. DAYTON said, a division of the question might be called for in the House.

The question was then taken on the resolution as amended, and negatived; there being 37 for it, and 45 against it.

### REQUISITION OF MILITIA, &c.

Mr. BLOUNT proposed the following resolutions to the committee:

"*Resolved*, that provision ought to be made by law, for putting 80,000 militia of the United States, in equal proportions from the several States, in a state of requisition.

"*Resolved*, That provision ought to be made by law for procuring, by purchase or otherwise, ——— thousand stand of arms, with accoutrements complete, to be deposited in the several States, in proportion to the whole number of effective men in each."

## DEFENSIVE MEASURES.

Mr. W. SMITH said, he had waived a consideration of the third and fourth resolutions, in order to pass to the fifth, because he thought it was probable the committee would have determined upon arming our merchant vessels; and if so, it might have influenced the votes of members on those; but, as the committee had just decided against arming merchant vessels, he should propose another resolution to the committee. It was well known that the three frigates which had been agreed to be manned, would not be ready for sea for several months; in the mean time there might be occasion for some armed vessels; he should, therefore, submit to them the following resolution:

"*Resolved*, That it is the opinion of this committee, that the President of the United States ought to be authorized by law to provide a further naval force, whenever, in his opinion, the circumstances of the country shall require the same; and that ——— dollars be appropriated for that purpose."

The CHAIRMAN said the resolutions of the gentleman from North Carolina were first in order.

Mr. W. SMITH said he had no objection to the proposition of the gentleman from North Carolina, as a part of a plan of defence, but he thought it also necessary to attend to the protection of our commerce.

Mr. BLOUNT said, it was perfectly indifferent to him whether the gentlemen from South Carolina considered his plan as a part or the whole of a system. That gentleman had accused those who voted against his proposition, with being unwilling to place the country in a posture of defence. Now, he had voted against, and should continue to vote against, his proposition—but he was willing, notwithstanding (as he believed all those who voted with him were) to put the country in a state of defence. It was his opinion that internal defence only was necessary. He thought the system which he had proposed would be sufficient. When they had adopted this resolution, it might be considered whether any thing more was necessary. He had no idea of creating a naval force for defence; on the contrary, he believed it would be the means of plunging us into fresh difficulties. For this reason, if the resolution he had proposed were passed into a law, he should go home satisfied, with a belief that he had done all that was necessary. And he was convinced that his constituents would believe that he never wanted a disposition to defend his country when in danger.

Mr. W. SMITH did not think these propositions could be of any use at present; they would be very proper in case an invasion was apprehended. He thought the principal object, at this time, was to defend our commerce, and thereby secure the revenue arising from it, either by an effectual naval armament, or by an embargo; and he thought he was correct in saying, in reference to this defence, that gentlemen opposed every thing, and proposed nothing. Gentlemen, he said, were very ready to propose things which would cost the public nothing: the militia measure proposed would cost no more than the passing of the law; but, if ever any expense was to be incurred, then all was opposition.

The commerce of the country could not be defended, without calling upon the people for revenue; and he thought those gentlemen who stepped forward to advocate such measures as involved expense, and which were consequently in some degree unpopular, deserved the gratitude of their constituents. He had never hesitated to do this, when he thought it necessary. He should not, however, object to the passing of this proposition; he only rose to say, he did not think it immediately necessary.

Mr. THATCHER objected to the phrase requisition. However fond that gentleman might be of the French phrases, he did not wish to imitate them in their expressions in our legislative acts. He had no objection to the holding such a number of men in readiness. He hoped the sentiment would be expressed in American language.

Mr. BLOUNT supposed he should be told, because he used the word requisition in his resolutions, that he was one of the factious. He believed if the gentleman looked over the old Congressional proceedings, he would find that the demands made upon the States were called requisitions. He had, however, no objection to any other word which had the same meaning. He thought the objection a trifling one, and such as the gentleman ought to be ashamed of making.

Mr. THATCHER replied, that he did not often say any thing of which he was ashamed; that he had said nothing about French factions; but, it was an old saying, "That a guilty conscience needs no accuser."

Mr. BLOUNT (with a good deal of warmth) said he should take from no man, with impunity, such language as that. [There was a loud call to order.]

Mr. LYON said, perhaps, if the gentleman from Massachusetts could be persuaded that requisition was plain English, he might be satisfied.

Mr. W. SMITH called for the reading of a similar resolution passed in 1794; which being read, and a wish expressed that the present might be made conformable to it, Mr. BLOUNT gave his consent; and, after a few observations from Mr. WILLIAMS in favor of the resolution, though he denied that it could be carried into effect without expense, the resolution was agreed to.

The resolution respecting the arms was passed over for the present, until information should be received as to what quantity of arms Government have. Mr. B. wished to make up the quantity eighty thousand, and to have them distributed in the way proposed; but upon several gentlemen expressing opinions that there would not be a want of arms, he consented to postpone the resolution.

Mr. W. SMITH called the attention of the com-

mittee to the resolution he had proposed respecting an additional naval armament.

Mr. VARNUM could hardly suppose the gentleman serious in proposing this resolution, as the power of judging and determining of whatever related to the army or navy was assigned by the Constitution to the Legislature, and this being the case, they alone had the right to exercise it, and could not delegate it to another. If a further naval armament were to be provided, he trusted they should provide it, as he should not be willing to delegate the power (if it could be done) to any man, however great and good he might be.

Mr. W. SMITH said, if the gentleman last up had not appeared very serious, he should not have supposed he had really been so. What was his argument? It was, that because Congress was empowered to provide a navy, yet they could not authorize the Executive to do it during the recess of Congress. As well might he say, that because that House had only the right to borrow money, they could not authorize the President to do the business for them. The authority, he took it, emanated from that House, but they could empower the President to act in their behalf. For, if the gentleman's construction was true, in whatever danger this country might be involved, the President could not call out the militia. Mr. S. mentioned several other instances in which this power was exercised by the President, and particularly the power of laying an embargo in the year 1794, during the recess of Congress; and this power, he said, must be given again, except some means for defending our commerce was determined upon; for he believed, when it should be known that there was no disposition in that House to defend our commerce, the picaroons would swarm upon our coasts. He wished to leave it to the Executive to procure a small number of merchant vessels, and convert them into vessels of war, to be placed either at the entrance of our rivers, or to cruise on our coast. If this were not done, our coasting trade would be cut up. What was then to be done, provided this should be the case, after the House shall have broken up? Was the President again to call them together to determine what was to be done? He trusted they did not wish this, and yet gentlemen came forward and desired to defeat the business at the threshold by a Constitutional scruple. Mr. S. concluded with reading an extract from a newspaper, giving an account of an armed American vessel having taught the picaroons civility, and from thence enforcing the necessity of arming.

Mr. VARNUM defended the construction he had put upon the resolution, as the President was left to determine the propriety of the naval force.

Mr. NICHOLAS defended the construction of the gentleman from Massachusetts, though he acknowledged, in cases of necessity, the House had thought it prudent to delegate their powers to the Executive for special purposes. It became a question whether the necessity existed at present. If the gentleman from South Carolina thought there was danger to be apprehended on our coast, he should have no objection, provided it was confined to that particular object, to agree to the proposition.

Mr. W. SMITH declared he had no other object in view, nor did the Speech of the President allude to anything more.

Mr. NICHOLAS then moved to add the words, "if circumstances hereafter arise which shall make it necessary for the defence of our seacoast."

Mr. WILLIAMS moved to add, "during the recess of Congress."

These amendments were agreed to.

Mr. McDOWELL said these modifications did not make the thing more acceptable to him. The President had told them this armament was necessary; but they had the facts before them, and he wished that they might themselves determine the propriety of the measure. The gentleman from South Carolina talked to them about great danger from picaroons; but he knew that gentleman had a great desire to increase our naval force. He doubted not the Executive had the same desire, because it would increase his power; but he did not wish that House to give the power out of its own hands.

Mr. WILLIAMS thought this resolution was calculated to meet the ideas of the gentleman, as its object was to save expense; for the power was only given to the Executive to be exercised in case of necessity. If this power were not to be thus placed, they would doubtless think it necessary to provide some additional vessels for the protection of our trade. In June, 1794, a similar measure to this was agreed to. If they could do the business themselves, he should wish it, because it was laying an unpleasant business upon the Executive.

Mr. SWANWICK thought the force should be designated. The Senate had proceeded with a bill of this kind, in which the number of vessels was stated. He thought it would be best to see their bill before they proceeded. Mr. S. did not think the provision would be effectual, and he thought there was some weight in the objections to the transferring the power of that House into the hands of the Executive.

Mr. HARPER observed it was not said that the present circumstances of the country required this armament, but that such a state might arise during the recess of Congress. If this state now existed, doubtless the House would go into the measure itself; but as it did not, (and there was at least a possibility it might,) he thought the measure a prudent one.

Mr. McDOWELL supported his opinion, and declared he did not think the coasting trade of sufficient importance to warrant so expensive a measure as that proposed.

Mr. GALLATIN allowed that the modification of the resolution introduced by the gentleman from Virginia, had rendered the proposition much less exceptionable than it was before; but he was against it in any shape in which it could be brought before them. In the first place, the modification of the vessels being confined to the seacoast, was not a very clear idea. If it only meant to protect our neutrality within gunshot, or within nine miles

of the coast, he did not think the object would authorize the expense. The only purpose for which he could conceive these vessels were wanted, was to protect our commerce on the seacoast. If this were the case, they would be employed in fact, if not by name, as a convoy. He thought this was confirmed by the Speech of the President; and he believed the object was to protect our vessels from the attacks of other Powers. As to the protecting our commerce in this way, he would remind the committee of the point at issue. It was whether, (according to the opinion of many members in that House, supported by the Attorney General, and probably of the Executive,) if foreign cruisers attempted to carry in one of our vessels with a regular sea-letter on board, it was to be resisted. And it became a question whether that House meant to provide a naval armament for this purpose. He hoped not, since he feared the consequences.

But it was said, they were not about to provide the means, but only to authorize the President to carry the measure into effect, if necessity required; but, he said, there was every reason to fear, that if they agreed to this, the least change of circumstances would carry the measure into effect.

As to the advantages to be derived from this armament, he differed in opinion from the gentleman from South Carolina. He spoke of the West India picaroons infesting our coast. He did not believe this was probable. He believed they would find it their interest to remain in the West India seas. Some of the larger vessels, indeed, might come upon our coast; but these, it might be supposed, would not make captures, except there were some ground for it. If they were to attempt any other, our vessels would not have force to resist them. But, admitting that some few small vessels were to come upon the coast, yet the mischief arising from these would not be equal to the expense of the proposed armament. What the blank in the resolution was intended to be filled with, he could not tell; but it was well known that expenses of this sort always greatly exceeded the calculation. He reminded the committee of the state of our finances. Our revenue, he said, did not exceed our expenditure, and therefore every additional expense will be an additional burden on the people; and that after the year 1801, twelve hundred thousand dollars a year would have to be paid, for which no provision was yet made. He did not make these remarks as an objection to any necessary expense, because he believed the resources of the country were equal to any demand of that kind; but he thought it right to mention this, that such expenses as are not absolutely necessary may be avoided.

Mr. NICHOLAS said, it was his intention, in supporting the resolution, to go no further than to protect our vessels within the jurisdiction of the United States.

Mr. W. SMITH was not surprised that the gentlemen from Pennsylvania and North Carolina did not feel the same alarm for the seacoast that he did. He felt considerable solicitude for his constituents, and he doubted not, if this resolution was agreed to, but the Executive would take proper means for defending it; and they need be under no apprehension that the President would go into the measure, except it were found absolutely necessary. He was surprised that, when the object was so expressly declared to be the protection of our coasts, the gentleman from Pennsylvania should have supposed it intended for quite a different purpose. The expense of this measure was objected against it, as was usual, when no better argument could be adduced. There could be no doubt the expense would be considerable; but what were they called together for, but to take measures for the defence of our country; and these must incur expense; but had they not, he asked, better expend a sum of money in defence, than lose millions of revenue? He trusted they had, since it would only be expending a small sum, to receive a larger in return.

But the gentleman from Pennsylvania had heard of no danger. He had not heard of picaroons coming within sight of our towns. Mr. S. mentioned an instance or two which had come to his knowledge.

Mr. S. concluded his observations with saying, that the objections of the gentleman from Pennsylvania to this measure were only the second edition of his objections to the building and equipping of the frigates; but, he believed, the sense of the country was against him; he believed they wished for some naval protection.

Mr. GILES said, the President had recommended particular measures for the consideration of the House of Representatives, and they were about to throw them back upon him.

Mr. G. observed that it was acknowledged no danger existed at present, but he went on what might take place hereafter. What, he asked, was this hereafter? How long does it exist? A Fall Session was contemplated in four months from the present time. What, then, could be the alarm which would justify the giving of this discretion, since, if the necessity should appear in a few days from this time, it could scarcely be supposed that vessels could be got ready armed much sooner than the frigates?

It was usual, when anything was said of the expense of a measure, to say that security was beyond expense; but they should inquire into this matter. It had been supposed that one-sixth of the revenue would be lost by these pirates, if no protection was given. Suppose this were the case, he asked whether the blank could be filled up with a less sum? So that we were submitting to a certain loss to prevent a precarious one. Mr. G. wished to wait the event of the negotiations, and let these dangerous measures alone.

But, say gentlemen, what were we called here for? He believed, for nothing. He had reflected upon the matter for ten days past, and could see no reason for this extraordinary call.

Mr. BROOKS observed that the gentleman who had just sat down, according to his former assertion, opposed every measure brought before the committee. He thought there was no danger, though a majority of the committee, he trusted,

was of a different opinion; if not, he wished it might be declared, that they might all go home. But, as he believed it was generally supposed that it was necessary something should be done, he wished they might be permitted to proceed with their deliberations. According to that gentleman's account, four months was no time at all, yet he considered great changes as likely to take place in that time.

The gentleman from Pennsylvania supposed that the President would lay hold of the least change of circumstances for carrying this measure into effect; but if the necessity should appear, and no power was given, he would ask the gentleman what sort of a situation we should then be in? This put him in mind of a dialogue between a Hermit and Deist; the latter of whom, said to the former, "You are in a miserable state if there be no future world;" "but," replied the Hermit, "what will be yours, if there is?"

Mr. S. SMITH felt disposed to support the motion, as he looked upon it as an entering wedge to an armed force for the protection of our commerce, but he doubted whether vessels could be immediately found to answer this purpose.

Mr. SWANWICK said, this measure had been said to be upon the same foundation as the law of 1794, but he found the bill then passed was for providing galleys.

Mr. S. insisted that any vessels they could at present provide would be very inadequate to the defence of our coast, which was more infested by British than French vessels.

Mr. CRAIK condemned the idea of dwelling upon the expense of a measure of this kind, when the great object of defence was in view. He noticed what had been said about a million of revenue being lost by the spoliations, but, he remarked, if one million of revenue was lost, there was at least six millions' worth of property lost to the nation at the same time.

Mr. C. strenuously urged the necessity and propriety of entering into a measure of this kind.

Mr. MILLEDGE wished the word "galleys" to be inserted instead of "naval force," as they were particularly calculated for the protection of the coast.

Mr. Parker suggested the propriety of adding, "or other vessels," which were the words of the law of 1794.

Mr. NICHOLAS hoped they should also define the situation in which the vessels should be employed, that it might be within the limits where there could be no right of capture.

Mr. W. SMITH said, this was matter of detail which would be best settled in the bill.

Mr. GALLATIN moved an amendment to confine the employment of the vessels within the jurisdiction of the United States, which he did not think a matter of detail, but of principle. He took the words of the old law, viz: "to be stationed within the United States."

Mr. W. SMITH objected to this amendment. He thought there was ambiguity in the word "stationed," besides that, the detail, as he before stated, should have been left for the bill.

Mr. NICHOLAS believed the word was well understood; it brought the subject to the point upon which he gave it his support, and except this amendment was agreed to, he must decline voting for the resolution.

Mr. PARKER thought the motion was narrowed too much, because vessels, in passing from one part of the Union to another, might have occasion to go further from the coast than nine miles. And though he did not wish the vessels to be employed as a convoy, yet he did not wish them to be confined within quite so narrow a compass, but they should give some countenance to our commerce.

Mr. HARPER said, nothing would be more easy than to meet the object of the gentleman last up, in the bill. He was wholly opposed to the amendment, as if it were carried, a pirate might block up our trade, and these vessels would not have the liberty to drive him off. He condemned the great suspicion entertained of the conduct of the Executive.

Mr. GALLATIN doubted not the Executive would do his duty, and he wished to do his. They had a question before them in which they seemed to be agreed; but he suspected, from the opposition shown to this amendment, (which brought the matter to a point,) they were not really agreed. The restriction, he said, would not prevent vessels from going out of the limits from one part of the Union to another.

Mr. W. SMITH again spoke against this amendment.

Mr. OTIS said he objected to the amendment, because it appeared repugnant to the powers placed in the President by the Constitution. If a naval force was raised, it would rest with the President how it should be employed, as he was commander-in-chief. The Legislature could say whether the vessels should be employed offensively or defensively, but to say at what precise place they were to be stationed, was interfering with the duty of the commander-in-chief; and though he would have no right to send these vessels to the West Indies, or as convoys, yet he might defend the seacoast as he pleased. The word "stationed" was indefinite. He thought it might be necessary to pursue the picaroons beyond the limits of the United States—if necessary to fight, it might be necessary to follow.

The question was taken on the committee's rising, which was not carried, there being 42 for it and 42 against it, and the Chairman voted in the negative. The question was then taken on Mr. GALLATIN's amendment, and negatived, 49 to 38. The resolution was then put and carried, there being 51 votes for it.

---

SATURDAY, June 10.

## DEPREDATIONS ON COMMERCE.

Mr. S. SMITH offered a resolution to the House to the following effect:

"*Resolved*, That the President of the United States be requested to cause to be laid before this House a re-

port respecting depredations committed on the commerce of the United States since the 1st of October, 1796, specifying the names of the vessels taken, from whence and where bound, and, where it can be ascertained, the species of lading, and the value of the vessels and cargo, and by what Power taken, particularizing those which have been condemned, together with documents relative thereto."

The resolution was agreed to.

## FORTIFICATIONS.

Mr. BLOUNT said, as they were to be called upon to take the subject of fortifications under consideration, he wished to have some information on the subject, and proposed to the House, therefore, a resolution to the following effect:

"*Resolved*, That the Secretary of War be required to lay before this House a list of the fortifications of the United States, together with the number of troops in each; an account of the expense which attended the erecting of them, and what is yet necessary to their completion, and of the unexpended money appropriated for that purpose."

Mr. LIVINGSTON suggested the propriety of suffering this resolution to lie until the committee appointed on this subject made their report, as he believed some of the inquiries would be there answered, and that report would be made to-day.

Mr. BLOUNT consented.

## AGENT FOR BRITISH CLAIMS.

Mr. LIVINGSTON then called up the resolution which he had laid upon the table for appointing an agent to defend, before the Commissioners now sitting, the citizens of the United States against the claims made upon them by Great Britain, in pursuance of the late treaty.

Mr. W. SMITH submitted to the consideration of the mover and the House, whether it would not be best to place this subject under the Attorney General. It might, in that case, be proper to afford him a sum of money to enable him to employ additional clerks for the purpose.

Mr. LIVINGSTON had no objection to modify the resolution in this way: "to appoint an agent to assist the Attorney General in the defence of," &c.

Mr. MACON said this might be a good proposition, but it did not strike him as necessary. He thought the Commissioners would be competent to do the business.

Mr. GOODRICH thought the matter would be best referred to a select committee.

Mr. LIVINGSTON saw no use in referring the subject to a select committee, except it were to report a bill. When gentlemen reflected upon the nature of these debts, and the time at which they were contracted, they would see the opportunity afforded for collusion. He did not mean that an agent should be appointed to reside in Philadelphia, but a person who might be employed to investigate, in the best manner, the justice of the claims. The President might, perhaps, think it necessary to appoint a person near the place where the debts were contracted.

Mr. NICHOLAS thought this a more serious matter than was generally supposed, and that it would be found so, when the money came to be paid. He knew not whether two or three agents would not be necessary.

The resolution was referred to a select committee, to report by bill or otherwise.

## FORTIFICATIONS.

Mr. LIVINGSTON, from the committee appointed on the subject of fortifications, reported sundry documents; together with a bill to provide for the fortifications of the ports and harbors of the United States, in which it is provided that the money necessary for carrying it into effect shall be borrowed of the Bank of the United States, or in such other way as shall be found best. The bill was twice read, and referred to a Committee of the Whole on Monday.

## REQUISITION FOR MILITIA.

The House took up the resolution agreed to in the Committee of the Whole, yesterday, authorizing the President to call upon the Executives of the several States, to hold 80,000 militia in readiness, apportioned according to the number of white inhabitants in each State.

Mr. W. SMITH wished one part of the resolution to be modified or omitted. He meant that part which directed the men to be apportioned according to the number of white inhabitants in each State. This, he said, might have an injurious effect; for, in case an invasion were to take place in a State where the white population was the weakest, the proportion of men detached would be so small as to be, in a great degree, useless; and in other States the number would be greater than there was any necessity for. For instance, if Georgia were to be the place of attack, (and if an invasion did take place, that was the most likely quarter for it,) where the white population is small, there would not be a sufficient number of men to afford any protection on the plan proposed. He thought if they fixed upon the proportion, the Constitutional estimation would be best, viz: to add to the white population three-fifths of the number of negroes. He moved to strike out the apportionment, in order to have the regulation to be inserted in the bill.

Mr. MACON did not think there was any weight in the objection of the gentleman last up; as, in case of invasion, the Executive of the State might call out more than the number here contemplated, or even the whole of the militia, until assistance could be got from the neighboring States. The resolution, being in the form of that agreed to on a former occasion, could not reasonably be objected to.

Mr. THATCHER inquired whether it had been customary to train blacks to arms?

Mr. W. SMITH said he was not understood. He meant, that the number of whites to be detached should be in proportion to the number of whites, with three-fifths of the blacks added to the number.

Mr. VENABLE did not think there would be justice in such a regulation, as the duty would lie heavier upon States thinly inhabited, than upon

others. In case of invasion, he said, the neighboring States would be called upon.

Mr. McDOWELL said, that should the gentleman from South Carolina's proposition be agreed to, the duty would fall heavier upon any other part of the Union; besides, when so many whites were taken from home on this business, the rest would be exposed to the blacks. He trusted, therefore, he would not press it.

Mr. W. SMITH wished only for the subject to be left open, that the apportionment might have been left to the President.

[He here read the form of an amendment which he would have proposed.]

He did not at present contemplate an invasion, though it might be necessary to adopt this cautionary measure. He withdrew his amendment.

The question was about to be put on the resolution, when

Mr. VARNUM said he did not see any occasion for this resolution. He did not think they had any reason to suppose an invasion probable; but, if it should take place, there was sufficient power in the Executive of the different Governments to call out the militia. He did not know how the militia was regulated in other States; but, in the Eastern States, he knew they were always in readiness, and that twenty thousand men could be landed in a few days at any point, from Portsmouth to Rhode Island. This being the case, he did not think it necessary to make any detachment from them. It was true, an invasion might take place from France; but he thought it was as probable it might come from England—though he believed it was equally probable it might be from Nootka Sound.

It was said that this regulation would be no expense to the United States. It might be no expense to the Government, but it would be a serious expense to the people. He thought the situation of the United States very different now from what it was in 1794. The British were at that time not only taking our property at sea, but they had large provinces adjoining upon the United States, and could have brought large bodies of troops against us. It also appeared that they had hostile intentions against us. It appeared, from the proclamation of the Governor of Canada, that Great Britain meant to declare war; that the Indians were prepared to make attacks on our frontiers; and fortifications were erecting within our territory. In that case, it became prudent to have a detachment of militia in perfect readiness. But, said Mr. V., the situation of the United States is now very different. The nation with whom we have now a misunderstanding had no possessions adjoining upon us, and there was not much probability of troops being sent against us from France. He did not wish, therefore, to go into the present measure. It might be well to call upon the Secretary at War to know the condition in which the militia was in, in the different parts of the Union; but he did not think more was necessary.

Mr. BLOUNT agreed with gentlemen in opinion, that they had no reason to expect any invasion. But it was well known that the President of the United States, in his Speech, had spoken of raising a provisional army; but, if he had not done this, he thought the measure now before them was at all times proper. The expense would depend upon the time at which the regulation was carried into effect. If the States did not call extraordinary sessions, no expense would be incurred. He believed we ought at all times to have a military force standing in readiness, which would at any time convince the world that we were not a divided people. The best defence, he said, was to be always prepared to meet the attacks of an enemy. When the measure was formerly gone into, he had as little apprehension of an invasion as at present; and if we had no misunderstanding with any nation, he should be in favor of it.

Mr. THATCHER believed it was true (as his colleague had stated) that the Massachusetts militia could at any time be called out, at a moment's warning; but if the militia in the Southern States were not in this readiness, he thought that it would be well that they should be put into such a state.

Mr. J. WILLIAMS thought it would be proper to have a select corps of militia in readiness; but he denied that this could be done without expense. The expense of the corps which he commanded, when called out in 1794, was very considerable. If the gentleman from Massachusetts thought there was no immediate necessity for the measure, he might move to have the power of making the call whenever the President should see it necessary.

The question was put on the resolution, and carried.

## DEFENSIVE MEASURES.

The resolution reported by the Committee of the Whole, proposing to authorize the President to provide galleys, or other vessels, for the defence of our coast, was next taken up.

Mr. GILES wished to have it clearly ascertained what was to be the employment of these vessels. "Seacoast," he said, was an indefinite phrase, and liable to be misunderstood. He was decidedly against their being employed as a convoy. In order to make the meaning clear, he should move to strike out the words "for defending our seacoast," and insert "to be employed within the jurisdiction of the United States."

Mr. RUTLEDGE supposed, if the resolution stood as it was reported, the vessels would be employed within the jurisdiction of the United States; but he thought it would be absurd to say these vessels should on no account pass the limits of the jurisdiction. The pirates would know this, and our cruisers would have the mortification of seeing our vessels taken or plundered, without having the power of affording them relief. Or, if one of these pirates were to come within the line, and be pursued by one of our vessels, though she might be on the point of taking her, yet she must not venture across the line. He did not wish these vessels to be employed as convoys, but he thought their destination might be safely left to the Executive, and had no notion of doing business by halves.

Mr. BROOKS said it appeared to him that this principle had been decided yesterday, and did not require further decision.

Mr. NICHOLAS supposed it was not from an apprehension that the Executive would not do his duty, that it was wished this business should be put into a definite form. No one, he believed, would put the same construction upon the amendment that the gentleman from South Carolina had done. It would not be supposed to be the intention of the supporters of this amendment, that these vessels should be prevented from crossing the line in pursuit of a picaroon which had come within the jurisdiction of the United States. Indeed the gentleman himself had concluded that such an idea would be absurd. To do away all objection, he proposed to insert the words, "for the defence of the seacoast within the jurisdiction of the United States," instead of Mr. GILES's amendment.

Mr. GILES thought the phrase "seacoast," indefinite. It might be supposed, perhaps, to extend to Bermuda.

Mr. W. SMITH said the gentleman last up had supposed the coast might be supposed to extend to Bermuda, yet our vessels were not to go beyond the jurisdiction of the United States for the defence of the coast. This, he said, involved a contradiction. He wished the gentleman to define what he meant by the jurisdiction of the United States; he believed it was not decided whether it extended three or nine miles. If it were even nine miles, he said, these vessels might sometimes be obliged to go beyond the line merely for the purpose of avoiding shoals. Why, then, confine them so very tightly? When the purpose was expressly for the defence of the coast, it could not be expected they would be employed in any other way. To employ them as convoys would be unlawful.

After several proposals for amending the resolution had been made, withdrawn, and succeeded by others, and a few observations from Mr. GALLATIN, who said there were three objects for which the vessels might be used, viz: to defend our territory and sovereignty, (which he wished;) to convoy our trade to foreign ports; or to repel the attacks of privateers out of our jurisdiction: the two last objects he declared it as his opinion would lead to war, and, therefore, he wished to avoid them—

Mr. SEWALL proposed the following: "to defend the seacoast of the United States, and to repel any hostility to their vessels and commerce within their jurisdiction."

Mr. R. WILLIAMS thought this amendment more objectionable than any other which had been proposed. The jurisdiction not being ascertained, disputes would of course be the consequence. He thought the resolution better without any of its amendments. He was disposed to defend our commerce wherever attacked but; if we had not the means to do this, he would not do anything which should seem to infer that we had not the wish to do it, by confining our defence of it within our own territory.

Mr. NICHOLAS was in favor of the amendment.

Mr. ALLEN thought the whole of the business trifling, and wished to postpone the subject until the bill came down from the Senate; or, if they did pass the resolution, they ought not to confine it within such narrow bounds. After alluding to the various amendments which had been proposed and opposed, which he called "catches at phraseology," he moved to postpone the subject until Monday.

Mr. S. SMITH agreed with the gentleman from Connecticut that the present was a trifling business, and he would agree to extend his motion till next session. It was a lilliputian concern. It was the British navy, he said, which kept possession of our coast, and what effect, he asked, would these small vessels have upon them? Some of our deserters had lately gone on board one of the British ships of war at Norfolk, and when they were demanded back, they were refused. And suppose, said he, one of these vessels had been there to have enforced the demand, could any one suppose it would have produced anything more than insult upon insult? They could not. He wished to leave these trifling subjects for the Senate, and to go on to substantial business; he meant the finances of the country.

Mr. BROOKS was in favor of coming to a decision at present, since the business had been fully discussed.

Mr. ALLEN wished it postponed till Monday; by that time he thought the House would have come to its senses.

Mr. GILES also thought the business trifling, and proposed to postpone it till the first Monday in November next.

Mr. HARPER said, if he was of opinion with the gentleman from Connecticut that the House would have more understanding on Monday than at present, he would agree to postpone the question to that time; but, he believed gentlemen must receive some lessons of experience before they could be convinced of their error. The arguments of the gentleman from Maryland went to this: if we cannot resist a British 74, we will not resist a French pirate. But Mr. H. trusted they should not be diverted by a jest from doing what he believed good sense and good policy required them to do.

Mr. S. SMITH said he did not mean to make a jest of the business, but merely to express his desire to go on to more important business.

Mr. THATCHER asked, if this business was postponed, whether, when the bill came from the Senate, they could not proceed with it?

The SPEAKER answering in the affirmative, Mr. GILES withdrew his motion.

Mr. SEWALL said the bill in the Senate had not the same object in view with this measure. It was, therefore, the intention to provide vessels as a convoy.

Mr. GILES believed it was not very orderly to refer to business doing in the Senate. He believed that bill was recommitted.

The question for postponing the business till Monday, was put and negatived. Mr. SEWALL's amendment was then put and carried without a division.

The question was then taken on the resolution as amended, and stood—yeas 68, nays 21, as follows:

YEAS—John Allen, George Baer, jr., Abraham Baldwin, James A. Bayard, Theophilus Bradbury, David Brooks, Stephen Bullock, Samuel J. Cabell, Christopher G. Champlin, Matthew Clay, John Clopton, James Cochran, William Craik, Samuel W. Dana, James Davenport, John Dennis, George Dent, George Ege, Lucas Elmendorph, Thomas Evans, William Findley, Abiel Foster, Dwight Foster, John Fowler, Jonathan Freeman, Albert Gallatin, James Gillespie, Henry Glen, Chauncey Goodrich, William Gordon, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison, William Hindman, David Holmes, Hezekiah L. Hosmer, James H. Imlay, Edward Livingston, Samuel Lyman, James Machir, William Mathews, Blair McClenachan, John Milledge, Daniel Morgan, John Nicholas, Josiah Parker, Elisha R. Potter, John Reed, John Rutledge, jr., Samuel Sewall, William Shepard, Tompson J. Skinner, Thomas Sinnickson, Jeremiah Smith, Nathaniel Smith, Samuel Smith, William Smith, of Charleston, William Smith, of Pinckney District, Richard Stanford, John Swanwick, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, Philip Van Cortlandt, Peleg Wadsworth, John Williams, and Robert Williams.

NAYS—Thomas Blount, Richard Brent, Nathan Bryan, John Chapman, Thomas Claiborne, Joshua Coit, John Dawson, Nathaniel Freeman, jr., William B. Giles, Andrew Gregg, Roger Griswold, Jonathan N. Havens, Walter Jones, Matthew Locke, Matthew Lyon, Nathaniel Macon, Joseph McDowell, Anthony New, Richard Sprigg, jr., Joseph B. Varnum, and Abraham Venable.

Committees were appointed to report bills in pursuance of two resolutions which had been agreed to.

## REVISION OF MILITIA LAWS.

Mr. VARNUM said there was a subject of importance referred to in the President's Speech, which had not yet been touched upon—he meant the revision of the militia laws. In order to bring the business before the House, he moved a resolution for the appointment of a committee to report whether any and what alterations in them were necessary. Agreed to, and a committee appointed.

## DEFENCE OF PORTS AND HARBORS.

Mr. LIVINGSTON, from the committee appointed for that purpose, reported a bill to provide for the further defence of the ports and harbors of the United States; which was twice read, and committed to a Committee of the Whole, on Monday next.

## CORPS OF ARTILLERISTS, &c.

Mr. W. SMITH called for the order of the day, on the bill from the Senate for raising an additional corps of artillerists and engineers.

Mr. BLOUNT asked whether it was not necessary, when they were going into these expenses, to go into an inquiry on the subject of ways and means. He moved that a Committee of Ways and Means be appointed.

Mr. W. SMITH thought it better to proceed with the business in the way he proposed. Before they went into the subject of ways and means, he thought it was necessary they should know what money would be wanted, that they might provide accordingly; and they could not know this, until they had gone through the several measures which lay before them.

Mr. NICHOLAS said, if it was necessary to have additional revenue, it would be well to appoint a committee to be casting about as to the proper way of raising it. If the money were to be borrowed, they might be inquiring upon what terms it could be got. If they did not do this, when all the other business was done, they would have to wait until these inquiries were made.

Mr. GILES thought the bill for raising additional troops might be very well put off till next session. He did not believe there was any necessity at present for an increase of the military establishment. He thought this was the proper time for taking up the subject of the revenue, since they must either borrow or raise money by taxes, and he trusted a committee would now be appointed.

Mr. W. SMITH withdrew his motion, to give way to the appointment of a Committee of Ways and Means.

Mr. BLOUNT said money would certainly be wanted. It was presumed it might be borrowed, but no inquiry had been made on the subject. He was of opinion that the difficulties which would present themselves on this subject, would throw out of view a number of measures which he thought might very well be dispensed with.

Mr. J. WILLIAMS thought, if they appointed a Committee of Ways and Means, and were to go into the militia laws, they might sit all Summer. He hoped they should have gone on with the bill for raising men, and if they had rejected that, and declined furnishing convoys, and the measure of purchasing vessels for the defence of the coast was left to the discretion of the President, that a Committee of Ways and Means would not have been necessary.

A Committee of Ways and Means, consisting of seven members, (after fifteen and thirteen had been proposed,) was appointed.

---

MONDAY, June 12.

DEMSEY BURGES, from North Carolina, attended, produced his credentials, was qualified, and took his seat.

## DEFENCE OF PORTS AND HARBORS.

The consideration of the bill for raising an additional corps of artillerists and engineers having been called for,

Mr. GILES hoped, before that subject was taken up, they should go into that of revenue. He proposed taking up the report of the committee on the fortification of our ports and harbors.

This was objected to by Mr. RUTLEDGE, and others, on the ground that two of the select committee (Messrs. LIVINGSTON and OTIS) appointed on that business were absent; but

The SPEAKER said that it did not appear from the Journals that any member was absent, except

Mr. HARTLEY, (and no member has a right to absent himself without leave;) so the House resolved itself into a Committee of the Whole on that subject; but after the bill and report had been read,

Mr. W. SMITH, on the ground of the absence of the two members before alluded to, moved that the committee rise, and ask leave to sit again.

The question was put and negatived, 41 to 38.

Mr. BLOUNT said it had been usual to limit the interest to be paid for money; he therefore moved that the words, after the sum proposed to be borrowed, be inserted, "at an interest not exceeding six per cent. per annum." Carried.

Mr. B. then moved the following further amendment: "Provided, that no part of the principal of any sum so borrowed shall be demandable, until the —— day of ——, 17—; although it shall be lawful to pay the same before that day, if the United States shall find it convenient to do so." It would be recollected, Mr. B. said, that they were called upon on a former occasion for the payment of money, when it was not convenient, and to do which they had been obliged to make considerable sacrifices. He thought, therefore, when they borrowed money in future, it would be proper to propose a given time for payment, so as to prevent their being called upon for payment before that time.

Mr. WILLIAMS did not think it necessary to clog the bill with so many provisions. He was of opinion it would be better to omit the stipulation allowing the money to be paid before a certain time, as he supposed the money would be got upon better terms, if the period was made certain.

Mr. BLOUNT said he meant to fill the blank with a period at which he supposed it would be convenient to pay the money, which would be ascertained when the Committee of Ways and Means made a report. He wished any money which was borrowed, to be repaid as soon as possible; but he wished to prevent that inconvenience from any unexpected call for payment which had heretofore been experienced.

The question was put and carried, there being 46 for it.

The CHAIRMAN having read the clause which contained the blank of the sum to be appropriated,

Mr. W. SMITH wished, as the House was very thin, and the report had only been laid upon the table this morning, that the question might not be taken on filling up the blank. He would rather the committee rise; but if it were otherwise determined, he should move to fill the blank with two hundred thousand dollars, the sum reported to be necessary.

Mr. WILLIAMS thought, that when the situation of the forts and harbors of the United States was considered, this sum would not be thought too much.

Mr. VARNUM said, before they made a grant of this kind, they should know where the money was to come from. He believed there was no surplus of revenue. He therefore supposed that they should be called upon at the next session to lay a land tax, in order to pay the money. As he did not think there was much occasion for the expense, he should, therefore, oppose it.

Mr. HARPER did not think the ground upon which the gentleman last up had put the business, was the just one. He thought the true point of placing the matter was, to inquire if the thing was necessary? The expense was a secondary consideration. If it were necessary, he looked upon it as their duty to provide the expense. Unless gentlemen could show, therefore, that there was no necessity for attending to our fortifications, he believed the expense would not be considered as an obstacle; for, if a community were unable to furnish the means for its own protection, it would be time to give up its sovereignty.

Mr. MACON did not think it necessary the bill should pass. At any rate he did not think it right to provide more money than would be wanted before the next session of Congress; and as there were yet $20,000 unexpended, he saw no occasion for filling up the blank with $200,000, as it would be embarrassing themselves to find money which would not be wanted.

Mr. POTTER hoped the sum mentioned would not be agreed to. He was against the bill altogether; but, if it did pass, he wished that a much smaller sum might be appropriated. Mr. P. related the state of the harbor of Rhode Island, since they ceded the territory to the United States, (in nearly the same words as last session,) which was, that before the cession, they had some small works, but they had been taken down, and now they had none.

Mr. DAYTON (the Speaker) wished the gentleman from South Carolina would withdraw his motion, to give way to an amendment which he wished to introduce. He mentioned that it was to insert, "Provided, that no part of the money herein appropriated, be expended upon fortifications, except in cases where the jurisdiction shall have been previously ceded to the United States."

Mr. W. SMITH had no objection to the sense of the House being taken upon this proposition. He did not think, however, that it was now a question before the committee whether they would appropriate a sum of money for this purpose. This had been decided on the abstract proposition. The only question now was, what sum should be fixed upon; nor were former miscarriages now under consideration. If the public money had been misapplied in this respect, that was no reason why the fortifications should not now be attended to; no more than, because a man, in building a house, had committed some mistakes, he should in future be without shelter. Mr. S. said, when the arming of vessels was under consideration, gentlemen were all for internal regulation; and he trusted, since the repairing our forts and harbors was certainly of this description of defence, they would now support this measure. He supposed the sum he had now mentioned would be necessary; if gentlemen thought otherwise, they could produce their counter information. Mr. S. withdrew his motion for the present.

Mr. DAYTON's motion having been read,

Mr. W. SMITH said, if there had been any ne-

glect of the Legislatures of any of the States to make cessions of the territory of their fortifications, he did not think, on that account, the people should be left exposed. That would be to punish the innocent for the guilty; and the result would be, that many of the seaports which have not sufficient influence in their Legislatures to procure the passing of an act of cession, would be liable to the insults of privateers, merely because the Legislature had not done what the citizens thought necessary. If all the Legislatures were at present in session, it might not be so pernicious, because they might make the cessions required; but it was known that the Legislatures were not now in session, and the danger was most to be apprehended in the course of the Summer.

Mr. WILLIAMS supposed this amendment as particularly pointed against the State of New York, because the Legislature of that State had not ceded the jurisidiction of their fortifications to the United States. It had been matter of considerable altercation in that State, and he believed its vicinity to the city of New York was the reason its territory had not been given up. The Legislature of New York, he said, did not meet till January, therefore, except something was now done, it would not be in time to have any effect. If the sum appropriated was in any respect adequate, Mr. W. said, a work would be commenced at the Narrows, which was certainly the only place upon which a fortification could be erected for the complete defence of that harbor. A good fortification there, he said, would be a general benefit to the United States, as four-fifteenths of the whole revenue of the Union was collected at that port. He thought it proper, therefore, in order to quiet the minds of so large a body of the community, that some attention should be paid to the fortifying of this port. Even if no interruption of the peace of the country was expected, it would be right to attend to this business. The sooner a fortification was begun at the Narrows, the better, and he trusted a handsome sum would be appropriated for the purpose. The benefits which must result from a well-constructed fortification at the Narrows, both to the Union and the State of New York, were obvious to all who were acquainted with its situation. He therefore hoped the amendment would not be agreed to.

Mr. BROOKS said, his colleague had anticipated part of the observations which he intended to have made. He thought this was not a proper time to determine upon the amendment, as the money now proposed to be granted would only afford a small sum to each. If they were about to raise adequate fortifications in all parts of the United States, the propriety of having the jurisdictions ceded, might very properly come under consideration. Though the State of New York had not ceded the territory of the present fortification, he believed there would be no objection to ceding the Narrows, if a work should be erected there. But if they refused to cede the territory of the present fortifications, was it proper, he asked, to refuse to do anything until it was ceded? Because the Legislature would not consent to do this, would it be proper to expose the country to danger on that account? Surely not; for, if the left hand was cut off, the right would suffer also. The present fortification had been chiefly done by the State itself. More than $200,000 had been expended by them, and yet because the State had declined to surrender its jurisdiction over its territory, no further assistance was to be given. He asked, if there was any doubt that the State would refuse to admit the troops of the United States in case of danger? Certainly not; though it was most likely the garrisons would be manned by their own citizens for the protection of their harbor and independence. He hoped the amendment would be negatived.

Mr. S. SMITH wished the amendment had not been moved, until it had been determined what sum should have been expended upon the whole of the fortifications. He did not know that he should vote for filling the blank with $200,000. He should not have objected to have voted for $100,000. In the report which had been made upon the subject, he had found some places very well taken care of, and others neglected. [Mr. RUTLEDGE interrupted Mr. S. to say that the estimate was from the Secretary of War, and not from the committee.] Mr. S. thought it an extraordinary statement to come from the Secretary of War. Mr. S. spoke of the unfinished situation of the works at Baltimore. He thought the gentleman last up had used an extraordinary argument for preserving the fortifications in their own hands, viz: that it was necessary to preserve their independence. He hoped they had no intention of making it independent of other States. If any State wished for protection from the United States, they ought certainly to cede their fortifications to the General Government. Massachusetts had refused to cede one of their works, but they had also declined receiving public support to it. Indeed, the refusal on the part of New York brought something to his mind which he could not understand. We are one people, said he, and our protection should be one, and not such as to prove us a divided people. There seemed to be something in this which bespoke no good to the Union. This being his opinion, if the motion was not withdrawn, he should be obliged to vote for it.

Mr. BROOKS explained.

Mr. MACON said, it seemed as if there never would be a proper time for determining the present question. This subject had frequently been before the House; and the apology for not coming to the decision was, that the Legislature was not in cession. He was always against giving any money until cession was made. He recollected when this subject was before under discussion, the gentleman from New Jersey had always said that the money would be thrown away which was laid out on the fortifications at New York, and that to be of any service works must be erected at the Narrows. It was then said it was impossible he should know better than the engineer; but it now came out that he was right. If New York, as gentlemen said, was the most important place of the Union, it was right the United States should

have the protection of it. He considered it to be the duty of the United States to protect all the States equally, and it was their duty to cede the jurisdiction of their fortifications to the General Government.

Mr. ALLEN said a few words in favor of the amendment.

Mr. DAYTON believed the gentleman from New York when he said that State had no intention of separating from the Union; if they had he supposed they would not be permitted, at least not before they had paid their debt. But gentlemen say, will you coerce the Legislature to give you the jurisdiction of their fortifications? He said no. As the gentleman from North Carolina had stated, three years ago he had declared it as his opinion that all the money expended on those works would be thrown away, so far as they were intended as a defence against armed ships. They might, indeed, be of use to the city in preserving its peace and aiding its municipal regulations; but an armed vessel would always pass them with a fair wind and tide.

Mr. D. owned his amendment was intended to operate in part against New York; but if gentlemen would bring forward a plan for erecting a fortification at the Narrows, with a proposition to appropriate to that purpose the debt due from them to the United States, they should have his vote; but if they would do this for the works erected on the three islands, he would not give them his vote, because he believed it would be money thrown away.

What was the State of New York more than others? New Jersey had ceded the territory of a light-house, and Pennsylvania had ceded Mud Island. And except they would consent to do what others did, they could not expect the same advantages.

Mr. BROOKS complained of what had fallen from the gentleman from New Jersey with respect to the debt of New York; he spoke of the territory of the light-house ceded by New Jersey as ten or fifteen miles of sand, which would not raise watermelons; and of this amendment as intended to sink the bill.

Mr. HAVENS said the gentleman from Maryland seemed to think there was something mysterious in the State of New York not having made the cession of their three islands. He did not think it so very difficult to be accounted for. They were warned from doing it, he said, from the manner in which other States had been used which had given up their jurisdictions to the United States. The cession not being made was made a pretence for not expending money, and when it was made, nothing was done. He thought the proposed sum might be granted, and the expending of it left with the President.

Mr. THATCHER was in favor of the amendment; and wished to know what other places besides New York there were which had not ceded the land upon which fortifications had been erected?

Mr. S. SMITH believed there was no other place in the situation of New York.

Mr. POTTER thought this a proper time for passing the amendment, and supposed the reason why some fortifications had not been ceded was, that more had been done for those that were not ceded than for those which were.

Mr. WILLIAMS said the works upon the three islands had cost from three to four hundred thousand dollars, twenty-three thousand only of which were furnished by the United States; the rest had been done by the State and citizens of New York, and, he believed, rather than cede the territory to the United States, they would pay back the money. And he doubted not, if a work was begun at the Narrows, that the State would join in the expense with the United States to erect it.

Mr. GILES was in favor of the amendment. When the State refused to give the right of jurisdiction to the United States, the protection which the United States would have owed it, reverted back to the State. It appeared by the report, he said, that the Secretary of War thought $90,000 more should be expended on the present works at New York.

Mr. HAVENS said the fortification at the Narrows could not be completed for less than two or three millions of dollars.

Mr. BAYARD spoke in favor of the amendment.

Mr. ELMENDORPH went at considerable length into a defence of the conduct of New York, and said the United States lay under the greatest obligations to provide her with suitable protection.

Mr. W. SMITH said this question had very improperly been made a State question; he complained also that Charleston had been placed upon the same ground with New York, though she was willing to cede the jurisdiction of her fortifications, and it was owing to a mistake in the Legislature that it had not already been done. He also excused the State of New York from delinquency, as he did not know that any offer had been made to purchase the land upon which the fortifications are built, which he said the Constitution pointed out as necessary.

Mr. DAYTON took notice of what had fallen from the different members in opposition to his amendment; and said the light-house which had been ceded by New Jersey to the United States, was of greater importance to the State of New York than the fortifications on the three islands ever would be.

Mr. GORDON supported the opinion of Mr. SMITH, in excusing New York from delinquency; and, after some observations against the amendment by Mr. HARPER,

The question was put and carried, there being 63 for it.

The committee rose, and upon leave being asked to sit again,

Mr. W. SMITH hoped leave would not be given; for since they had agreed to an amendment which would exclude Charleston and New York from any attention, he thought, as no other ports wanted it so much, there was no occasion to go into a Committee of the Whole again on the subject.

Mr. WILLIAMS was of the same opinion.

Mr. S. SMITH said, because the States of New York and South Carolina had not done what they

ought to do, though the country was in danger, yet no other port must be attended to. This looked as if those gentlemen thought the defence of the Union depended wholly upon them.

Mr. WILLIAMS replied, that if the country were in danger, the whole should be fortified; but if not, (as seemed to be the opinions of gentlemen in refusing to do any thing towards securing two of as important harbors as any in the Union,) then there was no occasion for any.

After a few words from Mr. BLOUNT and Mr. POTTER, the question for leave to sit again was put and carried, there being 64 votes for it.

## FLORIDA BOUNDARY LINE.

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

*Gentlemen of the Senate and*

*Gentlemen of the House of Representatives:*

I have received information from the Commissioner, appointed on the part of the United States, pursuant to the third article of our treaty with Spain, that the running and marking of the boundary line, between the colonies of East and West Florida, and the territory of the United States, have been delayed by the officers of His Catholic Majesty; and that they have declared their intention to maintain his jurisdiction, and to suspend the withdrawing his troops from the military posts they occupy within the territory of the United States, until the two Governments shall, by negotiation, have settled the meaning of the second article, respecting the withdrawing of the troops, garrisons, or settlements, of either party, in the territory of the other; that is, whether, when the Spanish garrisons withdraw, they are to leave the works standing, or to demolish them; and, until, by an additional article to the treaty, the real property of the inhabitants shall be secured; and, likewise, until the Spanish officers are sure the Indians will be pacific. The two first questions, if to be determined by negotiation, might be made subjects of discussion for years, and as no limitation of time can be prescribed to the other, a certainty in the opinion of the Spanish officers that the Indians will be pacific, it will be impossible to suffer it to remain an obstacle to the fulfilment of the treaty on the part of Spain.

To remove the first difficulty, I have determined to leave it to the discretion of the officers of His Catholic Majesty, when they withdraw his troops from the forts within the territory of the United States, either to leave the works standing, or to demolish them; and to remove the second, I shall cause an assurance to be published, and to be particularly communicated to the Minister of His Catholic Majesty, and to the Governor of Louisiana, that the settlers or occupants of the lands in question, shall not be disturbed in their possessions by the troops of the United States; but, on the contrary, that they shall be protected in all their lawful claims; and to prevent or remove every doubt on this point, it merits the consideration of Congress, whether it will not be expedient, immediately, to pass a law, giving positive assurances to those inhabitants, who, by fair and regular grants, or by occupancy, have obtained legal titles or equitable claims to lands in that country, prior to the final ratification of the treaty between the United States and Spain, on the twenty-fifth of April, 1796.

This country is rendered peculiarly valuable by its inhabitants, who are represented to amount to nearly four thousand, generally well affected, and much attached to the United States, and zealous for the establishment of a government under their authority.

I, therefore, recommend to your consideration the expediency of erecting a government in the district of the Natchez, similar to that established for the territory northwest of the river Ohio, but with certain modifications, relative to titles or claims of land, whether of individuals or companies, or to claims of jurisdiction of any individual State.

JOHN ADAMS.

UNITED STATES, *June* 12, 1797.

The Message and papers were referred to Mr. BALDWIN, Mr. SEWALL, Mr. FINDLAY, Mr. SCHUREMAN, and Mr. HARPER, to report by bill, or otherwise.

---

TUESDAY, June 13.

## SUSPENSION OF DUTIES.

Mr. OTIS, from the committee to whom was referred the memorial of certain merchants of the State of Massachusetts, reported a bill to suspend in part the operation of the act passed last session to raise certain sums of money by means of additional duties; which was twice read, and referred to a Committee of the Whole, to-morrow.

## DEFENCE OF PORTS AND HARBORS.

The House having again resolved itself into a Committee of the Whole, on the report of a select committee on the subject of fortifications, and that part of the bill being under consideration which required the blank filling up,

Mr. GALLATIN moved to fill up with fifty thousand dollars, as he did not believe a larger sum would be wanted before the next session, as they had concluded by the resolution of yesterday that no money should be expended upon places which had not previously made a cession of their territory to the United States.

Mr. W. SMITH proposed to fill the blank with two hundred thousand dollars; for though the vote of yesterday had outlawed the States of New York and South Carolina, yet some provision might be made, before Congress rose, for allowing the President to make such repairs in the fortifications of the United States as the appearance of things should seem to require, (without reference to cession of territory,) and therefore he wished to have the blank filled with the sum he had mentioned.

This sum was supported by Messrs. BROOKS and HARTLEY.

Mr. ALLEN wished the present motion suspended, to admit of one which he had to make. It was to re-consider the vote of yesterday on Mr. DAYTON's amendment, and, in case it were rejected, to introduce two additional clauses to the bill: one to request the President to make application to the States which had not ceded the territory of their fortifications for a cession of it; the other enacting that, in case such cession should be refused, all farther assistance in fortification should cease.

Mr. ALLEN having himself voted for the amendment which he wished to reconsider, being seconded by a member in the same situation, and Mr.

GALLATIN having withdrawn his motion, the proposition came under discussion, and a considerable debate (but very uninteresting, as it was merely a repetition of the arguments used yesterday) took place. The motion for reconsideration was supported by Messrs. W. SMITH, WILLIAMS, BROOK, SHEPARD, GOODRICH, SITGREAVES, and SEWALL. It was opposed by Messrs. S. SMITH, GILES, SKINNER, POTTER, SWANWICK, and DAYTON.

In supporting this motion, Mr. SITGREAVES said, the extraordinary exigency of the occasion, called upon them to dispense with the amendment, though he allowed it to be just on general principles, this exigency was evinced, he said, by their being called together in an extraordinary manner; nor was there anything in the late accounts from Europe, which lessened the alarm. Indeed, in the course of a recent debate, it was asserted, that if France should make a separate peace with the Emperor, the situation of this country would become peculiarly critical, if the peace were not afterwards extended to Great Britain; and he believed this assertion was well founded.

In opposing it, Mr. S. SMITH took notice of the expression which fell from Mr. W. SMITH, of the States of New York and South Carolina being put into a state of outlawry by the amendment, which, he said, was a very extraordinary reflection upon that House, especially to come from one who was known to be so great a lover of order. The SPEAKER, in alluding to this circumstance, said he did not hear the expression, and that the gentleman from Maryland must be mistaken, as such an expression could not have escaped from a gentleman of such candor and urbanity of manners. If he had heard him make use of such an expression, he should have called upon him, both in that House and out of it. If he had made the declaration, he trusted he would be honest, candid, and just enough, to revoke it.

Mr. W. SMITH took no notice of this remark, but the question for reconsidering the amendment was taken and lost, there being 43 votes for it, and 52 against it.

The question was then put upon filling the blank with 200,000 dollars, and negatived without a division.

The sense of the committee was next taken upon the sums of $100,000 and $80,000, both of which were negatived, there being only 38 votes in favor of each. It was then moved to fill the blank with $50,000.

Mr. RUTLEDGE suggested it to the gentleman whether 60,000 dollars would not even be necessary, when he excluded from any provision the States of South Carolina, Georgia, Massachusetts, and New York.

Mr. SKINNER observed, that only $4,000 had been estimated for the Eastern States.

Mr. RUTLEDGE said, the reasons for this were, because the fortifications in those States were in much better repair than those in the Southern, and were less liable to attack.

Mr. GALLATIN said, in moving 50,000 dollars he did not mean to be niggardly; he thought that sum, with the 20,000 dollars in hand, would be full as much as the Executive would want in three months, since they had only expended 3,000 dollars in the last three months.

Mr. MILLEDGE spoke of the situation of Georgia. A cession had not been made, he said, of the territory on which their fort stood. It was the property of an individual, therefore, as they had not refused to make cession, they were entitled to protection.

Mr. VARNUM hoped the blank would not be filled at all, as he did not believe we had any reason to apprehend an invasion; and if we had, the largest sum proposed to be appropriated would be as nothing when applied to make a complete fortification for the United States.

Mr. OTIS confessed that he was not of opinion with gentlemen who thought, if there was not immediate danger, they might as well return home without doing any thing. He thought that we should show to the world that we were ready to place ourselves in a posture of defence; but if they were to vote only 50,000 dollars for the purpose of fortifying our harbors, it would be burlesquing the business, and we should become an object of ridicule to foreign nations.

It was generally brought as an argument against appropriating money, that it was lavished away; but it was now said, because the Executive had been economical in the expenditure of the money which had last session been appropriated, they would confine him to a small sum at present; on the contrary, he thought it ought to be evidence to them that whatever sum was now appropriated, would be taken care of in the same manner.

If this country, Mr. O. said, were in so low a situation, as not to be able to provide money for its defence, we had better call in France or some other Power, to take care of us; but he trusted they should show a very different spirit. He sincerely hoped peace would take place in Europe before they came together again, and that this country would no longer have cause of alarm; but this, he said, we were not sure of, and we ought not to stand with our arms a-kimbo, because a few dollars might be saved. He knew no part of this money was to be expended on Massachusetts, but when the interests of the whole were the object, he forgot local interest. Gentlemen who had all along said they would do nothing, would artfully gain their point, by the division of those who wished to put the nation into a state of defence, but who were divided on this occasion. The responsibility of such a conduct, however, should not be upon him.

Mr. GILES charged the gentleman last up with wandering from the subject. He thought, as well as others, 200,000 dollars a petty sum for the defence of the Union by means of fortifications; and if there were real danger, he would vote for much more. But he did not think this a proper kind of defence for the country; he was for defending it by means of the militia. The gentleman had advanced a most extraordinary reason for appropri-

ating a larger sum of money than contemplated; it was because the President had taken care of the last sum appropriated. It was the business of that House, he said, to take care of the money, and not to appropriate it in order that it might lie safely in the hands of the Executive. From the present situation of Europe, he believed the least done would be the best. If the gentleman thought the adoption of nominal means, which could possibly produce no good, would do the nation any credit, he differed from him in opinion.

Mr. DAYTON (the Speaker) said he had voted for filling the blank with 100,000 dollars, and afterwards with 80,000 dollars, because he believed either of these sums might have been applied with advantage. If the gentleman from Massachusetts had been in the House yesterday, he would have spared some of his observations of to-day, which were more remarkable for warmth than for candor. Mr. D. defended his amendment, and said it had been a subject he had never lost sight of. And have I (exclaimed Mr. D.) declared I would do nothing? Have not I voted for every measure, calculated to put the country in a state of defence, except for arming the merchants' vessels? Every thing that was proper, he said, he was ready to do; but not to throw away $100,000 upon works which every one now acknowledged could never be of service to the United States. Was there any reason, he asked, for throwing away this money, because the country was in danger? He thought not, but the contrary; for, if that were the case, it behooved them to be careful to spend their money to the best advantage.

Mr. OTIS explained, and declared he did not mean to allude to the gentleman from New Jersey.

Mr. W. SMITH said, he had all along contended for the propriety of attending to the fortifying of New York, as well as Charleston, but as he had been unsuccessful in his endeavors with respect to New York, he should follow the example of the Emperor, and make a separate peace, by taking care of his own State. He therefore moved an additional section providing that an additional sum should be provided for fortifying the ports and harbors of South Carolina and Georgia.

A New York member proposed to add, "the Narrows in the port of New York."

After some few observations, in which Mr. BROOKS said, if the gentleman from South Carolina followed the example of the Emperor, they must, like Great Britain, make the best of their situation, the question was put on this amendment, and negatived without a division.

Mr. W. SMITH then went into a defence of his proposition, assuring the committee no objection would be made to granting a cession of the territory. He spoke of a considerable armament which was going on at St. Augustine, for what purpose was not known, though said to be from a strong expectation of an invasion from England; but that, whatever was the intention, all the arms and ammunition which could be purchased at Charleston, had been sent there, which had caused very considerable alarm in that city.

Mr. BROOKS and Mr. MILLEDGE spoke in favor of this measure, and Mr. VARNUM against it; and after a pretty long speech from Mr. RUTLEDGE, in which he advocated with great zeal the propriety of attending to the Southern States, as most exposed to danger, and also mentioned several instances in which the commerce of Charleston had been annoyed by means of French pirates, the question was put upon this new section, and carried, there being 54 votes in favor of it.

Mr. W. SMITH moved to fill the blank with $40,000, which was carried, there being fifty votes in favor of it.

It was then moved that the committee rise and report the bill with the amendments; but on Mr. DAYTON's saying he had another amendment to propose, the committee rose, had leave to sit again,

And the House adjourned.

---

WEDNESDAY, June 14.

Mr. N. SMITH, from the committee appointed for the purpose, reported a bill to prevent vessels taken by foreign Powers from ever after receiving new registers, except by the original owners, but, though possessed by citizens of the United States, be considered as vessels of a foreign Power.

Mr. POTTER also reported a bill for authorizing the President, during the recess of Congress, to provide galleys or other vessels, for purposes therein mentioned.

Both these bills were twice read and committed to a Committee of the Whole to-morrow.

## FORTIFICATIONS.

The House again resolved itself into a Committee of the Whole on the subject of Fortifications, when

Mr. ALLEN moved a clause to the bill to the following effect, viz: "to empower the President of the United States to authorize the Governor of the State of New York to expend a sum not exceeding ———, for the purpose of fortifying the forts and harbors of the State of New York, provided the sum so expended be placed to the credit of the said State on account of the balance found due from that State to the United States, and provided that the State cede the right of jurisdiction of the places upon which such fortifications shall be erected to the United States."

Mr. BROOKS opposed the motion, as being particularly pointed at the State of New York.

Mr. HAVENS proposed an amendment to it, which was to make it apply generally to all the debtor States, instead of confining it to the State of New York alone.

Mr. HARPER seconded the motion, and Mr. ALLEN consented to have it incorporated in his proposition.

Mr. SKINNER advocated the motion, and denied that it operated in a partial manner upon the State of New York.

Mr. S. SMITH was in favor of the motion. He wished the business of fortification to be gone into effectually, by securing every principal port in the Union, and not that small sums should be spent

here and there, which could produce no good effect. If he were Secretary of War, therefore, he should think it best to expend the whole $75,000 now proposed to be appropriated on the fortifications on Mud Island, as he did not think any particular exigency at present called for partial measures.

Mr. WILLIAMS agreed with the gentleman last up that attention ought to be paid to all the important ports of the United States, and of course he should be in favor of the amendment. He did not doubt but, rather than be continually stigmatized with being debtors, the State of New York would consent to lay out the assumed debt at the Narrows, though he believed they would not like the way in which the business had been done.

Mr. BROOKS was opposed to the motion, as the debtor States would be deprived of all advantage from the $75,000 appropriated. He also insisted that the debt said to be due from the State of New York to the United States ought not to be drawn into the present discussion; but, if it were to be considered, it would be proper to let the subject stand alone. To do otherwise was making an odious distinction, to the disadvantage of New York.

Mr. DAYTON (the Speaker) denied that the debtor States were deprived of any assistance from the sum already agreed to be appropriated generally. If the gentleman had read the first clause of the bill he had suffered his warmth to overcome his memory, as he must there see this was not the case. With respect to obtaining a cession of the three islands upon which the fortifications at New York were erected, he would not agree to appropriate twenty cents for that purpose; nor did he believe the State of New York would ever cede them.

Mr. D. said, it was yesterday observed that odious distinction was made with respect to New York, because she was not provided for; and now provision was made for her, gentlemen still talked of odious distinction. He did not know what gentlemen would be satisfied with.

Mr. D. said, living near New York as he did, he had had frequent opportunities of conversing with the people of that city on this subject, and so far from a proposition of this kind being considered as an insult to that State, he believed it would be highly gratifying to them. Nay, the Representatives of that State had assured him last session, in conversation, that if an offer like the present came from Congress, it would be well received. Every one of them said this, but they did not wish themselves to propose it, because it might be supposed they pledged the State to accept the offer, when they had no authority to do so. He had not heard an individual say it would not be well received, and he could see no ground for the present opposition.

Mr. SWANWICK thought the amendment a good one. He believed the State of Pennsylvania would be glad to discharge their debt to the United States in this way.

Mr. WILLIAMS doubted not that the assertions of the gentleman from New Jersey might be just as to the citizens of New York city, but they were not so with respect to other parts of that State, and the representatives in the Legislature came chiefly from the west and north of New York.

Mr. HARPER did not think it material to inquire into the dispositions of the people of the city or country of New York, on this occasion. The question was whether it was expedient to make the present proposition. He thought it was; for if it were acceded to on the part of New York, great good would be done; if not, no harm could be the consequence.

Mr. BROOKS thought he knew the minds of his constituents better than the gentleman from New Jersey. He had been in the Legislature of New York for three years past, which he believed was the best possible situation for learning the political opinions of the State. He believed a proposition of this kind would not be well received; he called it an invidious distinction from their sister States; it was to say to them, "If you do not pay your debt (which we say is just, but which you dispute) you shall not be protected."

Mr. DAYTON again charged the memory of the gentleman from New York with not being faithful, and justified his former assertion. When the blank came to be filled up he said he meant to propose it to be filled with the sum of $1,200,000, the debt assumed for the State of New York; but, if he believed a proposition of this kind would be considered as an insult to that State or people, he would be the last to support it.

Mr. HAVENS believed with the gentleman from New Jersey, that the proposition would not be considered as an insult, but he was doubtful whether it would be accepted, because there was a prevailing opinion in that State that the settlement between the States and the United States had not been fair, as it related to them, and that the western representation would oppose such an appropriation.

Mr. ELMENDORPH was against the amendment. The principle upon which the House had proceeded was general protection arising from a sense of danger, and that therefore those places which were weakest and most exposed had a primary claim upon their notice, without respect to cession or any other secondary object; but instead of this, the question seemed to be a contest between different parts of the Union and the State of New York. He did not himself think there was any occasion for extraordinary measures; but, as it had been otherwise concluded, he thought New York was entitled to equal attention with others, and ought not to be pointed at in the way proposed; for, said he, if the resolution passes, it will not insure the business being done, because the Legislature of New York might not agree to it. He therefore thought that the measure was an excommunication of that State from the general protection proposed.

Mr. SITGREAVES wished to offer a substitute to the section under consideration, which he had reason to believe would prove generally acceptable. It was to the following effect:

"*And be it further enacted*, That the President of

the United States be authorized to cause to be erected at the Narrows, such fortifications as he may deem necessary for the protection of the port and harbor of New York: *Provided*, That the expense thereof do not exceed ——— dollars.

"*And be it further enacted*, That the sum of $200,000, expended in erecting the present fortifications in that port, be passed to the credit of the balance found due from the State of New York to the United States; and that so much as shall remain of the said balance, shall be appropriated for the purpose of fortifying the Narrows as aforesaid."

Mr. HAVENS did not approve of this amendment. The assumed debt of the State of New York would by no means fortify the Narrows. After taking off $200,000 for the present fortifications, there would only remain one million, and he believed it would require three millions.

Mr. HARPER thought this proposition much more hostile to the State of New York than the one it superseded, as the principle of the other was general, and this particular. He did not believe that the Narrows would be fortified either by the State of New York or the United States, at present. He thought a million of dollars might be laid out to much better purpose in the purchase of ships of war; for, if they were to go into a system of general fortification of the coast, one hundred millions of dollars would at least be necessary.

Mr. ALLEN supported the amendment.

Mr. BAYARD was opposed to the amendment, because in favor of the bill, for he believed if the amendment was adopted, the bill would be lost. The amendment was pretended to be directed to one point, but was insidiously pointed to another. He thought it improper, when one subject was under debate, to introduce another totally different. He did not come prepared to-day to decide on the subject of the debtor States. A question of this importance ought not to be interwoven with any other. He adverted to what had taken place last session on the subject of these debts, and said, if the Senate had declined an agreement to a proposition so mild as that was, it could not be expected to concur in this, and, of course, the bill would be lost.

Mr. NICHOLAS said, if this amendment passed, the President would be authorized immediately to commence fortifications at the Narrows. He hoped, if they gave this authority, they should do it understandingly. If the proposition said anything, it said, "Go on and make your fortifications, and the sum expended shall be put to your credit." But, he said, whatever more was spent than the amount of the debt, the United States would have to pay. He should have voted for the former proposition, because he thought it would have served the State of New York, but he could not vote for this.

Mr. SITGREAVES acknowledged that if the construction put upon his proposition was a just one, he should himself abandon it; but he did not think the proposition was obligatory upon the President, provided the funds should fail. If he should deem it necessary to erect the fortifications in question, he was authorized, not required, to do so. He believed there was always such a connexion between the authorization and expense, as that when the fund failed the expense ceased. He supposed, therefore, that the President would first inquire whether the State of New York was willing thus to pay their balance, if not, he would not proceed with the works.

The gentleman from Delaware had said, it was his (Mr. S's.) intention to defeat the bill. He had voted in favor of fortifications; he had voted in favor of the highest sum proposed to be appropriated for that purpose.

[Mr. BAYARD said he had only stated that the amendment would produce that effect.]

Mr. S. replied, he had not only said it was his design, but that it was an insidious design. He wished the coast to be effectually fortified; he did not know that our funds would not at present admit of it. The proposition had two objects in view, and he thought it would be a desirable thing to accomplish them. Indeed, he did not before to-day hear any objection to this measure.

Mr. S. referred to what Colonel Stevens had said in favor of this measure in the course of last session, and concluded with observing he had no particular fondness for the proposition, but had introduced it for the purpose of accommodation.

Mr. VAN ALEN opposed the amendment at considerable length. He said it was either necessary to put the ports and harbors of the United States in a state of defence, or it was not; if it was not, he did not wish it to be done; but if it was, he insisted upon its being the duty of the General Government to protect New York as well as other ports. But, to pursue the conduct proposed, was to say, "We have fortified other ports, you may fortify yourselves; you owe us money, do the business, and put it to account." If this were done, he believed they would have no more fortifications than they had at present; for it seemed to be determined New York must pay the debt said to be due, and he did not think they would be inclined to do it and have no security.

Mr. HAVENS again spoke against the amendment.

The question on the first part of Mr. SITGREAVES's proposition was taken, and negatived, there being only ten votes for it; the last fell, of course.

Mr. HARPER then moved again the proposition of Mr. ALLEN, as amended by Mr. HAVENS; and the sense of the committee was taken upon the first part of it, which was carried, there being 56 votes in favor of it. The question was then taken on the latter part, and it was carried, there being 63 votes for it.

The committee rose, and the House were about to take up the amendments, when

Mr. PARKER wished to report a bill for completing the frigates United States, Constitution, and Constellation.

Mr. NICHOLAS also reported a bill directing the appointment of agents in relation to the 6th article of the British Treaty.

Both these bills were twice read and committed to Committees of the Whole; the former for Monday, and the latter for to-morrow.

## SUSPENSION OF DUTIES.

On motion of Mr. OTIS, the House went into a Committee of the Whole, on the bill for suspending in part the operation of an act, passed last session, for raising a certain sum of money by additional duties. The committee rose without making any other than a verbal amendment; but a short debate took place in the House, and, on motion of Mr. HARPER, the bill was rejected—48 to 42.

The propriety of passing this bill, intended to operate in favor of certain Massachusetts merchants, was supported by Messrs. OTIS, BROOKS, CHAMPLIN, and S. SMITH, on the ground of its unequal operation, as it appeared that the cargoes of their vessels at this season, from being several months longer on their voyage, will be charged with the new duty, whilst those of all the other ports, from making shorter voyages, would not be charged with it. It was opposed by Messrs. HARPER, PARKER, and COIT, on the ground that it would be wrong to set a law aside from a complaint of this kind, as it would open the door to petitions without end, whenever in future the least inequality of a tax was experienced.

---

THURSDAY, June 15.

## FORTIFICATIONS.

The House proceeded to consider the amendments agreed to in the Committee of the Whole, to the bill respecting fortifications.

The first amendment, which was to fill the blank, to be applied to fortifications generally, with $75,000, was agreed to—48 to 38.

The next amendment was the one introduced by Mr. DAYTON, to prevent any money being applied to fortifications, the jurisdiction of which had not been ceded to the United States.

Mr. BROOKS recapitulated his objection to this proposition.

Mr. GALLATIN said he had voted for this amendment, because he conceived it to be founded on just principles; and, as he should now vote against it, it was necessary to give his reasons for doing so. He believed the principle just and proper to be used, whenever the United States should go into a general plan of fortifications. But, as this was only meant for a temporary provision against danger, he believed it would not be abided by, because the danger might be greatest, and the assistance wanted most, at a place which was not ceded. Besides, he believed there was not a single port in the United States which had ceded exclusive jurisdiction of their territory according to the Constitution; and, therefore, this provision would go to preclude the whole from relief, as every cession which had been made provided for a concurrent jurisdiction of the State. So far as it related to Pennsylvania, she would not be entitled to any support, because she not only reserved a concurrent jurisdiction, but provided that, if the cession was not accepted within one year, it would be void; and more than one year had now elapsed, and the cession was not accepted.

The question was put, and the amendment negatived, there being only 30 for it.

The next amendment was that limiting the interest of the money to be borrowed at six per cent.

Mr. W. SMITH hoped they should not agree to this, but that they should agree to expunge what related to a loan. Other expenses would be incurred, and he thought it would be better to include the whole in one bill.

Mr. GALLATIN believed there would be no occasion for a specific bill for a loan, as he believed the President had already sufficient power to borrow money, if it could be got, (alluding to the five millions of six per cent. stock agreed to last session.) He thought the present revenue would be sufficient, and that it was only necessary to give a power of borrowing on anticipation.

Mr. SWANWICK was in favor of continuing the amendment, because the striking of it out would appear as if they meant not to limit the interest to six per cent. He condemned the practice of borrowing money upon all occasions. Whilst they were meditating schemes of defence, he thought they ought also to fix upon some mode of raising additional funds. He apprehended no good to the United States from this system of borrowing.

Mr. HARPER denied that the present revenue could be relied on to meet the expenses contemplated by this bill, especially if they took into consideration an authorized expense of $100,000, respecting the trade with the Indians. He therefore thought it necessary to provide for them by a loan; for taxes could not be laid and collected in time to answer the exigency. In order to reimburse the loan, it would be necessary, of course, to provide taxes.

Mr. SWANWICK was sorry to hear the gentleman last up advocating permanent loans.

Mr. HARPER said, he did not mean permanent loans, but such as might be redeemable in a few years.

Mr. SWANWICK said, this would nevertheless be an increase of stock, and, of course, of debt. An irredeemable debt would, indeed, be a very extraordinary thing for this country. He understood his colleague to mean that, whatever sum was borrowed, should be in anticipation of the revenue to be raised, which would answer the idea of the gentleman from South Carolina himself. By the method proposed of selling stock to pay borrowed money, whilst it appeared we were only paying six per cent., we were in fact paying nine or ten, because the stock was sold greatly below par. He hoped, therefore, they should provide, by taxes, for all the money they expended.

Mr. W. SMITH accused the gentleman last up with wandering from the subject. The question was, whether it was necessary to say anything about a loan in this bill. There were two kinds of loan, one an anticipation of existing revenue, another where there was no revenue to meet the expense. The present bill contemplated the former. It was necessary to give the President power to borrow, because, if there was no surplus of revenue, the expense could not be met. He did not

object to the amendment because it limited the interest of money, but because, if the interest was agreed to, the appropriation clause could not afterwards be struck out. Before they rose, he trusted provision would be made for the payment of whatever might be borrowed, in four or five years. He had no expectation of money being borrowed in any other way than in anticipation of the revenue.

Mr. N. SMITH objected to the interest of the money to be borrowed being limited to six per cent., as he believed it could not be borrowed at that rate, and it would be a mere farce to limit the interest at a price below that at which it could be got. If money was absolutely necessary, it must be got upon the best terms upon which it could be had. The President might certainly be trusted in a business of this sort, since no one could believe he would pay more interest than there was a necessity for paying.

Mr. GALLATIN was not for confiding wholly to the President as to the interest to be paid for money. It was usual, he said, to limit the interest of all money to be borrowed.

Mr. GALLATIN reminded the gentleman from South Carolina, of a saving in the last military appropriation of $150,000 less than the sum estimated, and contrary to that gentleman's wishes, which would considerably increase the surplus of revenue.

Mr. N. SMITH mentioned a loan of a million of dollars for the Algerine business, which was authorized to be borrowed without limitation of interest.

Mr. COIT was in favor of dispensing with the borrowing clause.

Mr. HARTLEY spoke in favor of the limitation. He believed money might be got at six per cent. He should be unwilling to pay more, as it would increase the interest of money generally.

Mr. BROOKS said the question was, not whether more than six per cent. should be paid for the interest of money, but whether the borrowing clause should be inserted at all.

Mr. OTIS was of the same opinion. He thought it would be best to have a distinct bill for all the money wanted.

The question upon agreeing to the amendment, limiting the interest of the money, was negatived, there being 44 for it, and 50 against it.

The next amendment was the clause appropriating forty thousand dollars for the fortifications of South Carolina and Georgia.

Mr. GALLATIN hoped this would be disagreed to, since the amendment limiting the general expenditure to such places as had ceded their jurisdiction, had been negatived.

Mr. W. SMITH moved that the House resolve itself into a Committee of the Whole, in order to take the sense of the committee upon striking out the seventy-five thousand dollars, for the purpose of adding this sum of forty thousand dollars to it, since he supposed this clause would be negatived, because South Carolina and Georgia would now be included in the general appropriation.

Several members having expressed a wish that this motion might be withdrawn until the other amendments were gone through, Mr. S. withdrew it.

The provision was then negatived.

The amendment proposed by Mr. ALLEN and amended by Mr. HAVENS, empowering the President to authorize the State of New York to expend a certain sum upon their fortifications, which should be put to the credit of the balance due from that State to the United States, being under consideration,

Mr. COCHRAN proposed to add the following words, in order to cover the expense already incurred in the fortifications at New York, viz: "or which may have been expended by any State for the purpose aforesaid."

Mr. GALLATIN had no objection to the two millions which New York owed the United States being expended upon their fortifications; but this amendment went to discharge the State of New York from the two hundred thousand dollars already expended, whether any more was expended or not.

This amendment was negatived without a division.

Mr. HARPER proposed to add, after the State of New York, "under the direction of the President of the United States," as a security for the money being properly employed.

After a little conversation, this motion was carried without a division.

The question was then on the amendment as amended.

Mr. MACON was for rejecting the amendment.

Mr. MCDOWELL was of the same opinion. He objected to the amendment on two grounds: he thought it wrong to call upon the debtor States in this indecent way for the payment of their balances; and he thought it also wrong to throw away so much money on fortifications, which, he said, could be of no use; for, though they might prevent an enemy from landing at the particular point where they were fixed, they could not prevent them from landing at some neighboring spot, and being landed, they would take possession of the fort, and turn the guns against ourselves.

Mr. BROOKS opposed the passing of the amendment, and thought the only way of settling the business of the debts, would be by a conference with the State of New York.

Mr. FINDLEY insisted upon it that the balances were settled, and could not now be questioned.

Mr. BALDWIN gave his vote, in the Committee of the Whole, in favor of this, because he had been informed it would be acceptable to the State of New York. If he had thought such a proposition would be disgreeable to them, he would not have supported it. He believed, when passion subsided, this settlement between the States and the United States would be acknowledged to be a perfectly fair transaction. With respect to the latter part of the amendment, requiring the jurisdiction to be ceded, he should be opposed to it. He did not wish to insist upon an exclusive right. He was willing that States should go on with their Governments in their own way, without in-

terference, any farther than was necessary to keep peace amongst them and foreign nations.

Mr. VARNUM said, it would take upwards of twenty millions of dollars to extend this plan of fortification throughout the United States; and there is no doubt, when it was done in one place, others would apply for the like attention. He was therefore opposed to it.

Mr. BAYARD did not see why they should discriminate between one place and another; they struck out the clause respecting South Carolina and Georgia on this ground, and he trusted they should disagree to this. He objected to it, also, because it seemed to admit the State balances as justly due.

Mr. B. then went at considerable length into the manner of the settlement of the commissioners, denied that the debts were justly due, and hoped there would be a re-settlement. Gentlemen said they voted for this to oblige the debtor States. It was an odd way of obliging them, by voting for a measure which would destroy the existence of some of the States.

Mr. HARPER observed that the gentleman's arguments would have been exactly in point, had the subject of the balances been under consideration.

Mr. OTIS said he yesterday voted for the amendment. He was led to do so from the idea that he was conferring a favor upon the State of New York; but having since conversed with the Representatives from that State, he had been astonished to find they were generally against it. He should therefore decline doing them a favor in spite of themselves.

Mr. O. was about to follow Mr. BAYARD in his observations; when

The SPEAKER said he had improperly suffered that gentleman to proceed, and could not admit a further deviation from order.

Mr. S. SMITH spoke in favor of the amendment, and hoped the gentleman last up would not throw away his vote; for though some States might not choose to accept of the offer, others would.

Mr. MCDOWELL again spoke against the motion.

Mr. ELMENDORPH wished the gentleman from Massachusetts not to take the ground of opposition he had taken. Since the amendment respecting jurisdiction had been negatived, he was in favor of this clause. He did not think an agreement to this proposition was a recognition of the debt, nor did he think any State's agreeing to it would commit others. He wished those States who thought themselves unjustly charged with these balances might have this opportunity of getting clear of them.

Mr. VAN ALEN opposed this amendment, and concluded with saying it was justice in the United States to fortify the port of New York, and it was equally justice in that State to pay the debt. He wished her to be called upon, but not in this way; it was treating her in a manner which she did not deserve.

The sense of the House was then taken upon the first part of the proposition, and determined in the affirmative—yeas 51, nays 44, as follows:

YEAS—John Allen, Abraham Baldwin, David Bard, Theophilus Bradbury, Richard Brent, Samuel J. Cabell, Christopher G. Champlin, John Clopton, Jas. Cochran, Joshua Coit, Samuel W. Dana, James Davenport, George Ege, Lucas Elmendorph, Thos. Evans, William Findley, Albert Gallatin, William B. Giles, Chauncey Goodrich, Roger Griswold, Robert Goodloe Harper, Carter B. Harrison, Thomas Hartley, Jonathan N. Havens, David Holmes, Hezekiah L. Hosmer, Walter Jones, John Wilkes Kittera, Samuel Lyman, John Milledge, Daniel Morgan, Anthony New, John Nicholas, Josiah Parker, Elisha R. Potter, John Reed, James Schureman, William Shepard, Thomas Sinnickson, Jeremiah Smith, Nathaniel Smith, Samuel Smith, Richard Sprigg, jr., John Swanwick, Mark Thomson, Abram Trigg, John Trigg, Philip Van Cortlandt, Abraham Venable, and Peleg Wadsworth.

NAYS—George Baer, jun., James A. Bayard, Thomas Blount, David Brooks, Nathan Bryan, Stephen Bullock, Thomas Claiborne, Matthew Clay, William Craik, Thomas T. Davis, John Dawson, John Dennis, George Dent, Abiel Foster, Dwight Foster, John Fowler, Jonathan Freeman, Nathaniel Freeman, jun., James Gillespie, Henry Glen, William Gordon, Andrew Gregg, William Barry Grove, John A. Hanna, William Hindman, Matthew Locke, Matthew Lyon, James Machir, Nathaniel Macon, William Matthews, Blair McClenachan, Jos. McDowell, Harrison G. Otis, John Rutledge, jun., Samuel Sewall, Tompson J. Skinner, William Smith, of Charleston, William Smith, of Pinckney District, Richard Stanford, Thomas Sumter, Richard Thomas, John E. Van Alen, Joseph B. Varnum, and Robert Williams.

The question was now taken upon the latter part of the amendment, providing that exclusive jurisdiction should be placed in the United States.

Several propositions were offered for the amendment of this clause. It was proposed by Mr. KITTERA that, where land was ceded by a State to the United States, or purchased by the United States of an individual, by the consent of the State, a concurrent jurisdiction should be had.

This motion was negatived, 43 to 40.

Mr. ELMENDORPH then proposed an amendment, omitting the words "by consent of the State," which was carried, there being 48 for it.

The amendment, as amended, was put and carried, there being 58 for it.

Mr. W. SMITH then proposed to strike out the second section of the bill, in order to leave the loan to a future law.

Mr. GALLATIN wished the gentleman to confine himself to the loan, and not to the appropriation.

Mr. SMITH consented, and the motion was agreed to.

Mr. S. then moved that the House again resolve itself into a Committee of the Whole, in order to add the forty thousand dollars, proposed to be appropriated for South Carolina and Georgia, to the seventy-five thousand dollars for the general appropriation. He showed at length the justice of the measure.

Mr. RUTLEDGE seconded the motion, and said he trusted the vote of the House would be consistent with that of the committee. The gentleman from Pennsylvania (Mr. GALLATIN) had moved in the Committee of the whole House for a reduc-

tion of the sum recommended by the select committee, because Carolina and Georgia were to be excluded from a participation of the general appropriation, they not having ceded to the United States the jurisdiction of the territory where fortifications had been and were to be erected, and because special provision was to be made for fortifying those States. But the House having determined not to discriminate between the States which had ceded the jurisdiction of their territory and those which had not, and the clause in the bill which appropriated forty thousand dollars for fortifying Carolina and Georgia being expunged, he hoped the gentleman from Pennsylvania would not be so uncandid as to oppose the introduction of the sum which had been recommended by the committee. The reason he had assigned for reducing it being that a special provision would be made for fortifying the Southern States, and the clause which provided for their defence being destroyed, Mr. R. hoped the gentleman would not be so inconsistent as to limit the appropriation to seventy-five thousand dollars, but would now vote for one hundred and fifteen thousand; and thus, by adding the sum voted in the committee for fortifying the Southern States to the general appropriation, accord with the vote of the Committee of the whole House.

Mr. R. expressed his surprise that, after the lengthy debate which took place in the committee, in which he had detailed the defenceless state of Carolina and Georgia, that gentleman should now ask if $75,000 would not be a sufficient sum for all the purposes of defence and fortifications. He requested they would call to memory the observations which had been made yesterday by a gentleman from Maryland, (Mr. SMITH,) whose military talents were well known by every member in the House, and to whose military services this country was greatly indebted. He had stated that $75,000 would not go far in fortifying our harbors. What the gentleman from North Carolina had observed respecting fortifications was true, as it related to internal defence; but for the defence of the coast, he knows they were of infinite service. He (Mr. McDOWELL) had been too actively engaged in our Revolutionary war not to know that fortifications had answered many valuable purposes. He knows that the Southern States were preserved, for several years, by a fortress in Carolina; he knows that Sir Peter Parker, with a large fleet, and Sir H. Clinton, with a formidable army, were, in 1796, baffled at Fort Moultrie, in their attempt to pass it, and compelled, after having attacked it most vigorously for twelve hours, to abandon their project of conquering the Southern States. True it is, that Fort Moultrie was afterwards taken, and the whole State overrun by the enemy; but the conquest was made by an irresistible force, after a very long and gallant defence.

Mr. R. thought 30,000 or 40,000 dollars, expended judiciously, would put Charleston in a complete state of defence. He admitted that vessels might pass a fort without receiving much injury, but contended, that whenever it was possible to have a cross-fire on them, few commanders would be so adventurous as to carry ships into such a perilous situation. He described the harbor of Charleston as being very capable of complete defence by fortifications. He said the Secretary of War contemplated fortifying an island opposite to Fort Johnson, and when that shall be done, vessels attempting to pass it will encounter a cross fire.

Mr. R, dwelt much on the necessity of fortifying the coast of the Southern States—described it as being very extensive, and having near it much wealth, and that of a very perishable nature. In all events, he said—even in that of our being certain a general peace will immediately take place—fortifications would be necessary in the South. Let whatever order of things obtain in Europe, the revolution had been so complete in the West Indies, everything which was venerable and respectable had been so entirely subverted, anarchy and disorder were so prevalent and extensive there, that for years to come we must expect to see our trade with those islands cut off by picaroons, and our coast infested by pirates.

He concluded with thanking the House for the attention with which it had honored his observations. He deemed it quite unnecessary to add to them, as it would be doing great injustice to the consistency and candor which distinguished the proceedings of the House, to suppose it would on this day give a vote in direct contradiction to that of yesterday. He was persuaded they would not, and that a large majority would rise in favor of appropriating $115,000.

Mr. GILES had no doubt of the situation of Charleston being as represented, but thought the $75,000, and the $20,000 in hand, would be equal to all that would be wanted before Congress met again.

Mr. GALLATIN was of the same opinion. He did not think that one-half of the $100,000 would be spent, as only $140,000 had been expended from 1794 to 1797. He thought no more should be appropriated than was absolutely necessary; for, if they took into consideration the situation of Europe at present, there was every reason to expect a general peace would soon take place. He thought this probability so great as almost to do away all apprehension of danger to this country. But, because they were met together, gentlemen seemed disposed to do something. He was willing that that something should be done. He was therefore in favor of those measures which could do the least harm. He should vote for the bill in its present shape; but he should be against raising the additional troops proposed, as they would cost $400,000 a year—which would be guarding against an imaginary danger by introducing a real evil. He should be against recommitting this bill, because, if they went further, they should enter upon that plan which had been produced by a sense of danger, which he did not think now existed. That danger had lessened betwixt the time of calling Congress and their meeting, and had greatly lessened since.

Mr. ALLEN thought it was insanity to assert there was no danger to be apprehended from our present situation as to foreign nations. The dis-

satisfaction expressed by the Spanish Government, he called a scandalous, miserable pretext. He considered this nation as on the eve of war—spoke of the French surrounding us on all sides—nay, he said something about declaring war if the posts which they held were not given up. He hoped they should take vigorous measures of defence, and not separate until they laid a direct tax. Whatever the benevolent mind of the gentleman last up might think of the French nation, he could look upon them as nothing less than foes. [The SPEAKER reminded the gentleman of the question.] He concluded, in great warmth, with charges of ambition against the French nation.

Mr. MILLEDGE and Mr. SHEPARD each spoke in favor of going into a Committee of the Whole.

The question for recommitting was carried—46 to 53. The House accordingly went into a Committee of the Whole, and agreed to make the sum $115,000 instead of $75,000—there being 46 votes for it and 42 against it.

The question was then taken on the passage of the bill, and decided in the affirmative—yeas 48, nays 41, as follows:

YEAS—John Allen, George Baer, jr., Abraham Baldwin, James A. Bayard, Theophilus Bradbury, David Brooks, Demsey Burges, Christopher G. Champlin, James Cochran, William Craik, Samuel W. Dana, James Davenport, John Dennis, George Dent, George Ege, Thomas Evans, Abiel Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Robert Goodloe Harper, Thomas Hartley, William Hindman, David Holmes, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, James Machir, William Matthews, John Milledge, Daniel Morgan, Harrison G. Otis, Josiah Parker, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Samuel Sitgreaves, Nathaniel Smith, Samuel Smith, William Smith, of Charleston, William Smith, of Pinckney District, Richard Thomas, John E. Van Alen, Peleg Wadsworth, and John Williams.

NAYS—David Bard, Thomas Blount, Richard Brent, Nathan Bryan, Stephen Bullock, Samuel J. Cabell, Thomas Claiborne, Matthew Clay, John Clopton, Joshua Coit, Thomas T. Davis, John Dawson, Lucas Elmendorph, John Fowler, Nathaniel Freeman, jr., Albert Gallatin, William B. Giles, James Gillespie, Andrew Gregg, Roger Griswold, Carter B. Harrison, Jonathan N. Havens, Walter Jones, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, Anthony New, John Nicholas, Elisha R. Potter, John Reed, Tompson J. Skinner, Richard Sprigg, jr., Richard Stanford, Thomas Sumpter, John Swanwick, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, and Robert Williams.

---

FRIDAY, June 16.

## DEFENCE OF PORTS AND HARBORS.

The bill to provide for the safety of the ports and harbors of the United States, was read the third time, and about to be passed, when

Mr. WILLIAMS observed, that he should vote against the bill for the following reasons, viz: because it contained a clause adopting a principle which he conceived to be both unnecessary and unjust, which respects the State debts; because he did not believe the State of New York to be a debtor State; and because the adjustment of the expenses of the war had been made upon the most erroneous principles. Each State, he said, ought to have been charged with the requisitions of Congress made during the war, and the interest on any defalcation of payment in each requisition, and credited with the sums paid, and with such other supplies and payments as were purchased or paid, in conformity to acts of Congress; but every claim, such as expense of the expedition to Penobscot, the frigate South Carolina, and such as were admitted, ought to stand as a charge against the United States, and to be paid out of the common stock. [The SPEAKER reminded Mr. W. of the question.] Mr. W. said, if this objectionable clause could be modified so as to call on the debtor States for the sums assumed, and accredit States who had expended money on fortifications, he then should have hope of an accommodation, especially with the State of New York; he, therefore, moved for recommitting the bill, so as to have these objects embraced.

Mr. BROOKS objected to the passing of the bill on the same ground, and supported the motion of his colleague.

The yeas and nays were then taken on the passage of the bill, and resulted—yeas 54, nays 35, as follows:

YEAS—John Allen, George Baer, jr., Abraham Baldwin, James A. Bayard, Theophilus Bradbury, Demsey Burges, Christopher G. Champlin, William Craik, James Davenport, Thomas T. Davis, John Dennis, George Dent, George Ege, Thomas Evans, William Findley, Abiel Foster, Dwight Foster, John Fowler, Albert Gallatin, James Gillespie, Chauncey Goodrich, William Gordon, Roger Griswold, John A. Hanna, Carter B. Harrison, Thomas Hartley, William Hindman, David Holmes, James H. Imlay, Walter Jones, John Wilkes Kittera, Samuel Lyman, James Machir, William Mathews, John Milledge, Daniel Morgan, John Nicholas, Harrison G. Otis, Josiah Parker, Elisha R. Potter, John Reed, James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, Samuel Smith, William Smith, of Charleston, George Thatcher, Richard Thomas, Mark Thomson, and Peleg Wadsworth.

NAYS—David Bard, Thomas Blount, David Brooks, Nathan Bryan, Samuel J. Cabell, Thomas Claiborne, Matthew Clay, John Clopton, James Cochran, Joshua Coit, John Dawson, Lucas Elmendoph, Jonathan Freeman, Nathaniel Freeman, jr., Henry Glen, Andrew Gregg, Jonathan N. Havens, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, Anthony New, Tompson J. Skinner, William Smith, of Pinckney District, Richard Sprigg, jr., Richard Stanford, Thomas Sumpter, Abram Trigg, John E. Van Alen, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, John Williams, and Robert Williams.

## PROTECTION OF TRADE.

A bill from the Senate, for the protection of the trade of the United States, was twice read, and ordered to be committed to a Committee of the Whole on Monday. This bill goes into the detail as to the manning of the frigates, fix-

ing the pay, rations, &c., and also empowers the President to equip nine additional vessels, if he shall see necessary, not to carry more than twenty guns each, to be employed in the protection of our trade.

Mr. VARNUM moved to have the consideration of this bill postponed till the first Monday in November, but was informed that his motion was not in order.

## CORPS OF ARTILLERY, &c.

Mr. W. SMITH moved the order of the day on the bill for raising an additional force of artillery.

Mr. GALLATIN moved that the Committee of the Whole be discharged from a further consideration of this bill. He made this motion, he said, for the purpose of shortening the discussion; because, if it should be the opinion of a majority that it was not proper to go into into the consideration of this subject at present, there would be no use in going into a Committee of the Whole. He did not think it connected with the business upon which they were specially called. To carry it into effect would at least cost $300,000, and no adequate benefit would be derived from it.

Mr. WILLIAMS said, before he voted on this question, he should be glad to hear from the Secretary of War what was the present number of our troops, and where they were stationed. At present, he was of opinion that the men we had were sufficient, though he allowed it was necessary that time should be given for artillerists to learn their duty. He should vote for going into Committee of the Whole.

Mr. W. SMITH objected to the motion, as, if carried, it would amount to a rejection of the bill. He was against it, because he conceived the bill to be necessary; and he thought it would appear to be so, from the argument of the gentleman himself, who brought forward this motion, as he had told them, when the subject of fortification was under consideration, that if $115,000 were appropriated, it would be necessary to have additional artillery to take care of the new forts; he should, therefore, to be consistent, withdraw his motion. The same gentleman had yesterday said, this corps would cost $400,000 a year; to-day he had said, three; but, Mr. S. said, he had a calculation, by which it appeared it would only cost $200,000.

The gentleman last up had wished for information as to the stationing of the present corps. He had in his hand a letter from the Secretary of War to the chairman of the select committee of the Senate, who reported this bill. [He read it; from which it appeared that there were 350 privates at different forts on the Atlantic, and the remainder on the Western frontier.] These 350 men were said to be necessary to keep the garrisons in repair, and that no part of the men on the Western frontier could be detached from thence, as it was probably their presence which prevented a war on the frontier from Tennessee to Georgia. To show the necessity of force on the frontier, Mr. S. read a letter and affidavits from Louisville, giving an account of a murder and other disorders committed by the Indians.

Before the late reduction, Mr. S. said, the number of the privates in our establishment was 4,980, and when the 832 additional men proposed to be raised, were added to the present establishment, it would be less by 1,132 men than it then was. He hoped, therefore, they would go into a Committee of the Whole, and finally agree to the bill, as he wished not only to have men now to keep the works in repair, but to use the guns if there should be occasion.

Mr. NICHOLAS observed, that two reasons were given by the Secretary of War for this additional corps; one was, that there were not men enough to keep the works in repair; the other was, that it was necessary to have men to use the guns, if necessary. With respect to the money voted yesterday for fortifications, he understood it was intended to be expended on the forts already built, and not that new ones should be built. When these forts were first erected, nothing more was contemplated than putting so many men into them as would be able to keep them in repair. They were built in populous parts of the country, and if they were attacked, the inhabitants would be ready to protect them. The militia of New York, Philadelphia, and Baltimore, he doubted not, in case of danger, would flock to defend their fortifications.

Mr. N. read a letter of the Secretary of War in January last, in which he mentioned that the fortifications were generally in a good state, except a few on which the ravages of time had made some inroads, and which would require $4,000 to repair. He thought this account and the present were at variance. He wished the Secretary of War had said (and if he meant to give information to the House, he ought to have said it) how many men were in this regiment; because, if it were full, 550 artillerists would be on the Western frontiers, which he could not believe were necessary. He believed the truth was, the regiment was not more than two-thirds full. Mr. N. denied that our establishment would be less by 1,132 men, if this corps was added; for though the establishment had appeared larger on paper, it had never, in fact, exceeded 3,000 or 3,500 men. He believed there had not been any actual reduction of men. Nor did he believe the gentleman from Pennsylvania was far wrong when he estimated the proposed new regiment at an expense of $400,000 per year, as the constant annual expense of the establishment was from twelve to fifteen hundred thousand dollars. When measures of this kind were proposed, they were persuaded they would cost nothing; but when they were gone into, the expense was found constantly to increase. He hoped they should not go into a Committee of the Whole.

Mr. BROOKS thought it was first necessary to inquire whether these additional men were necessary. He thought the vote of yesterday conveyed some idea of danger, and if defence was necessary, it must be allowed that forts without artillerists would do no good; but gentlemen seemed to go upon an idea that there was no danger. He thought differently, and he believed a majority of

the House thought so. He denied that militiamen would be proper to be placed in these fortifications, and asked gentlemen how they could answer to their constituents, if they went away without doing anything, and an attack should be made upon our coast? He thought nothing had taken place in Europe which placed us in a better situation; but that we, on the contrary, should be doubly vigilant. He trusted they should not be lulled to sleep by fair representations. He was for going into a Committee of the Whole.

Mr. VARNUM supposed the gentleman last up had received some new information, since he put his negative to the bill providing for the fortifying of our ports. What that information might be he could not tell. He had received none. The gentleman from South Carolina had, indeed, read some papers giving an account of a murder on the frontier by the Indians, and of a woman firing at them. But was this a sufficient reason for raising a fresh regiment of artillerists? He believed not. They sometimes heard of murders amongst civilized people, and there were modes of punishment without the aid of military force. He believed when the present regiment of artillerists was full, there would be men sufficient for every purpose. The measures of gentlemen, Mr. V. said, went to a destruction of national credit, by pushing every expensive object they could lay hold of. The United States had pledged themselves to make good engagements at certain periods; he thought those should be first satisfied, and then, if there were any surplus, gentlemen might, perhaps, be indulged in a favorite measure. If, indeed, there was any foundation for what had fallen from the gentleman from Connecticut, that we were on the eve of a war, then, instead of 900, it would be necessary to raise 150,000 men; or if we were to declare war upon France, in case she did certain things. He did not, however, believe that gentleman's doctrine.

It was time, Mr. V. said, that the sense of the people should be expressed to the President of the United States in favor of peace, that no irritable measures might be taken. He did not believe there was any danger of war, except from provocative measures on our part. Mr. V. concluded by saying, he hoped the bill would not be committed.

Mr. MCDOWELL was against going into a Committee of the Whole, because additional men were unnecessary for the peace establishment; and if war was contemplated, they would be wholly inadequate. Militia, he said, were the proper defence of this country—he deprecated the idea of a standing army, which was the constant attendant upon despotic Governments.

Mr. HARPER said, if the bill were to be rejected, he thought it ought first to undergo a discussion in a Committee of the Whole. Did the gentleman from Pennsylvania shrink from all examination of the principles of this bill? Or was it because he was unwilling his negative should stand against it? If he were not, he thought he ought not to endeavor, by a side-wind, to throw it out. Why, said Mr. H., was the bill passed for fortifying the ports of the United States, if men were not to be put in them? They would be useless, and their conduct would appear ludicrous and absurd. He could account for this mode of acting in gentlemen who had determined to do nothing for the defence of the country, but for gentlemen who voted for fortifying, he could not discover their consistency in being opposed to this measure.

Gentlemen could not be serious in supposing that the liberty of this country would be endangered by 900 additional men. In expressing an opinion of this kind, they showed a low opinion of their constituents. Gentlemen had frequently argued as if we were to hold our liberties at the will of the French nation, but he could not have supposed they would have expressed a fear of this kind.

But if there were danger, gentlemen said, the measure would not be effected. It could not be supposed that these men were to protect the country against invasion; no, they were to protect our seaports against the attacks of privateers and pirates. Some gentlemen say appearances are flattering, and that there is no apprehension of danger. The gentleman from Massachusetts said we were threatened with war, and submission could only secure us in peace; so that we were to lay ourselves at the mercy of an offended foreigner, and say, "We have been very wrong, and beg that you will spare us." He attributed all this to a wish to prevent measures of defence from being taken; for, in one way or other, every defensive operation was opposed. On the contrary, he wished to show a spirit to repel the injuries we have received, by putting arms into our hands, and saying, "We mean to do justice, but to repel attack;" nor could he see any cause of offence in a conduct of this kind.

Mr. SHEPARD said, if these men were not raised, many of the fortifications would be useless, and denied that putting our ports and harbors in a state of defence could give just cause of offence to the French. He said the plan of fortifications was originally laid out upon too large a scale, and would not allow that militia could be used to advantage in fortifications.

Mr. GILES did not believe that these men were raised with a view to any present danger, but that advantage had been taken of this season of alarm to increase our Military Establishment; he was, therefore, against it, because he believed the present establishment too large by one-half. Gentlemen, he said, had been charged with taking humiliating measures; but he thought it was more humiliating to take a measure of this kind, on the ground of danger, than to oppose it, from a conviction that it was meant to increase the peace establishment. The gentleman last up spoke like a hero; he trusted they should all act like heroes when danger was at hand; but at the distance he now thought it, he saw no use in the gentleman's vaunting.

If this bill passed, he said, there would be a necessity for going into a system of taxation. The $115,000 voted yesterday, he believed, might be got out of the present revenue; but if they went

any further, taxes must be laid to meet the expense.

Mr. DANA said, the question was, whether any part of the bill before them was proper to be adopted. He thought, as it was a bill of an important nature, and being sent to them from the Senate, they should at least go into a discussion of it. It had been said, this measure was intended for a peace establishment; if it were proper for a peace establishment, it could not be less proper for us in our present situation. But it was said to be inadequate to resist the attacks of a foreign nation; so that gentlemen would have no force, except an efficient one. He believed we had not more artillery in our Revolutionary war than we should have if this regiment was raised; and as the gentleman had given no reason why he thought half our present establishment would be sufficient, he would excuse him if he thought differently.

Mr. D. did not think the gentleman from Pennsylvania was warranted in his expectations, from the present situation of Europe. He thought the refusal to honor American passports was alarming.

Mr. KITTERA said, when they first met, it was pretty generally believed that it was necessary to put the country in a state of defence. This bill went to that end. He had two reason for wishing the measure to be discussed; one was because the Senate had thought the business sufficiently important to pass a bill upon it.

Mr. S. SMITH had not determined how he should vote upon this question. The present corps of artillery, he said, was raised when the country was threatened by Great Britain, when the Indians were at war with us, and when the Governor of Canada had given us reason to expect a war. It was then thought necessary to erect fortifications, and an additional regiment of artillery was raised, to what was already in being, which made a corps of nine hundred and ninety men. These were thought sufficient. Since that time, peace had been made with the Indians, and we have got possession of the posts from the British. These required a few artillerists. He wished the Secretary of War to show how many men were stationed at each of these posts. He believed the number which was said to be on the Atlantic frontier was sufficient to guard the forts, and artillery were always excused from labor. It had been said that militia could not be employed, because unskilled in the business, but he said the laborious part of artillery could be taught in a few days. For want of the information he had alluded to, he was a little at a loss in the business; but when the late President, (a military man,) had thought the present artillery sufficient for that season, he could not help believing they were for the present time.

With respect to American passports being annulled by France: there were vessels passing from different parts with counterfeit passports, which, by mistake, some of our Consuls might have countersigned. It did not relate to sea letters from this country.

An argument of the gentleman from South Carolina, (Mr. HARPER,) was conclusive with him for not wishing to go into this subject. He stated there was only a surplus of thirty or forty thousand dollars of revenue, (though he was of a different opinion,) and this object would require at least three hundred thousand dollars.

Granting, however, the danger to be possible, which he did, he would ask whether the present measure was calculated to repel the danger? He believed not; but, on the contrary, that it was calculated to weaken the Union. The danger apprehended was war; but he did not believe that those who feared war, expected an invasion; and if not, the present measure was not calculated to meet the danger. To defend the seacoast, the inhabitants must man their forts, and upon their own exertions their safety must depend. He supposed, if war was made upon us, it would be in that part in which we were vulnerable. The attacks of any foreign Powers would be upon our trade. The United States were impregnable to the attack of any foreign nation; they had, ten or fifteen years ago, resisted those of a more powerful nation, with respect to naval force, than the one about which we were now alarmed; when the population was much less, and much less compact, and when the Government was very imperfect. He therefore looked upon any fear of an invasion as groundless; and if it were attacks upon our commerce which were apprehended a new regiment of artillery could have no effect. The operation of such attacks would fall upon our merchants and upon our revenue. Every additional expense, therefore, not calculated to repel the danger, diminishes our means for repelling it in the proper way, which would be by means of frigates, galleys, and vessels of every description.

Mr. GALLATIN said, when he brought this motion before the House, it was not, as had been stated, to get rid of the subject by a side-wind. They had been three days upon a bill of small importance when compared with this, in proposing and rejecting amendments, and he thought it would save time to determine at once upon the principle of the bill. He justified the measure as parliamentary. If he could have conceived it would have occasioned so long a debate, he believed he should not have made it; and if there was any one man in the House who would say he had not made up his mind on the subject, he would withdraw his motion.

In relation to the principle of the bill, it had been observed that he said yesterday, that if the $115,000 were agreed to, this bill must also be agreed to. It was true he had read the letter of the Secretary of War on the subject, and predicted that if the sum was agreed to, it would be brought for an argument for agreeing to additional artillery; and the event showed that he was right.

With respect to our present situation from the late transactions in Europe, he should say nothing. It was mere matter of opinion, which operated differently on different minds, according to their habits of thinking, or perhaps their prejudices. Nothing could astonish him in this respect after what he had heard in this House.

He believed, with the the gentleman from Virginia, that this was not a war measure, but merely an attempt to increase the army establishment, which had always been a favorite object with those gentlemen who seemed to claim an exclusive right of supporting Government; and yet he knew nothing which weakened it more. He was not afraid of troops impairing the liberty of the people of the United States; but he believed nothing tended more to weaken the hands of Government than the want of money, and nothing consumed so much of it as large military establishments. That the Secretary of War should wish to increase the establishment, he did not much wonder at; it was natural that he should do so; but his opinion ought not to guide them. Mr. G. concluded by saying, that if it were necessary to have this additional number of men for the purpose of having them trained in the artillery business, he had no objection, if the same number was lopped off the infantry.

Mr. ALLEN said, he should avail himself of the liberty the gentleman who had just sat down had offered; for he owned he was not ready to vote upon the question. He wished to have some information from the War Department, which he would move for, if the motion was withdrawn.

Mr. GALLATIN withdrew his motion.

Mr. ALLEN proposed the following resolution, which was agreed to, after some few observations:

"*Resolved*, That the Secretary of the War Department be directed to lay before this House an account of the number of artillerists in actual service, and of the posts and places at which they are stationed."

---

SATURDAY, June 17.

A bill was reported forbidding citizens of the United States from entering into the service of any foreign Prince or State in a state of war, which was read twice and committed to a Committee of the Whole on Monday.

## STAMP DUTIES.

Mr. W. SMITH, from the Committee of Ways and Means, reported a bill for laying a stamp duty on vellum, parchment, and paper, viz:

For a license to practice as a counsellor, attorney, &c., five dollars.

For every grant, or letters patent, four dollars.

For every exemplification or certified copy of letters-patent, two dollars.

For every receipt or discharge for any legacy of fifty dollars and not more than one hundred dollars, twenty-five cents; above one hundred and not more than five hundred dollars, fifty cents; and for every additional five hundred dollars, one dollar; but not to extend to legacies left to a wife, children, or grandchildren.

For every policy of insurance of vessels or goods from one district of the United States to another, twenty-five cents.

For every such policy of insurance to a foreign port, for a sum not exceeding five hundred dollars, twenty-five cents; if it exceeds five hundred dollars, one dollar.

For every exemplification, of what nature soever, fifty cents.

For every bond, bill, or note, (except the note of the chartered banks which may be now or hereafter in existence,) not exceeding one hundred dollars, ten cents; above one hundred dollars, and not exceeding five hundred dollars, twenty-five cents; above five hundred dollars, and not exceeding one thousand dollars, fifty cents; above one thousand dollars, seventy-five cents. (If payable within sixty days, they will be chargeable with only two-fifths of these duties.)

For every protest of a note, twenty-five cents.

For every letter of attorney, twenty-five cents.

For every certificate or debenture, for drawing back any duty on the re-shipping of goods, one dollar.

For every note or bill of lading, for goods from one district to another, within the United States, (not in the same State,) ten cents.

For ditto to a foreign port, twenty-five cents.

For every inventory or catalogue of furniture, goods, or effects, in any case required by law, (except in the case of distraining for rent, or an execution,) fifty cents.

For every certificate of a share or shares in the Bank of the United States, or other bank, ten cents.

The bill was twice read, and ordered to be committed to a Committee of the Whole on Monday.

## DETACHMENT OF MILITIA.

Mr. MCDOWELL, from the committee appointed for the purpose, reported a bill directing a detachment of the militia of the United States in the following proportions:

| | |
|---|---|
| Tennessee | 750 |
| Georgia | 1,510 |
| South Carolina | 4,530 |
| North Carolina | 7,550 |
| Kentucky | 1,510 |
| Virginia | 14,340 |
| Maryland | 6,040 |
| Delaware | 750 |
| Pennsylvania | 9,810 |
| New Jersey | 1,770 |
| New York | 7,550 |
| Vermont | 1,510 |
| Connecticut | 5,280 |
| Rhode Island | 1,510 |
| Massachusetts | 10,570 |
| New Hampshire | 3,020 |
| Total | 80,000 |

The bill was twice read, and committed to a Committee of the Whole on Monday.

## PURCHASE OF ARMS.

MR. BLOUNT wished the House to go into a Committee of the Whole on the state of the Union, upon the resolution which he laid upon the table some days ago, authorizing the President to purchase a certain quantity of arms.

Mr. W. SMITH suggested the propriety of referring the matter to a select committee, as there might be matter connected with the inquiry made, which might not be proper to be made public: an inquiry respecting the quantity of arms in the possession of the United States, and where lodged, was somewhat of a delicate nature. If it was referred to a select committee, they could determine upon the propriety of making the subject public.

It was agreed to be referred to a committee, and a committee of five was accordingly appointed.

SITE FOR NAVY-YARD, &c.

Mr. HARPER laid two resolutions upon the table to the following effect:

"*Resolved*, That provision ought to be made to authorize the President of the United States to fix upon a proper place as a site for a naval yard for the use of the United States."

"*Resolved*, That provision ought to be made for enabling the President of the United States to secure a proper quantity of live oak for the purposes of ship building, with the land upon which the same is growing."

SHIPS' REGISTERS.

The House went into a Committee of the Whole on the bill restricting the registering of vessels in cases where they have been taken and purchased in the United States, by others than the former owners. The committee reported the bill without amendment, and it was engrossed for a third reading. It afterwards received its third reading, and passed.

AGENTS FOR BRITISH DEBTS.

The House went into a Committee of the Whole on the bill for appointing agents, under the direction of the Attorney General, for assisting to carry into effect the sixth article of the British Treaty, with respect to the British debts. A good deal of conversation took place as to the nature of these agents, the manner in which they should act, and what would be a proper compensation for them. At length it was agreed that the blank for a sum to enable the President to appoint such agents as he should see necessary, should be filled up with ten thousand dollars; that for a salary for the principal agents to reside at Philadelphia, two thousand dollars; and an additional salary of six hundred dollars to the Attorney General, on account of the extra business which this concern would lay upon him.

The committee rose, the House agreed to the amendments, and ordered the bill to be engrossed for a third reading on Monday.

DUTY ON SALT.

Mr. W. SMITH, from the Committee of Ways and Means, reported the following resolution, viz:

"*Resolved*, That there be laid on salt imported into the United States, an additional duty of thirteen cents per bushel."

The resolution was twice read; and upon the question for Committee of the Whole being put, it was carried—there being 49 votes in favor of it. On Monday being named for the day on which to make it the order, Mr. MACON moved to make it the order for the first Monday in November; which was negatived, and Monday next agreed to.

ADJOURNMENT.

Mr. GALLATIN laid the following resolution upon the table:

"*Resolved*, That the President of the Senate and the Speaker of the House of Representatives, be authorized to close the present session, by adjourning their respective Houses on the 24th of this month."

MONDAY, June 19.

A communication from the Department of War, enclosing a report in pursuance of the resolution of the House of the 16th instant, of the number of artillerists and engineers in the actual service of the United States, was read. It states the whole number of men to exceed eight hundred and seventy, but to fall short of nine hundred and ninety-two, the full complement. They are said to be stationed as follows:

| | |
|---|---|
| At Oswego, Niagara, Detroit, Michilimackinac, Presqu'Isle, on the Mississippi, and in the S. W. Territory. | 438 |
| At West Point | 105 |
| At New York | 60 |
| At Philadelphia and Mud Island | 90 |
| At Baltimore | 59 |
| At Norfolk | 56 |
| At a Fort in North Carolina | 6 |
| At Charleston | 62 |
| Total | 876 |

This report was committed to the Committee of the Whole, to whom was committed the bill providing for an additional regiment of artillerists.

Mr. PARKER moved that the Committee of the Whole be discharged from the further consideration of the bill respecting the manning of the frigates, and the bill from the Senate for the protection of the trade of the United States, in order that they might be referred to a select committee, to incorporate the different subjects together.

Several objections were urged to this proposition, and the sense of the House being first taken upon discharging the Committee of the Whole from the bill from the Senate, which was negatived, only 27 votes being in favor of it, Mr. P. declined taking the sense of the House on discharging the others.

The bill directing the appointment of agents for assisting in carrying into effect the 6th article of the British Treaty, was read the third time and passed.

COLLECTION OF INTERNAL REVENUE.

Mr. W. SMITH, from the Committee of Ways and Means, reported a bill to provide more effectually for the collection of certain internal revenue, which was twice read; but, on the motion being made for committing it to a Committee of the Whole on Monday next,

Mr. GALLATIN moved that this bill be made the order of the day for the first Monday in November. He said it had been two years before the Committee of Ways and Means; and though the regulations might be good, yet they were mere petty details, (and he thought if there were time for it they might be made better,) without which they had done hitherto, and if they took this bill up, he knew of none which could be proposed, which they might not also enter upon with as much propriety. He wished to confine their attention to business immediately connected with the subject upon which they were called together.

Mr. W. SMITH wished the gentleman had de-

ferred his motion till the bill had been printed. The gentleman himself had acknowledged that there were many valuable provisions in it, and the Secretary of the Treasury had informed him that many of them were necessary to secure a due collection of the revenue. Gentlemen must be convinced that an increase of revenue will be necessary; and if additional revenue could be raised by a modification of this kind, it would certainly be preferable to laying new duties. The gentleman from Pennsylvania, who was never very ready to lay a new tax, surely could not object to this.

Mr. GILES supposed the decision upon this question would determine whether they should go home soon, or sit there the whole Summer. As it was in no wise connected with the call of the present session, he trusted it would be postponed.

Mr. KITTERA did not know but it might be proper to postpone the business, but he hoped the bill would be printed.

Mr. BROOKS was against the postponement. He thought if it would be the means of raising revenue, it was closely connected with the business of the present session.

The question for a postponement was put and negatived, there being 41 votes for it, and 48 against it.

The bill was then committed for Wednesday next.

## ADDITIONAL ARTILLERY.

Mr. GILES wished to go into a Committee of the Whole on the bill for raising an additional regiment of artillery; for though the report received this morning from the Secretary of War was not printed, being short, he thought that that could not form an objection; and he wished to see as soon as possible what the House meant to do.

Mr. W. SMITH opposed the motion. He trusted the subject would be deferred till to-morrow, that the report received this morning have time to be printed.

Mr. GILES withdrew his motion, and called up the report of the Committee of Ways and Means, proposing to lay an additional duty of 13 cents per bushel on salt imported.

## DUTY ON SALT.

The House accordingly went into a Committee of the Whole on that subject, and the resolution having been read—

Mr. GALLATIN moved that the committee might rise.

Mr. LYON said he should be sorry if the committee were to rise without any objection being made to a proposition so unreasonable and unjust. A tax of this kind would bear particularly hard upon the country from whence he came; and that for every quarter dollar of duty which was paid, they should have three quarters of a dollar to pay when the salt reached them. He trusted it would not be carried.

Mr. WILLIAMS wished the gentleman had moved to make the proposed advance less than 13 cents. As there was no probability that a land tax would be laid, he should give his consent to this; if a land tax had been agreed to, he should have opposed a salt tax. He thought, however, 13 cents a bushel too much. It was calculated to raise 300,000 dollars. Every one allowed it was a safe tax. As far as salt was consumed by families, it was a poll tax; but as to what was consumed by cattle, it was a tax upon agriculture. What cost half a dollar at New York, cost where he lived, two and a half dollars. A common farmer, with about 100 acres of land, did not use less than 10 or 12 bushels of salt. He, therefore, paid five dollars tax upon a single article. Yet they were sometimes told farmers paid no taxes. He wished a part of this tax to be laid upon some other article. He moved, therefore, to strike out "thirteen cents," and insert "seven."

This motion not meeting with a second, the question was taken upon the resolution, and negatived—48 to 42.

The committee then rose, and the House took up the resolution and confirmed the negative—46 to 44.

## DETACHMENT OF MILITIA.

The House then went into a Committee of the Whole on the bill directing a detachment from the militia of the United States.

Some observations were made as to the proportioning of men to each State, which it seems was made according to the number of white inhabitants and three-fifths of the blacks. This was objected to, and it was agreed to be left blank until the third reading of the bill.

Mr. WILLIAMS wished to make the calling out of this detachment discretionary with the President. He therefore moved to add, where the bill speaks of organizing 80,000 men, "if any subsequent measures shall, in his opinion, make it necessary during the recess of Congress."

The motion was put and negatived.

Mr. BLOUNT moved, instead of the words "as soon as may be," (which related to the calling out of the men,) "at such time as the President may think necessary."

Mr. SKINNER hoped this amendment would be agreed to. The expense of calling out this detachment in Massachusetts would not be less than $200,000; and he could not see any objection to leaving it to the President to judge of the propriety of putting the measure into execution.

The question was put and carried—41 to 30.

Mr. SEWALL said, though there might, in the opinion of the President, be a necessity for calling out a part of these men, there might not be occasion for calling out the whole. He, therefore, moved the following amendment, viz: "or of any less number, which, in his opinion, the service may require."

Mr. BLOUNT did not know the meaning of this motion, except it were an intention to save expense, which it would not effect, as, if the detachment must be made, 8,000 men would cost as much organizing as 80,000. He thought we ought at all times to have this portion of our militia ready for any call that could be made.

Mr. SEWALL said his intention was to save ex-

pense. In 1794 he knew a great expense had been incurred in Massachusetts, and it had been in proportion to the number of men employed.

Mr. WILLIAMS observed that 80,000 men would be about one tenth of the whole militia of the United States; but if only one twentieth part was wanted, little more than half the expense would be incurred.

Mr. LYON was so far from agreeing to the present amendment, that he should wish a clause inserted in the general militia law, always to have this number in readiness.

Mr. VARNUM thought a law detaching a portion of the militia would rather weaken than strengthen our force. If an enemy were to land at any point, though it might be the peculiar duty of the detachment to march to repel them, yet, as the small number of these men at any one place would probably be unequal to the repelling of an enemy, the whole body of the militia in that quarter would at once turn out. Indeed, the whole ought always to be ready to march at a moment's warning. Though no money would be taken from the Treasury in forming the contemplated detachment, it would, nevertheless, be attended with great expense. Men would not willingly turn out for four dollars a month, when they could get fifteen for common labor. The difference would, therefore, fall upon the State. If there was necessity for the measure, the case would be different, but he did not think there was any.

Mr. DAYTON (the Speaker) agreed with the gentleman from Massachusetts that the whole body of the militia ought to be held in readiness, and that the calling out of a detachment, instead of increasing our strength, would weaken it. He was in favor of this amendment, because it left it with the President to call out a smaller number. This detachment, he affirmed, would be attended with considerable expense. In New Jersey they would have to newly organize their corps, and to make different classifications of them. Men would be cast for by lot; there would be much loss of time, and considerable sums would be paid for substitutes. Mr. D. said he was opposed to the principle of the bill, but as this amendment would make it less objectionable, he should vote for it.

Mr. BLOUNT thought gentlemen did not seem to distinguish between calling men into service, and putting them into a state ready to obey a call.

Mr. S. SMITH was in favor of the principle of the bill. Wherever an enemy might land, (he spoke of an enemy landing, for though he did not believe there was any danger of the kind, yet they had been called together to provide against such an event,) he doubted not the militia would rise at once in a body; but they would go unprepared for staying out more than a few days. This detachment, which would be prepared for the field, would accordingly be ready to relieve them as soon as they could be got together. He thought this a good provision; but, if 80,000 men were thought too many, he should not object to its being made 40,000.

Mr. LYON was for letting the provision stand for 80,000 men. It was preposterous to talk of the danger of war, and at the same time think 80,000 men too many to be held in readiness to defend the country.

Mr. SHEPARD thought the provision a good one.

Mr. BLOUNT observed that it had been said that militiamen had only four dollars a month; a law was passed in 1795, he said, which raised their pay to $6 66.

Mr. HARTLEY was in favor of holding 80,000 men in readiness. This was done in 1794, and though he did not think we had now so much reason to apprehend danger, yet he would wish to be in a state of preparation. He had no objection to leaving the time of calling out the militia to the President, but not the number.

Mr. DAYTON said if the situation of things justified the call for 80,000 men, he should be the last to object to it; but he did not think it did. This act, he said, would operate unequally on different States. The gentleman from North Carolina had said it would be no inconvenience to his State; it would be very different in many other States. In New Jersey, as he had before stated, it would be felt very considerably. Men must have bounties, and their pay made equal to the price of labor. There would not only be required a new organization and classification, but also an inspection of arms and accoutrements. He believed all this would be done under this law, if it passed, in the State of New Jersey, whatever might be the expense and inconvenience it would put them to. If he thought there was any danger, he would not have objected to the measure. He did not, however, think we should have a war; and, if such an event were to take place, he did not think there was a probability of an invasion. Our situation in 1794, he said, was very different. We were then not only depredated upon by the British at sea, but Lord Dorchester had issued his warlike proclamation; the Indians were counted, and had their tomahawks in their hands uplifted, and ready to strike. Believing, therefore, the measure to be unnecessary, and that it would operate unequally, he should vote for this amendment, which would leave it with the President to detach such a number of men as he shall believe necessary.

Mr. MACON was sorry any amendment had taken place, since he could not now move to strike out the first section of the bill, in order to see whether the House meant to pass the bill at all; for he was of opinion with the gentleman from New Jersey, that there was no occasion for it. He was certain that this business could not be carried into effect without expense. And if an invasion were to take place, only a few of these men could be drawn into service.

The CHAIRMAN said that if the sense of the committee was wished to be had as to the propriety of passing the bill at all, it might be tried by moving that the committee rise.

Mr. WILLIAMS made that motion.

Mr. BLOUNT hoped the committee would not rise. When he offered the resolution to the House, he said he did not do it from the apprehension of danger, but because he thought it was necessary that such a number of men should always

be in readiness. There seemed, then, to be little difference of opinion, and he thought that the principle was at that time fairly tried.

Mr. SKINNER hoped the committee would rise. It was well known that there was an alarm in the minds of the people with respect to war, and there could be no doubt, if this measure passed, it would be supposed there were serious apprehensions of war. Mr. S. again spoke of the expense. He had, besides, another objection to the passing of this bill. War had been apprehended by many. Officers and men were a good deal divided with respect to the relative situation of our country. If this bill pass, they will speculate upon measures; they will go into discussions which will neither tend to strengthen the Government, nor increase good neighborhood. He hoped it would not pass.

The question was put and negatived—40 to 29.

Mr. LYON thought 80,000 men would be sufficient to oppose any force that would be brought against us.

The question was then taken on the amendment of Mr. SEWALL, and negatived, there being only 29 for it.

Mr. VARNUM moved to strike out the whole of the second section, which provided for "the officering of the militia out of the present militia officers, or others, at the option of the Constitutional authority in each State." Carried.

He also moved to strike out, as unnecessary, the fifth section, which requested the President "to call on the Executives of the several States to take the most effectual means that the whole of the militia, not comprised within the foregoing requisition, might be armed and equipped according to law." Carried.

The committee rose; the House agreed to the amendments, and the bill was ordered to be engrossed for a third reading to-morrow.

## GALLEYS FOR COAST DEFENCE.

The House then went into Committee of the Whole on the bill authorizing the President of the United States, during the recess of Congress, to provide galleys, or other vessels, for certain purposes therein mentioned.

Mr. GILES wished some information as to the number of vessels to be employed, in order that the expense might in some degree be ascertained.

Mr. S. SMITH said that the galleys were not to be purchased, and when they were got they were not fit to go to sea, but were suited merely to rivers and bays. Besides, if they were to be built, they could not be got ready before next April or May, at which time probably they might be unnecessary, or vessels of a different kind wanted. He expected the gentleman from Virginia (Mr. PARKER, the chairman of the select committee) would have been prepared with a new section, in place of the galleys. He thought the frigates necessary; he thought tenders necessary. The new revenue cutters of the United States, he said, were ready for sea. They might be fitted out, manned, and put to sea in twenty days. This, he thought, would be the best plan. He had no confidence in galleys; they did not like to face a large gun. He had had some experience with them, and he knew this was the case.

Mr. BROOKS thought the words "other vessels" would cover any other that might be thought preferable to galleys.

Mr. PARKER moved to strike out the first section of the bill. He had no opinion of galleys, and as to other vessels, he did not think they could be got. He did not think that merchant vessels were fit for vessels of war, and it was more expense to make them so than they were worth when made. The Government had ten revenue cutters, and were they properly armed and manned they would answer the purpose of convoys for our merchant vessels, or for the protection of our coasts, better than any other. He had seen two of them in this port, and the other eight could soon be got. When the bill came before them for the general naval equipment, he would propose a section in the place of the one he wished to have struck out.

Mr. SEWALL was against striking out. Though he agreed with gentlemen as to the cutters, he wished to give the President power to provide other vessels, if he should find it necessary.

Mr. PARKER was willing to go as far as any man in putting the country in a state of defence; but he was convinced the object of this bill would not have the effect. Rather than purchase he should advise the working up of the materials on hand; and he believed there was as much timber as would build two more frigates. He would willingly agree to increase our naval force in a proper manner, but not in a way which would be of no use.

Mr. HARTLEY wished for the committee to rise, that the bill from the Senate might come under consideration before this vote was taken.

Mr. W. SMITH hoped the committee would rise without taking a question.

Mr. S. SMITH was opposed to the committee's rising. He thought this bill might be so amended as to answer the purpose, and if that could be done, he knew no reason why they should not do it.

Mr. DAYTON hoped the committee would rise for the reasons mentioned by the gentleman from Virginia; and that they should proceed to build another frigate as well as to arm the revenue cutters for the protection of our commerce, if by the returns which were expected, it should be found their advantage to do so.

The committee rose, and had leave to sit again.

## ORGANIZING THE MILITIA.

Mr. VARNUM, from the committee appointed for the purpose, reported a bill for organizing and disciplining the militia of the United States; which having been twice read,

Mr. V. said this bill was almost *verbatim* with the bill which had been reported every session since the commencement of the Government, for a select corps of militia, and constantly rejected. Last session, after it had been rejected, a new bill was reported as an amendment to the militia bill. He hoped, therefore, though he was upon the com-

mittee, that the House would reject this bill, and take into consideration the other bill which he had mentioned.

Mr. MACON hoped the bill would not be rejected. Similar bills, it was true, had been reported; but this was the first bill that ever contained a principle which it contains, viz: a classification according to age. He thought it the best militia bill which had ever been brought before them.

Without taking a question, the House adjourned.

---

TUESDAY, June 20.

The bill for making a detachment of the militia, was read the third time, and the blanks filled up, fixing the number of men which each State should furnish, on the basis of the number of white inhabitants, as follows:

| | |
|---|---|
| Tennessee | 806 |
| Georgia | 1,334 |
| South Carolina | 3,535 |
| North Carolina | 7,268 |
| Kentucky | 1,542 |
| Virginia | 11,150 |
| Maryland | 5,262 |
| Delaware | 1,168 |
| Pennsylvania | 10,696 |
| New Jersey | 4,286 |
| New York | 7,923 |
| Connecticut | 5,860 |
| Rhode Island | 1,626 |
| Massachusetts | 11,836 |
| New Hampshire | 3,558 |
| Vermont | 2,150 |
| Total | 80,000 |

Mr. W. SMITH, from the Committee of Ways and Means, reported a bill laying a duty on licenses for the sale of wines by retail, and also foreign distilled spirits; which was twice read, and committed to a Committee of the Whole on Thursday.

ADDITIONAL ARTILLERY.

The House then resolved itself into a Committee of the Whole on the bill for raising an additional corps of artillery; when

Mr. S. SMITH took a pretty extensive view of the subject, and noticing the men reported to be stationed at different places, insisted upon there being a sufficient number at every one, except at Wilmington, North Carolina. He wished the deficiency in the present regiment to be filled up, and then there might be a supply sent to Rhode Island, and any other place where they might be required.

Mr. GILES moved to strike out the first section of the bill. He thought the $300,000 proposed to be expended on this object might be better disposed of in another way.

Mr. W. SMITH hoped the present motion would not prevail, as it was intended to destroy the bill. He thought the President and Secretary of War having recommended the measure, and one branch of the Legislature having passed a law upon the subject, they ought not to defeat the business in this way. He was surprised that the gentleman from Maryland should have been so decidedly opposed to it, since the other day he seemed undetermined on the subject. He had taken a view of the different posts, and declared them all well garrisoned, but he had taken no notice of places where there was not a single man. Mr. S. said it should be remembered that in the men calculated to be at each place, were included non-commissioned officers and musicians; stripped of these, he made the whole number 350 men. The posts at which no men were stationed were, he said, Portland, in Maine, Portsmouth, N. H., Gloucester, Salem, Newport, R. I., New London, and Point Petre, at Savannah.

The report of the Secretary of War, Mr. S. noticed, had represented these places as going to decay for want of being kept in repair. He noticed some objections urged against this measure on a former day. He denied that this could be called the skeleton of a regiment; it was nearly complete—as near as it could well be. None of the artillery on the frontier could be safely drawn away. Our situation there was critical; and to take any men away, while the Spaniards were increasing their force, would operate to our disadvantage in the minds of the Indians. Mr. S. denied that the expense would be so great as had been said. Our situation, he said, was neither peace nor war, but a sort of intermediate state, which was far from being safe, and which required them to prepare for war. If gentlemen had not been of this opinion, why increase our naval armament? He thought they contradicted themselves. He charged the gentleman from Maryland with having forgot the representation he had given on a former occasion with respect to the situation of the fortifications at Baltimore, which he then said were not sufficient to keep off the *cows*. [Mr. S. SMITH said he spoke only of the want of a *fence*.] This measure had been charged with being an increase of our peace establishment, and that the bill being for five years countenanced this idea. He denied that this was the case; and if the period were thought too long, it might be shortened. Gentlemen had also said, that advantage was taken of the impulse of the moment to pass this bill. But by what, he asked, had this impulse been occasioned, but from an idea of the danger of a war? And he thought the fears of the nation ought to be calmed, by taking such measures as the present.

When an increase of the navy was under consideration, Mr. S. said, gentlemen exclaimed, leave trade to take care of itself, and let us attend to the internal defence of the country; but now, when they were preparing for that, the same men say we are about to employ upon this object what ought to be employed for the protection of commerce. Mr. S. said, it was an error to say no taxes would be wanted, if this bill did not pass. There would be money in that case wanting for manning the frigates, for arming the revenue cutters, for the diplomatic department, and for the expenses of this session (not less than sixty or seventy thousand

dollars would be needed for the last item only,) for the payment of the agents appointed for assisting to carry into effect the sixth article of the British Treaty, &c., &c. So that that argument had no weight. It was said these men were unnecessary, because the militia were the proper defence; but the President had not the power to call out the militia, except in cases of insurrection or invasion, so that an enemy might get possession of the posts before the militia were called out.

Mr. S. concluded by saying, there were about thirty forts on the seacoast, and that these men distributed amongst them would only give fourteen to each, which would not be sufficient to preserve the guns from rust; and, if this bill passed, there would only be forty-one for each fort. He submitted it to the committee, therefore, whether they ought to risk the safety of the country for the sake of 216,000 dollars? He trusted they would not.

Mr. SHEPARD opposed the motion. He thought it necessary that men should be sent to those forts where there were none, to prevent them from going to ruin. Instead of the number proposed to be raised, he thought two companies would be sufficient. He did not think the country in a safe state, and wished to make it, in some degree, more so.

Mr. BALDWIN observed that, since the adoption of the Federal Government, the history of the military establishment had, in his judgment, been the most expensive and unfortunate part of its history. It had commonly been so of all nations. He thought there was every inducement, from the experience of ourselves and others, to make as sparing a use of it as possible. The reasons hitherto assigned for a military establishment, in this country, have been a supposed unfriendly disposition in foreign nations, and of the vast Indian tribes who bordered on our frontiers. These had been for several years the cause of great anxiety and expense; they were all now happily removed by Treaties of Peace lately established. It was his opinion, that on that event there was little or no cause left for any military establishment at all. He had been one of a committee last year who recommended a reduction of it, particularly a total reduction of the cavalry; this recommendation did not fully prevail, but his opinion was still the same. The reasons now urged for regular troops must be considered principally of a permanent nature, and for a peace establishment; the enlistment now proposed is for five years, he hoped it would not prevail; he hoped the establishment would not be carried to any greater extent at this time. More money and more troops was apt to be an increasing passion, always attending large delegations of power; collect money to raise armies, and raise armies to collect money, has been a wheel of fortune to them, and a wheel of rack to their subjects. He hoped this country would form an exception, and show that some of the miseries of the world were not the inseparable condition of man. It was the professed object and principle of our Revolution; none of its friends can advocate a standing army. The special reasons urged, of their being necessary to keep peace with the Indian nations on the frontiers, or for the forts on the seacoast, he thought had not great force; the number or extent of the forts is not to be increased; in a finished state they would require fewer troops to man them. There had always been a frontier, and large nations of Indians bordering upon it, ever since the settlement of the country; there is, therefore, nothing new in our situation in that respect, to urge it more than formerly; that there should be some confusion and disorder from that cause had always appeared unavoidable, but regular troops had not been found by experience to be the most ready or most useful relief. He believed things must go on pretty much as they had, and that establishing the civil government was all that could be done in the case. He thought the fifty companies now in service would be sufficient for all purposes, and that the new regiment now proposed would be unnecessary.

Mr. WILLIAMS thought the report which they had received from the War Office did not go far enough. Besides the artillery, we had four battalions of infantry, which must be somewhere in garrison. He thought the present number of artillery was sufficient, being the same as in 1794, especially since artillery neither erected forts nor kept them in repair. He wished the 122 deficient men to be raised and sent to Georgia, and places east of New York. Indeed, it would appear extraordinary, if, after voting 150,000 dollars for fortifications, they should vote, at least 250,000 dollars for men to take care of them. He did not think it would be prudent at present to go into the measure, since he did not believe any danger was now to be apprehended, and as they did not know where the money was to come from. He did not wish to go on increasing the debt, and he saw little chance of raising fresh revenue. We had at present, he said, a greater proportion of artillery, than any other nation; having sixteen companies of artillery to thirty-two of infantry. If more troops were necessary, let such be raised as would be most useful. They had received a bill from the Senate for raising a provisional army; when that came before them, he should give it his vote.

Mr. SWANWICK thought that, by raising these men, they would increase the danger which they wished to avoid. They apprehended an attack from a foreign nation, and to guard against any possible injury they were to go to expense, and by that means increase our national debt, from which he thought we had the greatest danger to fear, since they saw the difficulty attending the raising of any additional revenue. He called the attention of the House to a situation of things not much unlike our own. The French nation had many regiments on their seacoast, and had been long making great preparations, as if with a view of invading Great Britain. In consequence, the British have expended large sums in fortifying and putting the island in a good state of defence; and, though, perhaps, the French never seriously intended to invade that country, yet the appearance of it had probably occasioned greater embarrassment, from causing these great expenses, and the

consequent derangement in the finances of the country, than if an invasion had really taken place.

Mr. S. reprobated the idea of defending the country against an invasion by two regiments of artillery. The militia, he said, would be the proper defence in such a case; but, he trusted the commissioners appointed for the purpose would speedily settle all the differences between the two countries.

Mr. S. spoke of a very serious statement which they had received the other day from the Secretary of the Treasury, which did not seem to call for additional expense, but for additional revenue. It appeared by that document that there was due from the Government to the Bank of the United States, four millions seven hundred and fifty thousand dollars. Yet they were told these expenses must be gone into, and money borrowed, whatever the interest might be. In common life, he believed, if a man was pressed for money, it was accounted a prudent thing to retrench his expenses. He supposed the same rule ought to hold good with respect to Government.

But it was said, if these men were not raised, privateers would come into our ports, and insult our citizens. Had there been anything during the present European war, which could justify such an apprehension? He thought not. He did not know a single instance of insult, except that of the British Ambassador, at Rhode Island, because some officers were not released. As to any invasion taking place, he had no idea of it; but if it were to happen, militia would be the best defence, and no expense would be incurred, except there was a necessity; but if artillerists were raised, the expense would be certain.

Mr. HARTLEY was against striking out the first section; for, though he did not think 950 additional artillery were necessary, he thought there was a necessity for some, and also for an increase of the infantry. He thought 4,000 men necessary for a peace establishment, as it would be very inconvenient to march militia from one end of the Union to the other. He did not wish to go into excess, but he wished the force to be efficient. He knew there must be an increase of taxes; he was for a land tax, and wished to go immediately into it.

Mr. BROOKS said, if he believed there was no danger, he should agree with gentlemen that there would be no occasion for these men; but thinking our situation in no degree improved by the late events in Europe, he should vote for raising the proposed regiment. The objection of expense would go against every measure. As there was no certainty of our Ambassadors being able to settle our dispute with France, they ought, he said, like "wise men, to foresee, and prevent the evil." He was afraid gentlemen were in a profound sleep, and would not wake till it was too late.

Mr. S. SMITH said that the report from the Secretary of War had confirmed his opinion with respect to this measure. The gentleman from South Carolina had spoken of a number of forts which had been thought of in 1794, but which had since been given up. With respect to non-commissioned officers, which that gentleman seemed to think should be deducted from the number of men, they were the life of the artillery service, and the musicians were few. To show that the present number of men would be sufficient, he stated the following as being a proper number for each place, viz: West Point 60, New York 60, Mud Island 60, Baltimore 50, Norfolk 50, Wilmington, N. C. 30, Charleston 60, Savannah 30, Newport 60, Portland 30, Portsmouth 30, Point Petre (Georgia) 30, Western Posts 412—total 992.

Mr. S. accused the gentleman from South Carolina with winding and turning his arguments into every possible form; but he was certain, notwithstanding what the gentleman had said to the contrary, that the present men were equal to all the service they had to perform. He believed there were militia well trained to the use of artillery; there were two companies at Baltimore; one he had with him on the Western expedition; he believed the militia at Charleston was equally well trained. He wished the subject to be postponed till the next session.

Mr. GILES was not of opinion with the gentleman from South Carolina, that because the President and Secretary of War had recommended the raising of these men, they should adopt the plan; indeed the Senate proposed to raise only half of what the Secretary recommended. He trusted they should think for themselves.

Mr. G. did not think the strength of the country depended on 4,000 artillery; he looked upon military establishments as a sort of factitious strength, but upon the militia as the real strength of the nation. He thought the expense a serious object. It appeared our establishment had already cost us eight millions of dollars, and he could not see where they had done service to that amount; he therefore thought it a bad bargain.

The gentleman from New York had charged the House with being asleep. He believed that could not be the case, as it would be a difficult matter indeed *to sleep where he was*. It had been said additional revenue would be wanted, whether this bill passed or not. Suppose this were so, it was surely no reason for passing a bill which might be thought unnecessary.

Mr. BROOKS explained.

Mr. DAYTON did not know, till he heard the gentleman from New York say so, that new fortifications were contemplated; he thought the money appropriated was for completing those already begun.

With respect to the propriety of this measure, he had always been in the habit of distrusting his own judgment when it differed from that of the President and Senate; his first impressions were therefore in favor of the measure, but the more he had considered it, the more these impressions were effaced. Mr. D. said, if the subject was before them, he should rather be in favor of increasing the number of infantry than of the artillery. He thought the best way of making the increase would be, to add to each company one officer, two non-commissioned officers, and ten or twelve privates.

The gentleman from New York had said he should agree to the proposition, because he thought the country in danger. Mr. D. thought the better way would be, if this were really the case, to fill our arsenals with arms, our magazines with ammunition, and our treasury with money. He agreed with the gentleman from Maryland, that we had artillery enough for eight, ten, or twelve thousand men. Artillery, he said, could not do the service of infantry; their discipline was very different; they do not work upon fortifications, but merely guard the guns, &c. He wished they had a view of the infantry also; if they had not been sufficient, he should not have objected to the increasing of them; but he could see no propriety in increasing the artillery.

Mr. HARTLEY thought that the men to be raised might be made to serve as artillery or infantry, as they might be wanted. He believed half the number proposed would be sufficient.

Mr. SHEPARD was in favor of the plan suggested by the gentleman from New Jersey.

Mr. POTTER hoped the section would be struck out. If the proposed addition to our artillery was meant as a peace establishment, they were not wanted; and if they were to be raised with a view to war, they would be incompetent. He thought forty men might be spared from Philadelphia, and fifty from West Point, for Rhode Island, which at present was entirely without any.

Mr. ELMENDORPH was in favor of striking out the section. He thought it was proper to inquire what was the natural defence of the country, and what were the measures proper to be taken for that purpose. He believed the object of the present bill had no relation to it. The best way would be to discharge our debt, in the next place to fortify, and provide sufficient arms and ammunition; the militia should also be well organized and disciplined; and they should attend to economy in the expenditure of public money.

The question for striking out the section was put and carried, there being 56 votes in favor of it.

The committee rose, and the House were about to take the question by yeas and nays, when

Mr. GILLESPIE wished to say why he should vote in favor of destroying this bill; it was because he believed there were men enough if properly distributed; and because they had only been allowed six men at Wilmington, though they were entitled to forty.

The question was then taken that the House do agree with the Committee of the Whole in their disagreement to the bill, and decided in the affirmative—yeas 57, nays 39, as follows:

YEAS—Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Nathan Bryan, Demsey Burges, Samuel J. Cabell, John Chapman, Thomas Claiborne, Matthew Clay, John Clopton, Joshua Coit, Thomas T. Davis, John Dawson, George Dent, Lucas Elmendorph, William Findley, John Fowler, Nathaniel Freeman, jr., Albert Gallatin, William B. Giles, James Gillespie, Andrew Gregg, William B. Grove, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, David Holmes, Walter Jones, John Wilkes Kitera, Matthew Locke, Samuel Lyman, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Daniel Morgan, Anthony New, John Nicholas, Josiah Parker, Elisha R. Potter, Tompson J. Skinner, Samuel Smith, William Smith, of Pinckney District, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, John Swanwick, Richard Thomas, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, John Williams, and Robert Williams.

NAYS—John Allen, George Baer, jr., James A. Bayard, Theophilus Bradbury, David Brooks, Christopher G. Champlin, James Cochran, William Craik, Samuel W. Dana, James Davenport, John Dennis, Thomas Evans, Abiel Foster, Dwight Foster, Henry Glen, Chauncey Goodrich, Roger Griswold, Robert Goodloe Harper, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, James H. Imlay, James Machir, William Matthews, Harrison G. Otis, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, William Smith, of Charleston, George Thatcher, Mark Thomson, John E. Van Alen, and Peleg Wadsworth.

## EXPATRIATION.

The House went into Committee on the bill to prevent the citizens of of the United States from entering into the service of any foreign Prince or State.

Mr. HAVENS thought time ought to be given for citizens in foreign countries to become acquainted with the act, before it took place.

Mr. NICHOLAS hoped the committee would rise, and that they should get rid of the present business. There were some delicate propositions in the bill which would require much discussion. He was doubtful whether the principle of the bill was right; if it were, he saw no necessity for passing it at present, as he did not think it probable that this act could take place before an end was put to the European war.

Messrs. RUTLEDGE, W. SMITH, DAYTON, BROOKS, OTIS, and KITTERA, spoke in favor of going into this measure, in order to prevent our citizens from entering on board foreign ships of war, and by that means preserve a strict neutrality; that when persons desire to expatriate themselves, and become citizens of another country, a line should be marked out by which they may do so; and in order to prevent the bill already passed to prevent our citizens from entering on board privateers, from becoming a *dead letter*, which it was said it would do, if this bill were not passed.

Mr. S. SMITH was opposed to the bill. He wished our youth to have full liberty to go on board the ships of war of any foreign country, in order to gain experience in the art of war, that, if ever we should have occasion for them, they might be called home to defend their own country. He said there were at this time on board the British fleet, not less than one hundred of our youth, learning the art of war, who, perhaps, might be wanted on some future day to fight the very nation under whom they are training.

The committee rose without taking a question, and had leave to sit again.

And the House adjourned.

WEDNESDAY, June 21.

## EXPATRIATION.

The SPEAKER having informed the House that the unfinished business of yesterday, viz: the bill prohibiting citizens of the United States from entering into the military or naval service of any foreign Prince or State, had the priority,

Mr. GALLATIN moved to have it postponed, in order to take up the bill respecting an additional naval armament. This motion was supported by Mr. GILES, and opposed by Mr. W. SMITH, and negatived, 35 to 34.

The bill respecting foreign service was then taken up, and, on motion of Mr. HAVENS, it was agreed to leave the time for its taking place a blank.

Mr. COIT moved to strike out the sixth section, which was in the following words:

"And whereas, for the due execution of this and other laws tending to the security of the public welfare, it is expedient to define and ascertain the mode in which a citizen may dissolve the ties of citizenship, and become an alien:

"*Be it further enacted*, That the citizens of the United States, whether native or adopted, shall be deemed citizens thereof, until they relinquish that character in manner hereinafter provided, that is to say; whensoever any citizen of the United States shall, by deed in writing, under his hand and seal, executed in the presence of, and subscribed by two or more witnesses, and by at least two of the subscribing witnesses proved before the supreme, superior, district, or circuit court, of some one of the States, or of the Territories northwest of the river Ohio, or before a circuit or district court of the United States, within the jurisdiction of which court he shall then be resident, or by open verbal declaration, made and recorded in either of the courts aforesaid, declare that he absolutely and entirely renounces all allegiance and fidelity to the United States, and to every of them, and shall forthwith depart out of the territorial limits thereof; every such person, from the time of his departure, if his renunciation, verbal or written as aforesaid, shall have been duly recorded before his departure, shall be considered expatriated, and forever thereafter be deemed an alien, in like manner and to all intents as if he had never been a citizen: *Provided always*, That he shall not enter into the military or naval service of a foreign nation, or become the owner or part owner of any foreign privateer or letter of marque, within one year of his departure from the said United States; and if any such person shall enter the military or naval service of a foreign nation, or become the owner or part owner of any privateer or letter of marque, within the space of one year from the time of his departure from the United States, he shall be liable to all the pains and penalties to which he would have been subject for the like conduct if he had continued a citizen."

Mr. SEWALL hoped it would be struck out. In every country in the world where civil society was established, the citizens of that society owed a certain duty to their Government, which they could not readily get rid of; but they were about to establish a principle to put it in the power of the citizens of the United States, at their will, and without any pretence, to say they would be no longer subject to the Government; and this is at a moment of danger, when citizens of other countries might be called home from this country. He thought this would be extremely wrong; it would be giving an opportunity for insult to our courts and country, and he was sure no nation would show us so much complaisance in return.

Mr. CLAIBORNE thought it no more binding for citizens born in the United States to continue citizens of the United States, than it was for a Roman Catholic or Protestant to continue of that opinion, when he arrived at years of maturity, and could judge for himself. He insisted upon it, men had a natural right to choose under what Government they would live; and they had no reason to fear our citizens leaving us whilst our Government was well executed. He did not wish citizens of the United States to be in the situation of subjects of Great Britain, who, though they had left the country forty years ago, were liable to be considered as subjects of that Government. He trusted the rights of man would not be thus infringed, but that they should allow the right of expatriation unclogged.

Mr. SEWALL said, there was a great difference between the two cases which the gentleman had stated. A man born and educated in a country certainly owed it obligations, which were not to be shaken off the moment he chose to do so. The different societies of the world, he said, were like so many families independent of each other; and what family, he asked, would suffer any of its members to leave it and go into another when they pleased? He thought it unreasonable that it should be so.

Mr. W. SMITH said, that the doctrine of perpetual allegiance was derived from Great Britain, and, though it might be good in theory, was not so in practice. They had departed from many doctrines derived from that country, and the time was come, he believed, for departing from this. The idea of a man being compelled to live in this country, contrary to his will, seemed to be repugnant to our ideas of liberty. He thought when a man was so disgusted with a country as to resolve to leave it, for the purpose of becoming a citizen of another country, he should be at liberty to do so on his complying with certain formalities, and should never again be re-admitted. It was upon this principle that this section is founded, and he thought it valuable.

Mr. S. thought this section essential, as it would be a means of preventing quarrels with foreign countries. For instance, if a citizen of this country took command of a French ship of war, and were to commit hostilities on the property of citizens of the United States, if he were taken he might allege that he was a citizen of the French Republic, and that Government might claim him as such; but if this bill passed, no man could cover himself under this pretence who had not complied with the requisitions in this act. He mentioned the case of Mr. Talbot.

Mr. S. said they held out inducements for persons to come to this country. We did not allow they owed allegiance to any other country after they had become citizens of this. To grant this would be a fatal doctrine to this country. It would

be to declare that, in case we were at war with another country, that country might recall persons from this, who formerly came from thence. Many persons of that description were amongst us. At present they enjoy all the benefit of our laws and vote at our elections; and yet, if this doctrine were admitted, these persons might be recalled as aliens; and if they were not recalled, they would be considered as qualified aliens, and not as real citizens.

This law, Mr. S. said, was necessary, as at present there was not sufficient energy in the Government to punish persons serving on board foreign ships of war. This bill would cure the evil, and give an opportunity for turbulent, discontented characters to leave the country forever. He believed it was the general opinion of the citizens of this country that they had the right to expatriate themselves, and he thought it was now a proper time to pass some regulations on this subject.

Mr. SITGREAVES thought this one of the most delicate and important subjects that ever came before Congress. He saw a number of difficulties but he thought they were not of a nature to discourage them from considering the bill. He trusted they should meet them with firmness.

The evil, he said, which gave rise to this bill was a great and growing one. In the first war which had taken place in Europe since our independence, they found this doctrine of expatriation, as claimed by our citizens, endangering our peace with a foreign nation, and if this principle were admitted he feared we should always be liable to similar embarrassments.

Mr. S. took notice of the different objections made to this section. He observed there seemed to be much doubt on the subject, which he thought ought to be removed by passing a law of this sort. He wished he could agree in the opinion that no citizen had a right to expatriate himself from this country. He thought it a doctrine essential to the peace of society. He wished it was generally recognised; but he believed the major opinion in this country was different; and, though not directly, it had in a great degree been recognised by the Executive and Judiciary in the cases of Hinfield and Talbot. He feared, therefore, it was too late for them to say the right did not exist. It was time, however, for Congress to declare an opinion on the subject. If the proposition in the bill was not a proper one, it should be made so.

In the State of Virginia this doctrine was legalized, and in the constitution of Pennsylvania it was strongly indicated, as it said "emigration should not be prohibited." It was a favorite idea of a republican Government not to forbid it. He did not agree with the principles of the clause in all its parts. He thought citizens ought not to be allowed to expatriate in time of war, as their assistance would be wanted at home. It was his intention to have moved an amendment allowing expatriation only in time of peace, and an express provision against it in time of war. He thought the doctrine of the gentleman from Maryland, viz: that our citizens ought to go into other countries to learn the art of war, was chimerical. When they had obtained rank and wealth in a foreign country, it would be in vain to call them back; they would not return. He hoped, therefore, the section would not be struck out, but that they should proceed to amend it.

Mr. N. SMITH was sorry that the committee who reported this bill had thought it necessary to report the sixth and seventh sections. The doctrine of expatriation on one hand, and perpetual allegiance on the other, were subjects they had all heard much about; but expatriation, under limitation and restraint, was a new business. From its novelty it became doubtful. This being the case, he wished the subject had been deferred to an ordinary session; particularly as it appeared to be no more connected with other parts of the bill than with many other laws now extant. If we were to have a law on this subject, he should wish to have it in a separate bill. For his part, he could not see how the committee could suppose it to be a part of their duty to report these sections. If he had thought it had, he should not have voted for appointing a committee on the occasion.

Gentlemen advocating these clauses, say they would not allow of expatriation in time of war. He would go further and say he would not allow of it when there was a prospect of war, for it is idle to prohibit it in one case and not in the other. He then asked if this was not the very state in which we now were? If it were, why pass such a bill at this time, when it could not go into operation? He thought this a good reason for rejecting these clauses.

There was a mutual obligation, Mr. S. said, between a Government and all its citizens. The Government owed protection to its citizens, and citizens owed obedience to their Government. These duties were mutual and co-extensive; and they might as well say that Government could abandon its citizens when it pleased as that citizens could desert their Government when they pleased. Yet he would allow that Government might, on certain occasions, legalize expatriation, but not on the ground of a citizen's having a right to expatriate when he pleased. He should have no objection to take up the subject at a time when they could do justice to it, but he thought the present was not that time.

The question for striking out the 6th section was put and carried 45 to 41.

The 7th section, which was as follows, fell, of course:

"That all persons who shall exercise the right of expatriation, according to the laws of the United States, shall be and are hereby prohibited from becoming citizens of the United States forever thereafter."

Mr. HARPER proposed an amendment, which was intended to introduce a new principle. As the bill now stood, no person could go into foreign service without incurring the penalties therein provided; but he believed there might be cases where it would be for the benefit of this country to allow persons to go into foreign service. He therefore wished to strike out the words "the limits of the

same," to introduce those of "without having first obtained leave from the President of the United States."

Mr. CLAIBORNE thought the powers of the President large enough, and did not wish to increase them, nor to lay additional duty upon him.

Mr. VENABLE did not think it necessary to entrust the President with such a power. He did not believe it was the practice of any country to grant a power of this kind, except in cases of officers, who, when they wished to go abroad, asked leave, because always liable to be called upon.

Mr. DAYTON (the Speaker) moved to strike out the words moved to be stricken out by the gentleman from South Carolina, with the addition of the word "without." As the bill stood, he said, there was a provision against citizens who accepted and exercised a commission within or without the limits of the United States; but none against those who accepted it within, and exercised it without, the limits; or who accepted it without, and exercised it within, the limits. He was against lodging the power proposed in the President, for the reasons assigned by the gentleman from Virginia. Nor did he think it would be attended with advantage for our citizens to go abroad to learn what could not be learnt at home. He believed, in doing so, they would learn more vice than virtue, and bring home a greater portion of evil than good.

Mr. SWANWICK was surprised that, after all that had been objected against our citizens entering into the service of foreign countries, gentlemen should bring forward a proposition to authorize the President to grant them leave to go into it when he shall think proper. This would be placing the President in a very delicate situation; because, if he allowed citizens to go to fight in one country, he must allow them to go into another, or there would be a breach of neutrality; and it would be an unpleasant thing to refuse applications of this kind. No advantage could be derived from this plan, equal to the disadvantages of thus placing the power. Indeed, he thought the proposition an argument against the bill itself.

After a few observations from Mr. HARPER and Mr. SEWALL, the question on the amendment of Mr. DAYTON was negatived, 44 to 39.

Mr. DAYTON hoped some remedy would be applied to the evil he had mentioned, and that they should not report so imperfect a bill.

Mr. SEWALL suggested a way in which it might be remedied in the House.

The committee accordingly rose, and the House took up the amendments. Having come to that part for striking out the 6th and 7th sections,

Mr. DENT called for the yeas and nays, which were agreed to be taken.

Mr. VENABLE said, it seemed to be admitted that a right of expatriation existed in our citizens; and if so, he thought there should be some mode of exercising that right. He had no particular objection to the mode marked out in these clauses. It had been said this was not the proper time; but he thought it was, since it was in some degree connected with the present bill. The gentleman from Connecticut had stated allegiance and protection to be mutual. He did not think they were so, to the extent which he stated. This Government was not bound to protect citizens who went into foreign service, as in doing so they chose the protection of another Government.

Mr. HARPER asked for an instance in which the Executive and Judiciary had countenanced the doctrine of expatriation.

Mr. NICHOLAS thought it would have been better to have avoided taking up this subject at present; but having taken it up, if the bill passed at all, he believed it had better pass with some such regulations as the present. As to the doctrine of perpetual allegiance, he did not think it could find many advocates in this country. It would, indeed, be dishonorable for us to hold out such a doctrine, after inviting people to come here in crowds from foreign countries. This doctrine, he said, would affect a third or fourth of the whole people of this country. He thought, therefore, the right of expatriation ought, at least, to be confined here, as an example to other countries.

Mr. W. SMITH, in answer to his colleague, produced the case of Talbot, and the opinion given by the Secretary of State and the Judiciary Court, on that occasion, in favor of the right of expatriation.

Mr. GILES thought there could not be a doubt in the minds of Americans on the subject of expatriation. Indeed, he said, this was the foundation of our Revolution; for they were not now to be told they owed allegiance to a foreign country. It had not only been the ground of the Revolution, but all their acts had been predicated upon this principle. He referred to the act respecting the rights of naturalization, which makes every new citizen swear to support the Constitution of the United States, and to renounce all other allegiance.

Mr. GALLATIN was opposed to these sections. With respect to expatriation, having himself exercised the right, he could not be supposed to be opposed to that right. Perpetual allegiance was too absurd a doctrine to find many advocates in this country. The question was not whether citizens had a right to expatriate, but whether they should in this law prescribe a mode of doing it. The right seemed to have been recognised by the Executive and Judiciary. He was against going into this business, because he thought it unnecessary. He believed the determination of who were citizens, and who were not, might be safely left with the Judiciary. He had also his doubts whether the United States had a right to regulate this matter, or whether it should not be left to the States, as the Constitution spoke of the citizens of the States. It was a doubtful matter, and ought to undergo a full discussion. The emigrants from this country to foreign countries were trifling; but from ten to twelve thousand of our citizens had gone to Canada, and upwards of five thousand beyond the Mississippi, four thousand of whom would be got back by the running of the lines. A number of these men hold lands in the United States; some have sold their lands and become citizens under another Government. This sub-

ject would, therefore, require considerable deliberation at a future day. He wished the amendment of the Committee of the Whole to be adopted.

Mr. SITGREAVES confirmed his former statement, with respect to the question of the right of expatriation having been settled by the Judiciary. In order to do this, he read a note from one of the counsel in the cases of Henfield and Talbot, giving an account of the opinions of the court on the occasion.

Mr. SEWALL insisted upon the policy of preventing the renunciation of allegiance, without control. The Treaty of Peace with Great Britain, he said, had dissolved our allegiance to that country, and acknowledged our independence.

Mr. GILES believed the evil apprehended from individuals having the right to expatriate themselves when they pleased, was more imaginary than real. Only two citizens had taken advantage of that right in the State of Virginia, where it was allowed in all its extent, in twelve years. But if there were any citizens so detached from the Government as to wish to leave the country, he should wish them gone. To suppose this, would be to suppose a real division between the people and Government, which he did not believe had existence. It was said Great Britain did not allow the doctrine of expatriation; but, he said, she had not any naturalization law. He was in favor of excluding citizens who once expatriated themselves from ever returning to this country.

Mr. THATCHER did not think the principle was so important as it had been considered. The great emigrations which we every day saw in this country might quiet their apprehensions of many going from it. He did not think one man a year would take advantage of the expatriation clause for fifty years to come, which could be no great object, especially when it was considered that these would probably be the least valuable of our citizens.

Mr. GORDON was in favor of the amendment of the Committee of the Whole, though he could not say he had wholly made up his mind on the subject. He thought these sections important, and perfectly distinct from the bill; he therefore wished the consideration of this matter to be postponed to a period when they should have more leisure for the discussion.

Mr. OTIS said, that when this bill was first reported, these clauses struck him unfavorably; but a little reflection had convinced him of the propriety of retaining them. The passing of this provision, he said, would not affect the Constitutional right with respect to expatriation, whatever it might be. This bill did not relate to persons emigrating into the Spanish or English territories, but to persons expatriating themselves, and engaging in the service of foreign countries.

The question on agreeing to the reports of the Committee of the Whole to reject the sixth and seventh sections of the bill was taken, and stood—yeas 34, nays 57, as follows:

YEAS—George Baer, Jr., David Bard, James A. Bayard, Theophilus Bradbury, Nathan Bryan, Samuel J. Cabell, James Cochran, Joshua Coit, William Craik, Thomas T. Davis, Dwight Foster, Jonathan Freeman, Albert Gallatin, Chauncey Goodrich, William Gordon, Andrew Gregg, Roger Griswold, John A. Hanna, Robert Goodloe Harper, Thomas Hartley, Matthew Locke, Matthew Lyon, Joseph McDowell, James Schureman, Samuel Sewall, Tompson J. Skinner, Nathaniel Smith, Richard Stanford, John Swanwick, Richard Thomas, Mark Thomson, Philip Van Cortlandt, Joseph B. Varnum, and Robert Williams.

NAYS—Abraham Baldwin, Thomas Blount, Richard Brent, David Brooks, Demsey Burges, John Chapman, Christopher G. Champlin, Thomas Claiborne, Matthew Clay, John Clopton, Samuel W. Dana, John Dawson, John Dennis, George Dent, Lucas Elmendorph, Thomas Evans, William Findley, Abiel Foster, William B. Giles, James Gillespie, Henry Glen, Carter B. Harrison, Jonathan N. Havens, David Holmes, Hezekiah L. Hosmer, James H. Imlay, Walter Jones, Samuel Lyman, James Machir, Nathaniel Macon, William Matthews, Blair McClenachan, John Milledge, Daniel Morgan, Anthony New, John Nicholas, Harrison G. Otis, Josiah Parker, Elisha R. Potter, John Reed, John Rutledge, jr., William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, Samuel Smith, William Smith, of Charleston, William Smith, of Pinckney district, Richard Sprigg, jr., Thomas Sumter, George Thatcher, Abram Trigg, John Trigg, John E. Van Alen, Abraham Venable, Peleg Wadsworth, and John Williams.

All the amendments having been gone through, Mr. S. SMITH moved to postpone the further consideration of the bill till the first Monday in November.

This motion was supported by Messrs. VARNUM, N. SMITH, BALDWIN, GOODRICH, and COIT, as involving a question of too delicate and important a nature to be passed over in this hasty manner, and because there was no pressing necessity to go into the measure at present.

It was opposed by Messrs. OTIS, WILLIAMS, W. SMITH, and CRAIK, on the ground of the provision of the bill being necessary, and that to postpone the business, after so ample a discussion, would be undoing what they had been doing for two or three days.

The question for postponement was taken, and decided in the affirmative—yeas 52, nays 44, as follows:

YEAS—George Baer, Jr., Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Demsey Burges, Samuel J. Cabell, Thomas Claiborne, Matthew Clay, John Clopton, Joshua Coit, John Dawson, Lucas Elmendorph, William Findley, Dwight Foster, John Fowler, Nathaniel Freeman, jr., Albert Gallatin, William B. Giles, James Gillespie, Chauncey Goodrich, William Gordon, Andrew Gregg, Roger Griswold, John A Hanna, Carter B. Harrison, Jonathan N. Havens, Walter Jones, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, John Nicholas, Josiah Parker, Samuel Sewall, Tompson J. Skinner, Nathaniel Smith, Samuel Smith, William Smith, of Pinckney district, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, John Swanwick, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

NAYS—James A. Bayard, Theophilus Bradbury, David Brooks, Nathan Bryan, John Chapman, Christopher

G. Champlin, James Cochran, William Craik, Samuel W. Dana, Thomas T. Davis, John Dennis, George Dent, Thomas Evans, Abiel Foster, Jonathan Freeman, Henry Glen, William B. Grove, Robert Goodloe Harper, Thomas Hartley, William Hindman, David Holmes, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, James Machir, William Matthews, Daniel Morgan, Harrison G. Otis, Elisha R. Potter, John Reed, John Rutledge, jr., James Schureman, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, William Smith, of Charleston, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, Peleg Wadsworth, and John Williams.

. The bill being thus lost, Mr. W. SMITH proposed a resolution to the House for appointing a committee to report a new bill without the two last clauses, which, it was evident, had been the cause of the negative given to the bill. As he supposed no opposition would be made to the bill so reported, it might be got through without loss of time.

After some conversation on a point of order, whether or not this resolution could be admitted, the SPEAKER declared it in order, but Mr. COIT wishing it to lie on the table till to-morrow, it lay accordingly.

---

THURSDAY, June 22.

## EXPATRIATION.

Mr. W. SMITH called up the resolution which he yesterday laid upon the table, for appointing a committee to bring in a bill for prohibiting citizens of the United States entering on board foreign ships of war, without the expatriating clauses.

This resolution was opposed by Messrs. BALDWIN, GILES, and VENABLE, and supported by the mover and Mr. HARPER. It was negatived—49 to 46.

## DEPREDATIONS ON COMMERCE.

A Message was received from the PRESIDENT OF THE UNITED STATES, of which the following is a copy, with the titles of the documents accompanying it:

*Gentlemen of the House of Representatives:*

Immediately after I had received your resolution of the 10th of June, requesting a report respecting the depredations committed on the commerce of the United States, since the first of October, 1796, specifying the names of the vessels taken, where bound to or from, species of lading, the value, when it can be ascertained, of the vessel and cargo taken, and by what Power captured, particularizing those which have been actually condemned, together with the proper documents to ascertain the same, I directed a collection to be made of all such information as should be found in the possession of the Government. In consequence of which, the Secretary of State has made the report and the collection of documents, which accompany this Message, and are now laid before the House of Representatives, in compliance with their desire.

JOHN ADAMS.

UNITED STATES, *June* 22, 1797.

Report of the Secretary of State to the President of the United States, respecting the depredations committed on the commerce of the United States.—(See *Appendix.*)

1. Abstract of two cases of capture made by the British cruisers of vessels belonging to citizens of the United States since the first of October, 1796, and wherein documents have been received at the Department of State; also a copy of a memorandum filed by S. SMITH, Esq., relating to captures made by the British of vessels in the property of which he was concerned. No documents accompany the two cases of capture above mentioned, they having been sent to London, in order that compensation might be obtained for the damages suffered.

2. A correct copy of the decree of the Executive Directory of March 2, 1797.

3. Copies of documents remaining in the Department of State, relative to American vessels captured or condemned by the French, since the first of October, 1796.

4. Extracts from communications from the Consuls of the United States, relative to depredations committed on the commerce of the United States by the French.

5. Schedule of the names of American vessels captured by the French, and of the circumstances attending them, extracted from the Philadelphia Gazette, and Gazette of the United States, and commencing with July, 1796.

6. Extract of a letter from Rufus King, Esq., Minister, &c., enclosing the protest of William Martin, master of the Cincinnatus, of Baltimore, relative to the torture inflicted on the said Martin by a French cruiser.

Mr. GILES moved that the above papers should be referred to a select committee, to print such as would be useful to the House.

This question was negatived—50 to 46, and a motion carried for printing the whole.

## DAY OF ADJOURNMENT.

Mr. GILES called up the motion which had some days ago been laid on the table respecting an adjournment.

Mr. GALLATIN wished to modify hismotion, by making the proposed day of adjournment the 27th instead of the 24th instant.

Mr. SITGREAVES moved for the yeas and nays on the question.

Mr. MACON moved to make the day the 28th, which was consented to by the mover.

Mr. DENT proposed to make it the 30th.

The question was taken on adjourning on the 30th, and negatived—there being only 28 votes in favor of it.

The question on the resolution for the 28th was carried—yeas 51, nays 47, as follows:

YEAS—Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Nathan Bryan, Demsey Burges, Samuel J. Cabell, Thomas Claiborne, Matthew Clay, John Clopton, Joshua Coit, Thomas T. Davis, John Dawson, George Ege, Lucas Elmendorph, William Findley, John Fowler, Nathaniel Freeman, jr., Albert Gallatin, William B. Giles, James Gillespie, Andrew Gregg, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, David Holmes, Walter Jones, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Daniel Morgan, Anthony New, John Nicholas, Josiah Parker, Elisha R. Potter, John Reed, Tompson J. Skin-

ner, Samuel Smith, William Smith, of Pinckney District, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

NAYS—John Allen, George Baer, jr., James A. Bayard, Theophilus Bradbury, David Brooks, John Chapman, Christopher G. Champlin, James Cochran, William Craik, Samuel W. Dana, James Davenport, John Dennis, George Dent, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, William B. Grove, Robert Goodloe Harper, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John W. Kittera, Samuel Lyman, James Machir, William Matthews, Harrison G. Otis, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, William Smith, of Charleston, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, Peleg Wadsworth, and John Williams.

## PROTECTION OF TRADE.

The House then went into Committee of the Whole on the bill from the Senate, providing for the protection of the trade of the United States.

The bill having been read, some observations took place respecting the fixing of the price of seamen's wages, instead of leaving it to the discretion of the President, but no question was taken, as it was suggested the other parts of the bill had better first be gone through.

Mr. PARKER moved to strike out the following section of the bill, viz:

"That the President of the United States be, and he is hereby authorized and empowered, should he deem it expedient, to cause to be procured, by purchase or otherwise, and to be fitted out, manned, and employed, a number of vessels, not exceeding nine, to carry not exceeding twenty guns each."

Mr. P. thought, if the revenue cutters were armed, as had before been suggested, there would be no necessity for the vessels here proposed, which he did not think so well calculated for service as the cutters. They would carry 10 or 12 guns, and from 40 to 50 men, and would be able to cope with any small privateer on our coast or in the West Indies. He proposed to introduce a new clause for this purpose.

Mr. S. SMITH thought the object of the gentleman last up might be attained by amending this clause. He was wholly in favor of the cutters, as they would not only serve as a defence for our coast, but as tenders to the frigates. Nine vessels, of 20 guns, he said, would require 674 seamen to man them, and the frigates would require 432 able and 300 ordinary seamen, which he did not believe would be very readily raised. Besides, vessels which would be purchased for this purpose would not be calculated for the service, not being sufficiently swift sailers, whilst these cutters would outsail most privateers, and half the seamen would be sufficient. They might be ready in a fortnight, whilst the others could not be fit for sea for three months.

Mr. PARKER had thought of amending the bill in the way proposed, but he found some objections to that mode. It would be necessary that the cutters should be employed in the protection of our revenue, as well as to guard our coast; and on that account, he believed it would be better not to include them under the Naval Establishment, as they would not, in that case, be so much at the command of the Secretary of the Treasury.

The question was carried without a division; the clause following, which respected the officers and crew to be employed, fell of course.

Mr. GILES moved to strike out the following clause, for the purpose of inserting a similar one to that agreed to in the bill for the galleys, viz: to confine their use within the jurisdiction of the United States:

"That the President of the United States may employ the said frigates and the said vessels to protect the ships and cargoes belonging solely to citizens of the United States, and also the harbors and seacoast of the United States, in such manner and under such regulations as shall in no wise contravene either the law of nations or any existing treaties between the United States and foreign nations."

Mr. W. SMITH hoped this amendment would not be agreed to. He believed it was never intended to confine the frigates within so narrow a sphere. He believed the latter part of the clause proposed to be struck out would prevent any mischief. The commanders of these vessels, he said, would be men of ability and character, well instructed as to their duty with respect to the law of nations. If the frigates were to be thus confined in their operations, they would be of no real use.

Mr. GILES wished to know to what other purpose, besides the protection of our coast, the gentleman wished to employ these vessels? It seemed to be thought the frigates could be of no use, except as convoys; but he denied that they were equal to that object, if it were agreed that they should be so employed. It was said the cutters to be employed were to act as tenders to the frigates; yet they were to be kept at home. It would, therefore, be curious to send the frigates abroad and keep the tenders at home. To employ the frigates in any other way than for the protection of our coast, would, in his opinion, hazard the peace of the country, without producing any good; for, if he were a merchant, (and he believed the merchants were generally of that opinion,) he would sooner send his vessel unprotected than with the proposed convoy.

Mr. SITGREAVES argued against the absurdity of confining the operations of our maritime force to the narrow limits proposed by the amendments. It was the object of the bill to defend our commerce from the unjust attacks of the belligerent Powers, and it surely would not be pretended that these attacks were confined to our coasts. To render the protection efficient, it should be coextensive with the danger; and should the frigates not be permitted to operate beyond the imaginary line which limits our maritime jurisdiction on the seacoast, it would frequently happen that they would be obliged to submit to the capture of their

convoys within the reach of their guns. It would be infinitely preferable to dismantle our ships of war and save the expense of their equipment, than to hold out to our trade an illusive protection, which would only lead them into danger. The picaroons, which infest the American seas, would sufficiently understand the restriction which is proposed, and would be rather incited by it than dismayed. He was, therefore, decidedly against the amendments; but neither did he like the clause as it stood in the bill. He did not comprehend the propriety of limiting the protection of the frigates to the case of "vessels and cargoes owned solely by American citizens." In some instances it ought not to be extended so far; in others, it ought to go further. Vessels and cargoes owned entirely by our citizens might be employed in a contraband trade, and ought not to be protected. Although this construction, perhaps, was corrected by the latter part of the clause, yet there was an opposite evil, which would necessarily arise from it in its present form. Ships owned by American citizens were entitled to the protection of the Government against French cruisers while engaged in a lawful trade, let their cargoes belong to whom they might. It is one stipulation of our Commercial Treaty with France, that free ships make free goods, and whatever might be the opinion of this House as to the expediency of relinquishing this stipulation by a new compact, yet until this could be effected in a course of negotiation, we cannot abandon the advantages it gives to our citizens. The rights growing out of treaty, are as much objects of protection as those arising from the law of nations, and he could never consent to such abandonment of them until the relations of the two countries in this respect should be legitimately changed. If the present amendments, therefore, should not prevail, it was his intention to move to substitute for the words, "ships and cargoes belonging solely to citizens of the United States," the expression, "the lawful commerce of the citizens of the United States."

Mr. NICHOLAS concluded the gentleman was not in the House when this subject was formerly under discussion, as he seemed to have stumbled upon all the objections, which were then abandoned. Those gentlemen who advocated convoys completely gave them up. [Mr. W. SMITH denied that he ever gave them up.] Mr. N. believed he never did, on any other account than because every body about him gave them up, and a clause directly the reverse of his was agreed to. Mr. N. then went over the arguments which were gone into on a former occasion. He showed that this force was inadequate to the protection of our commerce, and that the natural consequence of resisting a search, or being taken into a foreign port, for trial on the ground of a cargo being *bona fide* neutral, would produce war. And should we, he asked, while a negotiation was pending, run the risk of again involving ourselves in difficulties? He trusted we should not. He denied that the effect of the amendment would be to confine the frigates within the jurisdiction of the United States, as the commerce within the jurisdiction might be defended by their going without it. He trusted the amendment would be agreed to.

Mr. DAYTON (the Speaker) wished to strike out the section, and insert nothing. He was not prepared to say the frigates should or should not be employed as convoys; nor was he ready to say they should be confined within the jurisdiction of the United States. He was willing to leave this matter to the President of the United States, as commander-in-chief. He was sure that confidence would not be abused; and he believed he would have better opportunities than they had, of determining the best manner of employing them.

Mr. PARKER seconded the motion. He thought it would be highly improper in them to dictate to the President how he should use these vessels. He wished that to rest on the broad basis of the President's responsibility.

Mr. W. SMITH had no objection to the subject taking this course. As commander-in-chief, there was no doubt the President would employ this naval force in a manner, which, in his opinion, would be most conducive to the public good. If the negotiation failed, and there should be a necessity for employing it in a manner differently from what they at present contemplated, he would of course do so. Mr. S. took notice of what had fallen from Mr. NICHOLAS; he denied that what had been determined relative to the galleys, had any connexion with the frigates. He said, in our treaties with Holland and Sweden, convoys for our trade in time of peace were positively stipulated for, and the word of the commander of our convoy was always to be taken as to the description of our cargoes; therefore, the arguments of the gentleman fell to the ground when he said our vessels could not go out to sea without endangering our peace. It was true there was no such article in our treaty with France, but it was stipulated in what manner search should be made. The Swedish Treaty, he said, was made by Dr. Franklin, at Versailles, under the eye of the French Government. It was to be supposed, therefore, it met with their full approbation, especially as it had never been complained against.

Mr. NICHOLAS said, that there being stipulations of the kind mentioned by the gentleman last up, proved that no such right existed without a treaty; and as to the manner in which a search should be made being laid down, it was no security against the evil he dreaded. He denied the right of the President to apply the naval force of the United States to any object he pleased. When a force was raised for a particular object, he agreed that it was his business to direct the manner in which this force should be used; but to say he had the right to apply it at his discretion, was to make him master of the United States; if that were the case, he said, the powers of that House were gone. When they raised men for the protection of the frontier, would the President, he asked, send them to any other place? He insisted upon it that they had a right to say the vessels should be kept in the river Delaware, if they pleased; the President might afterwards direct their conduct. If a contrary doctrine were to prevail, if they did not give

up the right of declaring war, they gave up the power, which would inevitably lead to war.

Mr. BROOKS did not apprehend any danger from leaving it in the power of the President to make use of the frigates as he pleased.

Mr. GALLATIN said, that after having determined that the three frigates should be got ready for sea, it became necessary to say upon what business they should be employed. There might be different opinions on the subject, but it was necessary to define the object. If not, they had reason to apprehend, from his Speech, that the President would employ them as convoys. The difficulties attending such an employ had been shown when the subject of galleys was under consideration; they were so many that the peace of the country would be greatly endangered by such an employment of the frigates. The danger was greatly increased by the disputed article of our treaty with France, which the President would be under the necessity of enforcing.

In ordinary times, he said, the principle of the gentleman from New Jersey was a good one. If we had frigates in service, they were not from day to day to say how they should be employed; but, under our present circumstances, he thought the object ought to be defined, and that they ought to depart from the maxim laid down by that gentleman.

Mr. SEWALL was in favor of striking out the clause. If the President were to be limited at all he should have no objection to limit him with respect to convoys, from the incompetency of three vessels to that end; but these frigates were to be considered as the public force, as the navy of the United States. It was true, it was a small one; but it was such as Congress had thought proper to raise, and put in the power of the President. And why should this power be limited? It seemed as if they supposed, from his natural disposition, or from some other cause, he would abuse it, by employing the vessels contrary to law, and thereby involve the country in war.

The Constitution, Mr. S. said, had defined him to be commander-in-chief of the navy, and having a navy the command of course devolved upon him. If those vessels were but for a particular purpose, they might designate their object, but they were begun in 1794, and the act gave the President authority to "equip and employ these vessels." If at that period, when, in the opinion of many gentlemen, there was a greater prospect of war than at present, no object was pointed out for the vessels, he did not see why any should now be pointed out. With respect to the disputed articles in the French Treaty, they had already expressed an opinion of the President, which, he doubted not, would have its effect.

Mr. WILLIAMS thought that, having given the President a discretionary power, in the first section of the bill, they ought not now to take it from him; because, if he did not see occasion to man the frigates, he would never do it; but if he did see occasion for manning them, they ought not to take from him the power of employing them as he pleased. He was, therefore, in favor of the motion of the gentleman from New Jersey.

Mr. GILES asked whether, to ascertain the object upon which these vessels should be employed was a Legislative or an Executive act? It was certainly legislative. They ought to say to the President—Here is the force, and there is the object. It was said, they had already given an opinion to the President, with respect to the disputed articles in the French Treaty; he now wished a law to be passed in conformity to that opinion.

He said, they were often charged with a want of confidence in the present President. He was free to own he had not much confidence in the President. His Speech, at the opening of the session, had destroyed all his confidence; but, however high their opinion might be of the Executive, they ought not to lodge improper powers in his hands.

Mr. HARPER was in favor of the motion. He wished to provide force, and not to direct the use of it; he believed this was the object for which they were called together. He was willing to leave the use of this force to the President, because he could employ it in a manner only applicable to peace; to employ it otherwise would be a breach of his power. He, therefore, could not repel any violation of our rights by force, except previously authorized by Congress.

The gentleman from Virginia, Mr. HARPER said, need not to have told them them that he had no confidence in the present Executive. He might have said in no Executive; for it was well known he never missed going out of the way to say rude things of the late President; but he did not believe this was the best way of discharging their duty. He believed the public cared little what his opinion of the President was; he thought they ought to do their duty, and leave the President to do his. Mr. H. denied that they had the right to direct the public force. If we were at war with Great Britain, they should have no right to say to the President, attack Canada or the Islands. The use of this force must be left to the President; if he abuses it, upon his own head would lie the responsibility, and not upon them.

Mr. S. SMITH had not made up his mind on the subject. If the power of employing the frigates was wholly left with the President, though he had not the power of declaring war, yet he might so employ them as to lead to war, particularly with respect to the French Treaty articles. On the other hand, it seemed to be a poor employment for these frigates, after all the expense which they had cost, to keep them within the jurisdiction of the United States. They could not cruise there, indeed, without danger of running on the shoals. Understanding, as he did, that by voting for the striking out of this clause, he should not be precluded from voting for the amendment of the gentleman from Virginia; if he should conclude to do so, he should vote for striking out the section in question.

Mr. MACON proposed a clause similar in effect to that proposed by the gentleman from Virginia, to be inserted in place of one struck out, but the Chairman declared it not in order.

Mr. DAYTON said, that those gentlemen who

were not prepared to vote for retaining the eleventh section, must be prepared to say these frigates shall be employed as convoys. It was to avoid this, that he had moved to strike it out. He again expressed his wish that the direction of this force might be left with the President.

Mr. GILES declared his intention of voting for striking out the section, and to risk the insertion of another afterwards.

The question for striking out was carried without a division.

Mr. GILES then moved to insert the section before proposed by Mr. MACON, to confine the use of our frigates to the protection of our coasts, and commerce within the jurisdiction of the United States.

Mr. OTIS did not think that the object of the mover of this amendment would be obtained by it, since he believed vessels would be as much exposed to danger within as without the jurisdiction of the United States. He trusted they should leave this business to the President; for whatever personal objections gentlemen might have to him, (because he was not the man of their choice,) he believed the people at large would be willing he should have this power. Indeed, he thought whatever it might display of candor in gentlemen to say they had no confidence in the first officer of Government, it had very little of discretion in it. It was to destroy one of the objects of the session, which was to show to the world that we are not a divided people.

Mr. O. did not say that Congress had not a right to designate the object of this force; but he believed it would not be convenient; for, said he, suppose either of the Barbary States were to declare war against us, (and they all knew there was no certain reliance upon their observance of treaties,) should not the President have a right to send those vessels into the Mediterranean? Or, suppose we wanted to send an Ambassador to a foreign country, or despatches to our Minister residing there, shall we, said he, limit his power in this respect?

It seemed to be the object of gentlemen, Mr. O. said, to hang a dead weight upon every measure, to prevent any thing effectual from being done, that an idea might go abroad that the President had called them together unnecessarily. If gentlemen could succeed in this, the people might adopt their opinion, and believe that the President was unworthy of their good opinion.

He thought, when all the world was in arms, and we did not know how soon we might be involved in the calamity, it behooved us to be upon our guard, and to give the President such powers as should enable him to take proper measures of defence against any attack that might be made upon us.

Mr. MACON thought every thing which had been introduced about confidence or the want of it, in the President, was extremely irrelevant and improper. For gentlemen to charge others with a want of confidence in the President, because they happened to disagree in opinion, was extraordinary conduct. His reason for proposing the present amendment, was to prevent these vessels being sent to the Mediterranean or the West Indies. He read an extract from the law of 1794, to show that the object of the frigates was there designated to be against the Algerines. His object was now, that they should be employed on the coast, and no where else. If a provision of this kind was not agreed to, they knew, from his Speech, upon what business the President would employ them. He had given his opinion to the House with candor, and he wished the House to be equally explicit.

Mr. GALLATIN observed, it seemed to be the opinion of the gentleman from Massachusetts, that if they defined the object upon which these vessels were to be employed, they should be chargeable with disrespect to the President. We have, or we have not a right, said Mr. G., to define the object. If we have not the right, we ought not to exercise it; but if we had the right, there could be no disrespect shown to the President, by an exercise of that right. It might be improper, but could not be disrespectful. If once such an argument as this were admitted, it would be introduced on every occasion when it would have weight. Indeed, the gentleman saw that such an assertion was likely to have its weight on this question, and therefore introduced it. He wished to know whether the clause from the Senate did not define the object? and if so, whether that body could be charged with wanting respect for the President?

The object of the frigates had never been defined, for a good reason; because they were never ordered to be manned till now. The gentleman from South Carolina had said they were not to be used for any hostile purposes whatever. He wished to know how they were then to be employed? He thought they would be somewhat expensive packet boats, to carry despatches abroad. He knew only of two purposes for which they could be used, that is, to be held in readiness in case of war, and in the mean time to be employed in some purpose or other, which he thought should be defined, and not left in doubt. He therefore hoped the amendment would be agreed to.

Mr. DANA said, admitting that they had a right to define the object of this armament, it was no reason why they should insist upon exercising it. He agreed that they had a right. He had no objection to leaving the business to the President, except that, if the vessels were employed in convoying our commerce, he should have wished to have shared the responsibility with him. He denied that the danger which had been predicted could arise from the disputed articles in the French Treaty, as the President had a right to give such instructions to the commanders on that subject, as he saw proper.

Mr. W. SMITH thought the proposition vague, since it did not say the vessels should not be used in any other way. Gentlemen were begging the question, when they said, that if the business were left with the President, the consequence would be that the vessels would be employed as a convoy, since he did not believe they were equal to that object. It was his wish that the hands of the President should not be tied, and thought it extremely

imprudent at the present time, to discover a want of confidence in the Executive.

Mr. KITTERA had often seen that House attempt to take powers which did not belong to it. He thought this one of those cases. They had power to raise an army and navy, but the use of them lay with the President.

Mr. S. SMITH said, they had been called together because the French had committed depredations on our commerce, and refused to receive our Minister. He took notice of the different acts which they had passed this session, till he came to this, which, in his opinion, if our vessels went out to sea, would lead to war, and therefore he wished to have them limited.

When our Commissioners arrive in France, said Mr. S., the French Directory will ask, "For what are you arming? Your Congress has been called together for the express purpose of taking measures against us:" they would add, "disarm, or we will not treat with you." He trusted they should not put it in the power of any branch of Government to plunge us in war. It had been said by the gentleman from South Carolina, that we were to force our way into the rebel ports in the West Indies; if so, war must be the consequence.

Mr. BROOKS was surprised to hear a gentleman declare that we were brought to such a situation that we could not take up arms, in our own defence, without offending a foreign nation. He was the more affected at the declaration, because it came from an American soldier. "M. Barras, (says the gentleman,) will say to the Commissioners, 'Go home and lay down your arms, and we will then treat with you.'" He hoped the gentleman would retract this humiliating sentiment.

The question was put and negatived, 52 to 44.

The committee then rose and had leave to sit again.

---

FRIDAY, June 23.

## PROTECTION OF TRADE.

The House again went into a Committee of the Whole, on the bill providing for the protection of the trade of the United States; when

Mr. VENABLE renewed his motion to alter the sixth section of the bill, so as to fix the wages to be allowed to the petty officers, midshipmen, seamen, ordinary seamen, and marines, instead of leaving it to the President to fix them, on the ground of its being Legislative and not Executive business.

This motion was opposed, from the circumstance of wages being so fluctuating as to make it impossible to say now what would be a proper rate of wages to be given when the vessels were ready to receive their men; and as the sum was fixed not to exceed $15,000 dollars per month, no mischief could arise from leaving the business with the Executive.

The question was put and negatived—48 to 37.

Mr. PARKER moved to add two new sections to the bill. The first was, "to authorize the President of the United States, if he deem it necessary, to increase the strength of the revenue cutters, so as that the number of men do not exceed —— to each, in order to defend the seacoast, and to repel any hostile vessels, and to protect the commerce of the United States within the jurisdiction thereof, having due regard to their duty in the protection of the revenue."

The second section provided "that the additional compensation allowed to the men employed in the revenue cutters, by an act of May 6, 1796, should be extended to the additional men proposed to be employed."

Mr. NICHOLAS wished, instead of the words, "if he deem it necessary," in the first clause, to introduce those used on a former occasion, when the galleys were under consideration, viz: "if circumstances shall hereafter arise, which, in his opinion, shall render it expedient."

Mr. W. SMITH saw no difference between the two phrases, except that the one proposed was not so well expressed as the original. He wished the gentleman to say in what the difference consisted.

Mr. NICHOLAS said, that by the words as they now stood, they referred to the President what it was their business to determine for themselves. He wished to have an eye to any future occasion which might arise; but if the clause passed as it now appeared, the President might immediately go into the business.

Mr. PARKER consented to adopt the words of Mr. NICHOLAS.

Mr. S. SMITH and Mr. PARKER introduced two or three small amendments, which related to the number of lieutenants, sergeants, corporals, &c., to be employed; which was agreed to.

The bill having been gone through with,

Mr. R. WILLIAMS proposed to amend the first section of the bill, by adding, after empowering the President, should he deem it necessary, to cause the frigates to be manned and employed, "Provided they shall not be employed as convoys."

Mr. GILES hoped this amendment would be agreed to. He wished to define the object for which these vessels should be employed, that there might be no misunderstanding on the subject. Mr. G. insisted that the French nation had a right to inquire of our Commissioners for what we were arming? And if this amendment were agreed to, it would be a sufficient answer.

Mr. W. SMITH said, if this amendment were agreed to, it might go further than it was meant to go. The frigates might not be able to protect the trade of the United States at all. He did not suppose they would be employed in convoying our vessels to the West Indies; but if this provision passed, it would not be possible for them to protect our trade from the Capes of the Delaware to the Capes of Virginia.

Mr. S. differed in opinion from the gentleman last up, that the French nation had a right to take umbrage at our arming. When two nations were at peace, and one of them began to arm, it was customary to inquire what was the object of it; but when two nations had disputes to settle, and one of the nations had committed aggressions against the other, it was common for the injured nation to arm in her defence. And, if the French

nation refused so treat with our Commissioners until they answered inquiries respecting our arming, he believed they were determined upon war.

Mr. S. SMITH said, if he understood the amendment to go to the length which the gentleman from South Carolina represented it to go, he should certainly be opposed to it; but he believed it only went to prevent the frigates from being employed as convoys to foreign ports. Merchants, he said, who carried on a fair course of trade, would not ask for convoys; they would wish to run the risk and go alone—for, if they went under the convoy, the probability would be, that from a number of vessels sailing together, they would glut any market to which they might go, and consequently lower the price of their cargoes. But merchants who wished to go into rebel ports, would wish to be convoyed, and the first convoy that went on such business, he was confident, would produce war.

Mr. S. justified the expression he made use of yesterday, with respect to the French making inquiry into the cause of our armament. Not that they could take any notice of our fortifications, or our military regulations; but when we were about to fit out a naval armament, it was a different thing, and the maritime Powers of the world had a right to inquire the cause of our arming. Our Commissioners, when they were asked, would say they knew not. The French would answer, Inquire; if it be against us, we shall know what to do; if not, let us know. To avoid this inquiry, he wished to designate the object.

Mr. VENABLE said, from what fell from the gentleman from South Carolina, he supposed he would be satisfied with a small amendment. That gentleman supposed that the present amendment would prevent the frigates from convoying our merchant vessels from one part of the Union to another. This might be remedied, by adding "to any foreign port or place."

Mr. R. WILLIAMS consented to make this a part of his amendment.

Mr. BROOKS wished to know whether the frigates were to be prevented from taking any vessels bound to a foreign port under convoy at all, though she might be going out at the same time with vessels bound to different parts of the Union.

Mr. POTTER hoped this amendment would obtain, as he did not believe these vessels would be equal to the convoying of our commerce. He hoped, before the session closed, they should pass an act for arming our merchantmen, which he believed would be the best protection that could be given to our commerce.

The question was put and carried—47 to 45.

Mr. COIT moved an additional section, "to confine the duration of this act for one year, and from thence to the end of the next session of Congress, and no longer."

Mr. SITGREAVES thought that the period for which the seamen and marines were engaged being only for one year, there needed no other limitation.

Mr. COIT was of a different opinion. It was true the men could not be engaged for a longer period than a year; but those engagements might be renewed from time to time. For his part he did not wish to a permanent naval establishment in this country. He would rather see the frigates at the wharves than see them go out to sea. He trusted a majority of the House would one day be of his opinion; and, if such a change of sentiment should take place, he wished to put it in their power to annul the establishment.

The question on this section was put, and there appeared to be 46 votes for it, and 46 against it, when the Chairman, Mr. DENT, according to the power given him by the rules of the House, declared the question was not carried.

The committee rose, and the House proceeded to consider the amendments. The first which came under consideration, was that for preventing the frigates from being used as convoys.

Mr. SITGREAVES hoped this amendment would not prevail. He was at a loss to account for the change of sentiment in the House since yesterday. He thought it was then the opinion that they ought to provide the force; and, when provided, leave it to the disposal of the Executive, and that, if he thought proper to employ the frigates in the protection of our commerce beyond the jurisdiction line, he should be authorized to do so. He yet entertained this opinion.

It was a little extraordinary, he said, that these gentlemen who had, on a former occasion, quoted the articles of the armed neutrality, should forget one of the most important; he meant that which sanctioned the right of convoying their trade in time of peace, to protect their neutrality against the aggressions of belligerent Powers, which doctrine had, by a solemn act of her Government, been acquiesced in by France. This being the case, and seeing that the President of the United States, in his Speech at the opening of the session, had declared his opinion, that vessels ought to be provided as a convoy to our commerce, and knowing no principle in the law of nations to the contrary, he was surprised the right should be called in question. He hoped no act of that House would justify such a sentiment.

Another glaring inconsistency. Gentlemen admitted that the frigates were to be employed for the protection and defence of our commerce; but, he asked, how this could be effected, if they were not to be employed in the way of convoys? He did not mean for a number of ships together, but for single vessels. But it was said that citizens who carried on an honest trade would not ask a convoy. How did this appear? Had no attack been made upon the fair commerce of this country? If there had been none such, he would allow that there was no necessity for a convoy or naval force; but, if there had been aggressions, they must have been upon the fair trade of this country, and persons employed in this trade were entitled to protection.

Why, he asked, were they always told of our commerce being forced into the rebel ports in the West Indies, and that war would be the consequence? Was it to be supposed that the President would wantonly go into this business? He

hoped they should do what the circumstances of the country required, and not profusely lavish money which could answer no good purpose, since the injuries committed within our jurisdiction, compared to those sustained on the high seas, were not worthy of being named. If any protection was given, therefore, it should be extended beyond the jurisdiction line.

But it was said that three frigates were incompetent to the protection of the trade of the United States; but they might be competent to protect a part of it; and if three frigates were not effectual, it was the duty of that House to provide such as would be effectual. But if this force would not be able to meet the naval power of any European country, it would be able to keep off privateers and picaroons, and therefore be of some service.

Mr. McDOWELL said, that if the gentleman last up had been present when the subject had before been under discussion, he would have spared his observations, as the principle of a convoy had been decided against by a large majority. Mr. McD. went over the arguments which had been several times repeated against the employing of convoys, and concluded with hoping the motion would pass.

Mr. SITGREAVES acknowledged he was absent when the subject of the galleys was under discussion; but he had been told that the principle had not been decided; but, suppose it had, his opinion was not to be influenced by a majority of that House, if he were convinced it was well founded.

Mr. GILES said, heretofore gentlemen had given up the idea of employing these vessels as a convoy, from their incompetency to that object; but now, the gentleman last up came forward and said, if they were not used for that purpose, they would be of no service at all. He allowed, with the gentleman, that we had a right thus to employ them, but he denied that it was expedient to do so. The President had committed himself on this head, and he thought they ought to give him an opportunity of retracting his opinion, by fixing the object for which the vessels should be employed.

Mr. SWANWICK said, he felt himself called upon to give his reasons for voting against employing these frigates as a convoy to our trade. He looked upon the force as wholly inadequate. But it was said it might be brought to operate in part. He was, however, afraid that in attempting an object to which they were not equal, they might, in the West India seas, endanger the loss of the vessels themselves; for, when the privateers and cruisers in those seas learnt that we had frigates out, they would become more acrimonious than ever.

Mr. S. said, it could not be supposed that the present war in Europe would be of long duration, nor could it be expected that we should be competent, whilst it lasted, to give complete protection to our commerce; he thought, therefore, it would be much better to trust entirely to insurance than to risk these vessels as a convoy. And if the trade was not worth carrying on, after having paid the insurance, he would give it up. He wished to avoid taking any measure which might lead to war; for, if that were to take place, we should suffer infinitely more than we now suffered from any depredations committed upon our commerce. Our trade in the West Indies, he said, was in some degree protected by the rival interests of the contending Powers in those seas. They had heard (and he owned that it was with no pleasant sensation he heard it) that our vessels had sailed under British convoys in that quarter, so that the trade in some degree protected itself by the interests which it holds out to the parties.

If the frigates were to be employed as convoys, he did not believe the rates of insurance would at all be lowered; for he did not find that even the British, with all the force they had in the West Indies, could effectually protect their merchant vessels against the French privateers. Besides, he should look upon the loss of one of the frigates as a very unfortunate occurrence; it would cast a damp upon the germ of our navy, and would be a discouragement to the voting of any more money for that object. This he should most sensibly regret. The frigates might be of some use in the protection of our coasts and jurisdiction, without running any of the risks which he thought would be run in sending them out as convoys. Coming from a large commercial city, as he did, he should never be backward in his support of an effectual naval establishment; but for the present, he thought it best to keep the frigates about our coast.

Mr. W. SMITH agreed with the gentleman from Rhode Island, that the arming of our merchant vessels would be a good defence for our commerce; but he thought there would be little chance of such a measure passing; he suggested to that gentleman, therefore, whether it would not be better to cleave to this. As to the amendment, he was doubtful of its meaning. Did it mean the frigates might be employed to convoy vessels bound to a foreign port, but not within a certain distance of those ports? or did it mean that they should not go further than three miles from the seacoast? He thought it very doubtful, and calculated to embarrass the Executive in his proceedings.

Mr. RUTLEDGE was of opinion the vessels would be of no service, if not used as convoys. He denied that they could be used to advantage in the protection of our coast, since small vessels would run out of their way into the bays and rivers. This force might be of great service, he said, in convoying the trade of the United States to a certain latitude, and then returning. The papers of this city had informed them that the port of Charleston is now blockaded up by an English privateer; the citizens there, he said, were in agony, and had no relief. Would this be the case, he asked, if the frigates were afloat, and properly employed? He believed not. He was against small vessels being employed as convoys, but there would be a security in these vessels from the respectability of their commanders. If our frigates were to meet with those of the British nation, was it to be supposed they would insult each other? No; it was the rascals who commanded pri-

vateers who caused all the mischief. He was not afraid of the commanders of frigates.

Mr. R. thought it was wasting of time to be conjuring up new phantoms of danger. He thought they might safely rely upon the Executive, who had given them no cause for distrust. In seafaring language, he wished to *launch* him fairly, since they could not suppose that the liberties and interests of his country were not as dear to him as to them, and that he would not, therefore, put them in jeopardy.

Mr. N. SMITH said, were the question to protect British property on board our vessels, or to say we would force a trade into the rebel ports in the West Indies, he should vote against it; but he understood the question to be no more than this, Will you suffer the Executive, when the vessels are in a state fit for use, to employ them as he shall think proper? When this was simply the question, he was so far from doubting, that he was astonished any one should doubt it; for, if Congress were to fix upon what the vessels should be employed, three or four months hence, perhaps, a different object would appear necessary. Mr. S. denied that there was any analogy between the galleys and frigates—the one was a temporary, and the other a permanent object. He also denied that the President would be obliged to enforce the observance of the French Treaty, if he thought there would be danger in doing it.

Mr. NICHOLAS contended that the frigates and other vessels came to them under one proposition, and arguments had been used to employ both as convoys; that principle, however, had been given up, but now it was said, if they would not risk the use of the frigates as convoys, they would be of no use. He asked the gentleman from South Carolina, what would be the consequence if one of our frigates were ready and could repair immediately to Charleston? Would the British privateer desist from examining the vessels going out and in? He supposed she would not, and if opposition were given to her, a battle and a war would be the consequence. Nor did he think there would be any security from the description of men employed on board our frigates; he apprehended more from them than he should do from men who had a less delicate sense of honor. He trusted this amendment would be confirmed, or he feared the consequences.

Mr. R. WILLIAMS felt himself called upon by what had fallen from the gentleman from Pennsylvania respecting his having changed his sentiments since yesterday. The amendments were totally different. But the gentleman said, it was an improper interference with an Executive right; if so, it was equally an interference with an Executive right to direct the use of the cutters. The amendment had been amended at the suggestion of the gentleman from South Carolina, but now he has found out he does not understand it. When he voted for manning the frigates, he did it with a view of defending our coasts; but now another and different object was assigned them. He was not so apprehensive of our commanders drawing us into war from their too high sense of honor; but he feared that would be the consequence from our situation as to treaties.

The question on agreeing to this amendment was decided in the affirmative—yeas 50, nays 48, as follows:

YEAS—Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Nathan Bryan, Demsey Burges, Samuel J. Cabell, John Chapman, Thomas Claiborne, Matthew Clay, John Clopton, Joshua Coit, Thomas T. Davis, John Dawson, George Dent, Lucas Elmendorph, John Fowler, Nathaniel Freeman, jun., Albert Gallatin, William B. Giles, James Gillespie, Andrew Gregg, William B. Grove, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, David Holmes, Walter Jones, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, John Nicholas, Josiah Parker, Tompson J. Skinner, Samuel Smith, William Smith, of Pinckney District, Richard Sprigg, jun., Richard Stanford, Thos. Sumter, John Swanwick, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

NAYS—John Allen, George Baer, jun., James A. Bayard, Theophilus Bradbury, David Brooks, Christopher G. Champlin, James Cochran, William Craik, Samuel W. Dana, James Davenport, John Dennis, George Ege, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, Robert Goodloe Harper, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, James Machir, William Matthews, Daniel Morgan, Harrison G. Otis, Elisha R. Potter, John Reed, John Rutledge, jun., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, William Smith, of Charleston, Geo. Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, Peleg Wadsworth, and John Williams.

The question was then taken on striking out the 8th and 9th sections, which provide for nine additional vessels of twenty guns each. It was decided in the affirmative—yeas 72, nays 25, as follows:

YEAS—Abraham Baldwin, David Bard, Thos. Blount, Richard Brent, Nathan Bryan, Demsey Burges, Samuel J. Cabell, John Chapman, Thomas Claiborne, Matthew Clay, John Clopton, Joshua Coit, Thomas T. Davis, John Dawson, John Dennis, George Dent, Lucas Elmendorph, Thomas Evans, Dwight Foster, John Fowler, Nathaniel Freeman, jun., Albert Gallatin, William B. Giles, James Gillespie, Andrew Gregg, Roger Griswold, William Barry Grove, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison, Thomas Hartley, Jonathan N. Havens, David Holmes, Walter Jones, John Wilkes Kittera, Matthew Locke, Samuel Lyman, Matthew Lyon, James Machir, Nathaniel Macon, William Matthews, Blair McClenachan, Joseph McDowell, John Milledge, Daniel Morgan, Anthony New, Jno. Nicholas, Harrison G. Otis, Josiah Parker, Elisha R. Potter, John Reed, John Rutledge, jun., James Schureman, Samuel Sewall, William Shepard, Tompson J. Skinner, Thomas Sinnickson, Jeremiah Smith, Nathaniel Smith, William Smith, of Pinckney District, Richard Sprigg, jun., Richard Stanford, Thomas Sumter, John Swanwick, Mark Thomson, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, John Williams, and Robert Williams.

NAYS—John Allen, George Baer, jun., James A. Bayard, Theophilus Bradbury, David Brooks, Christopher G. Champlin, James Cochran, William Craik, Samuel W. Dana, James Davenport, George Ege, Abiel Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, William Hindman, Hezekiah L. Hosmer, James H. Imlay, Samuel Sitgreaves, William Smith, of Charleston, George Thatcher, Richard Thomas, John E. Van Alen, and Peleg Wadsworth.

Mr. SITGREAVES moved to strike out the words, "within the jurisdiction of the United States," and to leave to the President the employment of the cutters as he pleased.

This question was negatived—52 to 46, as follows:

YEAS—John Allen, George Baer, jun., James A. Bayard, Theophilus Bradbury, David Brooks, Christopher G. Champlin, James Cochran, William Craik, Samuel W. Dana, James Davenport, John Dennis, George Dent, George Ege, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, Robert Goodloe Harper, Thomas Hartley, Wm. Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, James Machir, William Matthews, Daniel Morgan, Harrison G. Otis, John Rutledge, jun., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, Wm. Smith, of Charleston, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, and Peleg Wadsworth.

NAYS—Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Nathan Bryan, Demsey Burges, Samuel J. Cabell, John Chapman, Thomas Claiborne, Matthew Clay, John Clopton, Joshua Coit, Thomas T. Davis, John Dawson, Lucas Elmendorph, John Fowler, Nathaniel Freeman, jun., Albert Gallatin, William B. Giles, James Gillespie, Andrew Gregg, William Barry Grove, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, David Holmes, Walter Jones, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, John Nicholas, Josiah Parker, Elisha R. Potter, John Reed, Tompson J. Skinner, Samuel Smith, Wm. Smith, of Pinckney District, Richard Sprigg, jun., Richard Stanford, Thomas Sumter, John Swanwick, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, John Williams, and Robert Williams.

The question was then taken upon agreeing to the new additional sections relative to the revenue cutters. It was carried—82 to 14, as follows:

YEAS—George Baer, jun., Abraham Baldwin, David Bard, James A. Bayard, Theophilus Bradbury, David Brooks, Nathan Bryan, Demsey Burges, Samuel J. Cabell, Christopher G. Champlin, Thomas Claiborne, Matthew Clay, John Clopton, James Cochran, William Craik, Samuel W. Dana, James Davenport, Thomas T. Davis, John Dennis, George Dent, George Ege, Lucas Elmendorph, Thomas Evans, Abiel Foster, Dwight Foster, John Fowler, Jonathan Freeman, Nathaniel Freeman, jun., Albert Gallatin, James Gillespie, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, William B. Grove, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison, Thomas Hartley, Jonathan N. Havens, William Hindman, David Holmes, Hezekiah L. Hosmer, James H. Imlay, Walter Jones, John Wilkes Kittera, Samuel Lyman, Matthew Lyon, James Machir, William Matthews, Blair McClenachan, John Milledge, Daniel Morgan, Anthony New, John Nicholas, Harrison G. Otis, Josiah Parker, Elisha R. Potter, John Reed, John Rutledge, jun., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, Samuel Smith, William Smith, of Charleston, Richard Sprigg, jun., John Swanwick, Geo. Thatcher, Richard Thomas, Mark Thomson, Abram Trigg, John Trigg, John E. Van Alen, Philip Van Cortlandt, Abraham Venable, Peleg Wadsworth, John Williams, and Robert Williams.

NAYS—John Allen, Thomas Blount, Joshua Coit, John Dawson, William B. Giles, Andrew Gregg, Matthew Locke, Nathaniel Macon, Joseph McDowell, Tompson J. Skinner, William Smith, of Pinckney District, Richard Stanford, Thomas Sumter, and Joseph B. Varnum.

Mr. COIT renewed his motion for adding a new section: "to confine the continuance of the act to one year, and from thence to the end of the next session of Congress.

Mr. C. said, if gentlemen wished to make the Naval Establishment permanent, he supposed that part of the bill which relates to the revenue cutters was only meant to be temporary.

Mr. W. SMITH moved to amend the section by confining the limitation to the part relating to the revenue cutters.

Mr. GALLATIN said, if this motion was carried, it would go to negative the other. If this bill passed without a limitation clause, it would not only give us a permanent Naval Establishment, but would be giving to the President forever a power which the Constitution alone placed in that House, viz: that of fixing the compensations of persons to be employed under this act. It was not now, therefore, a question of confidence, but of giving up a right which was a valuable part of the powers committed to them by the Constitution.

After a few observations from the mover, and Mr. OTIS, in favor of the motion, and some objections to it from Messrs. BALDWIN, COIT, and GORDON, it was negatived—55 to 40.

The amendment of Mr. COIT then recurred.

Mr. W. SMITH moved to fill up the blank with five, four, three, and two years, which were lost by a considerable majority. The question was then taken on one year, and carried, there being 55 votes in favor of it.

The question was then taken on the section as amended.

This question was carried—53 to 43, as follows:

YEAS—Abraham Baldwin, David Bard, Thos. Blount, Richard Brent, Nathan Bryan, Demsey Burges, Samuel J. Cabell, Thomas Claiborne, Matthew Clay, John Clopton, Joshua Coit, Thomas T. Davis, John Dawson, John Dennis, George Ege, Lucas Elmendorph, Thomas Evans, John Fowler, Nathaniel Freeman, jun., Albert Gallatin, William B. Giles, James Gillespie, Wm. Gordon, Andrew Gregg, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, David Holmes, Walter Jones, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge,

Daniel Morgan, Anthony New, John Nicholas, Elisha R. Potter, John Reed, Tompson J. Skinner, Samuel Smith, William Smith, of Pinckney District, Richard Sprigg, jun., Richard Stanford, Thomas Sumter, John Swanwick, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and John Williams.

NAYS—John Allen, George Baer, jun., James A. Bayard, Theophilus Bradbury, David Brooks, Christopher G. Champlin, James Cochran, William Craik, Samuel W. Dana, James Davenport, George Dent, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, Roger Griswold, William B. Grove, Robert Goodloe Harper, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, James Machir, Harrison G. Otis, Josiah Parker, John Rutledge, jun., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, William Smith, of Charleston, Geo. Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, Peleg Wadsworth, and Robert Williams.

The bill was ordered to be engrossed for a third reading to-morrow.

A confidential Message was received from the President of the United States, when the House was cleared, and the doors closed, for the purpose of reading and taking the proper order with the said communication.

---

SATURDAY, June 24.

Mr. GALLATIN presented two petitions; one from persons in the vicinity of the Ohio, complaining of the deficiency in the quantity of land purchased from the United States; the other from upwards of 100 persons in the same quarter, complaining that they were not able to become purchasers at the United States sale from the conspiracy of speculators. Referred to the Secretary of the Treasury.

Mr. J. SMITH, from the Committee of Revisal and Unfinished Business, made a report of expiring laws; the committee also expressed a doubt whether the act passed last session for fixing the next meeting of Congress on the first of November, was not superseded by the present extraordinary meeting.

A committee was appointed to report a bill on the subject of expiring laws, but

Mr. SITGREAVES thought it unnecessary to appoint a committee on the subject of the law for fixing the next meeting of Congress, as he did not think the present extra meeting could affect that law; since it was the province of the President to call extra sessions of Congress; but it was the business of Congress to fix the annual meetings, and that therefore the two powers could not be allowed to infringe upon each other.

Mr. W. SMITH differed in opinion, and wished the report to lie upon the table, or a committee to be appointed to concur with the Senate.

A committee of conference was appointed.

PURCHASE OF ARMS.

Mr. BLOUNT, from the committee appointed to report on the resolution proposing to purchase arms, reported it as their opinion that the subject should lie over till next session.

Mr. W. SMITH thought the subject important, and wished the report to lie upon the table, which was agreed to.

PROTECTION OF TRADE.

The bill for providing for the protection of the commerce of the United States was read the third time, and the blank for filling up the number of men to be employed in the cutters, was filled up with thirty; on the question being about to be put on the passing of the bill,

Mr. NICHOLAS said some statements had been received from the War Department, and ordered to be printed. He had not seen a copy of them, but was informed there were yet wanting $197,000 to complete the frigates. He wished information on the subject.

Mr. PARKER read an extract from the account which had been printed.

Mr. NICHOLAS wished to know how it happened that in four months so great a mistake could have occurred as to the expense of finishing these vessels. When the last appropriation of $170,000 was made, they were told that sum would be sufficient to make them fit to receive the men on board, but now they were called upon for $197,000 more. He thought this matter ought not to pass over without inquiry, as he did not like to be drawn from step to step to do what, if the whole matter had been seen at first, they might not have consented to. He trusted this was not intentionally done, but he owned it looked very suspicious.

Mr. PARKER believed the estimate of last session was only to make the vessels ready to receive the guns on board, and did not include the guns.

Mr. GALLATIN said, as he meant to vote against the passage of the bill, he would briefly state his reasons for doing so. He knew only of two arguments in favor of the bill; the first, that it was necessary during a time of peace to lay the foundation of a navy; the other was, that, the frigates being built, it would be proper to man them. As to the propriety of having a navy, he did not mean to go generally into the subject, but he would make a few observations as to our situation for engaging in an establishment of this kind. Suppose that navies were necessary in European nations, to increase their power or to protect their commerce, these considerations did not apply to our present circumstances. In order to prove this, it was only necessary to take a view of our revenue, and the expense of a fleet.

The amount of revenue, from the 1st of April, 1796, to the 1st of April, 1797, received into the Treasury, was $7,400,000—a sum which by far exceeded that of any former year; and he did not think that the permanent revenue of the United States could be well extended beyond that sum. For instance, he did not think that nine millions could be raised from the people without oppression. Indeed, by the best calculations on the quantity of circulating medium in the country, it was not allowed to exceed eight millions; and he did not believe that any nation could raise a larger sum in

taxes than was equal to the amount of their circulating specie.

He should therefore vote against this bill, because he did not believe we could raise revenue equal to the expense of supporting a fleet; for, although we had a large capital in hand, we had but a small quantity of circulating medium; and, from our scattered situation, that medium circulated much slower than in small compact countries; and it must be allowed that the quantity of revenue which could be raised depended on the amount of circulating medium.

In order to show what the expense of a Navy might be expected to be, Mr. G. made the following statement of the cost of our three frigates:

| | | |
|---|---|---|
| Amount appropriated in 1794 for the six frigates, grounded on a calculation then made by the committtee, of $2,588 per gun, including six months provision and three months pay - - - - | | $688,888 82 |
| The above sum was in 1796 appropriated to finish the three frigates, together with a sum before appropriated for galleys, of - - | | 80,000 00 |
| In 1797 an additional sum was voted, of - - - - - | | 172,000 00 |
| To which, adding the sum voted for captains - - - - - | | 10,000 00 |
| Makes an aggregate of - - | | $950,888 82 |
| The sum now requisite to finish the frigates is stated as follows: | | |
| Guns and military stores - | $94,809 | |
| Hemp, to replace a quantity burnt - - - | 16,250 | |
| Labor and tradesmen's bills* | 126,645 | |
| | 237,704 | |
| Deduct the balance of unexpended appropriation - | 40,068 | |
| | | 197,636 00 |
| Making altogether - | | $1,148,524 82 |
| Deduct materials on hand, valued at | | 135,074 48 |
| Total cost of three frigates, as per present estimates and appropriations - - - | | $1,014,450 34 |
| Pay and subsistence for one year is stated, by estimate, at - - | | $220,000 00 |
| Which calculation is made on a supposition that the pay of warrant officers shall be $14 per month, and that the whole amount of pay of petty officers and crew shall be $10,156 a month; but, by the bill, the pay of warrant officers is $20 a month, and the whole amount of pay of petty officers and crew is $15,000 per month, which makes a yearly increase of - - | | 60,000 00 |
| Making the yearly pay and subsistence for three frigates - | | $280,000 00 |
| Extraordinaries, including repairs, ammunition, &c. - - - | | 70,000 00 |
| Total yearly expenditure - - | | $350,000 00 |

This statement showed, Mr. G. said, that these frigates had cost about £2,000 sterling a gun, though the common calculation in Great Britain was only half that sum. If, from building the frigates, they turned to the expense of manning them, the same conclusion would be drawn. They found that the pay of an able-bodied seaman in the British navy had lately been raised from 26*s.* 6*d.* to 30*s.* sterling a month, which was $6 66⅔; but, by the present law, $15,000 a month were allowed for the pay of the petty officers, midshipmen, seamen, ordinary seamen, and marines, which averaged from 16 to 17 dollars a man.

When he heard gentlemen stating the advantages of the naval strength of Denmark and Sweden to those countries, he could not agree with them altogether, though he agreed they had some weight; but it was well known that the Grand Navy of Portugal had no weight whatever in the scale of the large navies of Europe; it did not even enable her to protect her trade: for, if either France or Great Britain had the superiority in the Mediterranean, she was under their control. He believed Denmark and Sweden had thirty sail of the line each, and he wished gentlemen to calculate how much it would cost us to have such a Navy. A fleet of a few vessels would not then be able to afford protection to our trade; and it was wholly out of our power to have a fleet equal to that of Denmark or Sweden.

Mr. G. went to the second argument used for passing this bill, viz: that the frigates being now built, it would be proper to arm them. He believed the bill to be as unexceptionable and harmless as they could make it, and the only objection he had to it was the expense. If we were to have war, the frigates being built, he should certainly think it necessary to man them; and if the bill went no farther than to enable the President to man them, in case of a war, he would vote for it; but it authorized the President to man them when he should think it expedient, and as he has told them that they and other vessels were now necessary, he doubted not he would proceed to man them immediately, which he thought would be incurring an unnecessary expense. For, if there were a declaration of war to-morrow, more men could be obtained in three weeks than there could be in a state of peace in three months. He therefore thought it would be proper to reject the bill, though he had no hopes it would be rejected. During the present session, he said, he had voted for a number of things which he did not think ne-

* In March, 1795, $172,000 were said to be sufficient to complete the three frigates. In June, 1797, it is officially stated, that, exclusively of money requisite for guns and military stores, $126,645 are wanted for the same purpose, viz: that of completing the three frigates; therefore, no security that the sum now asked will be found sufficient.

cessary, but which were not calculated to do any harm. He would gladly have done the same with respect to this; but he could not reconcile himself to the additional expense of half of a million of dollars for a purpose which could be of no use except in case of war.

Mr. SWANWICK believed the expense of these frigates had been much greater than any future ones would be. When they were told they had cost £2,000 sterling a gun, it was evident there must have been great extravagance in the expense, as merchant vessels might be built as cheaply in this country as in any other. He supposed the extra expense had been owing to the want of some regular establishment to overlook the business, and because it had been undertaken at a time when other nations were at war, and of course when materials were very high. Sixteen thousand dollars worth of hemp had indeed been burnt by accident at Boston. As to the terms of seamen, though they might at first be high, when the service was known he doubted not they would fall.

But it was said a small naval force would be of no use to us. He thought it would be of great use, from our contiguity to the West Indies; as, in case of hostilities committed upon us, by any European Power, we might at once fall upon their rich possessions in that quarter. Our experience in this war, he said, had proved the use that such a fleet would be of to us. Indeed, the French had frequently charged us with not protecting our trade, and seemed to reprimand us for our weakness. And, when they heard of small row-boats taking our merchant vessels, did not every man wish for a small naval force to protect our trade? He trusted they did; and these vessels would be of great use in this way. Besides, Mr. S. said, can any gentleman believe that the European Powers will be able to keep up their present enormous naval establishments for any length of time? He did not believe they could. Mr. S. did not think because our circulating specie was not more than eight millions, that our taxes could not exceed that sum; as, besides specie, there was a large quantity of bank paper. Nobody would believe that the circulating specie of Great Britain amounted to twenty-five millions; yet their annual taxes were to that amount. In England he knew the use of a paper medium had been greatly abused; but the abuse of a thing could not argue against the use of it.

Mr. S. was firmly of opinion that, in the course of time, this country must become a great maritime Power; and he doubted not that, in time of general peace, armed ships would be built for half the price which they had cost.

He hoped, therefore, when his colleague had obtained his wish (in which he had willingly concurred with him) in restricting the use of the vessels, he would not now vote against the passage of the bill.

Mr. J. WILLIAMS said, he had always opposed the establishment of a navy, and was the question now whether or not we should commence a navy he should certainly be against it; but, as the frigates were so far advanced, he thought they ought to finish them, especially when they considered the present critical situation of our affairs; for, if a general peace did not take place in Europe, the war would probably become a maritime war, and we might be involved in it. But he was still of opinion that if we must go into an expensive naval establishment for the protection of our commerce, we had better have none. But, say gentlemen, where will you find revenue? He believed, though we had no armed force, a considerable commerce would still be carried on, and those who declined it would turn their attention to agriculture and manufactures, from which any deficiency of revenue would readily be supplied.

It was true, as had been stated, that they had been called upon from time to time for additional sums to complete these frigates, and he knew not when these calls would end.

Mr. W. went into a calculation of the expense of these vessels, and compared the situation of this country with Europe, and concluded that it would be our best policy to stand aloof from all foreign Powers. He would, however, go so far for the protection of our commerce as the building of six frigates; further he should not choose to go.

Mr. GILES was obliged to the gentleman last up for his speech against the present bill, though he meant to vote for it; he would rather, however, that he had *spoken* in favor, and *voted* against the bill. Mr. G. said he should vote against the passing of the bill, and for the reasons assigned by that gentleman. He thought a navy would be a great evil for this country. Our great interests lay in the soil; and if ever the vitals of the country were to be drawn together for the purpose of protecting our commerce on the sea, he should greatly lament it. He believed the despotism of nations kept pace with the ratio of expense of their Governments. He was sorry to say that he was more and more convinced that it was the constant aim of some gentlemen in that House to increase the expenses of our Government. The propriety of establishing a navy had scarcely ever been seriously considered; it was first begun under an alarm, and it had been continually carried on by the same means. Mr. G. adverted to the methods employed to raise men by pressing, in all countries where navies were established, and insisted that navies and press-gangs were inseparable; for, said he, the wages of seamen are now thirty dollars a month, and when men are wanted for the frigates the price will doubtless be increased, and the press-gang must be resorted to, or the navy must be abandoned.

Mr. HARPER said, gentlemen seem to abandon their objections to this bill by admitting that there was no probability it would not pass. But why? Because a majority of the House either think the measure is proper in itself, or from the particular circumstances of this country. It was surely a singular instance of modesty in gentlemen, after this concession, to argue against the passing of the bill.

Mr. H. did not admit that these frigates were commenced from an idea of laying the founda-

tion of a large Navy Establishment, but from particular circumstances; and, said he, shall we, at a time when we are threatened with danger, abandon them? He trusted not; such conduct would be absurd in the extreme, and imply a character of imbecility which he hoped their councils would never deserve.

Mr. H. agreed that our Government depended upon the affections of the people for its support; but how were these affections to be gained? It was by protecting them with a dignified, enlarged, and confirmed policy. By these means the country would become strong; and if the people saw their Government, from the paltry idea of expense, abandon its rights, they would not care what became of it.

The principles of the gentleman from Pennsylvania would be correct if national rights, dignity, and honor, could be settled by counting-house calculations. If so, all Governments might be abandoned; no public measure could be carried into effect; since it could not be said of any that it produced as much money as it cost. But if they were useful in protecting the rights and liberties of the country, they were certainly more to be prized than money.

Mr. H. denied that navies in every country were supported by press-gangs: those of Holland, Sweden, Denmark, France, and Portugal, were supported without impressment; and in England a very small proportion of the men employed on board their fleet were impressed. It was only in sudden emergencies that this practice was resorted to. All that would be necessary in this country, would be to give somewhat higher wages than the British. He hoped, therefore, the bill would pass.

Mr. ALLEN said, he had some objection to the passing of the bill, but his objections were to the amendments which had been introduced into it, yet he did not know but he should vote for it. He thought there was a provision in the bill which went to prostrate this Government. He alluded to that part of it which directed the manner in which this force should be used. He considered this as a violation of the Constitution, besides carrying upon the face of it an idea that one of the branches of this Government could not be trusted with the exercise of its power. Was it possible, he asked, for a Government to exist, when this confidence was refused to one of its branches? What were the people of the United States, and abroad, to think of this? Would not the people of this country think it their duty to destroy a power which could not be trusted; and would not foreigners despise it? If seemed as if this were the intention of gentlemen.

Mr. A. also objected to the clause limiting the duration of this bill; since this went to say that they not only distrusted the other branches of the Government, but themselves. A thing which must in its nature be perpetual, was there limited. He deprecated the idea of expense being an objection to this measure. Our emancipation from the chains of Great Britain, he said, was attended with a great expense; but was it not believed that the liberty and independence of this country were of superior value to money? He trusted they were. He could only suppose, therefore, that men who objected against the expense, must themselves be sordid and avaricious. If these frigates had been provided four years ago, he believed all our present difficulties would have been prevented, and a sum vastly less than that of which we had been robbed would have done the business. Mr. A. denied that ships of war could now be built in England for £1,000 a gun; that was formerly the price, but they now cost £1,500 per gun.

Mr. A. concluded that it was not wonderful that men who had been opposed to every valuable measure which had been brought forward since the existence of the Government, should also be opposed to this.

Mr. BROOKS said, he should vote for this bill, because he believed a naval force must sooner or later be the real defence of this country; because, if he were not in favor of a Naval Establishment, the frigates being so nearly completed, he should wish to complete them; and, because, upon a review of our situation, he could not think we were free from danger in respect to our foreign relations, and that though three frigates would not be an ample defence, they would be better than none.

Mr. GILES wished to make a remark or two upon what had fallen from the gentleman from Connecticut, though he by no means meant to follow him through all his ravings; he had charged this bill with being a violation of the Constitution, yet, in the next breath, said he should vote for it. He would remind that gentleman of his qualification oath, wherein he had sworn to support the Constitution. And were that man to be proclaimed a protector of the liberties of his country, exclaimed Mr. G., who shall first declare a measure to be unconstitutional, and still vote for it? The idea seemed absurd. Mr. G. defended what he had before said about all navies being supported, more or less, by means of impressment.

Mr. NICHOLAS had always been of opinion, that the expense of these frigates was a useless expense; he did not believe a case could happen, except within our own jurisdiction, where these vessels could be of advantage to us; but notwithstanding this was his opinion, he should vote for the passing of this bill, because he saw the sentiments of that House and the public were strongly in its favor, from a persuasion that the measure was necessary, and that the thing would be a continual topic of dispute until it was carried into effect.

He was willing, therefore, to let the vessels go to sea, believing that nothing short of actual experience would convince the supporters of this measure that it was useless, expensive, and injurious; and hoping that by one year's experience of the plaything, finding that money was of greater value than the frigates, all parties would concur in relinquishing it.

Mr. SEWALL said, that the arguments which had been used against this bill for the protection of the trade of the United States, went to show that commerce was useless, and that the protection

of it would be expensive beyond any profit which could be derived from it; and some who voted for the passing of the bill, did it from the professed motive of giving the thing a trial, that it might afterwards be abandoned. Gentlemen who depended upon agriculture for every thing, he said, need not put themselves to the expense of protecting the commerce of the country; commerce was able to protect itself, if they would only suffer it to do so. Let those States which live by commerce be separated by the Confederacy. [Mr. VARNUM wished to know whether this was in order.] Mr. S. went on. He had in his eye people who lived by commerce, and he could not understand that they lived by the mere good will of the Union. Let them, said he, be abandoned, but let it be done before they are reduced to poverty and wretchedness. Their collected industry and property were equal to their own protection, and let other parts of the Confederacy take care of themselves.

Mr. MACON thought the gentleman had better lay a resolution on the table to produce the effect he wished. This was such language as he had never before heard in that House.

The SPEAKER declared the gentleman had been wholly out of order.

Mr. GALLATIN rose to observe, upon what had fallen from the gentleman from Massachusetts, when the SPEAKER interrupted him, saying, that all remarks upon what had fallen from that gentleman, would be equally out of order. Upon Mr. G.'s observing, he did not mean to say any thing upon the subject of a separation, he was suffered to proceed.

He said his opposition to this bill did not arise from a disinclination to protect commerce; he looked upon the interests of agriculture and commerce as intimately connected; but it was because he believed these frigates would not afford that protection which was expected from them.

The question was then taken on the passing of the bill, and decided in the affirmative—yeas 78, nays 25, as follows:

YEAS—John Allen, George Baer, jr., Theophilus Bradbury, David Brooks, Nathan Bryan, Demsey Burges, Christopher G. Champlin, James Cochran, William Craik, Samuel W. Dana, James Davenport, Thomas T. Davis, John Dennis, George Dent, George Ege, Lucas Elmendorph, Thomas Evans, Abiel Foster, Dwight Foster, John Fowler, Jonathan Freeman, Nathaniel Freeman, jr., James Gillespie, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, William B. Grove, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison, Thomas Hartley, William Hindman, David Holmes, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Edward Livingston, Samuel Lyman, Matthew Lyon, James Machir, William Matthews, John Milledge, Daniel Morgan, John Nicholas, Harrison G. Otis, Josiah Parker, Elisha R. Potter, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, William Smith, of Charleston, Richard Sprigg, jr., John Swanwick, George Thatcher, Richard Thomas, Mark Thomson, Abram Trigg, John Trigg, John E. Van Alen, Philip Van Cortlandt, Peleg Wadsworth, John Williams, and Robert Williams.

NAYS—Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Thomas Claiborne, Matthew Clay, John Clopton, Joshua Coit, John Dawson, Albert Gallatin, William B. Giles, Andrew Gregg, Jonathan N. Havens, Walter Jones, Matthew Locke, Nathaniel Macon, Blair McClenachan, Joseph McDowell, Anthony New, Tompson J. Skinner, William Smith, of Pinckney District, Richard Stanford, Thomas Sumter, Joseph B. Varnum, and Abraham Venable.

The title was altered from "An act for the protection of the trade of the United States," to "An act providing a Naval Armament."

## ADDITIONAL APPROPRIATIONS.

A communication from the Secretary of the Treasury was read. It calls for sundry additional appropriations to the amount of $559,572. It was referred to the Committee of Ways and Means, and ordered to be printed.

## LAYING AN EMBARGO.

Mr. W. SMITH said, in the year 1794, when this country had a misunderstanding with Great Britain, it was thought proper to invest the President with power to lay an embargo, if necessary, during the recess of Congress. He proposed to trust him with a similar power at present, and, for that purpose, proposed the following resolution:

"*Resolved*, That a committee be appointed to prepare and report a bill empowering the President of the United States to lay and revoke embargoes during the recess of Congress."

*Ordered*, To lie upon the table.

## DUTIES ON WINES AND SPIRITS.

The House went into a Committee of the Whole on the bill for laying licenses upon retailers of foreign wines and spirits. The bill underwent some discussion as to the propriety of making the price of licenses the same to large and small venders, and as to the amount to be charged upon the licenses for retailing the different descriptions of wine.

The difference between the present bill and that now proposed, is, that by that now in force, one license is only taken for selling all sorts of wine and spirits; whereas, by the new bill, a separate license is to be taken out for every kind of foreign wine and spirits sold.

The committee rose, and had leave to sit again.

---

MONDAY, June 26.

LEWS R. MORRIS, from Vermont, and LEMUEL BENTON, from South Carolina, appeared, produced their credentials, were qualified, and took their seats.

## DUTIES ON WINES AND SPIRITS.

The House resolved itself into a Committee of the Whole on the bill for laying a duty on licenses for selling foreign wines and spirits by retail. After some amendments of little importance, except a section to limit the duration of the act till the year 1801 may be considered as important, (on which

question some debate took place,) the committee rose and reported the bill with the amendments.

The House took up the amendments, when the amendment agreed to in the Committee of the Whole, to reduce the allowance to the collectors of the duties from five to two and a-half per cent., (the compensation made by the present law,) was negatived by the vote of the Speaker, there being 41 for it, and 41 against it.

The clause limiting the act to the year 1801 was carried, 41 to 38.

A proposition was renewed by Mr. OTIS, which had been made by the Speaker in Committee of the Whole, to confine the licenses to four, instead of having one for each kind of wine and spirits, viz: one for all kinds of white wine, another for all kinds of red; one for foreign spirits distilled from the grape, and one for every other kind of foreign spirits. That for wine was negatived, 44 to 34; that for spirits, 42 to 37.

The bill was ordered to be engrossed.

## SUNDRY BILLS.

A message was received from the Senate refusing a conference on the law fixing the next meeting of Congress in November.

The bill for continuing in force several acts about expiring, was read a first and second time, and ordered to be engrossed and read a third time to-morrow.

Mr. VARNUM moved that the Members should make out their accounts, respectively, of the days they attended Congress, and of the days they were prevented by sickness; also of the distance to their respective homes. Laid on the table.

## THE STAMP DUTY.

The House went into a Committee of the Whole on the bill for laying duties on stamped vellum, parchment, and paper; when, the first section being under consideration,

Mr. KITTERA moved to add, "any certificates of naturalization —— dollars," as he thought foreigners, who were admitted to all the rights of citizens under this Government, could not be against paying a small tax on their admission to this right.

Mr. MACON thought this tax would fall very heavy upon persons who came into this country to live by their labor—many of whom were not able to pay their passage, but were indented by those who brought them for a number of years; and who, if this tax were paid, would have so much longer to serve.

Mr. BROOKS did not see this objection, as such persons might labor all their lives without becoming naturalized.

Mr. GORDON said, that by the naturalization act, no foreigner could be admitted to the rights of a citizen until he had been five years in the country, and therefore the objections of the gentleman from North Carolina could not have any weight.

The amendment was carried.

Mr. SWANWICK moved to strike out five dollars, and insert ten, for licenses to practise as a counsellor, attorney, &c. He thought, if these gentlemen were taxed at all, ten dollars would be as low a sum as they could well fix upon for the purpose.

Mr. VARNUM thought the tax should be much higher, if imposed at all. He spoke of the high tax laid upon the professors of the law in Massachusetts.

The amendment was carried, there being 53 in favor of it.

Mr. COCHRAN wished the tax to extend to lawyers who practised in the State Courts, as well as to those who practised in the Courts of the United States.

Mr. NICHOLAS objected to this proposition. The lawyers, in some of the States, were already very highly taxed; besides, he doubted the right of the United States to tax the lawyers of the State Courts, as they were necessary in the State Governments.

Mr. SWANWICK did not expect any objection could have been made to a tax so reasonable, especially when the bill proposed to tax merchants so heavily; they would not be able to turn themselves without a stamp, and surely the lucrative profession of the law could not think much of paying this low tax. It was said, indeed, that the merchant did not ultimately pay the duty, but the consumer; and he doubted not the lawyers would not fail to find out a way of making their clients pay the duty.

Mr. DENNIS objected to this tax on the same ground with the gentleman from Virginia. If a tax of this kind, he said, were laid upon the lawyers of the State Courts, it might be extended to any other officer of the Government, and thereby annihilate the State Governments.

Mr. LIVINGSTON was in favor of the amendment, because he thought the State lawyers a fair object of taxation. He denied that it would be unconstitutional, or that it would operate hardly upon a particular class of men. It was not laid upon any particular class; but upon an instrument which, indeed, to exercise their professions, lawyers would be obliged to have; but it might as well be said that the tax upon rum and sugar would fall heavily upon the sellers of those articles, and that therefore no rum or sugar would be sold. The one tax fell upon the consumer, and the other upon the client. In the State of New York, Mr. L. said, the lawyers were not taxed at all.

Mr. MCDOWELL said, when he seconded the motion for striking out "five" for the purpose of inserting "ten," he did not intend the tax to be extended to the practices in State Courts; nor did he think the Constitution would warrant such an extension of it.

Mr. SITGREAVES was in favor of the amendment; he wished to fix the principle. He thought that the State lawyers were a fair object of taxation, and that the profits of their business would very well bear it. But there was reason for making a distinction between the two cases. He thought there would be a hardship in extending the tax to practisers in county courts, as that would cause it to fall in some places very heavily. For instance, in Pennsylvania, there must be a separate admission into every court of every county; so that one man would probably have to pay

to the amount of from two to three hundred dollars on account of this tax. He hoped the motion would be postponed for the present, and modified. He would do it himself, if time were given.

The motion was withdrawn.

Mr. SITGREAVES said, he understood that deeds for the conveyance of lands would have been amongst the articles taxed. He thought such a tax would be an eligible one, and in order to learn what were the objections to it, he proposed to add to the bill, "any deed for the conveyance of real estate —— dollars."

Mr. R. WILLIAMS said, this proposition had been rejected in the Committee of Ways and Means, on the ground that such a tax would clash with the jurisdiction of the States. He had the same objection to this that he should have to laying a tax upon the State lawyers. To say a deed, which was legal by the laws of a State, could not be received in evidence, except it was stamped, would be tantamount to the repealing of a State law.

Mr. W. SMITH said, this subject had been frequently under discussion, both in the Committee of Ways and Means, and in that House. On this occasion, the majority of the Committee of Ways and Means was against laying a tax on deeds. He was in the minority. There was a provision, Mr. S. said, which declared that no paper upon which a duty was imposed by this act should be admitted in evidence; but there was afterwards a clause which allowed them to be admitted, on payment of ten dollars over and above the duty thereupon payable. He thought the tax would be a very good and a very profitable one.

Mr. COIT thought this was a tax which should be gone into with great caution, since, if it were carried, it might be the means of losing the whole bill. He thought the bill would be better passed without this provision; and if it were found expedient, it might be added hereafter.

Mr. GILES was opposed to this amendment, as interfering with the Governments of the several States. All lands (except such as had been sold by the United States) were held from the States; and if this tax were to be agreed to, he believed the State Courts would not refuse to admit a deed in evidence which was not stamped. Nothing would give so much alarm to the States as a subject of this sort.

Mr. SEWALL did not understand the distinction made between titles to land, and titles to money. He thought the objection made to a tax on a deed, might be made with equal propriety to a tax on a bond or a note. If they had a right to say these should not be received in evidence in a State Court, unless they were stamped, they had a right to say the same with respect to a deed. Except it could be shown that the farmer was less able to pay than the merchant, he thought no other objection had any weight.

Mr. R. WILLIAMS thought there was a great difference between a note of hand and a deed. The State had nothing to do with the former, but much with the latter; since every State held grants of its lands, and a man must show his title from the original grant, before his title could be said to be a good one. He did not doubt the people being able to pay the tax; it was the principle which he contended against, which, if carried into effect, would cause a clashing of the authorities of the two Governments. If the United States could lay a tax of this sort, they might lay a tax upon every commission issued by a State.

Mr. NICHOLAS did not see the smallest difference between the two cases which had been stated. And when they came to the 13th section, he should endeavor to prove that to say a piece of paper should not be received in evidence in a court, which was lawful to be received by the laws of the State, would be a violation of State sovereignty. He was not of opinion, with the gentleman from Connecticut, that they should take up the subject partially, rather than not pass the bill. He thought it best to consider a tax upon its broadest basis. It was not fair to exclude anything which stood upon the same ground. He wished the principle to be thus fairy tested. He should, therefore, vote for the tax on deeds.

Mr. LYON hoped, that if this tax was agreed to, purchases of a small amount would be excluded.

Mr. SWANWICK said there would doubtless be a difference made in the duty between large and small purchases. He also disagreed with the gentleman from Connecticut. The principle, he said, was either right or not; if it were right, it should be made general; if not, it ought not to be adopted.

The question was put, and negatived, 47 to 32.

On motion, the committee rose, and had leave to sit again.

## PROTECTION OF TRADE.

A message from the Senate was received, informing that they had concurred in some of the amendments, and rejected others made by this House to the bill for the protection of the trade of the United States. It appears that they have nonconcurred in all the amendments which went to prohibit the purchase of twenty-gun ships, and restraining the frigates from being employed as convoys.

---

TUESDAY, June 27.

## DUTIES ON WINES AND SPIRITS.

The bill for laying licenses upon the retailers of foreign wine and spirits was read the third time, when—

Mr. REED moved to recommit the bill, in order to reduce the sums to be paid for the licenses.

Mr. VARNUM called for the yeas and nays upon its passage.

Mr. SKINNER considered the bill as laying a tax upon the lower order of the people, to the exclusion of the rich. This was, in some degree, the case under the former bill, but much more so under this. It would destroy the business of thousands of individuals, as he doubted not one-half of the present retailers would decline the trade. He did not think the *seven* licenses would be so productive as the *one* was. It was a tax upon an occupation, and bore very unequally; since men who retailed an hundred hogsheads a year would pay no more for their

licenses than he who retailed but one. The price of the license, therefore, could not be added to the price of the article. If the duty were to be laid at so much a gallon, whether persons sold little or much, they would be upon the same footing. If one license had been directed to be taken out at the price of the whole seven, he believed it would have been more productive. He cited the example of Massachusetts to prove this. Considering the bill, therefore, as he did, to be oppressive, and that the situation of the country did not require it, he should vote against the passage of the bill.

The yeas and nays upon its passage were then taken, and stood—yeas 56, nays 27, as follows:

YEAS—John Allen, Thomas Blount, Theophilus Bradbury, David Brooks, John Chapman, Matthew Clay, James Cochran, Joshua Coit, James Davenport, John Dawson, John Dennis, George Dent, Thomas Evans, Abiel Foster, Dwight Foster, John Fowler, Jonathan Freeman, Albert Gallatin, James Gillespie, Henry Glen, Chauncey Goodrich, William Gordon, Andrew Gregg, Roger Griswold, John A. Hanna, Carter B. Harrison, Thomas Hartley, William Hindman, David Holmes, James H. Imlay, John Wilkes Kittera, Samuel Lyman, James Machir, John Milledge, Daniel Morgan, Lewis R. Morris, John Nicholas, Josiah Parker, Elisha R. Potter, John Rutledge, jr., Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, William Smith, of Charleston, William Smith, of Pinckney District, Richard Stanford, Thomas Sumter, John Swanwick, George Thatcher, Richard Thomas, Abram Trigg, John Trigg, John E. Van Alen, Peleg Wadsworth, and Robert Williams.

NAYS—George Baer, jr., David Bard, Lemuel Benton, Nathan Bryan, Demsey Burges, Samuel J. Cabell, Thomas Claiborne, John Clopton, William Craik, Thomas T. Davis, Lucas Elmendorph, Nathaniel Freeman, jr., Jonathan N. Havens, Edward Livingston, Matthew Locke, Matthew Lyon, Blair McClenachan, Joseph McDowell, Anthony New, Harrison G. Otis, John Reed, Tompson J. Skinner, Richard Sprigg, jr., Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and John Williams.

The bill to continue in force the acts and sections of acts therein mentioned, was read the third time and passed.

The bill for appointing agents to carry into effect the 6th article of the British Treaty was received from the Senate, with amendments. They were, to strike out the Attorney General from the different parts of it, so as to make the agents appointed independent of him. They were taken up and disagreed to.

## PROTECTION OF TRADE.

The bill yesterday received from the Senate for a Naval Armament, with their disagreement to all the amendments of any importance, was taken up, when—

Mr. NEW said he wished to get rid of this bill, and therefore moved that it be postponed till the first Monday in November.

Mr. W. SMITH did not expect that, after so much time had been spent upon this important bill, a measure of this kind would have been proposed. He called for the yeas and nays upon it.

Mr. NICHOLAS hoped they should go on to consider the amendments.

The question on postponing the consideration was taken, and decided—yeas 29, nays 61, as follows:

YEAS—David Bard, Lemuel Benton, Thomas Blount, Nathan Bryan, Demsey Burges, Samuel J. Cabell, Thomas Claiborne, Matthew Clay, John Clopton, Joshua Coit, Thomas T. Davis, John Dawson, John Fowler, Nathaniel Freeman, jr., Albert Gallatin, Andrew Gregg, Jonathan N. Havens, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, Anthony New, Tompson J. Skinner, Wm. Smith, of Pinckney District, Richard Stanford, Philip Van Cortlandt, Joseph B. Varnum, and Abraham Venable.

NAYS—John Allen, George Baer, jr., Abraham Baldwin, Theophilus Bradbury, David Brooks, Christopher G. Champlin, James Cochran, William Craik, James Davenport, John Dennis, George Dent, Lucas Elmendorph, Thomas Evans, Abiel Foster, Dwight Foster, James Gillespie, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison, Thomas Hartley, William Hindman, David Holmes, Hezekiah L. Hosmer, James H. Imlay, Walter Jones, John Wilkes Kittera, Edward Livingston, Samuel Lyman, James Machir, William Matthews, John Milledge, Daniel Morgan, Lewis R. Morris, John Nicholas, Harrison G. Otis, Elisha R. Potter, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, William Smith, of Charleston, Richard Sprigg, jr., John Swanwick, George Thatcher, Richard Thomas, Mark Thomson, Abraham Trigg, John Trigg, John E. Van Alen, Peleg Wadsworth, John Williams, and Robert Williams.

The amendments were then taken up, and the first being under consideration, viz: that prohibiting the frigates from being used as convoys—

Mr. W. SMITH moved to recede from this amendment. The motion was negatived—48 to 46.

Mr. NICHOLAS then moved to adhere.

This motion occasioned some debate, on the ground of propriety; as it appears the usual mode is, in such cases, for the House to insist; after which, a conference takes place: whereas an adherence precludes conference, as the Senate must then either recede, or the bill is lost.

The question was taken on adhering, by yeas and nays—46 to 50, as follows:

YEAS—David Bard, Lemuel Benton, Thomas Blount, Richard Brent, Nathan Bryan, Demsey Burges, Samuel J. Cabell, Thomas Claiborne, Matthew Clay, John Clopton, Joshua Coit, Thomas T. Davis, John Dawson, George Dent, Lucas Elmendorph, John Fowler, Nathaniel Freeman, Jr., Albert Gallatin, William B. Giles, James Gillespie, Andrew Gregg, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, David Holmes, Walter Jones, Edward Livingston, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, John Nicholas, Tompson J. Skinner, William Smith, of Pinckney District, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, John Swanwick, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, and Abraham Venable.

NAYS—John Allen, George Baer, jr., Abraham Baldwin, Theophilus Bradbury, David Brooks, Christopher G. Champlin, James Cochran, William Craik, Samuel

W. Dana, James Davenport, John Dennis, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, Robert Goodloe Harper, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, James Machir, William Matthews, Daniel Morgan, Lewis R. Morris, Harrison G. Otis, Josiah Parker, Elisha R. Potter, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, William Smith, of Charleston, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, Peleg Wadsworth, John Williams, and Robert Williams.

The striking out of the eighth and ninth sections, which related to the providing of nine vessels of twenty guns each, came next under consideration.

Mr. W. SMITH hoped they should recede from this amendment, as circumstances might arise during the recess, which might require these vessels before the frigates could be got ready. There was a bill for providing galleys, but he was doubtful whether it would pass. He wished power, therefore, to be given to the President to equip these vessels. He believed merchant vessels might be purchased for the purpose, and that they would be necessary for the protection of our bays and rivers.

The motion was put and negatived; and motions to recede from all the other amendments shared the same fate.

A committee of three was appointed to confer with the Senate on the subject of their difference.

## DUTIES ON STAMPS.

The House resolved itself into a Committee of the Whole on the bill laying dutics on stamped vellum, parchment, and paper, when

Mr. NICHOLAS moved to strike out the clause exempting bank notes from duty, as he could see no reason why notes upon which a profit was made, should be exempted from duty more than others. He trusted all notes would be placed on the same footing.

Mr. W. SMITH hoped gentlemen did not mean, by moving to strike out this exemption, to destroy the bill. He thought the observation of the gentleman from Connecticut yesterday, against embarrassing the bill by doubtful objects, had weight. On this ground, though he was before of opinion deeds ought to have been inserted, he did not vote for inserting them. He trusted the gentleman had not fully considered the subject, and that when he did so, he would not persist in his motion.

Mr. NICHOLAS believed if the favorite object of every gentleman were to be exempted, there would be nothing left upon which to lay a tax. If to oppose this, were to defeat the bill, he meant to defeat it; as he wished the tax to go to all objects of the same kind. He had no idea of favoring one interest at the expense of another; he hoped, therefore, his amendment would be agreed to.

Mr. LYON expected the gentleman from South Carolina was about to have given some reasons why bank notes ought not to be taxed as well as others; but he was disappointed. He believed those who issued these notes got a good profit from them, and that it was, therefore, reasonable they should pay their proportion towards the support of Government.

Mr. W. SMITH thought the tax an improper one. Banks were taxed in another part of the bill, on the transfer of their shares. A tax on bank notes, he said, would introduce a vast deal of confusion throughout the country. As for himself he did not care any thing about it; but he believed, if it were agreed to, it would produce so many objections against the bill as to prevent its passing.

Mr. BROOKS was against stamping bank notes, as they were not stamped in any country whatever. Indeed they were different from other notes, as they were the representatives of specie; they might, therefore, as well stamp dollars or guineas. In short, the subject was too important and intricate to be gone into at this late period of the session.

Mr. VENABLE said, in proportion as the tax was general, it would be just. What was the object of the bill? It was to tax that right which an individual possesses in society, of transferring his property, and the evidences of it; it was also to tax him for the right he had of using his credit. Though the argument of the gentleman last up might appear specious, that a bank note was the representative of specie, it was not very solid; it was the representative of the credit of the bank, and circulated for its interest. An individual, if he had sufficient credit, might issue notes as well as a corporation; and, in that case, his notes would be charged with the duty, whilst those of a corporation would not. From whence, said Mr. V., is this reasoning drawn? It was drawn from the doctrine of favoritism—it was meant to favor the moneyed interest, which was already sufficiently encouraged by their incorporation. There seemed to be no objection to the principle; but merely to the convenience of the thing. If it could be shown that the tax would materially operate upon the circulation of bank notes, so as to injure the operation of money transactions, it might have some weight with him; but it was none, to say this bill must pass, and therefore let us avoid any thing in which there may be any difficulty. Such assertions went only to this, where you can tax the property of an individual, do it; but do not meddle with corporations, as this would be attended with some difficulty. He wished, if the bill passed, that it should operate equally.

Mr. COIT wished the gentleman from Virginia would withdraw his motion, until he took the sense of the committee upon one which he proposed to make, and which was calculated, if agreed to, to supersede the one he had made. He would state what it was. It was his opinion that small notes should be exempted from duty. He should propose, therefore, that there should be charged on all notes exceeding fifty dollars and not exceeding one hundred dollars, ten cents, and that all of less value should go free.

After a few remarks upon this motion, in which it was observed that it would defeat the bill entirely, as it would only be to make so many more

notes at fifty dollars, if the sum were larger, Mr. COIT consented that the fifty should be struck out and left blank; when the question was taken and negatived, there being only twenty-five votes for it.

Mr. NICHOLAS renewed his motion.

Mr. SITGREAVES hoped it would not prevail. It had been admitted that if it could be proved that the stamping of bank notes would embarrass their circulation, it would be a good objection to the tax. He believed he could easily show that it would not only impede their circulation, but depreciate their value. The tax would not certainly be made to operate upon notes already issued, but upon those issued after the act took place; so that it would be necessary that every citizen throughout the United States should be acquainted with the date of their law, which would do away all confidence in bank paper. The result of this uncertainty would be that the banks would have to call in all their outstanding notes, which would cause an immediate depreciation of their value. He trusted, therefore, that so objectionable a measure would not be entered upon.

Mr. GALLATIN said he had had his doubts with respect to the propriety of stamping bank notes; he was not sure whether it might not have a dangerous effect on their circulation. On a further consideration of the subject, however, all his doubts had vanished. He now thought this amendment essential, just, and right. Indeed, when they proposed to lay a stamp duty upon all bills and notes, there appeared to be no good reason why the notes of any incorporation whatever should be excepted. He had heard only one objection; which was, that these notes differed essentially from others, because they were the real representatives of specie kept in the bank from whence they were issued. He could not see the distinction endeavored to be drawn. Private notes were always given for some consideration, whether for cash or other property, was of no consequence to them. Indeed, if they turned their attention to the nature of bank notes, they would be found to be a very fair object of taxation.

Where an individual gave his note, it was not likely that he would derive any profit from it; many of such notes were what was called "accommodation notes;" all were acknowledgments of debt, and therefore no proof of wealth; but bank notes were never issued except to produce a profit to the bank, therefore, to exempt them from duty, would be to exempt those which were best entitled to pay.

The only objection would be, any inconvenience which might take place to counterbalance the benefit to be derived from the tax. It had been supposed that a depreciation would take place in the value of the notes in consequence of this tax. In order to show that this was not probable, he supposed the tax would be laid.

Bank notes were issued and reissued; but when an individual gave a note, after it was paid, there was an end of it. Bank notes might be issued twenty times, or oftener; it was necessary, therefore, to tax them in a different way from other notes. He supposed the same provision might be adopted here as was adopted in England. They might be allowed to be issued for a certain number of years—say three. This would remedy every kind of inconvenience arising from reissuing. As to notes now in circulation, the way to prevent inconvenience would be to fix the time after which all notes should be renewed by stamped notes. The consequence would be, that all notes would, by degrees, be returned to the bank, and no difficulty would arise from doing so. Six or nine months might be allowed for this purpose. This was the way in which all the banks in England, except the Bank of England, were subject to the stamp duty; that bank, he believed, had paid a certain sum to be excused from the tax. Perhaps the same privilege might be allowed here.

In laying this tax, Mr. G. said, they should not tax the money transactions of banks equal to those of individuals. There were deposites made in banks for which no notes were issued, but which were merely entered upon the bank books. They discounted not only with those deposites, but with their notes, which was the reason why they made dividends of nine and ten per cent. The amount of deposites in the bank books was generally larger than the amount of notes in circulation. It was so with all the banks in Philadelphia, except it might be the Bank of the United States.

By laying a stamp duty, therefore, upon bank notes, they did not lay a tax upon all the money transactions of a bank; he believed not more than upon one third, or at most not more than one half of what they traded upon beyond their capital; for a bank he said did not touch its capital in any other way than in discounts. Their notes were issued upon the deposites from individuals; it would therefore be highly unjust to except these notes from the proposed duty.

As to what had been said about a duty being laid upon transfer of bank shares, that had nothing to do with the present question.

Mr. NICHOLAS noticed what had fallen from the gentleman from Pennsylvania on the subject of depreciation, and showed by the regulations under which the tax would be paid, that it could not take place.

Mr. RUTLEDGE thought bank notes a proper object of taxation, and had not heard one good reason why they should be exempted from the proposed duty. The argument of his colleague (Mr. SMITH,) that bank notes now in circulation would be affected, and their currency checked, he would answer, by observing that the duty could not operate upon notes now in circulation; it was not proposed to have them called in, but to have those stamped which shall be issued after a certain day. He did not think the weight and importance which generally attach to the observations of the gentleman from Pennsylvania (Mr. SITGREAVES) attach to those now offered by him. With respect to the circulation of bank notes being embarrassed by the necessity there would be for the people at large being acquainted with the date of the law, the objection would apply to private as well as bank notes. The people throughout the country must in-

form themselves, and the most ignorant will inform themselves of the date of the act; and, whenever a bank note or a private note shall be offered to them, they will always inquire if it was issued subsequent or previous to a certain day. The gentleman from New York (Mr. BROOKS) was certainly incorrect in saying that "bank paper was not stamped in any country whatever." In Great Britain, Mr. R. said, the paper of all private banks is stamped; that of the Bank of England has been exempted from the stamp duty, by the bank having paid the Government a sum, in gross, by way of commutation. Although the moneyed interest has always been well and largely represented in England, yet bank notes are taxed there, and the circulation of them has not been embarrassed by this duty; on the contrary, the system of banking has been wonderfully extended throughout that kingdom. In every part of it bank notes are current; every town and village has its banks; they are as universal as their churches. Mr. R. asked, where would be the propriety of taxing notes issued by fifty individuals in their individual capacity, and exempting those issued by them when they associated, called themselves a Banking Company, and issued notes to three times the amount of their capital? The measure seemed to him unwise, and he was sure it would be unpopular. He could not conceive why people who had no other property than stock, which, in many instances, yielded an interest of fifteen per cent., should not contribute to the support of Government. A vast proportion of stockholders are foreigners, persons who do not contribute in any way to the support of Government, not even by personal services. He never would consent to exempt them from taxation, when we were burdening the active enterprising merchant and the industrious and hard-working farmer. He could not believe that a small duty laid on bank notes would embarrass the circulation of them, but he was persuaded it would prove an abundant source of revenue.

Mr. SWANWICK. The greatest objection which the banks in England seemed to have to the tax, was, that it might ascertain the quantity of notes they had in circulation. In order to prevent this, the Bank of England commuted with Government for a certain sum; but the notes of all the private banks were stamped. He thought it reasonable that this kind of notes should be stamped as well as others, though he would have the tax low; for he saw no reason why merchants should pay, and bankers be excused from the duty, since great emolument was derived from these notes, by the consent of the community, and the community, in return, had a right to expect assistance from the banks.

Mr. W. SMITH believed, if an original proposition had been brought forward to tax bank notes, it would have been thought a very serious thing, and they should have paused before they consented to the proposition. Gentlemen who advocated this proposition, allowed it would require many provisions to carry it into effect. What those provisions were he could not pretend to say. He thought bank notes had been too much confounded with notes of individuals, and they were quite different things. Those of individuals were mostly larger, the greatest part of bank notes were for five dollars. Notes of individuals, if not stamped, could not be received in evidence; but he did not know what must be the penalty on bank notes being issued without stamp. Besides, he said, to lay a duty upon the notes issued by the Bank of the United States would be a violation of its charter, for, by that charter, it was said, the notes of that bank should be received at the custom-house in payment of duties. It had been said a commutation might be allowed, but that would be equally contrary to the charter; besides, if such a thing were to be done, he did not know who could do it; it would not be the proper business of the President, and that House would have difficulty in saying what would be a proper sum to be paid for the purpose. He again feared the introduction of this principle would destroy the bill.

Mr. COIT did not think it was quite so clear a thing as some gentlemen seemed to think it, that bank notes ought to be stamped. He did not believe the analogy between the bank and private notes was so strong as had been represented. If the facts were as represented, that every bank note was to be considered as producing a profit to the banker, there would be good ground for the tax; but he was of opinion this was not the case. For instance, if the bank gave their note for one hundred dollars, it was equal evidence with the note of an individual, that they had received the value of one hundred dollars. But if they went further, it would be found the analogy did not hold. The note of the individual was at a certain date, but that of the banker was on demand; and they were every day liable to be called upon for the money of which the note was the representative; so that they were obliged to keep the money, or money at least to a great amount, ready to take up their notes whenever presented. Banks could not, therefore, be considered as receiving a profit on all the notes they issued; but only upon the difference between the amount of notes issued, and the cash they are obliged to keep by them to answer their demands. The analogy, therefore, did not hold; and, if bank notes were taxed, it must be upon a different principle from that on which the notes of individuals are taxed.

Mr. POTTER was in favor of the amendment, and he trusted that gentlemen who were always ready to go into every species of expense, would not flinch when the object was to raise money. He had this morning voted for a bill laying additional tax on licenses, which he believed would be found in some degree oppressive, but he did it because he knew revenue was wanted. He hoped the gentleman from South Carolina would, on this occasion, concur in the proposed tax. He doubted not unexceptionable means might be devised for collecting it; if not, it might be given up.

Mr. HARPER was against the amendment, not because he was satisfied bank notes were not a proper object of taxation, but because he did not wish to embarrass the bill with a subject which they had not time to consider.

Mr. SWANWICK again spoke in favor of the tax.

Mr. OTIS was against the amendment; not because he thought such a tax would be improper, but from the difficulties which would attend the carrying it into effect. Besides, he said, if the notes were to revert to the bank every two or three years, it would cause a run upon them for cash, instead of renewed notes, which might be very inconvenient.

Mr. VENABLE did not think the run upon the bank which the gentleman had mentioned could take place, as the notes would have to be renewed three years from the time issued, and all their notes would not be issued on one day. Mr. V. again insisted that this tax should be general; and if they had not time to make it so, it ought to be put off till they had. Not to include bankers would be to lay a tax upon the people whose complaints of its hardships could not be heard. He deprecated this as unjust.

Mr. HARPER could not conceive that the great body of merchants and farmers throughout the United States were people who could not make their complaints heard, if they had them to make. The proprietors of banks, Mr. H. said, already paid taxes in a variety of shapes; many of them were merchants, and would, of course, pay the tax imposed on the notes of individuals.

Mr. BROOKS was against going into a tax on bank notes at present, but denied that there would be any cause of complaint from the people on account of the taxes imposed by this bill. He wished to make a beginning with a stamp tax at present; it might not be completed these seven years. Gentlemen might as well go on and propose a tax on newspapers, which, whatever might be said against it, he believed might be laid without infringing the liberty of the press; but a thing of this kind would require a great deal of detail.

Mr. CLAIBORNE was in favor of including bank notes; not to do this, he said, would be to catch *small fish*, and let the *large ones* pass.

Mr. GALLATIN said that the provisions for laying this tax would be by no means difficult. Indeed, three-fourths of the bill was copied from the British statute, and that part respecting bank notes could be as easy copied as any other part. The observations respecting the charter of the Bank of the United States, were not deserving of a reply. There was only one of two things which could be done, either to tax bank notes, or to excuse all other notes from the tax.

Mr. SITGREAVES could not submit to hear that it was the intention of those who opposed this motion, to screen the moneyed interest of this country from paying a tax. He had no such views. He had no objection to tax the banks in proportion to the amount of their business; but he could not agree to its being done in this way. If gentlemen would estimate how much the stamp duty of a bank would produce to the United States, he would vote for a sum of this kind, by way of commutation. Charges could rarely be made against the side of the House with whom he generally acted, for not being willing to vote for revenue; a contrary charge was more frequently made. He trusted the amendment would not be agreed to; but that if the tax were laid, it would be by way of commutation.

The question was taken and carried, there being fifty-five votes in favor of it.

The committee rose and had leave to sit again.

The resolution respecting an adjournment was received from the Senate, and disagreed to. The disagreement being read, Mr. GILES moved the same resolution filled with Monday next; but Mr. WILLIAMS opposed it, and moved to adjourn.

---

WEDNESDAY, June 28.

## DUTIES ON STAMPS.

The House went into a Committee of the Whole, on the bill for laying duties on stamped vellum, parchment, and paper, Mr. DENT in the Chair; when, a duty on debentures being under consideration,

Mr. J. WILLIAMS observed that the duty on debentures was to be only one dollar, without discrimination. This he did not think right; there was only one per cent. paid on drawbacks, which was a loss to Government; so far as it respected the drawback on ad valorem duties there was no loss, but as it respected articles weighed, measured, or guaged, there was a loss to Government. As the time of the present session would not admit of an alteration in the present system of drawbacks, he would not bring it forward; but would do it at the next session, in which he was persuaded there might be a saving to our revenue of $300,000, and do every justice to all concerned. At present, he would content himself by augmenting the duties proposed by the bill. He therefore made the following motion, viz: for a debenture under $500. one dollar; for a debenture for $500, and under $2,000, two dollars; and for a debenture for $2,000 and upwards, three dollars.

This motion was opposed by Messrs. W. SMITH and COIT, and supported by Mr. SWANWICK. It was carried, 54 votes being in favor of it.

Mr. LYON moved to strike out the exception respecting bonds or notes payable at or within sixty days, paying only two-fifths of the duty imposed on other bonds and notes.

Mr. SWANWICK hoped this amendment would not prevail. The large cities, he said, had a large circulation in notes of this description, and if this exception were struck out, the law would fall too heavy on them. He thought the committee had done well in making the provision reported: he thought it was fair and equitable.

Mr. LYON saw no reason why these notes should be favored more than others. He knew a stamp tax would go out with a bad name; if, however, it was made general, so that it might be productive, and bear equally upon all classes of men, he was willing to bear his part of the responsibility of the law.

Mr. R. WILLIAMS said, it was very difficult to introduce anything as an object of taxation which would not bear hard upon somebody. If this exception was not struck out, he said, the duty would be evaded in the country, as notes there

were given on demand, though a long credit was taken.

Mr. VENABLE did not think the exception would produce the effect supposed in the country. The provision was intended to favor *accommodation notes*, which were often renewed. He hoped it would stand.

Mr. J. WILLIAMS thought this motion deserved attention. He himself was in the habit of lending money, as were most men of property in the country, (for which, though, he never received more than legal interest,) on notes, which were always payable on demand. He believed, therefore, that if this exception stood, it would defeat the tax.

Mr. BLOUNT said, this provision was intended to apply to city transactions; and he thought merchants in large cities, who had the advantages which banks gave them, could very well afford to pay it; as a person there, though of far inferior property, could raise one thousand dollars sooner than a merchant in the country, who was not near any such institution, could raise one hundred. It was true, that this tax would produce a large sum of money; but he thought, nevertheless, it would be a just tax.

Mr. POTTER was opposed to the motion.

Mr. W. SMITH said, as the bill now stood, the tax would fall pretty heavily on commercial men; as not only notes, but policies of insurance, debentures, &c., were taxed. He was of opinion they would, if the exception stood, pay four-fifths of the whole duty; but, if the provision was struck out, the law would operate very heavily upon a class of men who at present paid almost the whole of our revenue. In order to make their custom-house payments, they were obliged to renew their notes every sixty days, and it would bear very oppressively upon them, if they were for every renewal to pay a fresh tax. The gentleman from North Carolina had said, that merchants in cities could obtain money easier than merchants in the country could; but the gentleman should also recollect that they were at much greater expense in living.

Mr. BLOUNT allowed that the merchants in large cities were the collectors of a great part of our present revenue, as they would also be under the proposed law; but he denied that they ultimately paid it. Mr. B. again spoke of the advantage which they possessed in being able to raise money by accommodation notes to pay duties, or for any other purpose. He was himself a merchant; but, having no bank near him, if he wanted a sum of money for a payment, he would be obliged to sacrifice property to raise it; whereas, a merchant in the city, who has any credit, (no matter what his property may be,) has only to draw one of these notes to raise it. He therefore thought that this description of persons, and this paper, could better afford to pay a tax than any other.

Mr. OTIS believed, if gentlemen wished to destroy the bill, they could not take a more effectual way to do it. He was sure that many of the friends of the bill could not vote for it, if this exception was struck out. These notes, he said, were circulated in the place of money, and a tax upon them would be the same as a tax upon money. He believed the idea of the gentleman from North Carolina of the advantages derived from banks was too highly raised. He believed every man who got money of the banks paid seven and a half per cent. for it. This tax, he said, would operate as a discouragement to negotiations at banks, and be an additional tax upon them. They would now be taxed in three different ways, viz: on a transfer of bank shares, on their notes, and by this tax, which would discourage bank negotiations.

If, indeed, it were the object of gentlemen to destroy these institutions, he thought they were taking a direct way to do it. He hoped this was not their view, but that they acted thus from mistaken views. Suppose, said he, a note was not negotiable at the bank; in that case, he was told, as high a premium as thirty per cent. was paid for cash. The case was very different in the country; if money were to be obtained at all, no more than legal interest was paid for it. As the thing related to the Bank of the United States, it was peculiarly improper. That bank had always lent money to this Government on favorable terms. Indeed, they were in the habit of gaining forty thousand dollars a year by it; and that institution had lost fifty thousand dollars in stock sold to reimburse the loan made to the United States. To take any measure, therefore, to discourage this institution would be highly impolitic and improper.

Mr. GALLATIN did not well understand how the Bank of the United States came to be brought into this discussion. Although Government had derived some advantage from that institution, it had also lost a great deal. If they spoke of the stock sold, they should take into view also the six per cent. stock, sold at a loss of ten or thirteen per cent.

He said, the duty on these notes, would not fall upon the bank, but upon individuals. If, indeed, the capital of the bank was so large as to be able to answer all the demands which could be made upon it in this way, that might be the case; but that was not so. The bank would have to pay the duty upon bank notes; but upon notes offered for discount, individuals must pay the duty.

The only question was, the quantum of duty. It was said, that it was not just that notes at sixty days should pay as much duty as those drawn at nine or twelve months. It was true that notes at sixty days were renewed five or six times a year; but these notes were mostly for large sums, upon which the duty was lower in proportion than upon small sums, of which the country notes at long dates chiefly consisted. He supposed nine-tenths of the latter were under fifty dollars, and nine-tenths of the sixty-day notes above one hundred dollars, so that this consideration would operate an equality of the tax.

Mr. HARPER thought this motion objectionable upon a ground which had not been stated. The object of the bill was to tax such paper as was of no use; and it was evident that four-fifths of the

notes at sixty days, were not discounted, and therefore no advantage was derived from them. Where a man offers a note for discount, and gets the cash for it, it was reasonable that he should pay the tax; but where the note was not discounted, it would not be right to pay a tax; yet if all these notes were to be stamped, this would be the case. How, then, was the difficulty to be avoided? In no other way, he believed, but by making the duty low. You must, therefore, said he, endeavor to come at the proportion of notes discounted; and he believed this did not amount to more than three-fifths of the number issued, which was the estimate made in the bill.

He supposed the gentleman from North Carolina would not say that necessity and misfortune, which were precluded from any benefit from banks, should pay a tax; but those who derived an advantage from those institutions. He hoped, therefore, this provision would be retained.

Mr. H. denied that the Bank of the United States had been the cause of loss to the Government; but that the loss alluded to had been occasioned by a scarcity of money. The bank gained nothing by that loss.

The CHAIRMAN reminded Mr. HARPER of the question.

Mr. HARPER said he knew what the question was; and would take the opportunity of saying, that if any other person besides he who was delivering them were to judge upon the propriety or impropriety of arguments, there was an end of the freedom of debate.

The CHAIRMAN again called him to order, and he sat down, with saying, he would have order observed with rigor, but with impartiality.

Mr. ALLEN wished to consider the vote of yesterday, respecting bank notes. Some conversation took place on a point of order, which ended in a motion of Mr. N. SMITH, to strike out all that respected laying a duty on bonds and notes.

Mr. VENABLE said, there seemed to to be a variety of views on this subject in the House. Some were in favor of a stamp duty, others against it; some wished to go certain lengths, which were acknowledged to be just; but gentlemen got up and said, if such and such a provision were inserted, their friends would vote against it; so, say they, let us get a little, rather than lose the bill. This, he said, was not a fair way of meeting the subject. If the bill were carried into effect at all, he wished it to operate equally upon the whole community.

This stamp-tax was known to have taken a similar course at a former time. It was said, money could not be raised in any other way; yet, because a single item is introduced which they dislike, gentlemen turn round, and are willing to vote against the whole bill. If every thing inserted in the bill be not agreeable to them, they will not agree to pass the bill. Mr. V. said, he should introduce no amendment for the purpose of destroying the bill, but he should bring forward every subject which he thought necessary to render the bill just and equal.

Mr. ALLEN would agree, and he believed his friends would also agree, to limit the duration of this bill to the end of the next session; during which, they might pass a law including all the subjects gentlemen might think it necessary to propose.

Mr. N. SMITH said, his amendment went to destroy that part of the bill which proposed to lay a tax on bonds and notes. For himself, considering a stamp duty as a novelty and experiment, he thought it better to begin it upon those matters which did not relate to all the domestic transactions of the country, that the great bulk of the people might view it as an object at a distance, not operating upon them; but, if a tax were laid upon notes, it would affect every man in the community, and the bill would be at once impolitic and unpopular; whereas, the tax might be gradually introduced, and ultimately become a very productive branch of revenue.

This was not his only reason for making this motion. He wished to close this session as soon as possible, and he foresaw that if they extended the tax to bonds and notes, and whatever might, in consequence, be introduced, they should not be able to get through the bill in a month. He wished these subjects to be deferred till next session.

There was another reason, in his mind, which had frequently been hinted at. There were gentlemen who were friendly to a stamp-tax in any shape; and there were those who were inimical to it in any shape. The latter he foresaw would introduce every objectionable article into it, in order to defeat the bill. In this, the event had shown he was not mistaken. He wished a stamp act to go out at present in as simple a form as possible, so that they might build upon it hereafter, as occasion should require. And he would undertake to predict that the gentleman from Virginia (Mr. VENABLE) who expressed so much zeal on the occasion, and many others, would not vote for it at all, whatever amendment might be introduced into it. When this were the case, those of them who wished to get the bill through in some shape, should be careful how they shackled it. If bank notes were to be taxed, there would be no chance of passing the bill.

Mr. BLOUNT supposed he was one of those whom the gentleman last up predicted would vote against the bill in any shape; but, since revenue must be had, and he knew no other way of getting it, if the bill was made general and impartial he should vote for it. The motion now before the committee would take away the most profitable part of the bill. He had, indeed, wished that this bill might not have been brought forward; he should vote for it, provided it was made to operate equally; but he was against stealing upon the people with this tax. He wished them to know at once from whence the revenue was to be drawn.

Mr. SWANWICK said, the gentleman from Connecticut seemed to wish to tax a few objects, upon which might be grafted hereafter a large revenue. There was some force in his objections, but he thought there was more in the imperious necessity under which they were called upon for revenue. In order to have lessened the objections to

the clause laying a duty upon bank notes, he meant to have moved an amendment which should have given power to the Secretary of the Treasury, under the direction of the President of the United States, to compound with the banks for an annual sum proportioned to the amount of their dividends. He believed the proprietors of those institutions themselves would have too much patriotism to object to such a proposition. He trusted, at any rate, that they should agree to pass this bill in some form; indeed, he could not see how gentlemen could return home, after passing laws incurring expense, without providing the means of paying that expense.

Gentlemen from the country having preferred a stamp tax to a land tax, though he did not like it so well, since they had gone into the business, he hoped it would pass.

Mr. GORDON was in favor of simplifying the business.

Mr. COIT spoke on the same side of the question. He said a tax was proposed in the bill introduced in 1790, and rejected.

Mr. RUTLEDGE said, if the motion to strike out notes payable at sixty days, and shorter dates, had not been suspended, he should certainly have voted for it; but as the present sweeping motion proposed striking out the whole clause, in which are included notes of every description, and all kinds of specialties, he would be precluded from voting as he had intended. He could not see the propriety of exempting from the duty bonds, bank, and other notes, and bills of exchange. In his opinion, they would prove more fruitful articles of taxation than any contained in the bill, and a small duty upon them would give much revenue without injuring credit. He should have voted for exempting notes at short dates, (provided they had not been classed with all other specialties,) because if a duty is laid upon them, it will have a very partial operation, and affect almost exclusively the most important part of the community. It would be a tax upon the merchants, whose embarrassments he was not disposed to add to. They were now staggering under the difficulties occasioned by the circumstances which had rendered necessary this extraordinary convention of Congress. With much of their capital locked up in the West Indies, and unpaid bills to the amount of seven or eight millions of dollars, which were given on the French Government by its colonial agents for property taken by them at an arbitrary valuation, our merchants were soliciting relief from the banks. The banks anticipated the return of this property by discounting their notes, and he trusted the Government would not increase the embarrassments of this much injured class of its citizens by taxing the notes they offer to the banks, four-fifths of which, as had been observed by his colleague, were not discounted. Mr. R. said, he was yesterday of opinion, that it would be politic to tax bank notes; and, although most of his friends were of a different opinion, yet everything they had said only served to fortify his, and his vote of to-day would confirm that of yesterday.

Mr. SEWALL said he yesterday voted for a duty on bank notes, and he should to-day vote for this amendment. He thought, in the present circumstances of this country, it would be impolitic to tax credit. In a general point of view, it was the case in all new countries, that they were in want of a circulating medium of exchange. This was supplied by credit. The farmer in the Spring of the year was in want of seed, for which he obtained credit till the Fall, when his crops were disposed of. This credit they were about to tax, which would fall upon the man who gets the credit, and not upon him who gave it. But, though this kind of notes were struck out, he should be for taxing bank notes, upon which a profit was made.

Mr. GILES said, if this part of the bill was struck out, they might as well do away the whole, as what would remain would only operate upon lawyers and merchants, and he did not know why they should single out them from the rest of the community for a tax. The gentleman last up said, to tax notes would be to tax credit, which was in some degree true; but he believed few farmers could get credit on their notes, who would not be as soon trusted in an open account; but if not, he did not think a quarter of a dollar could be a great object to such persons. With respect to bank notes, he thought the gentleman perfectly correct. He thought there should not be any discriminations with respect to the time at which notes were drawn, but as to the amount. If the bill were passed in the skeleton form in which some gentlemen seemed to wish it, they should hereafter always have to contend against all the interest that could be made against inserting new objects. He wished the bill, if passed at all, to be productive; if it were so by being made general, he would vote for it, but not otherwise.

Mr. POTTER was in favor of the amendment. He yesterday voted for bank notes, because notes of a different kind were taxed, but he would now vote to do away the whole. He did it for another reason, because he wished the bill to pass with only a few articles; other species of paper might afterwards be added.

After a few words between Mr. N. SMITH and Mr. GALLATIN, the motion was put and negatived—57 to 42.

Mr. ALLEN then moved that the committee rise, in order that he might move the House to adjourn the consideration of the bill till the next session of Congress.

This motion was supported by the mover, Messrs. SITGREAVES and HAVENS, and opposed by Messrs. W. SMITH, SWANWICK, RUTLEDGE, and OTIS. It was negatived, there being only 16 votes for it.

Mr. LYON then renewed his motion to strike out the exception in favor of notes at 60 days.

The question was taken, and negatived—49 to 43.

Mr. HARPER moved an amendment to exclude from duty all notes of twenty dollars and under.

Mr. HAVENS supposed this would include bank notes below that sum also.

Mr. HARPER said he had not bank notes in

view, but small notes which were given in the country, and to stamp which would be found very troublesome. It would be a question with the committee, whether they would afterwards add a clause to preclude bank notes from this exception.

Mr. SWANWICK was in favor of this exception. In England all notes under forty shillings were exempted from duty. With respect to bank notes, he meant to introduce, as he had intimated, a compounding clause to include them.

The question was carried without a division.

Mr. OTIS moved to add, "foreign and inland bills of exchange;" which, after some conversation, was agreed to be expressed in the words of the English statutes, and carried, there being 74 votes in its favor.

Mr. GALLATIN moved that, instead of all bank certificates being ten cents, that "all under $100 should be 10 cents, and all above $100, 25 cents." After some conversation, in the course of which it appeared that the shares of the Union Bank, at Boston, were only eight dollars each, it was added, "and for every share under twenty dollars, —— cents."

Mr. GILES moved for the committee to rise.

Mr. GALLATIN wished, before the committee rose, to offer two amendments, which he meant to propose on the subject of bank notes. They were, first, "every note issued by any banks now established within the United States, or which may hereafter be incorporated by lawful authority, shall be subject to the following duties, viz: all notes not exceeding $50, three cents for every five dollars; for $50 and not exceeding $100, fifty cents; for $100 and not exceeding $500, one dollar; for all above $500, two dollars." His idea was that the stamp should be permanent; it was necessary, therefore, to have a higher duty on them than on common notes.

In order to remedy the difficulty with respect to notes at present in circulation, he meant to propose an amendment to the following effect, viz: "and if any person shall, after the —— day of ——, offer in payment any note issued by any bank, &c., on unstamped paper, he shall forfeit the sum of —— dollars." He said there was already a penalty for issuing a note without a stamp, of one hundred dollars, which he believed would be sufficient. And he thought these provisions, with the commutation clause proposed by Mr. SWANWICK, would be sufficient regulations with respect to bank notes. The amendments were laid on the table.

The committee rose, and had leave to sit again.

### PROTECTION OF TRADE, &c.

Mr. PARKER, from the committee of conference with the Senate, on the amendments to the bill providing for a Naval Armament, reported that they had come to no agreement; and

A message from the Senate informed the House that they had receded from their disagreements to all the amendments of this House, except their disagreement to the first, which forbids the use of the frigates as convoys, and that they adhered to. Also, that they had passed a bill fixing the time of the next meeting of Congress.

Mr. GILES called up his resolution proposing an adjournment of the two Houses on Monday next; but, on the motion of Mr. W. SMITH, its consideration was postponed till Saturday, there being 54 votes for it.

Mr. W. SMITH, from the Committee of Ways and Means, reported a bill making additional appropriations for the support of Government for the year 1797, which was twice read, and committed for to-morrow.

Mr. W. SMITH informed the House, that he had a report to make from the committee to whom was referred the confidential Message of the President of the United States, which would require the galleries to be cleared. They were cleared accordingly.

---

THURSDAY, June 29.

### NEXT MEETING OF CONGRESS.

A bill was received from the Senate fixing the time of the next meeting of Congress, for the first Monday in December next. The bill was twice read, and committed for to-day.

The House accordingly went into a Committee of the Whole on the subject, and, after considerable debate as to the propriety of passing any law at all, (many members believing the former act to have existence, notwithstanding this present extra session,) and on the propriety of meeting at a later day than heretofore fixed, the bill was at length passed, for meeting on the second Tuesday in November, with a clause repealing the former act. We have before stated that doubts were entertained whether the act of the 3d of March last, for fixing the next (not the next annual) meeting of Congress, was not superseded by this extra meeting of Congress. In order to avoid any misunderstanding on the subject, this law was passed, though it did not appear to be generally believed that the act was necessary, and it met with considerable opposition, on the ground, that to allow this to be the case, would give the President the power to repeal a law, and to do away the provisions of the Constitution on this subject. The bill was ordered to be engrossed for a third reading to-day.

### PROTECTION OF TRADE.

Mr. PARKER called up the bill from the Senate relative to providing a Naval Armament, upon which there had been a conference of the two Houses. The Senate agreed to recede from their disagreement to all the amendments of the House except the first, which prohibited the frigates from being used as convoys.

Mr. P. hoped the House would recede from the amendment, rather than risk the loss of the bill. He had before given it as his opinion that it would be wrong to shackle the bill with such a clause, as he believed the President was the proper person to direct the use of this force; but it having been feared by many, from the President's Speech at

the opening of the session, that those frigates, if left to him, would be employed as convoys, he was willing to go all the lengths he had gone; but from the change of circumstances which had taken place, he could not suppose, if nothing had been said in that House on the subject, he would now use them as convoys. The nine vessels proposed by this bill to have been fitted out were relinquished; of course no vessels could be got ready as convoys for several months, when it might probably be too late to use them.

Mr. P. went at some length into arguments to prove that these vessels, with others which might be built, would be of vast service to the United States; and had we had them long ago, he said we should have been a happy, great, and not a degraded people. He concluded by comparing our number of merchant ships with that of Great Britain, and showed with what force she protected her commerce. He did not wish this country to follow her example altogether, but he was desirous that we should have such a force to throw into the scales of one of the belligerent Powers, in time of war, as should command respect for us.

Mr. STANFORD trusted the House would not recede from their amendment. He would sooner have gone into the arming of merchantmen, and all the other plans recommended by the President, than leave these vessels to be used as convoys; since he believed that, if they were not confined to the seacoast, the peace of the country would be committed to citizens who were mostly carried away by an enthusiasm no way friendly to peace. To recede from this amendment, which had been adopted with so much caution and after so full a discussion, would manifest an instability which he never wished to see in that House. It would be to give the power to make a feeble warlike effort, which could not be supported.

The yeas and nays were then taken upon receding from this amendment, and decided in the affirmative—yeas 51, nays 47, as follows:

YEAS—John Allen, George Baer, jr., James A. Bayard, Theophilus Bradbury, David Brooks, Christopher G. Champlin, James Cochran, William Craik, Samuel W. Dana, James Davenport, John Dennis, George Dent, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, William B. Grove, Robert Goodloe Harper, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, James Machir, William Matthews, Daniel Morgan, Lewis R. Morris, Harrison G. Otis, Josiah Parker, Elisha R. Potter, John Read, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, William Smith, of Charleston, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, Peleg Wadsworth, and John Williams.

NAYS—Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Richard Brent, Nathan Bryan, Demsey Burges, Samuel J. Cabell, Thomas Claiborne, Matthew Clay, John Clopton, Joshua Coit, Thomas T. Davis, John Dawson, Lucas Elmendorph, John Fowler, Nathaniel Freeman, jr., Albert Gallatin, William B. Giles, James Gillespie, Andrew Gregg, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, David Holmes, Walter Jones, Edward Livingston, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, John Nicholas, Tompson J. Skinner, William Smith, of Pinckney District, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, John Swanwick, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

## CIRCUIT COURT, NORTH CAROLINA.

Mr. BLOUNT said the Judge of the Circuit Court of North Carolina having, for the fourth time, neglected to hold a court in that State, it became necessary to pass a law to compel process. He proposed a resolution for the purpose of appointing a committee to prepare and report a bill for that purpose, which was agreed to, and a committee appointed.

## DUTIES ON STAMPS.

The House went into a Committee of the Whole on the bill for imposing stamp duties, when the clause of Mr. GALLATIN yesterday proposed to the committee, on the subject of bank notes, being under consideration,

Mr. OTIS supposed that at least two-thirds of the whole amount of paper issued by the banks, returned and were re-issued every year, and thus the banks must pay tax upon two-thirds of their capital in the first year after the law passed, and which, according to a rough calculation, relation being had to the different denominations of notes, amount to nearly one per cent. on their capital. The tax ought to be levied upon such new notes only as should be issued hereafter; all that were now in existence were protected by the charter, and any law relating to them would be retrospective; and as one-fifth of the whole number of notes would be renewed every year, a tax upon them would be found to bear as hard as upon other notes and bills, which seldom comprised more than the fifth part of the transactions of an individual. It ought also to be considered, that the paper issued by the bank generally became worn and dirty, and incapable of receiving a stamp, so that in less than two years the whole amount of paper must be re-issued, and the entire tax assessed in the same period. This plan would also be inconsistent with that of a commutation, which had been proposed.

Mr. DAYTON (the Speaker) did not think that this proposition precluded the provision of a commutation. He was in favor of taxing bank notes, but he wished also to hold out a commutation, and such a one as should induce all the banks to embrace it; for, if this were not the case, they would not be taxed equally, as the notes of banks did not bear a just proportion to the amount of their dividends. This clause would not, therefore, preclude the commutation, but render it proper, and a clause could be brought in excusing such banks from the duty as came into the proposed plan.

Mr. GALLATIN said, his ideas corresponded exactly with those of the gentleman who had just

spoken. The scheme suggested by the gentleman from Massachusetts, of not taxing the notes at present in circulation, would excuse bank notes from all tax, as, according to his own account, only about one-fifth of the notes issued came in in the course of a year, so that it would be five years before a new tax could operate upon all their notes, and it was probable the bill might not pass for more than three or four. That gentleman supposed that bankers notes ought not to be charged more than others; if this were the case, they might be reckoned to run for four or five years, while those of individuals were at six and twelve months. The note of an individual, for fifty dollars, was to pay ten cents; he calculated a bank note, therefore, for a like sum, which he supposed, upon an average, to run four years, thirty cents.

With respect to the notes at present in circulation, Mr. G. said, they ought all to be called in before a certain time, and after that day no note should be negotiable which was not stamped.

The gentleman from Massachusetts was not correct when he said that this tax would amount to one per cent. upon the capital employed in banks. The calculation of the amount of the tax upon a bank which he had made, would amount to $10,000 a year, whereas one per cent. upon the capital of the Bank of the United States would amount to $200,000; but he said (as he had before stated) that the notes issued by a bank were not equal to its capital, or any thing like it. He could not, indeed, say what the amount of the notes of the Bank of the United States might be which were received for duty, from one end of the United States to the other; but he knew banks in general, in large cities, did not employ more than two-fifths of their capital in this way. He knew it to be a fact with respect to a bank of the largest property in the United States, except the bank of the United States. He thought of proposing the commutation to be one per cent. upon the amount of the dividend paid by each bank, which he supposed would be deemed a reasonable sum.

Mr. OTIS explained.

Mr. SEWALL thought the observation of the gentleman from Connecticut yesterday, as to the nature of bank notes, had weight. He agreed with him that they were very different from the notes of individuals, as they were always obliged to keep cash in readiness to take up their notes, while individuals, knowing exactly the time when the money for theirs would be wanted, could make use of it in the mean time. Therefore, if they taxed bank notes, they ought not to tax them in the same proportion with those of individuals at a certain date. Notes of individuals, under twenty dollars, were to be exempt from duty, while every note issued by a bank was proposed to be taxed.

Every banker's note of fifty dollars was to be charged with thirty cents, while those of individuals, which might run for two or three years, were charged only with ten cents. Every three or four years they would have to pay this sum. If a fair commutation were to be made, they should first fix the tax upon just principles.

Mr. NICHOLAS thought if there was no objection to the commutation, there could not reasonably be any made to the tax, because if the commutation were reasonable they would not choose to pay the tax; but, if they should choose to pay the tax, instead of the commutation, it would be evidence that the tax was too low.

Mr. W. SMITH did not see the force of the argument of the gentleman last up. As the commutation was to bear some proportion to the rates of duty, it became necessary to fix the rates upon a fair basis. If the rates were fixed too high, they ought to reduce them. He did not see the propriety of selecting moneyed corporations for the purpose of laying a high duty upon them. He moved to strike out the three cents for every five dollars, and leave it a blank.

Mr. DAYTON hoped this proposition would be agreed to, as by a vote upon the question in blank they would fix the principle whether or not bank notes were to be taxed, and the scale could be afterwards fixed. If there was the difference alleged between bank notes and the notes of individuals, it would be sufficiently considered in the commutation. He should not, indeed, be willing to agree to any scale without a commutation, for the reason he had before mentioned. For, said he, take the Bank of the United States and the Bank of North America, and the notes issued by them bear no sort of proportion to their respective capitals. If the tax were to be laid upon the notes issued, the Bank of the United States would pay a much larger sum than the other in duty.

Mr. GALLATIN observed that the gentleman from South Carolina had said they were about to select moneyed corporations as objects on which to lay a high duty. He had made a calculation to show that this was not the case, but that what was proposed was no more than just and reasonable, and that instead of the tax being one per cent. upon their capital, it was not more than one twentieth or one twenty-fifth part of one per cent.

He would state the facts, and beg gentlemen to correct him where he was mistaken. In the first place he would state the capital of all the banks of the United States at $20,000,000; the whole amount of bank notes at less than $8,000,000. He would divide these $8,000,000, one-half into notes under fifty dollars, and one-half above that sum, as follows:

| | |
|---|---|
| $4,000,000 in notes under fifty dollars, which which would give about eighty thousand notes, (for though they would be of different sizes they paid in the same proportion,) at thirty cents | $24,000 |
| $2,000,000 of one hundred dollars and upwards, at fifty cents | 10,000 |
| $2,000,000 of three hundred dollars and upwards | 4,000 |
| | $38,000 |
| Allow for mistakes | 2,000 |
| Which includes all the notes in circulation in the United States | $40,000 |

As to the principle of taxation itself, that bank notes of fifty dollars should pay thirty cents when notes of individuals only pay ten cents, justice requires the difference, on the same principle that notes of sixty days had been charged with only two-fifths of the duty charged upon others.

Mr. G. stated the following account of a bank in Philadelphia, whose capital was $2,000,000, and to which Government owed nothing; which, he said, would apply to every other bank in the same circumstances, with little variation:

| | |
|---|---|
| To the original fund - - - - | $2,000,000 |
| To deposites, about - - - - | 900,000 |
| To bank notes - - - - - | 600,000 |
| Total debts - - - - | $3,500,000 |
| By notes discounted - - - - | $3,000,000 |
| *By cash in vaults - - - - | 500,000 |
| Total credits - - - - | $3,500,000 |

As banks were thus able to transact business to the amount of three millions of dollars, though their original fund was only two millions, he accounted for their sharing dividends of nine per cent. on their stock. It would be observed that the two millions capital were not touched for notes, and yet they were charged with selecting these bodies of men upon whom to lay a heavy tax.

Mr. G. concluded by saying he had no prejudice against banks. He knew they were liable to abuse, but, upon the whole, he believed them to be useful. He believed the scale he had formed was correct, but should withdraw it for the present, in order to give an opportunity of trying the principle.

Mr. SWANWICK proposed a tax upon the certificates of insurance companies, the same as upon certificates of bank shares, which was carried.

Mr. NICHOLAS moved to except from the patents charged with a duty, patents of lands granted for military services. Agreed to.

Mr. GALLATIN moved to add, "on any certificate of the debt of the United States, ten cents."

Mr. SWANWICK was sorry that his colleague had made this motion, as if it were carried it would certainly endanger the bill. He thought such a tax very doubtful in principle, and certainly very impolitic, as it represented a debtor laying a tax upon his own debt. It was also problematical whether it would not do more mischief than good. The difficulty of borrowing money was very well known, and it would certainly not assist the business to lay a tax upon the evidences of our debt.

The question was put and the motion negatived, 49 to 31.

Mr. SEWALL moved an exception in favor of "custom-house bonds and other bonds of public offices," which was agreed to.

Mr. SWANWICK brought forward his section for allowing the banks an opportunity of paying a certain sum annually, in place of a tax on their notes, according to the amount of their dividends, which, after undergoing some slight alteration, was agreed to.

The committee rose, and had leave to sit again.

---

FRIDAY, June 30.

## DUTIES ON STAMPS.

The House resolved itself into a Committee of the Whole on the bill for laying stamp duties, and the section being under consideration which empowered all inspectors of the revenue, and all other officers of inspection, to stamp any vellum, parchment, or paper, which might be brought to them for that purpose—

Mr. GALLATIN observed, that he thought this the most dangerous clause in the bill, since it would be allowing two hundred men to stamp at pleasure, without having any check upon them. It could not be supposed that, out of so many men, who generally received a small sum for their services, some of them would not abuse a trust so unlimited, since there might appear the greatest probability that they might do it with impunity. Indeed, he should not be surprised if as much of the duty collected was kept back as came into the Treasury. He wished supervisors of the revenue only to be entrusted with this power. He made a motion to that effect.

Mr. W. SMITH did not know that it would be in their power wholly to guard against fraud. He believed, however, that the subordinate officers of our Government were as honest as those of any Government in the world. If they were to confine the issuing of these stamped papers to supervisors alone, persons would have to go an immense distance to get their papers, &c., stamped. If it were the intention of the law to require all stamps to be affixed by the Secretary of the Treasury in the first instance, then he might transmit them to every officer throughout the United States. He did not suppose this plan would be approved, but it would be desirable to have an officer employed in every neighborhood to stamp such paper &c., as should be taken to him. Mr. S. thought from the experience they had of the faithfulness of their officers, that they might be relied upon in this business, particularly as they would be obliged to take an oath on their entrance upon the duties, and another as to the truth of their accounts.

Mr. NICHOLAS thought they should make their impositions upon the people in such a way as that the money would be likely to reach the Treasury. If our people were honest, they ought not, he said, to throw temptations in their way to be otherwise. As to swearing a man to do his duty, he believed it to have little effect; and, as to swearing him after he had done it, it was a thing which he never heard of in any free country. It was requiring a man to be a witness against himself. He trusted, therefore, they should not agree to it. Mr. N. spoke of the connexion which this clause had with that which said unstamped paper should not

* This sum which amounted to one-third of the amount of the notes and deposites, was a general rule for regulating the quantity of cash kept to answer their current demands.

be received in evidence, which he should move to strike out when they came to it.

Mr. HARPER thought it was unnecessary to lodge this power anywhere. He believed the best way of doing the business would be for the Secretary of the Treasury to have a proper quantity of every kind of stamps prepared, and sent to every part of the Union. The duty would be much better collected in this way than any other, and all liability to fraud would be done away. If only supervisors were to have stamps, persons might have to ride three hundred miles to get their paper stamped, which would do away the use of the provision altogether; but, if the power was in the Secretary of the Treasury only, stamps would be purchased like any other article of merchandise, and sold by every shopkeeper in the country. He therefore moved to strike out this section

Mr. LYON apprehended, if ever a stamp act took place, that a measure like the one proposed by the gentleman last up would be attempted. Paper-makers and sellers in all parts of the country would be obliged to send their paper to Philadelphia to be stamped, or come thither to purchase their paper ready stamped. This was what the people in this business would not patiently submit to.

Mr. J. WILLIAMS thought the supervisors of the different States, being always men of character, for whom good security was also given, might very well be trusted with the power of stamping; but he should not like to see it further extended.

Mr. CLAIBORNE said, if we are to have a stamp law, he thought paper, &c., should only be stamped at Philadelphia, and bought by every person who chose it as an article of merchandise. If the business were managed in any other way, it would be liable to great abuse.

Mr. SEWALL observed, that if every inspector of the revenue were to be employed in stamping, fraud might certainly be expected; and if the business was wholly to be done at the seat of Government, though it might be the most productive way, it would be attended with much inconvenience to the great body of the people. Paper and parchment would have to be transported at an immense expense to every part of the country. He thought the motion for confining the stamping to supervisors was most likely to answer the purpose. They would know what kind of paper would be most wanted in their several States. He would also think it necessary to license some person in every town, who should be paid by Government for delivering out the stamps, so as to prevent any inducement to the making an improper charge.

Mr. W. SMITH thought this a very important provision of the bill, and he could not agree with his colleague as to the propriety of striking it out.

Mr. COIT was opposed to the proposition of the gentleman from South Carolina, and also to that of the gentleman from Pennsylvania. Two objects were to be obtained, viz: to raise revenue, and to make the law as easy to the people as possible. The plan of stamping all at the seat of Government, he acknowledged, would be a secure way, but it would be inconvenient to the people; and he would rather err on the other side than on this. He thought the bill best as it stood, and he was influenced in his opinion by the practice hitherto resorted to. Every bill reported on the subject had gone upon this basis.

Mr. HARPER said, if all the paper made use of in the country were to be stamped, there would be some ground for the observation of the gentleman from Vermont; but, when they considered that the quantity of paper stamped would not amount to one-hundreth part of the whole of what was sold in any section of the country, he thought the objection ought to have but little weight.

The question for striking out was put and negatived—46 to 31. The motion was then put for striking out the inspectors, which was carried.

Mr. W. SMITH proposed to amend the section by adding, after "supervisors of the revenue," "and such inspectors of the revenue and other persons as the Secretary of the Treasury shall appoint for the purpose."

This motion was put and negatived, and the original one carried, confining the duty to the supervisors.

Mr. GALLATIN proposed the proposition which he had announced his intention of bringing forward, viz: laying a penalty on any person offering a bank note in payment after a certain day, not duly stamped, except it should have been issued by a bank who had compounded for the duty in the manner directed by this act.

Mr. W. SMITH said an individual who had a note of this kind might offend innocently, since he might not know which bank had compounded, and which had not.

Mr. OTIS thought if the penalty was made to fall upon the person issuing the note at the bank, it would be better than to fall upon the person offering or receiving it in payment.

Mr. GALLATIN said the idea of the gentleman from Massachusetts was a different provision from that he had offered. He meant to lay no penalty upon the issuing the paper, as it would be impossible to know at what time a note of an old date was re-issued; therefore, as no check could be put upon the re-issuing, he thought it best to provide against the circulation. As to the objection that an individual might unknowingly present a bank note of this description, this did not affect the principle of his amendment; as, in another part of the bill, (but not in this,) a provision might be inserted making it necessary for the Secretary of the Treasury to make known every composition which was made with the different banks.

Mr. SEWALL said it was a strange thing to attack the banks in this indirect way, by which individuals would be criminated in consequence of the banks' misconduct. The effect would be immediately to call in all the notes of the different banks before the duty took place, for which they would be obliged to issue gold and silver. But, if, instead of this, the penalty were made to fall upon the person issuing any such note, this difficulty would not occur. His colleague had spoken of a plan of this kind. An officer of a bank, issuing an unstamped note, would be liable to be

informed of by any person who received such note from him, and, as he would be disinterested, it would not be likely that he would run the risk.

Mr. GALLATIN interrupted Mr. S. to say that he was convinced the mode which he proposed was best; he therefore withdrew his motion, and requested the gentleman to prepare one conformably to the ideas which he had expressed.

Mr. W. SMITH proposed a new section to the bill, laying fifty cents upon every pack of playing cards sold within the United States.

This amendment was opposed by Messrs. GALLATIN, COIT, and DAYTON, as introducing a new principle into the bill, as it had hitherto been wholly confined to taxes on transactions between man and man; but if this were introduced, they might go on to introduce other articles of manufacture, such as a tax on hats, leather, &c., as a duty on these might also be collected by means of stamps.

The mover and Mr. J. WILLIAMS spoke in favor of the tax, as being a proper object of taxation, easily to be come at, and would be very productive.

The question was put and negatived without a division.

Mr. NICHOLAS moved to strike out a clause which went to prevent any unstamped writing, upon which a duty was laid by this act, from being pleaded or given in evidence in any court, or admitted in any court to be available in law or equity, until it shall be stamped. He believed they had no right to any such thing. After a State had determined that such paper was good evidence, they had no right, he said, by any fiscal regulation, to say it should not be received in evidence, since they might as well do away any other arrangement of a State Government. He did not think the provision essential. He believed the same effect might be produced by means of a penalty; if it could, he saw no reason for taking the mode proposed, which might be embarrassing, and reduce the United States to a degrading situation. Suppose, said he, this law were to pass, and a State court should not consider themselves bound by it, he knew of no direct way in which it could be brought before the courts of the United States. Viewing it, as he did, in the light of an attack upon State sovereignty, he felt it his duty to oppose it.

Mr. W. SMITH hoped this provision would not be struck out. He considered it as essential to the carrying of the law into execution. He did not understand the gentleman when he doubted whether the State courts were bound to carry into effect the laws of the United States. If they had a power to pass the law (and he supposed gentlemen would not be disposed to doubt that) they had the Constitutional power of carrying it into effect, the judges of each State being equally bound with the judges of the United States to carry their laws into effect. Mr. S. read a part of the Constitution to this end. He seemed to think, also, that if the judges of the State should refuse to carry the law into effect, there would be no means of drawing the subject into the Federal courts. He believed in the Judiciary act, there was a provision for bringing into the courts of the United States any cause in which the States shall give a decision contrary to the laws of the United States. He trusted, therefore, as he believed the provision was material, they should not part with it.

Mr. VENABLE observed that the gentleman last up had quoted one part of the Constitution and not another, which was applicable to the subject; wherein it speaks as having left certain powers in the Governments of the individual States. Amongst these was the power of regulating what concerned the property of individuals in the several States, which could not be infringed. It was never intended when the Constitution was adopted, that the Federal Government should interfere in any cause between individuals to say what papers should, and what should not, be received in evidence.

The Government of the United States had certainly a right to lay taxes; but it did follow that they should pursue any particular mode in doing this, but merely in an effectual way. In doing this, they ought not to infringe upon the sovereignty of any State. He thought a penalty would answer every purpose required.

Mr. NICHOLAS said the doctrine of gentlemen went to this, that State Governments were not to stand in the way of any measure which they wished to effect, and that they might prostrate them at pleasure. This, he conceived, was not the intention of the people at the time this Constitution was adopted. With respect to the State judges, he allowed that they were bound to support the Constitution and laws of the United States. They were also judges of the laws and Constitution of the United States. They will say you had no right to pass this law, and will not execute it for you. There had been frequent instances of this sort in the State to which he belonged. It was the same to say that the laws of any State were inconvenient, as to say this proposition was right. He was himself a judge in an inferior grade, and his conscience would justify him in resisting this law, because he thought it did what they had no right to do.

Mr. THATCHER said if the gentleman was a judge, (and he did not doubt it,) he was a singular judge—the only one, he trusted, whose conscience would compel him to say that this law, if passed, ought not to be executed. He was extremely at a loss to know, either as judge or legislator, how he conceived this law to destroy the sovereignty of the States. He supposed this law to come into court where that gentleman was not judge, and the Government would go on to execute their laws as usual, in all cases where they did not interfere with the laws of the United States.

Mr. SEWALL thought this clause necessary. He did not wish the act to go into execution so that every person who did not comply with it should be looked on as criminal; he would rather be without the tax than this should be the case. There was no difficulty, he said, between the mode proposed for collecting of this tax and that

in practice for the collection of duties on imposts and excise. In the act for collecting the imposts, it was said that what was bona fide a man's property by the laws of his State, should not be so, except certain conditions were complied with. He alluded to goods imported from abroad, which must be entered at the custom-house of every port, and the duties paid, or secured to be paid, before he is permitted to take them from on board his vessel. The only difference between the two cases was, that in one goods were the object, and in the other money.

The stamp duty, Mr. S. said, might be properly compared to the excise, as there were much the same powers given for carrying it into effect. And if Congress thought this law necessary, and passed it, there could be no question in a State court whether the law was good or bad. It must be carried into execution. He thought the provision a good one, as it was a peaceable, easy mode of bringing the duty into the Treasury.

Mr. N. SMITH said, when he first attended to this bill, the objections urged against this clause had some weight; but on attending to the subject, it appeared to him that there was not sufficient force in them to give his vote for the amendment. They had agreed in the revenue law, that a penalty might be inflicted, either of money or of any other property. And although this law seemed to operate in courts, yet its general operation was upon the writing. For to say no writing shall be admitted in evidence, except stamped, was to say the writing should in that case be void, and it amounted to no more than a forfeiture of the value of the writing in question, and therefore he saw no difference between the two cases. He confessed, however, that though the clause had no operation but upon the paper, it seemed to operate upon courts, and he would rather have it on the note; but, as he thought the thing was the same, he should vote for the clause as it stood.

Mr. VENABLE said the gentleman last up, himself having had doubts on the present question, could not be surprised that other gentlemen had doubts also. He was a little surprised to hear the gentleman from Massachusetts, (Mr. SEWALL,) who mostly reasoned with great acuteness, bring up a subject relative to commerce, as it was well known that every thing relative to the regulating commerce belonged to the General Government. This was, therefore, a wholly different case. Mr. V. again went into arguments to show the propriety of expunging this clause.

Mr. GALLATIN said, this question was one of the most delicate and difficult of decision. He had not himself made up his mind whether such a power was vested in the Constitution of the United States or not. He found that the judges of the individual States were bound to decide upon the law made in conformity to the Constitution of the United States. The question therefore reverted how far the law was in conformity to the Constitution. Mr. G. made several Constitutional observations on the subject, and concluded with remarking, that he meant to vote against this clause, because, though useful, he did not think it essentially necessary. He believed the law might be carried into effect by means of penalties, without having recourse to this mode. He supposed the whole amount of duty produced by this act would be about $100,000, and nine-tenths of the sum would be collected without dispute.

Mr. OTIS thought the difference of opinion on this subject arose from confounding the jurisdiction of the State Courts, with the law upon which it was executed.

Mr. J. WILLIAMS said, that wherever there was a concurrent jurisdiction of the General and State Governments, the former was always paramount. He referred to the case of licenses imposed on spirits by the United States at a time when many of the States had already licenses of the same kind. No objections were made to that law, but fresh licenses were every where taken from the United States.

The question was put and negatived by 56 to 32.

The proposition of Mr. GALLATIN for admitting of a composition from the banks in lieu of the tax, came next under consideration—the blank in which was moved to be filled with one per cent.; when

Mr. W. SMITH said, if the gentleman from Pennsylvania was right in his calculation yesterday, the whole amount of duties arising from the banks would be $8,000 a year, and therefore they ought not to go farther in fixing the composition, whereas one per cent., according to the same statement, will produce more than double that sum; for, if the whole capital of the banks in the United States be twenty millions, and their average dividend ten per cent., that will produce two millions, which at one per cent. will give $20,000. He therefore moved, in order to bring the matter nearer to a fair equivalent, to strike out one per cent. and insert one-half per cent.

Mr. NICHOLAS said what the duty would produce was uncertain; they could with more correctness say, that one per cent. was a reasonable composition on the dividends, than what might be produced by the duty. He knew of no tax laid upon property that could be made for less than five per cent. to clear the expense of making it.

Mr. W. SMITH thought they should first fix the rates to be paid on bank notes before they determined upon the composition.

Mr. GALLATIN said, when the rates were before under consideration, the gentleman from South Carolina objected to it, because, if fixed too high, he said it would influence the composition. He therefore moved to have it struck out; but now, when a composition was under consideration, he turns round and says it would be better first to fix the rates. He thought one per cent. a reasonable composition, and that it would be best first to fix that.

Mr. SMITH denied that he wanted first to fix the composition; it was his wish to strike out the rates, to reduce them, that he moved to leave the sum blank.

The question was put and carried, there being 54 votes in favor of it.

Mr. GALLATIN then renewed his motion for fixing the scale of duty to be paid on bank notes. It was, on notes not exceeding fifty dollars, three cents for every five dollars; those not exceeding one hundred dollars, fifty cents; those above one hundred dollars, and not exceeding five hundred dollars, one dollar; for all above five hundred dollars, two dollars.

Mr. DAYTON said there were many notes under five dollars, for which there was no provision.

Mr. GALLATIN thought "the rate of" would have included the small ones; and, to dissipate every doubt on the subject, he moved to replace "three cents for every five dollars," with "three-fifths of a cent for every dollar."

Carried, 39 to 24.

Certificates of naturalization were agreed to at twenty dollars; bank shares under one hundred dollars at the rate of five cents for every hundred dollars.

Mr. SEWALL proposed his amendment, providing that if, after the —— day of ——, any bank which shall not have compounded with Government, as directed by this act, shall issue any bank notes, &c., without a stamp, it shall forfeit a sum equal to the amount of the note so issued. Agreed to.

The committee rose and reported the bill with the amendments.

And the House adjourned.

---

SATURDAY, July 1.

The amendments of the Senate to the bill for continuing in force several acts and parts of acts, were taken up, one of them negatived, and another amended. The Senate afterwards sent the bill down, with the amendments concurred in.

The bill for continuing process in the Circuit Court in the State of North Carolina, was read the third time, and was about to be passed;

Mr. J. WILLIAMS wished to know what was the cause of the neglect of the Circuit Court Judges, which gave occasion for this bill.

Mr. BLOUNT said, that he had received a letter from Georgetown, South Carolina, informing him that the cause of the omission was, that Judge Chase's horse had tired.

The bill was passed.

## NATURALIZATION.

Mr. BROOKS thought the present naturalization law allowed foreigners too soon to become citizens of the United States; he wished the law, therefore, to be revised, and proposed the following resolution:

"*Resolved*, That a committee be appointed to prepare and report a bill to amend the act establishing an uniform rule of naturalization."

*Ordered*, To lie on the table.

## DUTIES ON STAMPS.

The House then took up the amendments reported by the Committee of the Whole, to the bill laying a stamp tax; when, the amendment being under consideration imposing a tax of twenty dollars on certificates of naturalization,

Mr. SWANWICK said, this tax would operate, in some degree, as a poll tax, and he thought twenty dollars too considerable a sum for this purpose.

Mr. W. SMITH said, the sum could not be altered but by recommitting the bill.

Mr. GALLATIN believed the sum might be decreased, though it could not be increased in the House.

The SPEAKER confirmed the opinion that it would be in order to lessen the sum.

Mr. SWANWICK then moved that the twenty dollars be reduced to four. In a subsequent part of the bill, four dollars were charged as a stamp upon any letters patent; and if this were thought sufficient for a thing of this kind, which would probably prove very lucrative to the party, he thought it would be quite enough for a foreigner to pay, when he took upon himself all the rights of a citizen. This tax might operate upon persons who might not have twenty dollars in the world. When they spoke the other day on the subject of rich moneyed corporations, it was hoped they should be moderate upon the tax imposed upon them; he trusted they should not be less so when the poor emigrant was concerned.

Mr. SEWALL hoped the amendment would not be made. Every foreigner who came to this country had a full opportunity of getting a living without enjoying the rights of a citizen; and he knew not why he should become a citizen, if he did not think the privilege worth twenty dollars, and was willing to pay it.

Mr. GORDON gave it as a reason for not diminishing this sum, that foreigners might live here five years without being obliged to serve any public offices, such as constable, &c.

Mr. BROOKS did not think this sum excessive. He would not have the rights of citizenship made too common. He had no objection to the admitting of foreigners into this country; but there were foreigners came here, fugitives from justice, and others, who never would be of any advantage to any country. These, for the small sum of twenty dollars, might become citizens; he would not have them admitted for less, as it would be necessary to have some security for the attachment of persons to the Government of this country; and such men as would be of advantage to the country would not think the sum too large.

Mr. GALLATIN denied that the argument of the gentleman from New York would apply; and that a person's paying a sum of money would be no proof that he was well affected to the Government. A convict or a highwayman might possibly pay twenty dollars with greater ease than the worthiest man.

Mr. G. said, he objected to the sum of twenty dollars, because it would operate in a very improper manner. A single man might in a short time save the money necessary to purchase his citizenship; but he knew a great number of persons, who came to this country with large families, very valuable emigrants, and upon whom we had more security for their good behaviour than

upon single men, upon whom this tax would fall very heavy.

He objected to the tax, also, as related to the children of those persons. He knew a great number of emigrant families, with a number of children, whose heads were not at present citizens of this country; and these children, if their fathers should not be able or neglect to become a citizen, though they may have received their education here, and formed the strongest attachment to the Government and country, yet, before they become citizens, they will each of them have to pay twenty dollars. This would be extremely hard, and it would not only be hard, but it might become dangerous to the peace of the country; besides, that the property of every person not being a citizen would want that security which it would otherwise have. Nor did he conceive it would be perfectly safe to have one-fourth, if not one-third part of the inhabitants of a country living as foreigners in its bosom. These men, speaking the same language and having the same manners, after they had been in the country ten or fifteen years, would look upon the refusal to admit them to the common right of citizens, except upon the payment of twenty dollars, as unjust and oppressive. If so large a sum was charged, Mr. G. said, provision should be made in favor of the children of such fathers as should not themselves have been citizens. As four dollars might, perhaps, be thought too small a sum, he should move to strike out "twenty," and leave the sum blank.

Mr. SWANWICK observed, that it had been urged in favor of this large sum that foreigners would not be obliged to become citizens, as they might get a living in the country without doing so. But was it not of advantage, he asked, that foreigners should become citizens, and not that a great part of the people of our country should be living amongst us without owing allegiance to our Government? But it was said these emigrants might be highwaymen, or men of bad character; but did not the naturalization law require that every person applying to be made a citizen should produce two witnesses to speak of their moral character? And surely, after a residence of five years, and a guard of this kind, there could not be any reason for such arguments. It should seem, from what was said on this occasion, that twenty dollars was to be the price upon which we were willing to admit the worst characters to the privilege of citizenship.

But it was said, that if this tax were not laid, the rights of citizenship would become too common. This was a doctrine contrary to any thing he had heard before on the subject. Since the year 1776, it had uniformly been the language of this country that we had in the Western world opened an asylum for emigrants from every country. This was our language: "Come and join us in the blessing we enjoy, in a country large and fertile, and under a Government founded upon the principles of liberty and justice." Were the inhabitants of this country all born in it? Certainly not—a great majority were foreigners; even in the Government itself there were many foreigners. And should they, because they came a little sooner, or had better fortune than others, say to their less fortunate brethren, "You shall not be admitted to the privilege of citizenship but on the payment of twenty dollars, though we received it without money and without price!" It was said, a man might soon earn twenty dollars to pay for this privilege; but supposing he could soon earn fifty dollars, he did not think that a good reason for laying this tax.

The gentleman from New Hampshire had alleged as a reason for this high tax, that foreigners were excused, before they became citizens, from sharing in the burdensome offices of the community; but he thought this was a reason for admitting foreigners earlier, in order to share such offices with our citizens. For it would be a curious thing if there should be occasion for the services of these men in defending the country, if they should refuse to turn out, because they had been refused admission to the participation of its immunities.

In a country like ours, he said, it was extremely impolitic to throw obstructions in the way of emigration. He was desirous that every attention should be paid to the moral character of emigrants before they were admitted as citizens, but he trusted they should not degrade the country in the eyes of foreign nations by putting so high a tax upon the privilege of citizenship. It would ill-suit the high tone which had been held abroad of the liberty of this country; nor did he think their constituents would be well pleased with such a tax.

If they compared this tax with other parts of the bill, it would be found much heavier than any other. A lawyer was to pay ten dollars upon the entrance of his lucrative profession, whilst a poor foreigner was to pay twenty dollars to be admitted as a citizen. In doing this, gentlemen seemed desirous only of having rich emigrants as citizens, whilst the poor wanderer, flying from the hearth-tax of Ireland, or from the oppressions of other countries, who would be vastly useful in the cultivation of our land and in every useful labor, would be in a great measure excluded from his rights in society.

Mr. HARPER inquired if it would be in order to strike out the whole provision. Being told it would not, he said he should then be in favor of the present motion, and, if it were carried, vote against the whole. He did not think the subject had any connection with the present bill; nor was he of opinion that, to lay a tax of this kind, would be a means of securing to us better citizens than if there were no tax. He would have citizenship given without price, but he would require a longer residence than was required by the present naturalization law.

He did not agree with the gentleman last up on the propriety of inviting immigrations from all parts of the world. There was a moment of enthusiasm in this country, when this was thought to be right—when we were not satisfied with giving to immigrants every blessing which we had earned with our blood and treasure, but admitted

them instantly to the rights of citizenship. An experience of ten or fifteen years, he said, had convinced us we were wrong. They had done something to prevent the evil in future; but he thought they should do more. He should be willing that no man should become a citizen of this country but by birth; he would have all foreigners freely admitted, and he would admit their children to have a right to citizenship. He believed this would be a proper polity for this and every other country.

Mr. SWANWICK withdrew his motion.

Mr. MACON opposed the tax altogether, as tending to injure the poor and industrious part of the immigrants to this country, which he looked upon as the most valuable.

Mr. GOODRICH did not think it was in order to discuss the propriety or impropriety of encouraging immigration. The only question before them was, whether or no the certificate of citizenship was a proper object of taxation. He thought it was. It was not a sale of citizenship, as had been represented, but a stamp upon this kind of paper. He thought the argument of the gentleman from Pennsylvania, that, if a father neglected to become a citizen, all his children, before they could be citizens, would each have to pay twenty dollars, would be a tie upon parental affection for a father to do what his children would be so much benefited by.

Mr. VENABLE did not know that it was necessary to take a certificate when a person was naturalized, and thereby the duty might be evaded.

Mr. CRAIK doubted not, if this tax were laid, that if persons were not now obliged to take a certificate, such an obligation would be laid upon them. He voted in favor of twenty dollars; but, on reflection, he thought the sum too large. He believed the object proper for taxation, and should only view the subject in that light. It would not operate, he said, on men coming into this country only, but upon many persons already in it. He had been frequently witness to applications from men to become citizens, who had been in the country from the year 1783. Many of these, since the passing of the general naturalization law, had been naturalized under the State laws; and if it were determined that this naturalization was not effectual, they would have the ceremony again to go through under the law of the United States. It was very unsound policy, and he questioned the consistency of it, to make property a rule for a man's becoming a citizen. One of the rights of a citizen was voting at an election, and if it was necessary he should be possessed of a certificate of this kind before his vote could be admitted, it would be the same thing as to require him to be possessed of a certain proportion of property before he had a right to vote; in this view he thought the principle improper. He wished the gentleman from Pennsylvania had not withdrawn his motion, as he should be in favor of voting for a small sum.

Mr. LYON was opposed to this amendment. It appeared to him injurious, cruel, and impolitic. It was injurious, because we had dealt out a different kind of language heretofore; we had told the world, that there was in this country a good spring of liberty, and invited all to come and drink of it. We had told them that the country was rich and fertile, and invited them to come and taste of our fruits; and he did not think it was right now to turn round to them and say, you shall not be admitted as citizens unless you pay twenty dollars. This looked like entering into a treaty offensive and defensive, with the Monarch of Britain, to prevent his subjects from leaving him and coming hither. He was almost led to suspect the thing was introduced on the suggestion of a certain foreign Minister.

The SPEAKER declared such suggestions to be wholly out of order.

Mr. SEWALL said, though he wished this country to be an asylum for men of every other who chose to come to it, yet he did not wish to see foreigners our governors; and, indeed, if they were admitted as voters at our elections, they in some degree became the governors of our country. He wished, therefore, that a longer residence should be necessary, before a foreigner should become a citizen. He liked this amendment, because it made it necessary for a man to have a little property before he could be admitted. This was looked upon as necessary in every other country. Nor did he think the tax too large, as any man might afford to pay this sum after he had been five years in the country. It was well known that this game of citizenship had been played to the injury of the country. They had seen men to-day take the oath of allegiance and becoming citizens of the United States, and the next again become citizens of the French Republic, by entering on board their privateers.

Mr. R. WILLIAMS said, there was sufficient reason for disagreeing to this proposition, without considering the policy or impolicy of admitting foreigners to the rights of citizenship. The object of this bill, he said, was to lay a tax upon property, or the evidence of property, and he wished it to be confined to that object. This amendment was rather a tax upon liberty, than upon property, and therefore improper to be introduced into it. As to what was said by the gentleman from Massachusetts, on the subject of a foreigner being possessed of some property before he should be admitted as a citizen, such a consideration might be a good one, introduced in a proper place, but not here. He trusted, therefore, the amendment would not prevail. In place of twenty dollars he should not be willing to vote for a cent for this object, since he believed the principle to be wrong.

Mr. THATCHER said, gentlemen viewed only one side of the question; they constantly spoke of the twenty dollars, which they called an enormous sum; but they said nothing of the benefits which were to be received in return; they were to receive for that sum all the advantages which this country had obtained by much treasure and blood. He thought the doors of naturalization too wide. Too many foreigners emigrated hither; they were out of proportion to the natives; for he wished the American interest always to prevail over all for-

eign interest. He would much rather, therefore, that the certificate was forty dollars than twenty dollars.

Mr. J. WILLIAMS did not think this question was put upon its true ground. This bill was intended to raise funds towards paying off the national debt—the debt incurred while we were fighting for our liberty and independence; and shall those, said he, who come to partake of these advantages, pay nothing for it? If the country was not worth the tax imposed, foreigners would not come to it. If the tax were too high, it might be lowered; or, if too low, made higher. He was for having the law go into effect, as experience would enable them to make it more perfect. Any man who was industrious, he was certain, would never begrudge the payment of twenty dollars for this object—he would rather glory in it. The liberty of the country was rated very low indeed, when it was not thought to be worth twenty dollars.

Mr. BROOKS was in favor of retaining the clause. Twenty dollars could not be said to be the price of naturalization, but merely as a stamp upon the certificates; nor was there any more impropriety in this, than laying a duty upon the admission of lawyers to exercise their profession.

Mr. MCDOWELL was against the amendment. He looked upon it as a departure from the spirit of our Government, and derogatory to us as an enlightened nation. It had been remarked by gentlemen that we had fought and bled for our liberties. It was true, that we had fought for liberty, but, he trusted, we did not mean to confine it to ourselves, nor to sell it to others. On the contrary, people of other countries had been invited to come and partake with us our blessings—our laws had all gone to this; but now, after vast numbers were come, and others were coming, all at once, we propose to make sale of our privileges. This he could not agree to. It was not the wealthy, the high-bred, the well-born, that he wanted to emigrate to our country; it was a different class of men, viz: mechanics, farmers, and other industrious persons; it was men like those who were wanted to improve our country, and it would be very inconvenient for them to pay the sum proposed. If the country were small and full of people, instead of being immensely large and thinly populated, there might be some ground for the policy; but there was none at present.

Mr. GALLATIN said, when he was up before, the question was, whether the tax should be reduced from twenty dollars to four; it was now whether there should be any. He considered this law merely as a revenue law by means of stamps; but it appeared from what had fallen from the gentleman from Massachusetts (Mr. SEWALL) that the clause under consideration was not so much introduced for the purpose of revenue as for changing the law respecting naturalization. He conceived that law had nothing to do with the present question; indeed it would be impossible to take the necessary views of the subject, whilst they were considering the best way of raising a revenue by means of stamps. They had proposed to raise a revenue from certain papers in existence; but this proposition went to tax a paper which had no existence; for a new law must be passed, if this clause was agreed to, directing that these certificates shall be issued. The proper way of doing the business, would be to say, that no man should be admitted a citizen without paying twenty dollars. There would be no occasion for a stamp act to do this.

But if the clause before them were to be considered as intended to operate as a check upon naturalization, he did not think it a proper way of doing it. He did not think they ought to put a price upon the rights of citizenship. The gentleman from Massachusetts, (Mr. THATCHER,) said they were to consider the advantages received for the twenty dollars; so that, according to his idea, the value of citizenship would be worth twenty dollars, and, of course, that it would be too dear at fifty. He, on the contrary, thought the privileges of an American citizen invaluable to every one who was sensible of their importance, and that money could not be placed in competition with them.

Mr. G. justified the manners of the people of Pennsylvania; though that State had always encouraged emigration, even whilst under the British Government. Indeed, he said, the manners of Europe were the manners of this country. In the first constitution of Pennsylvania, every man who had resided one year in the State was entitled to citizenship. There was a time when this was also the policy of the United States. In order to prove this, he read the following passage from the Declaration of Independence:

"The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world."

And then, among other grievances, the Declaration states, that

"He has endeavored to prevent the population of these States; for that purpose, obstructing the laws for naturalization of foreigners; refusing to pass others, to encourage their migration hither, and raising the conditions of new appropriations of lands."

If there was a certificate directed to be issued on a person's becoming a citizen of the United States, he should have no objection to lay a moderate duty upon it; and, if the object was revenue, he was certain a small sum would raise more than a larger. He should, therefore, renew the motion of his colleague, to reduce the twenty dollars to five dollars, that the sense of the House might be taken upon it; for, if a small sum was agreed upon, a great number of emigrants to this country since the year 1790, who having been made citizens by the Government of a State, believe themselves to be citizens, would renew the ceremony, according to the laws of the United States. There were from seven to eight thousand persons of this description in the State of Pennsylvania alone.

Mr. G. again spoke of the hardship under which a tax of twenty dollars would lay the poor

man, and especially his children, who would be punished for the neglect, the poverty, or the death of their parent. He trusted, therefore, if a tax were laid upon these certificates, it would be a low one.

Mr. WILLIAMS moved to strike out five dollars, and insert ten dollars. He said that such persons as were not naturalized were still secured in the possession of their lands in the State of New York, by an annual law for that purpose; and, he doubted not, the same was done in the State of Pennsylvania, therefore that could be no objection to the tax.

Mr. OTIS observed that the gentleman from Virginia had furnished a conclusive argument in favor of the proposed tax, for if a certificate of naturalization was not required by law, the duty would be optional, and consequently fair and equitable. He agreed that the present amendment was merely a question of revenue, but the policy of a tax was always a fair object of discussion, and it was therefore proper to consider the indirect and remote effects of the present bill upon the naturalization of foreigners. He denied the expediency of affording too great a facility to their admission among us. In the infancy of the country it was necessary to encourage emigration, and foreigners of all countries had been wisely invited and allowed to settle in our country. To the industry of emigrants many parts of the country were indebted for the most valuable improvements in agriculture and the arts, and he knew foreigners who were an honor to the United States, who had aided in forming their Constitutions, in fighting their battles, and who were not less meritorious citizens for not being born in the country. There were others in that House and other Legislatures who were entitled to the highest consideration and respect. He rejoiced in the advantages derived from persons of this description. They would not be affected by the present tax; but he was not anxious to give greater latitude to the laws of naturalization; on the contrary, he thought it wise to restrain that privilege. He did not believe it to be necessary to rely upon that source of population, but considered the native American germ to be amply sufficient for the production of such scions as were worth cultivation. He denied that the manners of Europe were the manners of this country. In that quarter of the world a revolution of manners, of the most formidable nature, threatened the subversion of all sound principle, of all social order; and a system of profligacy had swept off every vestige of whatever was most amiable and respectable in the eye of humanity. He trusted the case was different in this country. It was true that Virginia was indebted in a great measure for her prosperity to the industrious establishments formed by foreigners of various descriptions; but it should also be remembered that the foulest stain in the annals of that State was not to be imputed to natural-born citizens.

The amendment, he said, would not affect those men who had already lands in this country, nor the deserving part of those who might seek an asylum in it. Persons of that description would easily pay the tax; but it would tend to foreclose the mass of vicious and disorganizing characters who could not live peaceably at home, and who, after unfurling the standard of rebellion in their own countries, might come hither to revolutionize ours.

He felt every disposition to respect those honest and industrious people, whether Germans, Irishmen, or foreigners of whatever country, who had become citizens, and to fraternize with them while they remained obedient to the laws, and faithful to their adopted country; but he did not wish to invite hordes of wild Irishmen, nor the turbulent and disorderly of all parts of the world, to come here with a view to disturb our tranquillity, after having succeeded in the overthrow of their own Governments.

Mr. POTTER was willing to agree to make the sum ten dollars, in order to shorten the business, though he did not think fifty too much.

Mr. COIT thought it unfortunate that they should, in this instance, have wandered from the object of the bill. He trusted when the friends of the bill, who were also friends of this measure, saw the difficulty which would attend the incorporating of the subject with it, they would give it up.

Mr. BALDWIN was in favor of the smaller sum. He said this was a subject upon which it was always found difficult to legislate, as different parts of the country had very different ideas upon it. In the part of the country from whence he came, the people would not approve of such a tax. He believed there were parts of the country which would not object to a tax of one thousand dollars upon this object, but it was not so in other parts. All the prosperity of some States depended upon emigration, and to lay a heavy tax of this kind, would be to do violence to their feelings. When he heard different gentlemen express their opinions, he knew they were the opinions of the people from whence they came. If they were as well acquainted with the whole of the country as with fifty miles round their own homes, their sentiments would be different.

Mr. SITGREAVES thought this tax as justifiable and as much connected with the present bill as the tax upon lawyers, and that twenty dollars would be a reasonable sum.

The question for inserting ten dollars was then put and negatived, and then five was moved and carried, there being 56 in favor of it.

The question was then upon agreeing to the proposition as amended.

Mr. SWANWICK spoke at length on this subject, and dwelt particularly on the hardships which the poorer part of emigrants would experience in paying this tax, and if they did not pay it, they would be living in the country as foreigners, and not as citizens of a free country.

Mr. VENABLE did not consider this as a tax which would fall equally upon all foreigners who became citizens, but partially upon those who might have occasion for certificates, and even duplicates of them.

The question on this proposition was taken, and stood—yeas 46, nays 42, as follows:

YEAS—John Allen, George Baer, jr., James A. Bayard, Theophilus Bradbury, David Brooks, Nathan Bryan, Christopher G. Champlin, Matthew Clay, James Cochran, William Craik, Samuel W. Dana, Thomas T. Davis, John Dennis, Abiel Foster, Dwight Foster, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, William Barry Grove, John A. Hanna, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, Samuel Lyman, William Matthews, Daniel Morgan, Lewis R. Morris, Harrison G. Otis, Elisha R. Potter, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, William Smith, of Charleston, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, Joseph B. Varnum, Peleg Wadsworth, and John Williams.

NAYS—Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Demsey Burges, Samuel J. Cabell, Thomas Claiborne, John Clopton, Joshua Coit, John Dawson, George Dent, Lucas Elmendorph, Thomas Evans, John Fowler, Albert Gallatin, James Gillespie, Robert Goodloe Harper, Jonathan N. Havens, David Holmes, Walter Jones, Edward Livingston, Matthew Locke, Matthew Lyon, James Machir, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, John Nicholas, Josiah Parker, Tompson J. Skinner, William Smith, of Pinckney District, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, John Swanwick, Abram Trigg, John Trigg, Philip Van Cortlandt, Abraham Venable, and Robert Williams.

Mr. BAYARD moved to strike out the exception in favor of patents for military lands, on the ground that they were mostly in the hands of speculators; but, after some conversation, his motion was negatived, (the yeas and nays being taken on it,) 71 to 12, as follows:

YEAS—John Allen, George Baer, jr., Abraham Baldwin, David Bard, Thomas Blount, Theophilus Bradbury, Nathan Bryan, Demsey Burges, Christopher G. Champlin, Thomas Claiborne, Matthew Clay, John Clopton, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, Thomas T. Davis, John Dawson, John Dennis, Thomas Evans, Abiel Foster, Dwight Foster, John Fowler, Albert Gallatin, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, John A. Hanna, Robert Goodloe Harper, Thomas Hartley, William Hindman, David Holmes, Hezekiah L. Hosmer, Walter Jones, Edward Livingston, Samuel Lyman, Matthew Lyon, James Machir, Nathaniel Macon, William Matthews, Blair McClenachan, Joseph McDowell, John Milledge, Daniel Morgan, Lewis R. Morris, Anthony New, John Nicholas, Josiah Parker, Elisha R. Potter, John Rutledge, jr., Samuel Sewall, William Shepard, Tompson J. Skinner, Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, William Smith, of Charleston, William Smith, of Pinckney district, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, John Swanwick, Geo. Thatcher, Mark Thomson, Abram Trigg, John Trigg, Philip Van Cortlandt, Peleg Wadsworth, John Williams, and Robert Williams.

NAYS—James A. Bayard, David Brooks, Samuel J. Cabell, George Dent, Lucas Elmendorph, James Gillespie, Jonathan N. Havens, Matthew Locke, John Reed, Nathaniel Smith, John E. Van Alen, and Joseph B. Varnum.

Mr. CHAMPLIN moved to strike out "foreign bills of exchange" from any duty, owing to the embarrassment such a duty might occasion, from a foreign merchant not being able to say whether a bill was drawn upon a proper kind of stamp.

This motion was also negatived.

Upon the amendment of the Committee of the Whole to strike out the words "except notes issued by any bank," &c., it was carried—76 to 11, as follows:

YEAS—John Allen, George Baer, jr., Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, David Brooks, Nathan Bryan, Demsey Burges, Samuel J. Cabell, Thomas Claiborne, Matthew Clay, John Clopton, Joshua Coit, Samuel W. Dana, Thomas T. Davis, John Dawson, John Dennis, George Dent, Lucas Elmendorph, Thos. Evans, John Fowler, Nathaniel Freeman, jr., Albert Gallatin, James Gillespie, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, William Barry Grove, John A. Hanna, Robert Goodloe Harper, Jonathan N. Havens, Wm. Hindman, David Holmes, Walter Jones, Matthew Locke, Samuel Lyman, Matthew Lyon, James Machir, Nathaniel Macon, William Matthews, Blair McClenachan, Joseph McDowell, John Milledge, Daniel Morgan, Lewis R. Morris, Anthony New, John Nicholas, Harrison G. Otis, Josiah Parker, Elisha R. Potter, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Tompson J. Skinner, Jeremiah Smith, William Smith, of Pinckney District, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, John Swanwick, George Thatcher, Richard Thomas, Mark Thomson, Abram Trigg, John Trigg, John E. Van Alen, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, Peleg Wadsworth, John Williams, and Robert Williams.

NAYS—James A. Bayard, Christopher G. Champlin, James Cochran, William Craik, Abiel Foster, Dwight Foster, Thomas Hartley, Hezekiah L. Hosmer, Samuel Sitgreaves, Nathaniel Smith, and William Smith, of Charleston.

Mr. CRAIK moved to strike out the whole of the clause relative to a duty on bonds, bills, and, notes; which was negatived, without a division.

Mr. GALLATIN moved to strike out the clause which forbids the receiving of any paper not legally stamped, in any court of justice, in evidence; and the yeas and nays were taken upon it, and stood 37 to 40, as follows:

YEAS—Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Nathan Bryan, Demsey Burges, Samuel J. Cabell, Thomas Claiborne, Matthew Clay, John Clopton, Thomas T. Davis, John Dawson, Lucas Elmendorph, John Fowler, Albert Gallatin, James Gillespie, John A. Hanna, Jonathan N. Havens, David Holmes, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, John Milledge, Anthony New, John Nicholas, Josiah Parker, Tompson J. Skinner, William Smith, of Pinckney District, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, and Robert Williams.

NAYS—John Allen, George Baer, jr., James A. Bayard, David Brooks, Christopher G. Champlin, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, John Dennis, George Dent, Thomas Evans, Abiel Foster, Dwight Foster, Nath'l Freeman, jr., Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold,

William B. Grove, Robert Goodloe Harper, William Hindman, Hezekiah L. Hosmer, Samuel Lyman, James Machir, Harrison G. Otis, Elisha R. Potter, John Reed, Samuel Sewall, William Shepard, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, William Smith, of Charleston, John Swanwick, George Thatcher, Richard Thomas, John E. Van Alen, Peleg Wadsworth, and John Williams.

The bill was then ordered to be engrossed for a third reading on Monday. Adjourned.

---

MONDAY, July 3.

Mr. W. SMITH proposed a resolution appropriating a sum of money for erecting jails in those States in which there are not sufficient ones at present for containing the prisoners of the United States.

This proposition was opposed on the ground of its being no way connected with the present session, and negatived, without a division.

The bill for laying a stamp duty was read a third time, and the blanks filled up, viz: that for fixing the time of the act taking effect, with the 31st day of December next; the fine and imprisonment for counterfeiting stamps, &c., with $1,000 and seven years imprisonment; and the time for which the duration of the act was limited, with five years.

The yeas and nays being taken on the passage of the bill, were—yeas 47, nays 41, as follows:

YEAS—John Allen, James A. Bayard, David Brooks, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, James Davenport, John Dennis, Geo. Dent, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, James Gillespie, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, John A. Hanna, Robert Goodloe Harper, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, Samuel Lyman, James Machir, William Matthews, Daniel Morgan, Lewis R. Morris, Harrison G. Otis, Elisha R. Potter, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, William Smith, of Charleston, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, Peleg Wadsworth, and John Williams.

NAYS—George Baer, jr., Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Nathan Bryan, Demsey Burges, Samuel J. Cabell, Christ'r G. Champlin, Thomas Claiborne, Matthew Clay, John Clopton, Thomas T. Davis, John Dawson, Lucas Elmendorph, John Fowler, Albert Gallatin, Jonathan N. Havens, David Holmes, Walter Jones, Edward Livingston, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, John Nicholas, Josiah Parker, Tompson J. Skinner, William Smith, of Pinckney District, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

## ADDITIONAL APPROPRIATIONS.

The House went into a Committee of the Whole on the bill making additional appropriations for the service of the year 1797; and the blanks of the bill were filled as follows:

| | |
|---|---|
| 1. For the compensations granted by law to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of two months | $77,389 66 |
| 2. For the expenses of firewood, stationery, printing work, and all other contingent expenses of the two Houses of Congress | 6,500 00 |
| 3. For printing the laws of the present session | 1,050 00 |
| 4. For making good the allowance to clerks employed in the Department of State, agreeably to law | 269 70 |
| 5. For the salary of an additional clerk in the Department of State, to perform the duties of an Accountant, and when not so employed, to do the ordinary services of a clerk | 800 00 |
| 6. For defraying the expenses of foreign intercourse, for the year one thousand seven hundred and ninety-seven, beyond the appropriations heretofore authorized by law | 60,500 00 |
| 7. For the salaries of two extra clerks in the office of the Accountant of the War Department | 800 00 |
| 8. For completing and equipping the frigates United States, Constitution, and Constellation | 200,000 00 |
| 9. For the pay and subsistence of the officers and crews of the said frigates | 100,000 00 |
| 10. For the extra expenses authorized by law during the present session in relation to the revenue cutters | 10,000 00 |
| 11. For the repairs and fabrication of arms and cannon carriages | 39,000 00 |
| 12. For completing the six months pay and subsistence of the officers discharged under the act of the third March, one thousand seven hundred and ninety-seven | 2,580 00 |
| 13. For the Hospital Department | 5,000 00 |
| 14. For making good a deficiency arising from the balance of moneys of various appropriations being carried to the credit of the "Surplus Fund," in pursuance of the sixteenth section of the act passed the third of March, one thousand seven hundred and ninety-five, viz: for erecting a light-house on the head land of Cape Hatteras, and a lighted beacon on Shell Castle island, in the harbour of Ocracock, in the State of North Carolina | 44,000 00 |
| 15. For enabling a remittance to the Commissioners of the Dutch loans at Amsterdam, in payment for a quantity of saltpetre | 17,031 89 |
| 16. For repaying the Bank of the United States a sum advanced upon certain Treasury bills drawn upon collectors of the revenue of the United States, in North Carolina | 5,150 00 |
| 17. For the payment of the Commissioner of Loans for the State of Rhode Island, on account of two clerks who were employed in the year one thousand seven hundred and ninety-six | 54 00 |
| Total | $570,125 25 |

The five first items were agreed to without objection. On Mr. W. SMITH's proposing to fill the sixth item with the sum above stated—

Mr. NICHOLAS called for the reading of the particulars which composed this sum. They consisted of the salary and outfits of Ministers to France, to Prussia, and to the Barbary Powers. Mr. N. wished the sum mentioned for the Minister to Berlin, viz: $13,500, to be deducted from the $60,500, as he knew of no possible use that a Minister to Berlin could be of. He thought the present extension of foreign intercourse was far too great; he wished much to see it narrowed, and trusted it would be done at the next session, as the law on that subject would then expire. He wished, therefore, to reduce this sum, in order to show their wish to have the business of foreign intercourse circumscribed. He moved to fill the blank with $47,000.

Mr. HARPER thought it was too late for the gentleman to talk in this manner, because a sum of money had uniformly been appropriated for the purpose of foreign intercourse. It was extraordinary, therefore, that at this day, if there were no good reasons for it, that they should now be called upon to depart from their usual practice. He hoped it would not meet with the approbation of the House.

Mr. MCDOWELL was opposed to voting any considerable sum for this purpose. It might have been proper heretofore; but he could see no reason at present for entering into treaties with nations with whom we neither had, nor could have any considerable connexion. He wished to pause before they agreed to this measure; because, if agreed to, he expected it would hereafter be produced as a reason why they should extend the subject still further.

Mr. NICHOLAS said, the gentleman from South Carolina seemed to have mistaken him. He did not propose to strike out anything which had heretofore been agreed to, but what related to a further extension of our foreign intercourse. Of the four Northern Powers, he thought it was least necessary to have any connexion with Prussia; she was in a situation to favor us less than any other Power. If a new treaty were entered into with Prussia, he supposed it would be next proposed to have one with Sweden, Denmark, and Russia, as we had a much greater commercial connexion with those Powers than with Prussia. As to their having once agreed to go into this subject of foreign intercourse, it was no reason for continuing it, after they were convinced the system was injurious to the welfare and happiness of this country.

Mr. W. SMITH said this motion involved in it a very delicate consideration. They were called upon to vote for a less sum than that estimated, upon the ground that the President had done wrong in sending a Minister to Berlin. His colleague was right, when he said this was running counter to established rule. He thought it would be contrary to the spirit of the Constitution, because the power of judging of the propriety of sending Ministers to foreign countries rested with the President and Senate; but this House, conceiving they had made an injudicious exercise of that right, say they will withhold the necessary appropriations; which, he said, would be exercising a power over that branch of Government in which the Constitution had alone placed the power of doing the business. It was his opinion that the President having sent a Minister to Berlin, they were as much bound to appropriate money to defray the expense, as they were bound to provide for the salary of the President, or of the Judges. Some gentlemen, however, thought, that such a situation might exist, as would justify the withholding of appropriations. Admitting that there might be such a situation, a question would arise, whether it should be done by withholding an appropriation, by impeachment, or by a vote of censure on the President. For, if that House were to arrest an appropriation, he supposed the Senate would not suffer the bill to pass without it, and, unless they came into the opinion of the Senate, no bill could pass.

He found himself embarrassed in discussing this question, because it was not their province to adduce reasons for sending a Minister to any particular place; but he thought, if it were desirable, we should have a Minister at any foreign Court, it was that of Prussia; and from the connexion which subsisted between that Monarch and the French Republic, he should have supposed that those gentlemen who wished so much to harmonize with the French Republic, would not have objected to the sending of a Minister there.

The treaty we formerly had with Prussia was expired, and he believed that Court had requested a renewal of it; the President had also recommended it in his Speech at the opening of the session; and there might exist reasons for it which were not proper to be laid before that House. He agreed that, *prima facie*, there appeared to be a greater propriety for us to enter into treaty with Denmark, Sweden, and Russia, than with Prussia. We had a treaty with Sweden about to expire; and it was not improbable that the gentleman sent to Berlin, might also be employed in making a treaty with Sweden. If gentlemen had intended to make the present serious opposition to the measure, he thought it would have been more candid to have given notice of the intention, that the gentleman might have been prepared to meet it.

Mr. GALLATIN said, it was rather singular that the chairman of the Committee of Ways and Means should be unprepared to meet any opposition to this measure, since he knew that several members of that committee were opposed to it, and he must therefore have expected that they would have moved to appropriate a less sum. But it appeared as if the gentleman wished to make a very serious question of what he considered as merely incidental, viz: whether they should vote so much money, or a less sum. He believed he should show it was of little importance.

In relation to the Constitution, it was merely said, that the President should have power to appoint Ministers, Ambassadors, &c., but, by the power to appoint Ministers, could never be meant that he had the power to send Ministers to all the Courts of Europe, and to all the principalities of Germany, and call upon that House only in an indirect way to agree to the appropriation. As to the power of appointing Ministers, it was a new

power given to the Executive by the present Constitution. The first Congress took up the subject; they might have said there should be four or six Ministers employed. They did not do this; but they declared that the salary of a Minister should not exceed nine thousand dollars, nor his outfit a similar sum, nor the whole annual expense forty thousand dollars. By this check they divided the power with the Executive; and if this power were not acted upon, it would have been absurd to have given it to them. He did not look upon the present question as by any means a Constitutional one. The President had appointed a Minister for Berlin, for reasons best known to himself; and the question between them was, whether the appointment was a proper one.

They had been yearly called upon for additional appropriations for this object: if they thought it necessary to check this spirit for foreign connexions, or were determined not to renew the law relative to foreign negotiations, it would be right to agree to the proposed reduction. As to impeachment or censure, they were out of the question. The President thought a Minister to the Court in question would be of some use; they thought differently, and that the money would be more valuable. Where was the cause of accusation? It was merely a difference of opinion.

Another collateral argument of the gentleman from South Carolina, related to what the Senate would do. He did not think it parliamentary to say the Senate would do this or that.

To enforce the propriety of sending a Minister to Berlin, the gentleman from South Carolina had suggested two reasons, viz: the recommendation of the President, and the propriety of renewing our treaty. He did not think a renewal of that treaty would be of any advantage to us; nor did he think any gentleman was anxious about it. By that treaty, the United States were prohibited from fitting out privateers in any case. But he thought that gentleman had used a strong argument against sending a Minister to Berlin. He did not know how far the gentleman was well informed, but if the object of the Minister was to prevail upon the King of Prussia to obtain an accommodation for us with France, he thought it would be the worst policy which could be adopted. Such an offer of mediation would not be likely to produce an accommodation. [Mr. S. said he had mentioned this merely as a suggestion of his own, without any authority.]

Another consideration, Mr. G. said, which induced him to be in favor of reducing the appropriation was, that the money was altogether unnecessary. He did not suppose the gentleman from South Carolina wished to appropriate for Ministers who had no existence, and the money now asked had been appropriated already in full. It was true it was appropriated for a Minister to be sent to Portugal; but none had been sent there, so that the money remained unexpended, and the same gentleman intended for the former embassy was now employed on this. The fact was, that their appropriations for foreign intercourse were not particularized, but made in gross. There was, therefore, a sufficient sum of money in hand, since the object had merely been changed.

Mr. J. WILLIAMS argued in favor of the larger sum, as it had been usual to appropriate money to pay the expense of any Minister which the President (according to the powers placed in him by the Constitution) thought it necessary to send abroad. He thought it might be attended with bad consequences to withhold the necessary appropriations for this purpose, especially when a Minister had already been appointed.

Mr. N. SMITH said, this was a subject which had agitated the House ever since the gentleman from Pennsylvania came into the Government; as it had been his constant endeavor to swallow up the Executive power in that House. For, certainly, if that House had the power to appropriate or not to appropriate, to destroy or support the appointment of a Minister, at their pleasure, it was certain that the Executive was no longer an independent branch of Government. Mr. S. said, as he wished to preserve the Government pure, he should always bear testimony against such a doctrine. He considered the Executive as the sole judge as to the propriety of appointing foreign Ministers; and, being sole judge, that House had no right to judge over his head, any more than over the head of the Judiciary; and whenever any one branch of Government shall presume to judge over the head of another, there will be an end to the purity of our system.

Mr. BALDWIN spoke of the ground upon which this business was originally settled. He said, they determined not to say to the President to what place a Minister should be sent, or what quality of Minister should be appointed, but they stipulated the quantity of money to be expended. At the time the sum was first enlarged, a particular urgency existed. He looked upon the extension of this power as unfortunate for this country, and he should be against its going further. The gentleman from Connecticut had, therefore, disturbed himself unnecessarily, when he thought this doctrine was of recent date; it was certainly as old as the Government.

Mr. THATCHER thought the gentleman last up was mistaken. He did not believe that by confining the expenditure, in respect to foreign negotiations, to $40,000, it was meant to trammel the powers of the President; but that that sum was granted because it was thought it would be sufficient for the purpose. He had no idea that they had a right to restrict the President in this respect.

Mr. SEWALL considered this question of so much importance that he could not refrain from delivering his opinion upon it. He insisted upon the Constitution being clear in placing the power in the Executive, and that the appointment of Ministers stood upon the same ground as the appointment of the Judges of the Federal Court. The question, he said, seemed to be come to this: Whether the President should obtain an appropriation from that House before he proceeded to appoint a Minister? A doctrine of this kind would be extremely inconvenient, since Congress

were only in session at certain periods, whereas it could not be said at what precise time it should be necessary to send a Minister to a foreign country. If the President should be guilty of excessive ill conduct, gentlemen would do well to come forward and say he had done wrong; but, even in that case, he should be doubtful whether that House would be justified in refusing an appropriation, as it would be necessary to punish the President in a different way; for, in refusing the necessary money, the person employed on the embassy would be punished, and not the President.

Mr. GALLATIN wished the gentleman from Connecticut, instead of being angry, had attended to the fact which he had stated, viz: that the money asked for was already appropriated. He wished, also, that he had inquired into the fact, whether, at any time, they had appropriated for the expense of Ministers before they existed? If they were bound to appropriate, they were not bound to appropriate beyond what was before them. He did not believe that even the gentleman from Connecticut would subscribe to this doctrine.

As to what the gentleman had said relative to what had taken place since he came into that House, he was mistaken altogether. In addition to what had been said by the gentleman from Georgia, he would ask why the law of 1790 was limited for two years, if not meant to check the power of the President? If Congress had been of opinion that they were bound, they would have made a permanent appropriation as in relation to the public debt. If, because they differed in opinion, they were to charge each other with subverting the Government, there would be an end to business. He gave the Constitution a construction which he thought right; that gentleman, he supposed, did the same, and though, in his opinion, his doctrine brought all Legislative power into the hands of the Executive, yet he would not charge him with any other than good intentions.

With respect to the Judges of the Supreme Court, the President had the power only to appoint them, their number was fixed by the Legislature; so that there was a similar check in both cases. He thought the true ground was the expediency of the business.

Mr. HARPER asked whether that House was possessed of all the information necessary to form a judgment of the propriety of this measure. Could they say with propriety, that a Minister ought not to be sent either to Lisbon or Berlin? And if the proposed sum were taken from the appropriation, one of these missions must be given up. Thus to control the power of the President, in his opinion, would be to destroy a provision of the Constitution, and bring the President into a very humiliating situation.

Mr. NICHOLAS said, if the appropriation of money was not vested in their hands for the purpose of exercising their judgment upon the propriety of expense, he could not see the use it was of; but he did believe they had the power of controlling what appeared to them improper expense, and that it was their duty to do so.

The question was put, for filling the blank with the larger sum, viz: $60,500, and carried, there being fifty votes in favor of it.

The 7th, 8th, 9th, 10th, 11th, and 12th items were agreed to without opposition.

On the $5,000 proposed for the hospital department, some debate took place. It was urged by Messrs. W. SMITH and OTIS, on the ground of its having been called for by the proper department, and that if it was not expended, the money would be safe in the Treasury.

It was opposed by Messrs. GALLATIN, VARNUM, and MACON, as, in their opinion, unnecessary. It was alleged that the expense of this department had never reached $7,000, and that $10,000 had been appropriated this year, which they thought must prove sufficient; if it were not, it might be supplied next session. Mr. GALLATIN declared he had no faith in the estimates of the War Department with respect to the several heads of expense, as heretofore, when the appropriations were made general, and a surplus under one head was taken to supply deficiencies under another, the hospital department had been estimated at $30,000; though, by the return which had been made to them last session, it appeared that it scarcely ever exceeded $6,000. [It will be recollected that last session the appropriations for the Military Establishment were made special, so that in future every item of expense must be kept distinct.]

On the motion for striking out this item being put, it was negatived—45 to 33.

The question for filling the blank with $5,000, was carried—49 to 30.

The remainder of the items were agreed to, without debate. The committee rose, the House took them up, and agreed to them, and the bill was ordered to be engrossed for a third reading on Monday.

## DUTY ON SALT.

Mr. ALLEN laid a resolution on the table, again proposing a duty of —— cents per bushel on salt; ordered to lie.

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

*Gentlemen of the Senate,*
*and House of Representatives:*

The whole of the intelligence which has for some time past been received from abroad, the correspondence between this Government and the Ministers of the belligerent Powers residing here, and the advices from the officers of the United States, civil and military, upon the frontiers, all conspire to show, in a very strong light, the critical situation of our country. That Congress might be enabled to form a more perfect judgment of it, and of the measures necessary to be taken, I have directed the proper officers to prepare such collections of extracts from the public correspondence as might afford the clearest information. The reports made to me, from the Secretary of State and the Secretary of War, with a collection of documents from each of them, are now communicated to both Houses of Congress. I have desired that the Message, reports, and documents, may be considered as confidential, merely that the mem-

bers of both Houses of Congress may be apprized of their contents before they should be made public. As soon as the two Houses shall have heard them, I shall submit to their discretion the publication of the whole or any such parts of them as they shall judge necessary or expedient for the public good.

JOHN ADAMS.

UNITED STATES, *July* 3, 1797.

The said Message and papers were read, and ordered to be referred to Messrs. SITGREAVES, BALDWIN, DANA, DAWSON, and HINDMAN; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

*Ordered*, That the said committee be instructed to report whether it will be proper to print any, and what part, of the said communication, for the use of the members.

---

TUESDAY, July 4.

The bill from the Senate, allowing full mileage to the members of both Houses; the bill respecting Consuls and Vice Consuls; and the bill making additional appropriations for the year 1797, were read the third time and passed.

## DUTY ON SALT.

Mr. ALLEN called up the resolution he yesterday laid upon the table, for laying an additional duty on salt.

Mr. GALLATIN moved to postpone the consideration of this resolution until the second Monday in November.

Some debate took place on this question; and, when it came to be taken, the House was equally divided, there being 43 votes for the postponement, and 43 against it. The SPEAKER decided against the postponement, and the resolution was referred to a Committee of the Whole immediately.

The House accordingly resolved itself into a Committee of the Whole on this resolution; when

Mr. ALLEN moved the blank cents per bushel, be filled with twelve.

Mr. SWANWICK wished the sum to be seven.

Mr. ALLEN consented to make it eight.

Mr. SITGREAVES hoped it would be twelve.

The question was first taken upon twelve, and negatived, there being only 30 votes for it. It was next taken upon eight, and carried, 47 to 42, and then upon the resolution as amended, and carried by the same numbers.

The committee rose, and the House took up the resolution.

After a few words from Mr. LYON against the tax, and from Mr. WILLIAMS in favor of it,

Mr. W. SMITH went at considerable length into a defence of the measure, in the course of which, he said, they had already agreed upon appropriations to the amount of $700,000 or $800,000, and were not certain of any revenue to meet the expenditure. The license act, he believed, might produce from $50,000 to $60,000 dollars, and the stamp act from $100,000 to $150,000, if they should be passed, but he considered this as doubtful. But if these laws were passed, this tax on salt was necessary to keep up the equilibrium of taxation; for the stamp act would almost exclusively fall upon commerce and large cities; this would principally be felt by the agricultural part of the Union; and, if it were not agreed to, they must have a land tax.

Mr. SHEPARD said, no tax would operate so equally as a salt tax, as every citizen must make use of it in a smaller or larger quantity.

Mr. GALLATIN opposed this tax on the same ground which he heretofore opposed it, as oppressive to certain parts of the Union, and no way affecting others, and therefore wholly unequal, and particularly as it bore heavy on the poorer classes of society. He was against it also, because it was not proposed that the amount of this tax should go towards a reduction of the public debt, but merely to encourage expense in the Government; for he believed if they filled the Treasury with money, means would be found to expend it. Indeed, if the Treasury had not been at present in rather a low state, he believed they should have gone into most of the expensive measures proposed to them this session. He allowed the tax would be productive, as a tax upon bread, air, or any necessary of life, must be productive. If this tax, however, were to be agreed to, he should wish to make an amendment to the present proposition. At present the drawback allowed to the New England States, on account of salt used in the fisheries, amounted to about $90,000 a year, though by the statements it appeared there should only have been allowed $50,000. To rectify this, he proposed the following proviso to be added to the resolution, viz:

*Provided*, That the allowance now given upon vessels employed in the fisheries, shall not be increased.

This amendment was opposed by Messrs. HARPER, SEWALL, DANA, and KITTERA, on the ground of its being an unfair way of introducing the proposition, as no one expected it; they were not prepared to meet it; the correctness of the statement was doubted; and, if it were correct, it was said, the proper way of doing the business would not be to pass the present law without a drawback, but to reduce the former drawback and make it less on this occasion.

The motion was supported by the mover, and Messrs. VENABLE and LIVINGSTON; but, after some discussion, Mr. GALLATIN withdrew it, in order to give gentlemen time to make themselves acquainted with the fact he had stated; but he expressed his intention of renewing the proposition when the bill came in.

The question then returned upon the original resolution; when

Mr. HARPER went at length into a defence of the measure, (in the course of which he charged Mr. GALLATIN with being mistaken $12,000 as to the amount of the drawback allowed,) and insisted that it was a fair and proper tax, and that so small an advance upon the present duty could not operate oppressively upon any part of the community.

Mr. NICHOLAS followed in opposition. He

dwelt considerably on the unjust and unequal manner in which this tax would operate. He said he did not view this question as deciding merely whether an additional tax of eight cents should be laid upon salt; but whether that necessary of life should be called upon for every thing Government should want. He was in favor of a direct tax which should fall equally, though it might, in the origin, be attended with some considerable expense; but, if they went on raising partial sums in this way by indirect means, the expense of instituting a direct tax would always be an obstacle, and indirect taxes would always be had recourse to. He did not believe it to be absolutely necessary to provide a revenue this session, as he believed money might as well be borrowed without as with additional revenue, and, at the next session, the subject could be fully gone into.

Mr. LYON spoke of the discontent which had always been shown in the part of the country from whence he came, which, he said, would be greatly increased by this addition. It was not only a duty of eight cents, every cent would be made four before the salt reached them. There was no kind of tax which his constituents would not sooner bear. It had been said that a land tax would cost twenty-five per cent. to collect it; but what was twenty-five compared with three hundred per cent.? Nor did he believe this tax would prevent a land tax. He believed they should go on taxing the people until they would be greatly dissatisfied. He would much rather a tax of eight cents was laid upon tea, which would produce an equal sum.

The question was taken by yeas and nays, and decided in the affirmative—47 to 41, as follows:

YEAS—John Allen, George Baer, jr., James A. Bayarn, David Brooks, John Chapman, Christopher G. Champlin, James Cochran, Joshua Coit, Wm. Craik, Samuel W. Dana, James Davenport, John Dennis, George Dent, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Chauncey Goodrich, Wm. Gordon, Roger Griswold, Robert Goodloe Harper, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, William Matthews, Lewis R. Morris, Harrison G. Otis, Elisha R. Potter, John Reed, James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, William Smith, of Charleston, John Swanwick, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, Peleg Wadsworth, and John Williams.

NAYS—Abraham Baldwin, David Bard, Lemuel Benton, Richard Brent, Nathan Bryan, Demsey Burges, Samuel J. Cabell, Thomas Claiborne, Matthew Clay, John Clopton, Thomas T. Davis, John Dawson, Lucas Elmendorph, John Fowler, Albert Gallatin, James Gillespie, William Barry Grove, John A. Hanna, Jonathan N. Havens, David Holmes, Walter Jones, Matthew Locke, Matthew Lyon, James Machir, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, John Nicholas, Tompson J. Skinner, William Smith, of Pinckney District, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

After the first call was finished, Mr. BLOUNT came in, and said he was called out to the door, and, from the noise without doors, he had not heard his name called. His vote being refused to be admitted, he said he should then call the yeas and nays on the passing of the bill.

A committee was appointed to report a bill in pursuance of this resolution; and the House adjourned.

---

WEDNESDAY, July 5.

A bill was reported for laying a duty upon salt, which was twice read, and ordered to be committed to a Committee of the Whole this day, after a motion was lost for postponing it till the second Monday in November, by 39 to 33.

## AUTHORIZING A LOAN.

The House went into Committee of the Whole on the bill authorizing a loan of money; when

Mr. W. SMITH moved to fill the blank in which was to be inserted the money to be borrowed with $800,000, which, he said, was about the amount of the appropriations of the present session.

Mr. GALLATIN said, it was, perhaps, not very material as to the exact sum with which this blank was filled; but the appropriations of this session did not amount to that sum. One hundred and fifty thousand dollars had been appropriated for the fortifications, and the amount of the appropriation bill was $567,000, which made a little over $700,000; and there would certainly be a considerable overplus of revenue to meet, in part, this expense.

Mr. HARPER denied that a surplus of revenue in the present year could be depended on. The revenue of 1796, indeed, had proved much more productive than was expected. The first quarter of 1797 had also been very productive; but the accounts were brought up no later, and, consequently, it was impossible to know what defalcations would take place in the three last quarters of this year, or how productive the whole revenue of it would be. Should it be as productive as that of 1796, there would, indeed, be a surplus above the appropriations of last session; but this was uncertain. The revenue of 1797 was, indeed, to arise from importations already made, and bonds now in the custom-house; but there might be great failure in the payment of those bonds. It was known how much the trading capital of this country, which stood pledged for the payment, had been diminished by late events—by the fall of prices last year, by the great amount of property detained abroad, and by the spoliations now going on. It was impossible to tell how great the spoliations would become, and to what degree all these causes united might render the merchants unable to pay their bonds—consequently, how productive the revenue of this year might be. He hoped there would be a great surplus; but it was quite uncertain; and, in this uncertainty, he thought it wise so to extend the power of borrowing as to cover any possible deficiency. This could not, in his opinion, be done with less

than $800,000, which might be wanted; and if it was not, would not be borrowed.

Mr. W. SMITH said, besides the two items mentioned by the gentleman from Pennsylvania, there was $10,000 or $15,000 appropriated for agents under the British Treaty. There was also another article which might be agreed to in the course of the session, which should be included in the loan. There could be no inconvenience from giving authority to borrow a larger sum than required, as it would be drawn only as it was wanted, and the interest charged only from the time the money was got. The surplus of revenue, as his colleague had stated, was very precarious; $600,000 might be sufficient, but of that there was no certainty.

Mr. GALLATIN did not know why gentlemen should wish to increase this sum beyond the appropriations of this session, as there was already authority in the Commissioners of the Sinking Fund to borrow more money than they could get. He believed the excess of revenue would be sufficient, as last year there was an increase of $700,000, and this year there would not be a less sum. He wished to have the blank filled with the amount of the appropriations, viz: $697,000.

Mr. WILLIAMS was in favor of the larger sum.

The question for filling the blank with $800,000 was put and carried—43 to 34.

The committee rose, and the bill was ordered to be engrossed for a third reading this day, which it afterwards received, and passed.

## DUTY ON SALT.

The House went into Committee of the Whole on the bill for laying an additional duty on salt; when

Mr. GALLATIN moved to strike out all that related to the allowing of a drawback to vessels employed in the fishing trade, on the ground that he yesterday stated, viz: that the allowance at present made was too large by $40,000 a year, taking the year 1794 for his data; but it appeared that in the year 1795 there was a deficiency in that trade, owing principally, it was supposed, to the great demand for seamen in the merchant service. He, therefore, would take the calculation of the gentleman from South Carolina, (Mr. HARPER,) made yesterday, and, instead of calling the amount of drawback allowed $90,000, he would state it to be $78,000; and even then, he said, the drawback at present allowed would exceed by two thousand dollars the drawback to which they would be entitled, if the present duty took place.

He spoke generally against the tax as oppressive to the back country; but if the gentleman from Massachusetts, and others, were determined to increase the tax, he should wish their part of the country to pay their share of it.

This motion was supported by Messrs. VENABLE, NICHOLAS, CLAY, McDOWELL, and MACON.

It was opposed by Messrs. SEWALL, OTIS, HARPER, COIT, BROOKS, KITTERA, J. WILLIAMS, and DAYTON.

The calculation of the quantity of salt estimated to be necessary to be used for a quintal of fish, (one bushel,) was said to be stated too low; that the sum allowed was not only meant as a drawback of the duty, but also as a bounty on the fishing trade—as being a nursery for seamen, and serving as a kind of naval militia for the United States.

If it should appear, however, that the present allowance was too great, (which, by some gentlemen in favor of this motion, which was in blank, seemed to be acknowledged,) a less allowance might be make in this bill; but they could not consent to the bill passing without a drawback.

The question for striking out the clause was taken, and negatived—49 to 41.

Mr. COIT moved to fill the blank with 50 per cent., instead of 66⅔, which was the drawback allowed by the present law.

Mr. HARTLEY thought this sum too high.

Mr. WILLIAMS moved 33⅓ per cent., which was carried without a division.

Mr. NICHOLAS moved a limitation clause, to continue the act in force for two years, and from thence to the end of the next session of Congress.

This motion was carried—42 to 39.

The committee rose, and the House agreed to the amendments. The yeas and nays were called upon the limitation clause, and were taken, and stood—yeas 47, nays 43, as follows:

YEAS—Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Richard Brent, Nathan Bryan, Samuel J. Cabell, John Chapman, Thomas Claiborne, Matthew Clay, John Clopton, Thomas T. Davis. John Dawson, George Dent, Lucas Elmendorph, Thomas Evans, John Fowler, Albert Gallatin, James Gillespie, John A. Hanna, Thomas Hartley, Jonathan N. Havens, David Holmes, Walter Jones, John Wilkes Kittera, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Daniel Morgan, Anthony New, John Nicholas, Tompson J. Skinner, William Smith, of Pinckney District, Richard Sprigg, jun., Richard Stanford, Thomas Sumter, John Swanwick, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, John Williams, and Robert Williams.

NAYS—John Allen, George Baer, jun., James A. Bayard, David Brooks, Stephen Bullock, Demsey Burges, Christopher G. Champlin, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, James Davenport, John Dennis, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, Robert Goodloe Harper, William Hindman, Hezekiah L. Hosmer, James H. Imlay, Samuel Lyman, William Matthews, Lewis R. Morris, Harrison G. Otis, Elisha R. Potter, John Reed, John Rutledge, jun., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, William Smith, of Charleston, George Thatcher, Mark Thomson, John E. Van Alen, and Peleg Wadsworth.

The bill was ordered to be engrossed for a third reading this day; and before the House rose, it received it, and passed. The yeas and nays on its passage stood 45 to 40, as follows:

YEAS—John Allen, James A. Bayard, David Brooks, Stephen Bullock, John Chapman, Christopher G. Champlin, Joshua Coit, William Craik, Samuel W. Dana, James Davenport, John Dennis, George Dent, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, Roger Griswold, Robert Goodloe Harper, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, William Matthews, Lewis R. Morris, Harrison G. Otis, Elisha R. Potter, John Reed, John Rutledge, jun., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, William Smith, of Charleston, John Swanwick, George Thatcher, Mark Thomson, John E. Van Alen, Peleg Wadsworth, and John Williams.

NAYS—Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Richard Brent, Nathan Bryan, Demsey Burges, Samuel J. Cabell, Thomas Claiborne, Matthew Clay, John Clopton, Thomas T. Davis, John Dawson, Lucas Elmendorph. John Fowler, Albert Gallatin, James Gillespie, Wm. B. Grove, John A. Hanna, Jonathan N. Havens, David Holmes, Walter Jones, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Daniel Morgan, Anthony New, John Nicholas, Tompson J. Skinner, William Smith, of Pinckney District, Richard Sprigg, jun., Richard Stanford, Thomas Sumter, Abram Trigg, John Trigg, Joseph B. Varnum, and Robert Williams.

### TRANSFER OF STOCK.

A bill was received from the Senate for continuing in force an act to revive and continue in force an act authorizing the transfer of stock standing to the credit of certain States; which was read the first, second, and third time and passed.

### COLLECTION OF INTERNAL REVENUE.

Mr. W. SMITH called for the order of the day on the bill regulating the collection of certain internal revenues.

Mr. NICHOLAS wished this bill to be postponed until next session, as it was not of any immediate importance, and he wished that they should by all means finish their business in the course of this week.

Mr. MACON moved that the Committee of the Whole be discharged from further consideration of the subject.

This motion was carried, there being 46 votes in favor of it.

Mr. SITGREAVES, from the committee to whom was referred the Message from the President of the United States, of the third instant, made a report, in part, which he delivered in at the Clerk's table, where the same was twice read, and agreed to by the House, as follows:

"That, in their opinion, it will be proper to print the whole of the said communication, with the documents accompanying it, for the use of the members."

*Resolved*, That the injunction of secrecy upon the members of this House, as far as relates to the said Message, be taken off.

---

THURSDAY, July 6.

The bill making further appropriations for the year 1797, was received from the Senate, with an amendment proposing to add a clause to it of forty-five thousand dollars on account of our treaties with the Mediterranean Powers. It was referred to the Committee of the Whole to whom was referred the confidential communication of the President with respect to Algerine business.

Mr. SPRIGG presented a memorial from Major Lewis, extra aid-de-camp to General Wayne, for pay for his services in that capacity. After some opposition it was referred to a select committee to report by bill or otherwise; and, before the House rose, a bill was reported, and committed for to-morrow.

### IMPEACHMENT OF WM. BLOUNT.

Mr. SITGREAVES, from the committee to whom was referred the confidential communication of Monday last, reported the following resolution, viz:

"*Resolved*, That William Blount, a Senator of the United States, from the State of Tennessee, be impeached for high crimes and misdemeanors."

This resolution was twice read and committed for this day.

A motion was made by Mr. W. SMITH, for going immediately into a Committee of the Whole on this business; but it was withdrawn in order to take up the amendments of the Senate to the bill laying additional licenses on the retailers of

### FOREIGN WINES AND SPIRITS.

The principal amendments of the Senate were to extend the licenses to domestic wines and spirits, as well as to those of foreign manufacture.

The amendments of the Senate were supported by Messrs. J. WILLIAMS, SEWALL, SKINNER, and VARNUM, on the ground of making the duty fall more equally, as at present, it was asserted, that some States paid far more than others. Mr. WILLIAMS in particular asserted, that the State of New York paid one-fifth of the whole.

The amendments were opposed by Messrs. GALLATIN, HARTLEY, KITTERA, VENABLE, DAYTON, DENNIS, COIT, and CRAIK, as oppressive to the small farmers of this country, who had just been taxed by an additional duty on salt, and as tending to destroy all those small distilleries that distilled for sale from ten to twenty gallons a year.

After considerable discussion, a motion was made for the committee to rise, which was carried by the casting vote of the Chairman, (Mr. DENT.) And on leave being asked for the committee to sit again, it was refused—52 to 31.

The further consideration of the subject was then postponed until the second Monday in November.

### IMPEACHMENT OF WM. BLOUNT.

On motion of Mr. SITGREAVES, the House resolved itself into a Committee of the Whole on the resolution reported for impeaching WILLIAM BLOUNT; when

Mr. SITGREAVES said, if there were no objections to the proposition, he hoped the committee would rise and report it; or, if any information should be wanted on the subject, he should endeavor to give

the committee all that he had it in his power to give.

Mr. SKINNER said, he had doubts in his mind whether the House had any right to interfere in the business.

Mr. SITGREAVES observed, that when the communication was first made to the President of the United States, it appeared so evident to him that the occasion called for some active steps being taken, that he immediately took the opinions of the Attorney General, Mr. Rawle, and Mr. Lewis, to whom he proposed certain questions. A copy of the opinion which they returned to him had been transmitted to the committee. It stated that the above gentlemen had considered the letter of WILLIAM BLOUNT, and the several questions proposed thereon, and answered:

1. That the letter is evidence of a crime.

2. That the crime was of the denomination of a misdemeanor.

3. That WILLIAM BLOUNT, being a Senator, is liable to impeachment for the said crime before the Senate.

It was in conformity to this opinion, that the President of the United States, thought himself bound to communicate the letter to the House of Representatives, and leave it for them to act upon the occasion. If the opinion of these high law characters was correct, there could be no doubt of the part which they ought to take. For his own part, he had not been able to see why the members of the Senate were not as fair objects of impeachment as any other officers of Government. He believed, upon a candid review of the Constitution, it would be seen that there was no restriction upon the right of impeachment. There was a restriction upon the punishment to be inflicted, but not upon the right. He would not pretend to say the right might not, however, be circumscribed in some respects. He believed a Senator could not be impeached for any thing he might do as a legislator; though this should be understood with limitation; for, if corruption could be proved upon him, it would be fair ground of impeachment, though, acting in the ordinary course of legislation he could not be called to account for his conduct out of the House. He believed, that in a Government like ours, the right of impeachment was a very valuable right. It was a sort of process calculated to reach State offenders, not otherwise amenable to punishment; and there was no fear that in this country this power would be abused, as in another country, to serve the purposes of a Minister or a party, as both the body which makes the accusations, and the court which decides upon the charge, are the real representatives of the people, the one immediately, and the other mediately.

In England, Mr. S. said, this trial by impeachment had been carried beyond official cases. He instanced the famous trial of Doctor Sacheverell, who was impeached for preaching a libellous sermon. It was well known that this cause divided the kingdom, and that the first talents were called in to the aid of the Doctor.

The Senate, Mr. S. said, was peculiarly constructed. Its powers were of a complicated nature; they were Legislative, Executive, and Judicial. In consequence of their Executive powers, they had possession of all the secrets of the Executive. The officer who was charged in this case, he said, had particular relation to this part of the functions of the Senate; for, having this participation in the secrets of Government, it was a particular breach of official duty, when a Senator attempted to seduce an officer of the United States from his duty.

So also when a Senator of the United States shall endeavor to deprive the Government of his country, or its agents, of the confidence of a foreign nation; when he shall endeavor, by seductive arts, to lead a foreign nation to commit hostilities on his country, it was certainly such a violation of his duty as would warrant an impeachment. Mr. S. said, these were the considerations which had induced the committee to make the report they had made; it was for the House to act upon it as they saw proper.

Mr. NICHOLAS had his doubts with respect to the Constitutional right of the House on the subject. He thought the committee had neglected something which ought to have been done. They ought to have had some satisfaction with respect to the truth of the charge; they were not to act upon mere suspicion. This was his first impression on the subject; but he had yet made little inquiry on the matter; he thought, however, before they declared a man in any degree guilty, they should have evidence before them.

It did not appear to him that a member of the Legislature could be termed an officer of Government; for so far as a Senator had to do with the Executive, his character was merely that of an adviser, and he doubted therefore, whether he could, in giving his opinion, be liable to prosecution; nor did he think his crime of corrupting an officer was the greater because he was a Senator.

Mr. N. declared, however, that he was as ready to act upon the business as any person in the House, and gave as much credit to the charge. He wished to probe the business to the bottom. He thought they should inquire whether there was not another person equally culpable with WILLIAM BLOUNT—he meant the British Minister.

He suggested the propriety of deferring the whole business till next session, as he did not see any advantage that would be derived from determining upon it at present, except it were by making an example of the offender. He supposed there would be no danger of his escaping; and if he were to escape, he did not know that it would make any considerable difference, as the only punishment which could be inflicted upon him would be a disqualification from office.

Mr. GALLATIN said this subject was altogether new to him. He never had turned his mind to the Constitutional question with relation to impeachment before this morning. Of course, what he should say, would be more in the shape of queries than of any thing else, as he had not formed any decisive opinion upon it. He was not, therefore, ready to vote upon the subject, but

merely wished to submit his doubts to the committee.

It had struck him, upon a cursory view of the Constitution, that whatever might have been the extent to which impeachment was carried in England, by our Constitution impeachment in this country must be limited to the officers of Government alone. He had derived this idea from the two following clauses in the Constitution, viz:

"The President, Vice President, and all civil officers of the United States, shall be removed from office, on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

"Judgment in cases of impeachment shall not extend further than to a removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States. But the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law."

It appeared from these clauses, that wherever an officer of Government committed an offence upon which a judgment of impeachment should be had, he was also liable to indictment according to law, as the extent of the punishment from an impeachment was a removal from office, and a disqualification to hold in future any office of honor, trust, or profit, in the United States. He did not think the case of Dr. Sacheverell in point. It was his opinion, that, by the Constitution, officers of the Government only were intended to be impeached, and not members of the Legislature.

His colleague had given it as his opinion, that a member of that House might be impeached for his vote, if bribery could be proved, though the Constitution expressly declares, that no member shall be questioned out of the House for any thing he may do in his character as a legislator. He supposed this clause was meant to prevent any interference of the Executive; but if a man were to be called in question for a vote, though not for a speech, the privilege which he had always understood that they enjoyed, would be greatly narrowed. It appeared to him that the appropriate punishment for offences committed within those walls was expulsion; and that impeachment could not apply to them.

An argument had been adduced in favor of impeachment of a Senator, from that body having free access to the Executive records. This assertion was not correct; as he recollected a case in which the Senate applied to the President for certain papers, which, if they had had free access to his record, they would not have had occasion to have requested. He also recollected that the request was only granted in part. He believed indeed that some Senators, as well as some members of the House, might, by special favor of the Secretary of State, have access to this record; but he believed it might be refused to the members of either House.

It was said this offence was the seduction of an officer of the Government. He knew nothing of the offence; but he saw no reason why the offence should be greater because committed by a Senator. He knew not whether this Carey, an Indian interpreter, was an officer nominated by the President, and approved by the Senate. He knew nothing of the fact. It was therefore necessary to have some further information on the subject.

With relation to the letter itself, it was of a very serious nature; so serious, that though he conceived it scarcely ripe for Legislative inquiry, he thought it called for strict Executive inquiry. He thought they should know something of the fact that the letter was WILLIAM BLOUNT'S. It was nothing less than a conspiracy between a number of men, in the United States, and the British Government. He said a number of men, because the letter mentions a Captain Chesholm, who held correspondence with the British Minister at Philadelphia last Winter, so that at least two officers of Government were acquainted with the plan. [He read an extract from the letter.]

It appeared, therefore, that a most serious plan had been laid, in which Captain Chesholm was a partner, and made the instrument to confer with the British Minister; that a man of some consequence was gone to England, and that the design was an attack upon the Spaniards in America; so that the plan, if carried into effect, must involve us in a war with that nation. This plan, Mr. G. said, had been suspected by the Spanish Minister at Philadelphia, who had addressed our Executive more than once upon the subject; and also by the Ministers of France and Spain at Charleston, who, in order to meet the attack, had purchased all the arms and ammunition they could meet with, and sent them to Augustine. How far the Legislature should go into the business, or whether it should be left to the Executive, he did not know. At first, he thought the subject wholly of an Executive nature.

Mr. G. observed that what he had delivered were mere cursory thoughts. He wished to hear the subject discussed, as he should attend more to the arguments of gentlemen in that House than to the opinions of legal authority. As to the legality of the question, they were certainly better judges than himself; but as the power of impeachment was committed to that House, they certainly ought to judge for themselves. He mentioned this because he thought the answer of these legal gentlemen very curious, viz: "that the letter was evidence of a crime; that this crime was a misdemeanor; and that it is liable to impeachment." When the President asked advice what he should do, the answer seemed to be a direction to that House what they should do; and this was advice unasked. Perhaps, however, the answer given to them was only partial. He wished, if it could be done with propriety, that the business might be postponed till the next session. He understood that the gentleman was supposed to have taken his seat in the Senate to-day. As to expelling him from his seat, that might be done now, and when that was done it would prevent him from doing any further harm. The disqualification might take place at the next session as well as at the present.

Mr. DANA said, the first impressions upon his

mind were, that a Senator was not impeachable, but, upon further inquiry, he had found reason to doubt his opinion.

He asked whether a power could be impeached for any offence which was not a violation of official duty. He thought this was clear by the Constitution. A judge was certainly a civil officer, yet, if he were guilty of treason against the United States "by levying war against them, or adhering to their enemies, giving them aid and comfort," though this would be no breach of official duty, he might certainly be impeached for the offence.

Another inquiry was, whether members of the Legislature were officers in the sense of the Constitution. This was an inquiry of great importance.

The right of impeachment seemed to be a right clearly political; it was a right in Government to protect itself by displacing from its councils men who were faithless and unworthy. Taken in this view, the reason of the thing seemed strongly to apply to the members of the Legislature.

With respect to a legislator being a civil officer, he would ask whether, if a man was displaced from a civil office, he would be eligible to be elected as a member of the Legislature? This would be an absurd conclusion, unless it should be said that to be elected to such a situation was to be in a place of neither honor, trust, or profit.

Another clause of the Constitution said, "that no title of nobility shall be granted, and no person holding any office of profit or trust shall accept of any present, emolument, office, or title of any kind whatever from any King, Prince, or foreign State." And it was not meant to be said that, though our officers were not to be allowed to receive emoluments, &c., the members of the Legislature were not forbidden to do it. This would be strange doctrine.

He would submit to the committee what he conceived to be their duty. He thought the House should be fully satisfied of the fact; but if there was any doubt as to the flagrancy of the offence, or the liability of the person to be thus tried, these doubts should be left to the decision of the Senate, as the proper constituted authority. As to the inquiry relative to facts, the committee did not conceive that that inquiry ought to extend to a foreign Minister. They had nothing to do with him. He did not come within their cognizance.

Mr. D. thought there could be no doubt as to the fact of the letter being really Mr. BLOUNT'S, as several persons in the House could prove his handwriting. It was necessary first to enter into this general resolution. Afterwards specific articles of impeachment could be prepared.

Mr. SITGREAVES said, it was observable that no gentleman had ventured to do any more than express his doubts, both as to the fact and the law on this occasion. With respect to the fact he did not expect any doubt. He believed that any gentleman at all conversant with that branch of law learning which relates to impeachment, must know that impeachments have always been founded on official documents, or upon circumstances of notoriety, and not upon facts found as before a grand jury. In this instance they had received the letter of Mr. BLOUNT sufficiently authenticated in the communication of the President.

He was sorry that the measures which the Executive had taken in this business should have been censured, even by insinuation. Mr. S. said he had read the opinion of high law authority which had been obtained by the Executive. When he did this he thought he was giving proof of the honorable motives of the Executive. Information had been given to the Executive which, on the first blush, showed designs against the peace of the United States. It was the duty of the President to preserve the peace of the United States. It was natural and right for him, therefore, to take the opinion of those persons who were best qualified to direct him what course would be best to be pursued. These gentlemen had given it as their opinion that the proper way of proceeding would be by impeachment, and, in effect, that the President had no more to do with it, but that it should be turned over to the proper branch of the Government. In consequence, the President communicated more to the House than he had done to the Senate, as the original letter of WILLIAM BLOUNT was sent to them as evidence upon which they were to found their charge. The President did not direct them to impeach, but he had laid before them the facts, with the opinion of the law officers.

Mr. S. conceived that the conduct of the President had been strictly proper. He would pass on to the Constitutional doubts which had been expressed. It was acknowledged that there was no restriction upon the right of impeachment; but his colleague thought that something like a restriction might be gathered from the fourth clause of the second article of the Constitution, which he had quoted. It was to be observed that this article was found in that part of the Constitution which related only to the Executive Department of the Government. This, he took it, was a good reason why this rule should not be taken as a rule in the present case; but there was another clause which spoke of disqualifying persons from ever filling any office in future, which was a greater power than that under the Executive Department. If the construction which his colleague had put upon the Constitution with respect to impeachment was the true one, an officer of the Government could not be brought to trial after he had resigned, as he could not then be removed from office.

His colleague had produced another article of the Constitution which limited the punishment under an impeachment. This, Mr. S. said, was meant to guard against any disgraceful excess of Governmental vengeance or party venom, because it went on to say that if the offence was within ordinary crimes it might be prosecuted and punished in the same way as if an impeachment had not taken place.

Impeachment was then to be considered as for

the purposes of the State, distinguished from the general purposes of society. If it had been intended that the power of impeachment should be limited in the manner supposed by his colleague and the gentleman from Virginia, it would have been so expressed, as in the constitution of Pennsylvania; they had spoken on this subject in a way not to be mistaken, as they expressly said who were liable to impeachment, and what offences should be impeachable. And if it had been the intention of the Constitution of the United States that officers of the Government only should be impeached, it would doubtless have been so expressed. But was not the present case that of an officer charged with an offence directly connected with his office, and with the official confidence entrusted to him? When it was particularly his duty to appoint to office, it was surely a peculiarly aggravated offence to seduce an officer or to turn friends into enemies. What was a Senator if he was not an officer of the Government? The President, who was himself a branch of the Government, was allowed to be an officer of the Government, and surely a member of one of the branches must also be an officer.

As to the form of proceeding necessary to be taken on this occasion, he would state what the opinion of the committee was as to this matter. They supposed it would be first proper for that House to determine that the gentleman in question should be impeached. This being done, that a member of that House should go to the bar of the Senate and impeach the person, in the name of the House and of the people of the United States, and state that the House of Representatives will proceed to draw out specific articles of charge against him. According to the case, they require that he shall be sequestered from his seat, be committed, or be held to bail. When this is done, a committee will be appointed to draw articles of impeachment.

The reason, Mr. S. said, why some steps should be taken at present was, that means should be taken to secure the person of the offender, either by confinement or by bail, since it was the opinion of the law officers of Government that he could not be arrested by ordinary process. He could not be arrested by the Senate; they could send for him (as he understood they had done) by the Sergeant-at-Arms, to take his seat in the House; but when the House adjourned, they had no further power over him, until an impeachment was made against him.

Gentlemen said there was no danger of escape. If it were not improper to state what had taken place out of doors, it might be said that there had already been an attempt at an escape. Besides, if no investigation were now to take place, how were they to come to a knowledge of the plot which gentlemen seemed so desirous to come to a knowledge of? When they had determined to make the impeachment, and an oral declaration was made of it to the Senate, when they were ready to go home, they might go, and exhibit the charges at the next session, when they should have leisure fully to consider the subject.

Mr. RUTLEDGE had no doubt in his mind on the subject; but he thought it necessary that the handwriting of Mr. BLOUNT should be proved. He had himself attended the trial of an impeachment which had excited the attention of the world, (he alluded to the trial of Mr. Hastings,) and the order of proceeding was as had been stated. He moved that evidence be taken of the handwriting.

The CHAIRMAN suggested the propriety of having the business done in the House.

Mr. BROOKS said, he should not have spoken on the occasion, if he had not heard gentlemen express wishes to have the present subject postponed. For his part, he could not tell how gentlemen would be able to acquit themselves to their own consciences and to their constituents, if they should refuse to stay a day or two to do this business.

Mr. VENABLE said, that as this was a new case, and would be referred to as a precedent, they should attend to the form of their proceedings. He thought the first step should be to prove the letter. If the committee could not do it, he should wish the committee to rise, that it might be done in the House. He did not think their determination should be postponed; but that if an impeachment was to be entered upon, that it should now be done. He had no doubt of the truth of the letter; but he wished it to be duly proved, as hereafter a case might occur in which such a letter might be a forgery.

Mr. NICHOLAS said, that some gentlemen had spoken upon this question as if there were persons upon the committee who wished to exculpate the person charged. [Mr. SITGREAVES declared, if he was alluded to, he had no such intention.] Mr. N. thought he intimated something of the kind, when he said, gentlemen ventured to say, &c. No member of that committee, he trusted, would wish to screen the offender, and he believed no person less than he who was most nearly connected with him, (meaning his brother, Mr. THOMAS BLOUNT.) Mr. N. thought it was not sufficient that the President had sent them a letter, which he believed to be in the handwriting of WILLIAM BLOUNT. If they were to take this for granted, they gave their power of judging over to the President.

Mr. N. said, he had merely inquired what would be the consequences of a postponement to the next session. He did not think it could produce any bad effect, as, if the offender were to escape, the final punishment did not require the presence of the man. Mr. N. again expressed his doubt about the constitutionality of the proceeding.

Mr. DAYTON (the Speaker) said he held in his hand a letter which he had received from the President of the United States, inscribed as an original letter of WILLIAM BLOUNT, to be preserved with care. If any member of the committee will say that he believes the writing to be the writing of WILLIAM BLOUNT, it might save the trouble of the committee's rising for the purpose of having the fact ascertained in the House.

Mr. HARPER thought the committee were as

well satisfied as to the fact now, as they could be when the handwriting was proved; but he denied that the committee had the power of taking evidence of this kind. He moved for the committee to rise, either to examine the evidence, or to adjourn.

Mr. GALLATIN wished the committee to rise; but, before it rose, he wished to mention two or three ideas, upon which he should wish to have satisfaction when the committee sat again.

So far as relates to the Constitutional question, the gentleman from Connecticut (Mr. DANA) had removed a part of his doubts; therefore what he should mention would not relate to that point.

If he understood his colleague rightly, when speaking of the opinion of gentlemen of the law, he said that their opinion was, not only that WILLIAM BLOUNT was liable to an impeachment, but that the proper mode of prosecuting him was by impeachment. He had since looked at the opinion, and did not find it so; but that he was liable to impeachment. In the next place, he understood him to say, that Mr. BLOUNT was not amenable to orderly process. He wished to know whether this idea was well founded, and whether the only mode in which he could be prosecuted was by impeachment. He wished to know this, that he might regulate his proceedings accordingly. He wished the business to be gone into as fully as possible; and he trusted that this mode of impeachment was not thrown upon them in order to prevent the bringing of the subject before a court of justice, and by that means suppress the inquiry which he wished to prosecute. He thought an investigation of the plot was of far greater consequence than the impeachment and disqualification of an individual. If the prosecution and the inquiry were to go on together, it would be well; but he wished to know whether, if they entered upon the impeachment, it was the design to drop every other mode of proceeding.

Mr. MCDOWELL hoped the committee would not rise for the purpose of proving the handwriting of Mr. BLOUNT. He was acquainted with his writing, and believed it to be his. As he had this belief, he wished to come to a determination as soon as possible. He thought the design a very criminal one, as it went not only to destroy the peace and happiness of this country, but also of others. He trusted, therefore, that they should take such steps as should prevent foreign Ministers in future from engaging persons to carry into effect views of this kind.

Mr. HARPER wished the committee to rise. If the gentleman from Pennsylvania had known anything of the law, he must have known that the courts of justice were wholly inadequate to the inquiries he had mentioned. He did not believe this offence was punishable in any other way than by impeachment. Mr. H. said, it was at present unnecessary to say anything about any other persons being implicated in this business; he believed gentlemen might as well spare their insinuations until they were better acquainted with the subject. He believed when they had read the papers, gentlemen would be convinced the charges brought against the British Minister were unfounded.

Mr. BROOKS wished to know whether they could proceed to impeach a man, if he were not present.

Mr. DANA said, when this subject was under debate with closed doors, the Secretary of State was present, and when it was doubted whether the publication of these papers might impede the prosecution of an inquiry into the business, they were informed by him that such steps were taken as that the publication of the papers could not have a bad effect.

The committee rose, and obtained leave to sit again.

It was proposed that the SPEAKER should proceed to take evidence as to the handwriting of the letter of WILLIAM BLOUNT.

The SPEAKER suggested the propriety of calling in a magistrate, as he had no power to administer an oath, except in the case of qualifying the members of that House.

Mr. LYON moved that the SPEAKER be authorized to administer an oath on this occasion.

The question was put and negatived—53 to 29.

Judge Keene in the meantime coming into the House, a motion was made and carried, that he be requested to administer the oath to Messrs. MACON, MCDOWELL, GROVE, and BALDWIN; which was accordingly done, and they gave their testimony as to the reality of the handwriting. They were all agreed that the letter was his.

The House then adjourned.

---

FRIDAY, July 7.

Mr. DWIGHT FOSTER moved a resolution for an adjournment on Monday.

Mr. HAVENS moved to amend the resolution by inserting Saturday.

This amendment, after some conversation, was negatived—50 to 23, and the original motion was carried without a division.

The bill for the relief of Major Thomas Lewis was taken up in Committee of the Whole, received its third reading, and subsequently passed.

## IMPEACHMENT OF WILLIAM BLOUNT.

Mr. SITGREAVES moved to go into a Committee of the Whole on the report of the committee on the confidential communication of the President of the United States, on Monday last.

The SPEAKER said, before the House went into a Committee of the Whole on this subject, he would read a letter which he had just received. He then read a letter from THOMAS BLOUNT, a member of the House, from the State of North Carolina, as follows:

Mr. SPEAKER: If it were possible for me to express my feelings on this occasion, it would be unnecessary. Every gentleman who has a brother, and especially a brother whom he has long loved with the warmest brotherly affection, and believed to be both patriotic and virtuous, can easily conceive that they are painful in the extreme; yet, painful as they are, a consciousness that I am not, nor cannot myself be implicated in this or any

other charge of improper conduct towards my country, has enabled me to hear with fortitude everything that has been said, and would, if it were necessary, enable me to vote in the case of my brother, now before the House, in the same manner that I should think it right to vote in the case of any other man under similar circumstances. I am, however, aware that any vote I could give on this question might be considered as proceeding, on the one hand from partiality, or on the other from fear or some other unworthy motive. I must, therefore, being too much affected to rely on my power of utterance to express this in my place, request you to ask the favor of the House to excuse me from giving any vote upon this question. THOMAS BLOUNT.

Mr. BLOUNT was accordingly excused.

The House then went into a Committee of the Whole on the resolution yesterday reported, proposing an impeachment of WILLIAM BLOUNT, when it was agreed to without debate or division. The House then took up the resolution and also agreed to it in the same way.

Mr. SITGREAVES moved,

"That a member go to the Senate, and, at the bar of that House, impeach William Blount, in the name of this House and of all the people of the United States; and to inform them that they will, in due time, exhibit articles of impeachment against him, and make good the same."

Mr. GALLATIN said he was not well acquainted with the business, but he did not think it would be right to go on and impeach at once, before they saw what articles of impeachment were to be preferred. He thought it would be best first to appoint a committee to prepare the articles of impeachment and present them to the Senate, at the same time that they sent them their determination to impeach.

Mr. SITGREAVES said that the mode which he proposed was the same which was practised in the case of Mr. Hastings. Mr. Burke went up to the House of Lords and impeached him in words similar to those now proposed to be used. Some time afterwards, the articles of impeachment having been drawn, Mr. Burke again went up to the House of Lords and exhibited them. Mr. S. spoke also of a work lately published, in continuation of Judge Blackstone's Commentaries, which had a chapter on Parliamentary impeachment, and pointed out this as the proper mode of procedure. He had also looked into the proceedings on the trial of the Earl of Macclesfield, and found the same course was taken. It was true that in the case of a public officer of the State of Pennsylvania, which perhaps his colleague might have in his eye, the articles of impeachment were exhibited at the same time that the impeachment was made.

Mr. S. thought, however, that there was a good reason for not doing more at this time. If a committee were to be appointed to prepare the specific charges against Mr. BLOUNT, it would create considerable delay, and it would be proper that immediate measures should be taken, in order to secure the person of Mr. BLOUNT. Besides, at present, the only evidence of this mysterious business was the letter of Mr. BLOUNT. Measures were taken to procure further evidence, but it could not be got till some time hence. When this was got it might considerably develop the plot. At present, everything was conjecture. In every point of view, therefore, he thought it would be best to observe the usual mode of proceeding in similar cases.

Mr. GALLATIN said, if his memory was right, all the specific charges brought against Warren Hastings, were first agreed to by the House of Commons, before impeachment was made.

There was one thing, however, fell from his colleague, which would seem to make the mode proposed desirable. Mr. G. said he had considered the question which had been agreed to as a mere question of form, and that they should have gone on to exhibit articles of impeachment; but it appeared, from what had fallen from his colleague, that the articles of impeachment were not intended to be exhibited till next session. If this were the case, he thought it was perfectly right in wishing to present the impeachment in general terms. Till now he thought it had been the intention to have gone further.

Mr. HARPER believed it would not be proper for the House to stop in the present stage of their proceeding. He thought the proper mode of doing the business was that recommended by Mr. SITGREAVES. Having come to a resolution to impeach, the Senate should be immediately informed thereof, as they then could take measures accordingly. It was not necessary at the same time to exhibit the particular charges. They might afterwards determine whether they would exhibit the specific articles of charge during this session or at the next. He thought the charges might now be made, and if any additional facts appeared before the next session, which might make additional charges necessary, they might then be made.

Mr. SITGREAVES believed his colleague might be right with respect to what took place on the trial of Mr. Hastings. He had not the particulars of the Parliamentary proceedings on that business before him. He had those in the case of the Earl of Macclesfield, which were as he had stated. All that he contended for was, that having taken the resolution to impeach, it became necessary, of course, that the resolution should be communicated to the Senate. In no instance had the articles of impeachment attended the oral communication. After it had been made, the House could determine whether the specific articles should be drawn now or at the next session.

Mr. GORDON said there might be different modes adopted in cases where the persons accused were not members of the Legislature. In the case of Lord Stafford, he recollected, that in half an hour after the vote passed resolving to impeach him, he was taken into execution.

The question was put and carried, without a division.

Mr. SITGREAVES proposed also the following:

"That the said member do demand that the said William Blount be sequestered from his seat in the Senate, and that they take order for his appearance to

answer to the charges which shall be exhibited against him."

Mr. VENABLE thought they had gone far enough, and that they should leave it to the Senate to take such measures as they should think proper with respect to displacing their member from his seat. If the resolution were, however, adopted, he wished the word *suspended* might be used rather than *sequestered.*

Mr. SITGREAVES thought the word synonymous. He had used *sequestered* because he found the word used in the books.

Mr. HARPER thought the motion right in substance; for though the Senate had the power of displacing their member from his seat, yet the taking order for his appearance to answer the charges brought against him, should be done from the application of the prosecutor, as in ordinary cases.

Mr. SEWALL thought that each House was the best judge of the conduct of its own members, and to require the sequestration of Mr. BLOUNT from his seat was not necessary. He believed the Senate were at that moment taking measures for expelling him from his seat; any interference of theirs on that subject was therefore wholly unnecessary.

Mr. NICHOLAS was of opinion that in following too closely the practice of Great Britain with respect to impeachment, they should be led astray, as the punishment consequent upon the conviction of an offender was very different in the two countries. In Britain, an offence might reach the life of a person, whereas in this country, the extent of the punishment was removal from office, and disqualification for the future. For his own part, therefore, he did not see any occasion for confinement of the person, except it were necessary to examine him by interrogatory.

Mr. HARPER said it was certainly necessary to secure the person of the offender, otherwise he could not be brought to trial; since it was a maxim, never to be departed from, that a person could not be tried in his absence.

Mr. SITGREAVES was of the same opinion.

Mr. VENABLE agreed with Mr. NICHOLAS that the difference of punishment consequent upon trials by impeachment was not sufficiently attended to. He did not think that the doctrine was founded, that a man could not be tried in his absence. It would be an unfortunate conclusion, that effectual process could not be had against a man because he was absent.

Mr. KITTERA said the gentleman last up was certainly mistaken in saying that a man might be tried in his absence. He thought it would be best to pursue the usual mode on similar occasions.

Mr. GORDON insisted upon the right which that House had to require the Senate to sequestrate Mr. BLOUNT from his seat, and that they should hold him to answer the charges to be exhibited against him. If this were not the case, an offender might go on to execute his purposes to the great injury of the country, before he was expelled from his seat or held to bail.

Mr. SEWALL had no idea that it was necessary to sequester Mr. BLOUNT from his seat, in order to hold him to appear to the charges to be exhibited against him; though he conceived it necessary to hold him to bail, as no trial could take place, except he were present.

This proposition was put and carried—41 to 30.

Mr. SITGREAVES was appointed to wait upon the Senate to carry into effect the above proposition.

The SPEAKER read a note which he had received from a member of the Senate, informing him that seats were prepared for the reception of the members of that House, in case they chose to attend the business then before the Senate, [which was the question for expelling Mr. BLOUNT from his seat, opposed by the counsel of Mr. BLOUNT, viz: Messrs. Dallas and Ingersoll.]

Mr. DENT moved that when the House adjourns it adjourn till two o'clock. Agreed; and the House adjourned about twelve o'clock, and attended the Senate.

At two o'clock the House resumed its sitting; and after Mr. SITGREAVES had made a report of his commission to the Senate, the House resolved itself into a Committee of the Whole on Algerine business, and the galleries were closed for the remainder of the sitting.

---

SATURDAY, July 8.

A message was received from the Senate, informing the House that they had agreed to their amendment to the appropriation bill; and that they had, in consequence of their impeachment of WILLIAM BLOUNT, a Senator of the United States, proceeded to hold him to bail to appear to the charges to be exhibited against him, himself in $20,000 and two sureties each in $15,000.

On motion of Mr. MACON, the Committee of the Whole, to whom was referred the bill authorizing the President of the United States, during the recess of Congress, to provide armed galleys, was discharged.

Mr. HARPER said it would be recollected that he had laid two resolutions on the table relative to the securing of live oak timber, &c. From the press of business which had been continually before the House, he had not had an opportunity of calling them up; and the session being now too far advanced to do it, he gave notice that he should bring forward the subject early in the next session.

## LAWS IN THE GERMAN LANGUAGE.

Mr. HOLMES said that he thought it necessary, in order to enforce a general compliance with the laws of the United States, that they should be printed in the German language, as well as in the English, since there were very many inhabitants of this country who could read no other. He therefore proposed a resolution to the following effect:

"*Resolved by the Senate and House of Representatives of the United States,* That a number of copies of the laws of this session, not exceeding eight thousand

copies, shall be printed in the German language, and distributed by the Secretary of State amongst the Executives of the several States, for the information of the German inhabitants of each State respectively."

Mr. LYON thought it would be proper to pass a resolution of this kind. He did not know what number might be necessary. He also thought that some measures should be taken for a general publication of their laws in the English language; at present, it was merely by chance if the people in his district came to a knowledge of them. He thought all laws of general import should be inserted in every newspaper throughout the Union.

Mr. COIT said if they were to promulge their laws in the German language, it would be necessary that they should all become critically acquainted with it, for if they were to authorize any translation, great mischiefs might arise from its not being correct.

Mr. GALLATIN said that the weight of the objection urged by the gentleman last up, had always been thought sufficient in the Legislature of Pennsylvania, in which State there was a greater proportion of Germans than in any other. There was also another objection to the measure. If it were to be passed, it must be accompanied with an appropriation law, which the advanced state of the session would not admit.

The resolution was put and negatived.

## IMPEACHMENT OF WILLIAM BLOUNT.

Mr. SITGREAVES proposed the following resolution to the House:

"*Resolved*, That a committee be appointed to prepare and report articles of impeachment against William Blount, a Senator of the United States, impeached by this House of high crimes and misdemeanors; and that the same committee have power to sit during the recess of Congress, and to send for persons, papers, and records."

Mr. GALLATIN wished a division of the resolution at the word "misdemeanors."

The first part was then put and carried.

Mr. GALLATIN desired the determination on the second part to be postponed till Monday. It was a new subject, and he wished a little time to consider of it. The committee, he supposed, could in the mean time be appointed.

Mr. BROOKS inquired whether the latter part of the resolution, for sending for "persons, papers, and records," should not be connected with the first part of the resolution?

Mr. VENABLE said, the gentleman last up might be accommodated by adding the words in question; and if, before they adjourned, it was found necessary that the committee should have power to sit during the recess, that power should be given to them.

Mr. SITGREAVES did not think it would be proper to pass one part of the resolution without the other. The House had resolved to adjourn on Monday, and there was little doubt that the other branch of the Legislature would agree to it. If the committee should be appointed to report articles of impeachment at this session, it would be found that it would require more time than he believed Congress would be inclined to give to it; for, if prepared, they must also be exhibited; and, if exhibited, the Senate would think it necessary to proceed to act upon them. In his view of the subject, great advantage might arise from the committee's having leisure to pursue inquiry into the plan, so as to develope the mischief during the recess of Congress.

Mr. VENABLE said, the object of gentlemen seemed to be mistaken. They wished merely to have a little time to consider of the subject. He had doubts whether it was within the power of the House to authorize a committee to sit during the recess.

Mr. SITGREAVES did not wish to hurry the business.

Mr. RUTLEDGE had no objection to deferring the vote till Monday; but he thought it absolutely necessary to empower the committee to sit during the recess. This was according to British precedent. It was the plan, also, upon which two different impeachments had been conducted in the State of South Carolina. He thought the reason in this case very strong; the object was not only to bring the charge home to the person impeached, but to bring forward all the persons concerned in this plot. Indeed, the articles of impeachment must be founded, in a great measure, on information which was to be discovered by this investigation. He trusted, therefore, that this power would be given.

Mr. GALLATIN said he was in no want of precedent on this occasion. He was a member of a committee of impeachment in the State of Pennsylvania, where similar measures were adopted; but he was of opinion that this business had been already too much hurried, and that some of the steps taken would have been better taken, if there had been more time. He wished, therefore, to consider upon this proposition till Monday. Gentlemen who brought forward the measure were doubtless ready to vote for it; but he trusted they would allow others a little time.

Mr. MCDOWELL wished a committee to be immediately appointed, and the charges made; because there might be at present persons in the city who could not be examined during the recess of Congress.

The words "to send for persons, papers, and records" were added to the former part of the resolution, and the latter part was postponed until Monday.

Messrs. SITGREAVES, BALDWIN, DAWSON, DANA, and HARPER, were appointed a committee for preparing the articles of impeachment.

## LIVE OAK TIMBER LANDS.

Mr. HARPER said, that though he did not intend to bring forward the subject of purchasing timber, and providing naval yards, this session, he wished the House to consider a resolution which he thought would be proper in the mean time. He offered one to the following effect:

"*Resolved*, That the President of the United States be requested to procure and cause to be laid before this House, early in the next session, information re-

specting such land furnished with live oak timber as may be purchased for the use of the United States; and also of such timber as may be purchased without the land; and also respecting proper sites for naval yards, and to state the probable expense of such land and timber, and of proper sites for naval yards."

This resolution was supported by the mover and Mr. SWANWICK, and opposed by Messrs. MACON, J. WILLIAMS, and McDOWELL; and without taking a question, the House being very thin, a motion was made and carried about one o'clock to adjourn.

---

MONDAY, July 10.

Mr. BAYARD, of Delaware, was appointed on the select committee of the House of Representatives, to prepare articles of impeachment against Mr. BLOUNT, in the place of Mr. DANA, from Connecticut, who declined serving.

A message was received from the Senate, informing the House what had been done with respect to Governor BLOUNT; that they had agreed to their resolution for an adjournment of the two Houses this day; and that they had postponed the consideration of the bill for the relief of Major Lewis till next session.

The proceedings of the Senate, in relation to the impeachment of WILLIAM BLOUNT, were read in the words following:

"IN SENATE, *July* 8, 1797.

"*Resolved*, That William Blount, Esquire, one of the Senators of the United States, having been guilty of a high misdemeanor, entirely inconsistent with his public trust and duty as a Senator, be, and he hereby is, expelled from the Senate of the United States.

"On this, Mr. Butler, in behalf of himself, and of Mr. Thomas Blount, the other surety, surrendered the person of William Blount, the principal, to the Senate, and requested to be discharged from their recognizance.

"On motion,

"*Resolved*, That William Blount be taken into custody of the Messenger of this House, until he shall enter into recognizance, himself in the sum of one thousand dollars, with two sufficient sureties in the sum of five hundred dollars each, to appear and answer to such articles of impeachment as may be exhibited against him by the House of Representatives on Monday next.

"Attest: SAMUEL A. OTIS, *Secretary*."

*Ordered*, That the said proceedings of the Senate do lie on the table.

On motion of Mr. DENT, a committee was appointed to wait upon the President of the United States, in conjunction with a like committee from the Senate, to inform him the two Houses were about to adjourn. The committee waited upon the President accordingly, and reported his acquiescence, and his good wishes for the safe arrival of the Members at their several homes.

On motion of Mr. SITGREAVES, the resolution entered into some time ago, calling upon the President for an account of the quantity of arms in the possession of the United States, and at what place they were lodged, was suspended.

Mr. S. said, he wished to make a report upon a subject which would require the galleries to be cleared. He, therefore, moved that they be cleared, and the doors were closed for the remainder of the sitting, at the conclusion of which the House adjourned till the second Monday in November next.

---

[From the process issued by the Committee of Impeachment of the House of Representatives, it appears that the resolutions of the House, under which the committee acts, are as follows:

*Resolved*, That a committee be appointed to prepare and report articles of impeachment against WILLIAM BLOUNT, a Senator of the United States, impeached by this House of high crimes and misdemeanors; and that the said committee have power to send for persons, papers, and records.

*Resolved*, That the committee appointed to prepare and report articles of impeachment against WILLIAM BLOUNT, a Senator of the United States, impeached by this House of high crimes and misdemeanors, be authorized to sit during the recess of Congress.

*Resolved*, That the said committee be instructed to inquire, and by all lawful means to discover, the whole nature and extent of the offence whereof the said WILLIAM BLOUNT stands impeached, and who are the parties and associates therein.]

# PROCEEDINGS

OF

# THE SENATE OF THE UNITED STATES,

## AT THE SECOND SESSION OF THE FIFTH CONGRESS, BEGUN AT THE CITY OF PHILADELPHIA, NOVEMBER 13, 1797.

---

MONDAY, November 13, 1797.

The second session of the fifth Congress of the United States commenced this day, at the city of Philadelphia, conformably to law; and the Senate assembled accordingly in their Chamber.

PRESENT:

SAMUEL LIVERMORE, from New Hampshire;
THEODORE FOSTER, from Rhode Island;
URIAH TRACY, from Connecticut;
ELIJAH PAINE, from Vermont;
WILLIAM BINGHAM, from Pennsylvania;
HUMPHREY MARSHALL, from Kentucky;
ALEXANDER MARTIN and TIMOTHY BLOODWORTH, from North Carolina;
JACOB READ, from South Carolina.

The number of members present not being sufficient to constitute a quorum, the Senate adjourned to 11 o'clock to-morrow morning.

---

TUESDAY, November 14.

JOHN LAURANCE, from the State of New York, and HENRY LATIMER, from the State of Delaware, severally attended.

The number of members present not being sufficient to constitute a quorum, the Senate adjourned.

---

WEDNESDAY, November 15.

BENJAMIN GOODHUE, from the State of Massachusetts, attended.

The number of members present not being sufficient to constitute a quorum, the Senate adjourned.

---

THURSDAY, November 16.

The Senate assembled, and the number of members present not being sufficient to constitute a quorum, the Senate adjourned.

---

FRIDAY, November 17.

JOHN LANGDON, from the State of New Hampshire, attended.

The number of members present not being sufficient to constitute a quorum, the Senate adjourned.

---

SATURDAY, November 18.

No quorum being present, the Senate adjourned.

---

MONDAY, November 20.

JAMES GUNN, from the State of Georgia, attended.

No quorum being present, adjourned.

---

TUESDAY, November 21.

RAY GREENE, appointed a Senator by the State of Rhode Island, in the place of William Bradford, resigned, produced his credentials.

RICHARD STOCKTON, from the State of New Jersey, attended.

No quorum being present, the Senate adjourned.

---

WEDNESDAY, November 22.

The VICE PRESIDENT being absent, the Senate proceeded to the choice of a President *pro tempore*, as the Constitution provides; and JACOB READ was duly elected.

JOSEPH ANDERSON, appointed a Senator by the State of Tennessee, for the remainder of the term which the late Senator WILLIAM BLOUNT had drawn, and was entitled to have served, had he not been expelled, produced his credentials; which were read.

NATHANIEL CHIPMAN, appointed a Senator by the State of Vermont, in the place of Isaac Tichenor, elected Governor, produced his credentials; which were read.

The credentials of RAY GREENE were read.

ANDREW JACKSON, appointed a Senator, by the State of Tennessee, produced his credentials; which were read.

The oath required by law was administered by the PRESIDENT, to Messrs. ANDERSON, CHIPMAN, GREENE, and JACKSON, they having severally taken their seats in the Senate.

A message from the House of Representatives informed the Senate, that a quorum of the House is assembled, and ready to proceed to business.

*Ordered*, That the Secretary acquaint the House of Representatives that a quorum of the

Senate is assembled, and are ready to proceed to business; and that, in the absence of the VICE PRESIDENT, they have elected JACOB READ, President of the Senate *pro tempore*.

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

A message from the House of Representatives informed the Senate, that the House have appointed a joint committee on their part, together with such committee as the Senate may appoint, 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.

*Resolved*, That the Senate do concur in the appointment of a joint committee, and that Messrs. BINGHAM and TRACY be the committee on the part of the Senate.

*Resolved*, That two Chaplains be appointed to Congress for the present session, one by each House, who shall interchange weekly; and that the Right Rev. Bishop WHITE be Chaplain on the part of the Senate.

Mr. BINGHAM reported, from the joint committee, that they had waited on the President of the United States, and had notified him that a quorum of the two Houses is assembled; and that the President of the United States acquainted the committee that he would meet the two Houses, in the Representatives' Chamber, at 12 o'clock to-morrow.

---

THURSDAY, November 23.

A message from the House of Representatives informed the Senate that the House are now ready to meet the Senate in the Chamber of that House, to receive such communications as the President of the United States shall please to make them.

The Senate then repaired to the Chamber of the House of Representatives for the purpose above expressed.

The Senate returned to their own Chamber, and a copy of the Speech of the President of the United States, this day addressed to both Houses of Congress, was read. [For which see proceedings in Ho. of Reps.]

*Ordered*, That Messrs. STOCKTON, LAURANCE, and LIVERMORE, be a committee to report the draught of an Address to the President of the United States, in answer to his Speech, this day, to both Houses of Congress; and that the Speech be printed for the use of the Senate.

---

FRIDAY, November 24.

A message from the House of Representatives informed the Senate, that the House have agreed to so much of the resolution of the Senate, of the 22d instant, relative to the appointment of Chaplains, as is contained in the words following, to wit:

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

"The House have proceeded, by ballot, to the appointment of a Chaplain on their part; and, upon examining the ballots, a majority of the votes of the whole House was found in favor of the Rev. ASHBEL GREEN."

---

SATURDAY, November 25.

Mr. STOCKTON, from the committee, reported the draught of an Address to the President of the United States, in answer to his Speech to both Houses of Congress, at the opening of the session; which was read.

On motion, that a number of copies be printed, under an injunction that no more should be struck off than may be necessary for the use of the Senate, it passed in the negative.

*Ordered*, That the Secretary furnish such Senators as request it, with copies of this report.

---

MONDAY, November 27.

HENRY TAZEWELL, from the State of Virginia, attended.

The Senate resumed the consideration of the report of the committee, of the draught of an Address in answer to the Speech of the President of the United States, to both Houses of Congress, at the opening of the session; which, being read in paragraphs, and amended, was adopted, as follows:

*To the President of the United States:*

SIR: The communications you thought proper to make in your Speech to both Houses of Congress on the opening of their present session, afford additional proofs of the attention, integrity, and firmness, which have always marked your official character.

We cannot but approve of the measures you had taken to ascertain the state and decline of the contagious sickness which has so lately afflicted the city of Philadelphia; and the pleasing circumstance that Congress is now assembled at that place, without hazard to the health of its members, evinces the propriety of your having postponed a determination to convene the National Legislature at another place. We shall take into consideration the law of 1794 on this subject, and will readily concur in any amendment which may be deemed expedient.

It would have given us much pleasure to have received your congratulations on the re-establishment of peace in Europe, and the restoration of security to the persons and property of our citizens from injustice and violence at sea. But, though these events, so desirable to our country and the world, have not taken place, yet we have abundant cause of gratitude to the Great Disposer of human events for interior tranquillity and personal security, for propitious seasons, prosperous agriculture, productive fisheries, and general improvement; and, above all, for a rational spirit of civil and religious liberty, and a calm, but steady determination to support our sovereignty against all open and secret attacks.

We learn, with satisfaction, that our Envoys Extraordinary to the French Republic had safely arrived in Europe, and were proceeding to the scene of negotiation; and, whatever may be the result of the mission, we are perfectly satisfied that nothing on your part has been omitted, which could, in any way, conduce to a successful conclusion of the negotiation, upon terms compatible with the safety, honor, and interest, of the United States; and we are fully convinced that, in the mean time, a manifestation of that unanimity and energy of which the people of the United States have given such memorable proofs, and a proper exertion of those resources of national defence, which we possess, will essentially contribute to the preservation of peace and the attainment of justice.

We think, sir, with you, that the commerce of the United States is essential to the growth, comfort, and prosperity of our country; and that the faith of society is pledged for the preservation of the rights of commercial and seafaring, no less than of other citizens. And even if our negotiation with France should terminate favorably, and the war in Europe cease, yet the state of society, which unhappily prevails in so great a portion of the world, and the experience of past times, under better circumstances, unite in warning us that a commerce so extensive, and which holds out so many temptations to lawless plunderers, can never be safe without protection; and we hold ourselves obliged, by every tie of duty which binds us to our constituents, to promote and concur in such measures of marine defence, as may convince our merchants and seamen that their rights are not sacrificed, nor their injuries forgotten.

We regret, that, notwithstanding the clear and explicit terms of the treaty between the United States and His Catholic Majesty, the Spanish garrisons are not yet withdrawn from our territory, nor the running of the boundary line commenced. The United States have been faithful in the performance of their obligations to Spain, and had reason to expect a compliance equally prompt on the part of that Power. We still, however, indulge the hope that the convincing answers, which have been given to the objections stated by the Spanish officers, to the immediate execution of the treaty, will have their proper effect; and that this treaty, so mutually beneficial to the contracting parties, will be finally observed with good faith. We therefore entirely approve of your determination to continue in readiness to receive the posts, and to run the line of partition between our territory and that of the King of Spain.

Attempts to alienate the affections of the Indians; to form them into a confederacy, and to excite them to actual hostility against the United States, whether made by foreign agents, or by others, are so injurious to our interests at large, and so inhuman with respect to our citizens inhabiting the adjacent territory, as to deserve the most exemplary punishment; and we will cheerfully afford our aid in framing a law, which may prescribe a punishment adequate to the commission of crimes so heinous.

The several objects you have pointed out to the attention of the Legislature, whether they regard our internal or external relations, shall receive from us that consideration which they merit; and we will readily concur in all such measures as may be necessary, either to enable us to fulfil our engagements at home, or to cause ourselves to be respected abroad. And, at this portentous period, when the Powers of Europe, with whom we are connected by treaty or commerce, are in so critical a situation, and when the conduct of some of those Powers towards the United States are so hostile and menacing, the several branches of the Government are, in our opinion, called upon, with peculiar importunity, to unite, and, by union, not only to devise and carry those measures on which the safety and prosperity of our country depend, but also to undeceive those nations who, regarding us as a weak and divided people, have pursued systems of aggression inconsistent with a state of peace between independent nations. And, sir, we beg leave to assure you, that we derive a singular consolation from the reflection that, at such a time, the Executive part of our Government has been committed to your hands, for, in your integrity, talents, and firmness, we place the most entire confidence.

JACOB READ,
*President of the Senate pro tempore.*

*Ordered*, That the committee who prepared the Address wait on the President of the United States, and desire him to acquaint the Senate at what time and place it will be most convenient for him that it should be presented.

On motion, *Ordered*, That Messrs. TRACY, BINGHAM, and GREENE, be a committee, to inquire what business remained unfinished at the close of the last session of Congress, which, in their opinion, is proper for the Senate to take into consideration the present session, and, also, what laws will expire before the next session of Congress, and report thereon to the Senate.

---

TUESDAY, November 28.

Mr. STOCKTON reported, from the committee, that they had waited on the President of the United States, and that he would receive the Address of the Senate this day at 12 o'clock, at his own house.

The Senate accordingly waited on the PRESIDENT OF THE UNITED STATES, and the PRESIDENT *pro tempore*, in their name, presented the Address agreed to yesterday.

To which the PRESIDENT made the following Reply.:

*Gentlemen of the Senate:*

I thank you for this Address.

When, after the most laborious investigation, and serious reflection, without partial considerations, or personal motives, measures have been adopted or recommended, I can receive no higher testimony of their rectitude, than the approbation of an assembly, so independent, patriotic, and enlightened, as the Senate of the United States.

Nothing has afforded me more entire satisfaction, than the coincidence of your judgment with mine, in the opinion of the essential importance of our commerce, and the absolute necessity of a maritime defence. What is it, that has drawn to Europe the superfluous riches of the three other quarters of the globe, but a marine? What is it that has drained the wealth of Europe itself into the coffers of two or three of its principal commercial Powers, but a marine?

The world has furnished no example of a flourishing commerce, without a maritime protection; and a moderate knowledge of man and his history will convince any one, that no such prodigy ever can arise. A mer-

cantile marine and a military marine must grow up together; one cannot long exist without the other.

JOHN ADAMS.

UNITED STATES, *November* 28, 1797.

The Senate returned to their own Chamber, and adjourned.

---

WEDNESDAY, November 29.

The PRESIDENT laid before the Senate the memorial and address of the people called Quakers, from their yearly meeting, held in Philadelphia, in the year 1797, requesting the attention of Congress to the oppressed state of the African race, and the general prevalence of vice and immorality; and the same was read and ordered to lie on the table.

*Ordered*, That Messrs. GOODHUE, LAURANCE, TRACY, BINGHAM, and GUNN, be a committee to take into consideration that part of the President's Speech, which recommends some measures being adopted for the security and protection of the commerce of tne United States; and to report thereon by bill or otherwise.

Mr. GUNN presented the representation and remonstrance of the Legislature of Georgia, against the hardships and danger to which the citizens of the said State are exposed, by the operation of an act, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," and in consequence of certain treaties entered into by the United States with certain Indian tribes; and the same was read and ordered to lie for consideration.

*Ordered*, That Messrs. BLOODWORTH, LANGDON, and ANDERSON, be a committee to consider and report, by bill or otherwise, on that part of the President's Speech that relates to the amendment of the law of 1794, respecting the convening of Congress, in case of contagious sickness.

---

THURSDAY, November 30.

Mr. TRACY, from the committee appointed to inquire what business remained unfinished at the close of the last session of Congress, reported in part, and asked leave for the committee to sit again.

*Ordered*, That the memorial and address of the people called Quakers, presented yesterday, be withdrawn.

---

FRIDAY, December 1.

JAMES HILLHOUSE, from the State of Connecticut, attended.

The Senate proceeded to consider the report of the committee, appointed to inquire what business remained unfinished at the close of the last session of Congress; and the report being amended, was adopted. Whereupon,

*Ordered*, That Messrs. TRACY, GUNN, and PAINE, be a committee to take into consideration the subject of a bill, passed in March last, by the House of Representatives, "directing the Secretary of War to place certain persons on the pension list," and which was postponed by the Senate to this session, and report thereon.

---

MONDAY, December 4.

Mr. ANDERSON presented the petition and memorial of the Legislature of the State of Tennessee, against the extension of the boundary line between the United States and the Cherokee Indians, by Benjamin Hawkins, Andrew Pickens, and James Winchester, commissioners on behalf of the United States; which was read.

*Ordered*, That it be referred to Messrs. ANDERSON, LAURANCE, and TRACY, to consider and report thereon to the Senate.

The PRESIDENT laid before the Senate the following communication:

"The Commissioners of the Sinking Fund respectfully report to Congress:

"That the measures which have been authorized by the Board, subsequent to their last reports of the 16th of December, 1796, and 25th of January, 1797, 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 30th of November, 1797, and in the proceedings of the accounting officers therein referred to, which are herewith transmitted, and prayed to be received as part of this report.

"On behalf of the Board,

"JACOB READ,

"*President of the Senate pro tempore.*

"*December* 4, 1797."

The report and papers were read, and ordered to be printed for the use of the Senate.

---

TUESDAY, December 5.

Mr. HILLHOUSE laid before the Senate the petition of William Imlay, loan officer of the State of Connecticut, praying the payment of his account for extra clerk hire, occasioned by the additional duties of his office; which was read.

*Ordered*, That it be referred to the Secretary of the Department of the Treasury to consider and report thereon to the Senate.

Mr. TRACY, from the committee appointed to inquire what business remained unfinished at the close of the last session of Congress, made a further report; which was read, and ordered to lie on the table.

---

WEDNESDAY, December 6.

Mr. BLOODWORTH reported, from the committee to whom was referred that part of the President's Speech which relates to the amendment of the law of 1794, respecting the convening of Congress, in case of contagious sickness; and the report was read, and ordered to lie on the table.

The Senate proceeded to consider the report of the committee, appointed to inquire what business remained unfinished at the close of the last session of Congress.

*Ordered*, That the report be printed for the use of the Senate.

THURSDAY, December 7.

The PRESIDENT laid before the Senate a letter from S. Meredith, Treasurer of the United States, with his account of receipts and expenditures, in the Treasury Department, for the quarter ending the 30th of June, as also those in the War Department, ending the 30th June and 30th of September last, the same having passed the offices; which were read, and ordered to lie for consideration.

Mr. BLOODWORTH gave notice, that he should to-morrow ask leave to bring in a bill to declare the consent of Congress to certain acts of the State of North Carolina, establishing a health office and harbor-master for the port of Wilmington.

FRIDAY, December 8.

Conformably to notice given yesterday, Mr. BLOODWORTH had leave to bring in a bill to declare the consent of Congress to certain acts of the State of North Carolina, providing for a health officer and harbor-master in the port of Wilmington in that State; which bill was read the first time, and ordered to a second reading.

*Ordered*, That the petition and memorial of the Legislature of the State of Tennessee be printed for the use of the Senate.

MONDAY, December 11.

THEODORE SEDGWICK, from the State of Massachusetts, attended.

The bill to declare the consent of Congress, to certain acts of the State of North Carolina, providing for a health officer and harbor-master in the port of Wilmington, in that State, was read the second time.

*Ordered*, That it be referred to Messrs. LAURANCE, BINGHAM, and PAINE, to consider and report thereon to the Senate.

TUESDAY, December 12.

Mr. HUNTER presented the memorial of the owners and lessees of wharves in the city of Charleston and State of South Carolina, stating the injurious operation of the revenue laws, in the mode of weighing goods on which duties are collected under the authority of the United States, and praying relief; and the petition was read, and ordered to lie on the table.

WEDNESDAY, December 13.

THOMAS JEFFERSON, Vice President of the United States and President of the Senate, attended.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to postpone, for a limited time, the commencement of the duties imposed by the act, entitled "An act laying duties on stamped vellum, parchment, and paper," in which they desire the concurrence of the Senate.

The bill was read, and, by unanimous consent, it was read a second time.

*Ordered*, That this bill pass to a third reading.

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

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

I lay before you the copy of a letter from the Judges of the Supreme Court of the United States, representing the inconvenience arising from altering the time of holding the Circuit Court for the State of Delaware, from April to June; and desiring that the existing law may be altered, by restoring the Spring session of the Circuit Court in Delaware to the twenty-seventh of April.

JOHN ADAMS.

UNITED STATES, *December* 13, 1797.

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

*Ordered*, That Mr. GREENE be appointed a Committee for Enrolled Bills, on the part of the Senate, jointly with such committee as may be appointed, for that purpose, on the part of the House of Representatives.

THURSDAY, December 14.

The bill, sent from the House of Representatives for concurrence, entitled "An act to postpone, for a limited time, the commencement of the duties imposed by the act, entitled 'An act laying duties on stamped vellum, parchment, and paper," was read the third time.

*Resolved*, That this bill pass.

On motion, that this resolution be reconsidered, it passed in the negative.

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 representatives of William Carmichael, deceased," in which they desire the concurrence of the Senate.

The bill was read, and it was, by unanimous consent, read the second time.

*Ordered*, That it be referred to Messrs. TRACY, LANGDON, and GREENE, to consider and report thereon to the Senate.

FRIDAY, December 15.

On motion, that a committee be appointed to revise the Judiciary system of the United States, and to report whether any, and what, alterations or amendments are necessary in the same; it was agreed that the consideration of this motion be postponed until Monday next.

MONDAY, December 18.

The VICE PRESIDENT communicated the report of the Secretary for the Department of the Treasury, on the petition of William Imlay; which was read.

*Ordered*, That the report and petition be referred to Messrs. TRACY, HILLHOUSE, and MARTIN, to consider and report thereon to the Senate, by bill or otherwise.

*Ordered*, That the consideration of the motion

made on the 15th instant, to revise the Judiciary system, be postponed.

TUESDAY, December 19.

*Ordered*, That the consideration of the motion made on the 15th instant, to revise the Judiciary system, be further postponed.

WEDNESDAY, December 20.

Mr. TRACY, from the committee to whom was referred the report of the Secretary for the Department of the Treasury, on the petition of William Imlay, together with the said petition, reported a bill for his relief; which was read, and ordered to the second reading.

On motion, to take into consideration the motion, made on the 15th instant, respecting the Judiciary system, it was agreed that the consideration thereof be postponed until Tuesday next.

THURSDAY, December 21.

The bill for the relief of William Imlay was read the second time, and ordered to the third reading.

The VICE PRESIDENT communicated a letter from Samuel Meredith, Treasurer of the United States, with his accounts of receipts and expenditures in the Treasury Department, for the quarter ending the 30th of April last; which were read.

*Ordered*, That they lie for consideration.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act suspending, for a limited time, the second section of an act, entitled 'An act regulating foreign coins, and for other purposes;" and a bill, entitled "An act for the relief of North and Vesey, of Charleston, South Carolina;" in which bills they desire the concurrence of the Senate.

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

FRIDAY, December 22.

JOHN E. HOWARD, from the State of Maryland, attended.

The bill for the relief of William Imlay was read the third time, and passed.

The bill, sent from the House of Representatives for concurrence, entitled "An act suspending, for a limited time, the second section of an act entitled 'An act regulating foreign coins, and for other purposes,'" was read the second time.

*Ordered*, That it be referred to Messrs. SEDGWICK, ANDERSON, and TRACY, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of North and Vesey, of Charleston, South Carolina," was read the second time.

*Ordered*, That it be referred to Messrs. GOODHUE, HUNTER, and BINGHAM, to consider and report thereon to the Senate.

SATURDAY, December 23.

The Senate assembled, but transacted no business.

MONDAY, December 25.

No business was done in the Senate to-day.

TUESDAY, December 26.

Conformably to the order of the day, the Senate proceeded to consider the motion made the 15th instant, respecting the Judiciary system.

*Ordered*, That it be referred to Messrs. READ, LAURANCE, LIVERMORE, SEDGWICK, and TRACY, to consider and report thereon to the Senate.

WEDNESDAY, December 27.

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

THURSDAY, December 28.

JOHN BROWN, from the State of Kentucky, attended.

Mr. GOODHUE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of North and Vesey, of Charleston, South Carolina," reported an amendment; which was read and adopted; and, the bill being further amended,

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

Mr. READ presented the memorial of the merchants of the city of Charleston, in the State of South Carolina, stating the injurious operation of the revenue laws, in the mode of weighing goods on which duties are collected, under the authority of the United States, and praying relief; and the memorial was read, and ordered to lie on the table.

FRIDAY, December 29.

STEPHENS THOMPSON MASON, from the State of Virginia, attended.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of North and Vesey, of Charleston, South Carolina," was read the third time, and passed.

On motion, that it be

"*Resolved*, That the Secretary of the Senate be, and he is hereby, authorized and directed to make an equal compensation to James Mathers, the Doorkeeper of the Senate, and Cornelius Maxwell, his assistant, to that which has been allowed to the Doorkeeper of the House of Representatives, and his assistant, by a resolution of the said House, of July the 10th, 1797, and to defray the same out of any moneys appropriated by law to pay the contingent expenses of the Senate:"

It was agreed that this motion lie on the table.

MONDAY, January 1, 1798.

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

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

In compliance with the desire of the two Houses of Congress, expressed in their resolution of the 2d of March, 1797, that some speedy and effectual means might be adopted of obtaining information from the States of Connecticut, New Jersey, Pennsylvania, Maryland, Virginia, Kentucky, Tennessee, and South Carolina, whether they have ratified the amendment proposed by Congress to the Constitution, concerning the suability of States, and, if they have, to obtain proper evidences; measures have been taken, and information and evidences obtained, the particulars of which will appear in the report from the Secretary of State, made by my direction, on the 28th day of this month, and now presented to the two Houses for their consideration.

JOHN ADAMS.

UNITED STATES, *December* 30, 1797.

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

*Ordered*, That the motion, made on the 29th instant, respecting an additional compensation to the Doorkeeper and Assistant Doorkeeper of the Senate, be withdrawn.

Mr. GOODHUE notified the Senate that he should, to-morrow, move for leave to bring in a bill providing for further compensation to the Doorkeeper and Assistant Doorkeeper of the Senate.

---

TUESDAY, January 2.

Mr. SEDGWICK, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act suspending, for a limited time, the second section of an act entitled 'An act regulating foreign coins, and for other purposes,'" reported amendments; which were read, and ordered to lie for consideration.

Agreeably to notice given yesterday, Mr. GOODHUE had liberty to bring in a bill for allowing a compensation to the Doorkeeper of the Senate and his assistant, for their services during the late extraordinary session of Congress; and the bill was read, and ordered to the second reading.

---

WEDNESDAY, January 3.

Mr. STOCKTON presented the petition of George Turner, stating that he has purchased a tract of land of John Cleves Symmes, and praying confirmation of his title; and the petition was read.

*Ordered*, That it be referred to Messrs. STOCKTON, BROWN, and LANGDON, to consider and report thereon to the Senate.

The bill for allowing a compensation to the Doorkeeper of the Senate and his assistant, for their services during the late extraordinary session of Congress, was read the second time, and ordered to the third reading.

Mr. JACKSON gave notice that he should to-morrow ask leave to bring in a bill to extend to the district of Tennessee the exception contained in the seventieth section of 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."

---

THURSDAY, January 4.

The bill for allowing a compensation to the Doorkeeper of the Senate and his assistant, for their services during the late extraordinary session of Congress, was read the third time, and it was amended by striking out the word "extraordinary."

*Resolved*, That this bill pass.

Mr. TRACY presented the petition of Joseph Nourse, Register of the Treasury, praying additional compensation for his services; which was read and ordered to lie.

Conformable to notice given yesterday, Mr. JACKSON had leave to bring in a bill to extend to the district of Tennessee the exception contained in the seventieth section of 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;" which bill was read, and ordered to the second reading.

---

FRIDAY, January 5.

The bill to extend to the district of Tennessee the exception contained in the seventieth section of 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," was read the second time, and referred to Messrs. JACKSON, GOODHUE, and PAINE, to consider and report thereon to the Senate.

*Ordered*, That the petition of Joseph Nourse, Register of the Treasury, praying additional compensation for his services, be referred to Messrs. TRACY, BLOODWORTH, and HUNTER, to consider and report thereon to the Senate.

The following Message was received from the PRESIDENT of the UNITED STATES:

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

The Secretary for the Department of War, on the thirtieth day of December last, made a representation to me of the situation of affairs in his office, which I now transmit to the Senate and House of Representatives, and recommend to their consideration and decision.

JOHN ADAMS.

UNITED STATES, *January* 5, 1798.

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

---

MONDAY, January 8.

JAMES ROSS, from the State of Pennsylvania, attended.

A message from the House of Representatives

informed the Senate that the House had passed a bill entitled "An act making certain partial appropriations for the year one thousand seven hundred and ninety-eight;" a bill entitled "An act authorizing the payment of certain sums of money to the daughters of the late Count de Grasse;" a bill entitled "An act providing for the payment of the interest on a certificate due to General Kosciusko;" and a bill entitled "An act to amend the several acts for laying duties on spirits distilled within the United States, and on stills;" in which bills they desire the concurrence of the Senate.

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

And, by unanimous consent, the first bill mentioned was read the second time, and referred to Messrs. GOODHUE, BROWN, and MASON, to consider and report thereon to the Senate.

By unanimous consent, the bill second mentioned was read the second time, and referred to Messrs. LIVERMORE, HILLHOUSE, and TRACY, to consider and report thereon to the Senate.

By unanimous consent, the third bill mentioned was read the second time, and referred to Messrs. SEDGWICK, ANDERSON, and HOWARD, to consider and report thereon to the Senate.

And, by unanimous consent, the bill last mentioned was read the second time, and referred to Messrs. ROSS, GOODHUE, and HUNTER, to consider and report thereon to the Senate.

The Senate proceeded to consider the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act suspending, for a limited time, the second section of an act entitled 'An act regulating foreign coins, and for other purposes;'" and, after debate,

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

The following Message was received from the PRESIDENT of the UNITED STATES:

*Gentlemen of the Senate, and*

*Gentlemen of the House of Representatives:*

I have now an opportunity of transmitting to Congress a report of the Secretary of State, with a copy of an Act of the Legislature of the State of Kentucky, consenting to the ratification of the amendment of the Constitution of the United States, proposed by Congress in their resolution of the second day of December, 1793, relative to the suability of States. This amendment having been adopted by three-fourths of the several States, may now be declared to be a part of the Constitution of the United States.

JOHN ADAMS.

UNITED STATES, *January* 8, 1798.

The Message and papers were read and ordered to lie on file.

---

TUESDAY, January 9.

The VICE PRESIDENT laid before the Senate a report from the Secretary of the Department of Treasury, of the goods, wares, and merchandise, imported into the United States during the year prior to the first day of October, 1796, exhibiting the quantities or value of the said goods, wares, or merchandise, and the foreign countries from which imported. Also a statement of the tonnage of vessels entered in the ports of the United States during the period aforesaid; which was read.

*Ordered*, That the report lie for consideration.

The Senate resumed the consideration of the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act supending, for a limited time, the second section of an act entitled 'An act regulating foreign coins, and for other purposes.'"

On motion to postpone the further consideration of this bill until this day month, it was negatived, and, after debate, it was ordered that the bill be recommitted.

A motion was made to amend the 19th rule for doing business in the Senate, by subjoining—

"And, on motion of any member, there shall be a call of the Senate at the expiration of one hour after that to which the House stood adjourned, whether there be a quorum or not; and, in case there is not a quorum on such call, the members present may, if they think proper, request the attendance of absentees who are in the town or neighborhood where the Senate are convened. And, on the next day, if a quorum shall not be present, the members present shall have authority to send for any absent member, whether he be in the town where the Senate have convened, or not, by any person by them authorized, requesting his attendance, at the expense of such member, unless he shall make such excuse for non-attendance as shall, by the Senate, be judged sufficient."

And it was agreed that the consideration of this motion be referred to Messrs. TRACY, ANDERSON, LIVERMORE, GOODHUE, and PAINE, to report thereon to the Senate.

---

WEDNESDAY, January 10.

Mr. GOODHUE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act making certain partial appropriations for the year one thousand seven hundred and ninety-eight," reported the bill without amendment; which report was adopted.

*Ordered*, That this bill pass to a third reading.

Mr. SEDGWICK, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act providing for the payment of the interest on a certificate due to General Kosciusko," reported the bill without amendment.

*Ordered*, That this bill pass to a third reading.

Mr. TRACY, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of the representatives of William Carmichael, deceased," reported the bill without amendment; which report was adopted, and the bill was ordered to a third reading.

THURSDAY, January 11.

JAMES LLOYD, appointed a Senator by the State of Maryland, in the place of John Henry, elected Governor of said State, produced his credentials; and, the oath required by law being administered, he took his seat in the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of the representatives of William Carmichael, deceased," was read the third time and passed.

The bill, sent from the House of Representatives for concurrence, entitled "An act providing for the payment of the interest on a certificate due to General Kosciusko," was read the third time, and, being amended by striking out the words, "eighty-nine," and inserting in lieu thereof, "ninety-three," near the end of the bill, it was

*Resolved*, That this bill pass as amended.

The bill, sent from the House of Representatives for concurrence, entitled "An act making certain partial appropriations for the year one thousand seven hundred and ninety-eight," was read a third time and passed.

Mr. SEDGWICK, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act suspending, for a limited time, the second section of an act, entitled 'An act regulating foreign coins, and for other purposes,'" reported amendments; which were read.

*Ordered*, That they 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 John Frank," and a bill entitled "An act to prescribe the mode of taking evidence in cases of contested elections for members of the House of Representatives of the United States, and to compel the attendance of witnesses;" in which bills they desire the concurrence of the Senate.

Mr. LIVERMORE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act authorizing the payment of certain sums of money to the daughters of the late Count de Grasse," reported the bill without amendment.

On motion to amend the bill, it passed in the negative.

On motion, it was agreed, by unanimous consent, to dispense with the rule, and that the bill be now read a third time.

On the question to concur with the House of Representatives in this bill, it was determined in the affirmative—yeas 20, nays 4, as follows:

YEAS—Messrs. Anderson, Bingham, Bloodworth, Chipman, Foster, Greene, Gunn, Howard, Hunter, Jackson, Langdon, Latimer, Livermore, Lloyd, Martin, Mason, Paine, Read, Ross, and Sedgwick.

NAYS—Messrs. Goodhue, Hillhouse, Marshall, and Tracy.

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

---

FRIDAY, January 12.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of John Frank," was read, and, by unanimous consent, it was read a second time, and referred to Messrs. GOODHUE, HOWARD, and TRACY, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act to prescribe the mode of taking evidence in cases of contested elections for members of the House of Representatives of the United States, and to compel the attendance of witnesses," was read, and, by unanimous consent, it was read a second time.

*Ordered*, That it be referred to Messrs. LIVERMORE, PAINE, and CHIPMAN, to consider and report thereon to the Senate.

The Senate proceeded to consider the report of the committee to whom was recommitted the bill, sent from the House of Representatives for concurrence, entitled "An act suspending, for a limited time, the second section of an act, entitled 'An act regulating foreign coins, and for other purposes;" and the report was adopted, and the bill was amended accordingly.

On the question to agree to the third reading of the bill, as amended, it passed in the negative.

On motion, by one of the majority, to reconsider the last question—

A motion was made to postpone the question of reconsideration to the second Monday in February, and it was determined in the negative.

Whereupon it was agreed to reconsider the last vote on the bill, and that the bill be considered as still in its second reading.

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 providing for the payment of the interest on a certificate due to General Kosciusko;" they have passed a bill, entitled "An act directing the Secretary of War to place certain persons on the pension list;" in which they desire the concurrence of the Senate.

The bill last brought from the House of Representatives for concurrence, was read, and ordered to the second reading.

On motion, by Mr. TRACY, that a committee be appointed to take into consideration the subject of accepting a deed of cession of the jurisdiction of certain territory from the State of Connecticut, and to report by bill or otherwise, it was agreed that this motion should lie for consideration.

---

MONDAY, January 15.

Mr. LIVERMORE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to prescribe the mode of taking evidence in cases of contested elections for members of the House of Representatives of the United States, and to compel the attendance of witnesses," reported an amendment, which was adopted.

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

The VICE PRESIDENT laid before the Senate a letter from Samuel Meredith, Treasurer of the United States, with his account of receipts and

expenditures in the War Department, for the quarter ending the 30th of December last; which was read, and ordered to lie on the table.

Mr. GOODHUE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of John Frank," reported the bill without amendment; and, by unanimous consent, it was read the third time, and passed.

The bill, sent from the House of Representatives for concurrence, entitled "An act directing the Secretary of War to place certain persons on the pension list," was read the second time, and referred to the committee appointed the 1st of December last, "to take into consideration the subject of a bill passed in March last, by the House of Representatives, directing the Secretary of War to place certain persons on the pension list," and which was postponed by the Senate to this session, to consider and report thereon to the Senate.

*Ordered*, That a certificate of the judges of the district court for the district of Maryland, in favor of John Coats, be referred to the same committee, to consider and report thereon to the Senate.

Mr. TRACY reported, from the committee to whom was referred the petition of Joseph Nourse, Register of the Treasury; and the report was read, and ordered to lie for consideration.

The Senate proceeded to consider the resolution of the House of Representatives, disagreeing to the amendment of the Senate to the bill, entitled "An act providing for the payment of the interest on a certificate due to General Kosciusko;" whereupon,

*Resolved*, That they do insist on their said amendment.

*Ordered*, That the motion made on the 12th instant, on the subject of accepting a deed of cession of the jurisdiction of certain territory from the State of Connecticut, be referred to Messrs. ROSS, LLOYD, READ, SEDGWICK, and BROWN, to consider and report thereon to the Senate.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act suspending, for a limited time, the second section of an act, entitled 'An act regulating foreign coins, and for other purposes," and, after debate,

*Ordered*, That the further consideration thereof be postponed.

---

TUESDAY, January 16.

The bill, sent from the House of Representatives for concurrence, entitled an "An act to prescribe the mode of taking evidence in cases of contested elections for members of the House of Representatives of the United States, and to compel the attendance of witnesses," was read the third time.

*Resolved*, That this bill pass with an amendment.

The Senate took into consideration the report of the committee to whom was referred the petition of Joseph Nourse, Register of the Treasury; and, after debate, it was agreed that the report should be recommitted.

A message from the House of Representatives informed the Senate that the House insist on their disagreement to the amendment of the Senate to the bill, entitled "An act providing for the payment of the interest on a certificate due to General Kosciusko," and ask a conference thereon, and have appointed managers at the same on their part;

They have passed a bill, entitled "An act for the relief of the refugees from the British provinces of Canada and Nova Scotia," in which they desire the concurrence of the Senate.

The Senate proceeded to consider the resolution of the House of Representatives on the conference mentioned in the message.

*Resolved*, That they do agree thereto, and that Messrs. TRACY and ROSS be managers at the same on the part of the Senate.

The bill sent from the House of Representatives for concurrence was read, and ordered to the second reading.

The Senate resumed the consideration of the bill, sent from the House of Representatives for concurrence, entitled "An act suspending, for a limited time, the second section of an act, entitled 'An act regulating foreign coins, and for other purposes;" and

On the question to agree to the third reading of the bill, it passed in the affirmative—yeas 19, nays 7, as follows:

YEAS—Messrs. Anderson, Bingham, Bloodworth, Brown, Foster, Gunn, Hillhouse, Howard, Hunter, Jackson, Langdon, Latimer, Livermore, Lloyd, Marshall, Martin, Mason, Paine, and Tazewell.

NAYS—Messrs. Chipman, Goodhue, Greene, Read, Ross, Sedgwick, and Tracy.

So it was *Resolved*, That this bill pass to the third reading.

Mr. GREENE notified the Senate that he should, to-morrow, ask leave to bring in a bill to repeal the act, passed the last session of Congress, entitled "An act laying duties on stamped vellum, parchment, and paper."

---

WEDNESDAY, January 17.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of the refugees from the British provinces of Canada and Nova Scotia," was read the second time, and referred to Messrs. MARTIN, PAINE, and SEDGWICK, to consider and report thereon to the Senate.

Mr. TRACY, from the managers at the conference on the amendment to the bill, sent from the House of Representatives for concurrence, entitled "An act providing for the payment of the interest on a certificate due to General Kosciusko," made a report. Whereupon,

*Resolved*, That the Senate adhere to their amendment to the bill last mentioned.

The bill, sent from the House of Representatives for concurrence, entitled "An act suspending, for a limited time, the second section of an

act entitled "An act regulating foreign coins, and for other purposes," was read the third time.

On motion, by Mr. MARSHALL, that the bill be further amended, by expunging all that is contained from the word "suspended," line fourth, inclusive, and inserting, in lieu thereof, "repealed," it passed in the negative.

And the bill being further amended, by adding the words "silver and gold" before the word "coins," in the amendment—

On the question to agree to the final passage of the bill, it was determined in the affirmative—yeas 17, nays 19, as follows:

YEAS—Messrs. Anderson, Bingham, Bloodworth, Brown, Foster, Gunn, Hillhouse, Howard, Hunter, Jackson, Langdon, Livermore, Marshall, Martin, Mason, Paine, and Tazewell.

NAYS—Messrs. Chipman, Goodhue, Greene, Latimer, Lloyd, Read, Ross, Sedgwick, and Tracy.

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

A motion was made, by Mr. PAINE, as follows:

"*Resolved*, That a committee be appointed to inquire whether any, and what, territory, lying to the southward and westward of the State of Georgia, belongs to the United States, and to report a plan for governing the same; and that the said committee be empowered to report by bill or otherwise."

*Ordered*, That this motion lie for consideration.

A message from the House of Representatives informed the Senate, that the House recede from their disagreement to the amendment of the Senate to the bill, entitled "An act providing for the payment of the interest on a certificate due to General Kosciusko."

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

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

The situation of affairs between the United States and the Cherokee Indians having evinced the expediency of a treaty with that nation, for the promotion of justice to them, as well as of the interests and convenience of our citizens, I have nominated, and, by and with the advice and consent of the Senate, appointed Commissioners to hold conferences, and conclude a treaty, as early as the season of the year and the convenience of the parties will admit.

As we know very well, by experience, such negotiations cannot be carried on without considerable expenses, I recommend to your consideration the propriety of making an appropriation, at this time, for defraying such as may be necessary for holding and concluding a treaty.

That you may form your judgments with greater facility, I shall direct the proper officer to lay before you an estimate of such articles and expenses as may be thought indispensable.

JOHN ADAMS.

UNITED STATES, *January* 17, 1798.

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

Conformable to notice given yesterday, Mr. GREENE requested leave to bring in a bill to repeal the act, passed the last session of Congress, entitled "An act laying duties on stamped vellum, parchment, and paper;" and, after debate, the Senate adjourned.

---

THURSDAY, January 18.

The Senate resumed the consideration of the motion made yesterday by Mr. GREENE, requesting leave to bring in a bill to repeal the act, passed the last session of Congress, entitled "An act laying duties on stamped vellum, parchment, and paper."

On the question to agree to the motion, it was determined in the negative—yeas 11, nays 15, as follows:

YEAS—Messrs. Anderson, Bloodworth, Brown, Foster, Greene, Jackson, Langdon, Livermore, Martin, Mason, and Tazewell.

NAYS—Messrs. Bingham, Chipman, Goodhue, Gunn, Hillhouse, Howard, Hunter, Latimer, Lloyd, Marshall, Paine, Read, Ross, Sedgwick, and Tracy.

Mr. Ross laid before the Senate the memorial of Thomas Hutchins, praying compensation for the sufferings and services of his late father, Thomas Hutchins, Geographer General to the United States; and the petition was read, and ordered to lie for consideration.

The Senate proceeded to consider the motion made yesterday, relative to territory lying to the southward and westward of the State of Georgia; and it was agreed to adopt the first part of the motion, divided as far as the words "United States."

On motion, by Mr. TAZEWELL, to amend the last clause, to be read as follows:

"And in case the committee shall be of opinion that any territory therein belongs to the United States, to report the most expedient method of quieting any opposite title thereto:"

It passed in the negative.

*Resolved*, That a committee be appointed to inquire whether any, and what, territory, lying to the southward and westward of the State of Georgia, belongs to the United States, and to report a plan for governing the same, if any there be; and that the said committee be empowered to report by bill or otherwise.

*Ordered*, That the above motion, as amended, together with the representation and remonstrance of the Legislature of the State of Georgia, be referred to Messrs. ROSS, PAINE, READ, TAZEWELL, and GUNN, to consider and report thereon to the Senate.

---

FRIDAY, January 19.

Mr. Ross, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to amend the several acts for laying duties on spirits distilled within the United States, and on stills," reported an amendment; which was read and ordered to lie for consideration.

Mr. SEDGWICK presented the petition of Solomon Blodget, a wounded soldier, praying to be placed on the list of invalid pensioners; and the

petition was read, and referred to the committee to whom was referred, on the 15th instant, the bill entitled "An act directing the Secretary of War to place certain persons on the pension list," to consider and report thereon to the Senate.

Mr. FOSTER presented the petition of Jonathan Davenport, a wounded soldier, praying an increase of his pension; and the petition was read, and referred to the committee last mentioned.

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

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

A representation has been made to me, by the Judge of the Pennsylvania district of the United States, of certain inconveniences and disagreeable circumstances, which have occurred in the execution of the law passed on the 28th day of May, 1796, entitled "An act for the relief of persons imprisoned for debt," as well as of certain doubts which have been raised concerning its construction; this representation, together with a report of the Attorney General on the same subject, I now transmit to Congress, for their consideration, that if any amendments or explanation of that law may be thought advisable, they may be adopted.

JOHN ADAMS.

UNITED STATES, *January* 18, 1798.

The Message and papers were read.

*Ordered*, That they be referred to the committee appointed on the 26th December last, on the motion of 15th of December, for revising the judiciary system, to consider and report thereon to the Senate.

Mr. MARSHALL gave notice that he should, on Monday, ask leave to bring in a bill regulating certain proceedings in cases of impeachment.

---

MONDAY, January 22.

JOSIAH TATTNALL, from the State of Georgia, attended.

The Senate proceeded to consider the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to amend the several acts for laying duties on spirits distilled within the United States, and on stills;" and the amendment reported being adopted,

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

Conformable to notice given on the 19th instant, Mr. MARSHALL requested and obtained leave to bring in a bill regulating certain proceedings in case of impeachment; which bill was read, and ordered to the second reading.

---

TUESDAY, January 23.

The bill regulating certain proceedings in cases of impeachment was read the second time, and referred to Messrs. MARSHALL, TAZEWELL, TRACY, ROSS, and LIVERMORE, to consider and report thereon to the Senate.

*Ordered*, That Mr. Ross be added to the committee appointed on the petition of George Turner.

Mr. FOSTER laid before the Senate the memorial of a number of the inhabitants of the town of Providence, in the State of Rhode Island, stating the expediency of erecting a light-house on Eaton's Neck, on Long Island, in the State of New York; and the memorial was read.

*Ordered*, That it be referred to the Secretary for the Department of Treasury, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act to amend the several acts for laying duties on spirits distilled within the United States, and on stills," was read the third time.

On motion, by Mr. ANDERSON, to restore the second section, as follows:

"*And be it further enacted*, That, from and after the 30th day of June next, it shall be lawful for all owners of any still, or stills, to make his or their election, to take out a license for one week, at the rate of four cents per gallon, on the capacity of such still or stills, including the heads thereof, under such rules and regulations as licenses are now granted."

It was determined in the negative—yeas 9, nays 15, as follows:

YEAS—Messrs. Anderson, Bloodworth, Brown, Jackson, Langdon, Marshall, Martin, Tattnall, and Tazewell.

NAYS—Messrs. Chipman, Foster, Goodhue, Greene, Gunn, Hillhouse, Howard, Hunter, Latimer, Livermore, Paine, Read, Ross, Sedgwick, and Tracy.

So it was *Resolved*, That this bill pass with the amendment.

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

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

At the commencement of this session of Congress, I proposed, in the course of it, to communicate to both Houses further information concerning the situation of our affairs in the territories of the United States situated on the Mississippi river, and in its neighborhood; our intercourse with the Indian nations, our relations with the Spanish Government, and conduct of their officers and agents. This information will be found in a report of the Secretary of State, and the documents attending it, which I now present to the Senate and House of Representatives.

JOHN ADAMS.

UNITED STATES, *January* 23, 1798.

The Message and papers were read.

*Ordered*, That they be referred to the committee, appointed the 18th instant, on the motion made by Mr. PAINE, to whom was also referred the remonstrance of the Legislature of the State of Georgia, to consider and report thereon to the Senate.

---

WEDNESDAY, January 24.

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 to amend the several acts for laying duties on spirits distilled within the United States, and on stills."

The Senate took into consideration their amend-

ment disagreed to by the House of Representatives; and

On motion, that the Senate adhere to their said amendment, it was determined in the affirmative—yeas 16, nays 9, as follows:

YEAS—Messrs. Bingham, Chipman, Foster, Goodhue, Greene, Gunn, Hillhouse, Howard, Latimer, Livermore, Lloyd, Paine, Read, Ross, Sedgwick, and Tracy.

NAYS—Messrs. Anderson, Bloodworth, Hunter, Langdon, Marshall, Martin, Mason, Tattnall, and Tazewell.

So it was *Resolved*, That the Senate adhere to their said amendment.

Mr. TRACY, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act directing the Secretary of War to place certain persons on the pension list," reported an amendment; which was read and adopted.

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

Mr. MARSHALL made a motion, that the Senate agree to the following resolutions, which he read in his place:

"*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 articles be proposed to the Legislatures of the several States as amendments 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, viz:

"1. The Electors of President, and Vice President, in giving their votes, shall respectively distinguish the person whom they desire to be President, from the one they desire to be Vice President, by annexing the words 'President,' or 'Vice President,' as the case may require, to the proper name of the person voted for.

"2. The Electors, aforesaid, shall enclose the very ballots by them given in the election, together with the list of the votes by them made and transmitted to the President of the Senate.

"3. Should any contest arise relative to any vote for President, the same shall be determined by the Senate; or, should any contest arise relative to any vote for Vice President, the same shall be determined by the House of Representatives.

"4. Should no one person, voted for as Vice President, have a majority of the whole number of Electors in his favor, then the Senate shall elect the Vice President among those voted for as Vice President."

*Ordered*, That the motion lie for consideration.

---

THURSDAY, January 25.

The bill, sent from the House of Representatives for concurrence, entitled "An act directing the Secretary of War to place certain persons on the pension list," was read the third time.

*Resolved*, That this bill pass with an amendment.

The Senate took into consideration the motion made yesterday, respecting amendments to the Constitution of the United States.

On motion, that the consideration thereof be postponed until the second Tuesday in February, it was agreed to strike out of the motion for postponement the words "until the second Tuesday in February;" and,

On motion, it was agreed to amend the motion for postponement, by inserting after the word "postponed" these words: "until the first day of June next."

On motion, to agree to the motion for postponement as amended, it was determined in the affirmative—yeas 15, nays 13, as follows:

YEAS—Messrs. Brown, Foster, Goodhue, Greene, Gunn, Hillhouse, Hunter, Lloyd, Martin, Read, Ross, Sedgwick, Stockton, Tattnall, and Tracy.

NAYS—Messrs. Anderson, Bingham, Bloodworth, Chipman, Howard, Jackson, Langdon, Latimer, Livermore, Marshall, Mason, Paine, and Tazewell.

So it was *Resolved*, That the consideration of the original motion be postponed until the first day of June next.

---

FRIDAY, January 26.

No business of importance was transacted in the Senate to-day.

---

MONDAY, January 29.

No business was done of any importance in the Senate to-day.

---

TUESDAY, January 30.

*Ordered*, That Messrs. LIVERMORE, ROSS, and TRACY, be a committee to report to the Senate a form of proceeding in cases of impeachment.

Mr. MARTIN, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of the refugees from the British provinces of Canada and Nova Scotia," reported amendments; which were read.

*Ordered*, That they lie for consideration.

Mr. ROSS presented the petition of Joseph Rittenhouse, stating that he is a prisoner at the suit of the United States, and, having surrendered his property, prays to be liberated; and the petition was read and laid on the table.

---

WEDNESDAY, January 31.

The VICE PRESIDENT laid before the Senate the resolution of the Legislature of the State of Delaware, by which it appears that they have appointed JOSHUA CLAYTON a Senator of the United States, in the place of JOHN VINING, resigned; and the resolution was read.

*Ordered*, That it lie on file.

Mr. STOCKTON, from the committee to whom was referred the petition of George Turner, praying confirmation of his title to a tract of land purchased of John Cleves Symmes, asked and obtained leave to report by bill; and the bill was read, and ordered to the second reading.

The Senate took into consideration the amendments reported by the committee to whom was referred the bill, entitled "An act for the relief of the refugees from the British provinces of Canada and Nova Scotia;" and, having agreed thereto,

*Ordered*, That the further consideration of the bill be postponed.

A message from the House of Representatives informed the Senate that the House have passed a bill, "entitled "An act appropriating a certain sum of money to defray the expense of holding a treaty with the Indians claiming lands in the State of Tennessee, or North Carolina;" in which they desire the concurrence of the Senate.

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

Mr. LIVERMORE, from the committee to whom the subject was referred, reported a form of proceeding in cases of impeachment; and the report was read.

*Ordered*, That it lie for consideration.

THURSDAY, February 1.

The bill, sent from the House of Representatives for concurrence, entitled "An act appropriating a certain sum of money to defray the expense of holding a treaty with the Indians claiming lands in the State of Tennessee, or North Carolina," was read the second time.

*Ordered*, That it be referred to Messrs. HILLHOUSE, PAINE, and SEDGWICK, to consider and report thereon to the Senate.

The bill to authorize the sale of certain lands between the Great and Little Miami rivers, in the territory of the United States northwest of the Ohio, and for giving a pre-emption to certain purchasers and settlers, was read the second time.

*Ordered*, That the further consideration thereof be postponed.

Mr. BROWN laid before the Senate the petition of Stephen Monnot and others, inhabitants of Galliopolis, praying for a grant of land to them, respectively; which petition, together with the papers referred to therein, were read.

*Ordered*, That they lie on the table.

Mr. MASON presented the petition of Joseph Jamison, and others, inhabitants near the Sciota river, praying that the Surveyor General may be authorized to lay out a tract of land thirty miles square, on the banks of the said river; and the petition was read.

*Ordered*, That it lie on the table.

Mr. MARSHALL, from the committee to whom was referred the bill regulating certain proceedings in cases of impeachment, reported amendments; which were read.

*Ordered*, That they lie for consideration.

The Senate took into consideration the report of the committee on the mode of proceeding in cases of impeachment; and, after debate, the Senate adjourned.

FRIDAY, February 2.

JOHN SLOSS HOBART, appointed a Senator by the State of New York, in the place of Philip Schuyler, resigned, produced his credentials, and, the oath required by law being administered, he took his seat in the Senate.

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 legal representatives of Thomas Clark, deceased;" in which they desire the concurrence of the Senate.

A Message was received from the President of the United States.

The Senate resumed the consideration of the report of the committee on the mode of proceeding in cases of impeachment; which having been amended, it was, in part, adopted.

SATURDAY, February 3.

The Message yesterday received from the PRESIDENT OF THE UNITED STATES was read, as follows:

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

I have received from our Minister in London two Acts of the Parliament of Great Britain, one passed on the 4th of July, 1797, entitled "An act for carrying into execution the Treaty of Amity, Commerce. and Navigation, concluded between His Majesty and the United States of America;" the other, passed on the 19th day of July, 1797, entitled "An act for regulating the trade to be carried on with the British possessions in India, by the ships of nations in amity with His Majesty." These Acts have such connexions with the commercial and political interests of the United States, that it is proper they should be communicated to Congress. I have accordingly transmitted copies of them with this Message.

JOHN ADAMS.

UNITED STATES, *February* 2, 1798.

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

*Ordered*, That the petition of certain inhabitants of Galliopolis, laid before the Senate on the 1st instant, be referred to Messrs. BROWN, BLOODWORTH, and LANGDON, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of the legal representatives of Thomas Clark, deceased," was read the first time, and ordered to the second reading.

The Senate resumed the consideration of the report of the committee on the mode of proceeding in cases of impeachment.

On motion, it was agreed, that the report be recommitted to Messrs. HILLHOUSE, READ, and PAINE, to consider and report thereon to the Senate.

MONDAY, February 5.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of the legal representatives of Thomas Clark, deceased," was read the second time, and referred to Messrs. TRACY, PAINE, and GOODHUE, to consider and report thereon to the Senate.

Mr. HILLHOUSE, from the committee to whom was committed the report on the mode of proceeding in cases of impeachment, made a report; which was read and adopted; and

"*Resolved*, That the Doorkeeper of the Senate be, and he is hereby, invested with the authority of Sergeant-at-Arms, to hold said office during the pleasure of the Senate, whose duty it shall be to execute the commands of the Senate, from time to time, and all such process as shall be directed to him by the President of the Senate.

"*Resolved*, That, for regulating the proceedings of the Senate, in cases of impeachment, the following rule be adopted, viz:

"When the House of Representatives, or managers by them appointed for that purpose, shall attend the Senate to present articles of impeachment, the President of the Senate shall cause proclamation to be made in the form following, viz:

"All persons are commanded to keep silence while the Senate of the United States are receiving articles of impeachment against —— ——, on pain of imprisonment.

"And shall then signify to the managers that the Senate are ready to receive the articles of impeachment; which, having been read by one of the managers, shall be received by the Secretary; and the managers shall thereupon be informed by the President that the Senate will take proper order on the subject, of which due notice will be given to the House of Representatives.

"After which the Secretary shall read said articles of impeachment, and enter the same on the Journals of the Senate."

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

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

I have received a letter from his Excellency Charles Pinckney, Esq., Governor of the State of South Carolina, dated the 22d October, 1797, enclosing a number of depositions and witnesses to several captures and outrages committed within and near the limits of the United States, by a French privateer belonging to Cape Francois, or Monte Christo, called the Vertitude or Fortitude, and commanded by a person of the name of Jordan or Jourdain, and particularly upon an English merchant ship named the Oracabissa, which he first plundered and then burned, with the rest of her cargo, of great value, within the territory of the United States, in the harbor of Charleston, on the 17th of October last. Copies of which letter and depositions, and also of several other depositions relative to the same subject, received from the Collector of Charleston, are herewith communicated.

Whenever the channel of diplomatical communication between the United States and France shall be opened, I shall demand satisfaction for the insult and reparation for the injury.

I have transmitted these papers to Congress, not so much for the purpose of communicating an account of so daring a violation of the territory of the United States, as to show the propriety and necessity of enabling the Executive authority of Government to take measures for protecting the citizens of the United States and such foreigners as have a right to enjoy their peace, and the protection of their laws, within their limits, in that as well as some other harbors which are equally exposed. JOHN ADAMS.

UNITED STATES, *February* 5, 1798.

*Ordered*, That the Message and papers referred to lie for consideration.

Mr. HILLHOUSE, from the committee last mentioned, made a further report; which was read.

*Ordered*, That it lie for consideration.

The Senate resumed the second reading of the bill to authorize the sale of certain lands between the Great and Little Miami rivers, in the territory of the United States northwest of the Ohio, and for giving a pre-emption to certain purchasers and settlers; and the bill being amended,

*Ordered*, That it pass to the third reading.

---

TUESDAY, February 6.

The VICE PRESIDENT laid before the Senate a report from the Secretary for the Department of Treasury, on the expediency of erecting a light-house on Eaton's Neck, on Long Island, in the State of New York; which was read.

*Ordered*, That it be referred to Messrs. GREENE, HOBART, and LANGDON, to consider and report thereon, by bill or otherwise.

The papers referred to in the Message of the President of the United States, of the 5th instant, were read.

*Ordered*, That they be referred to the committee appointed the 29th of November last, on that part of the Speech of the President of the United States respecting measures for the security and protection of the commerce of the United States, to consider and report thereon to the Senate.

The bill to authorize the sale of certain lands between the Great and Little Miami rivers, in the territory of the United States northwest of the Ohio, and for giving a pre-emption to certain purchasers and settlers, was read the third time.

*Ordered*, That it be recommitted to the committee who reported the bill.

Mr. STOCKTON, from the committee to whom was referred the bill last mentioned, reported that it pass without amendment.

*Ordered*, That the further consideration of this bill be postponed until to-morrow.

---

WEDNESDAY, February 7.

A message from the House of Representatives informed the Senate that the House have resolved that articles agreed by the House to be exhibited by them, in the name of themselves and of all the people of the United States, against WILLIAM BLOUNT, in maintenance of their impeachment against him for high crimes and misdemeanors, be carried to the Senate by the managers, Messrs. SITGREAVES, BAYARD, HARPER, GORDON, PINCKNEY, DANA, SEWALL, HOSMER, DENNIS, EVANS, and IMLEY, appointed to conduct the said impeachment.

On motion,

*Resolved*, That the Senate will, at twelve o'clock this day, be ready to receive articles of impeachment against WILLIAM BLOUNT, late a Senator of the United States from the State of Tennessee, to be presented by the managers appointed by the House of Representatives.

A message was announced from the House of Representatives, by the above-mentioned mana-

gers, who, being introduced, Mr. SITGREAVES, their Chairman, addressed the Senate as follows:

Mr. VICE PRESIDENT: The House of Representatives having agreed upon articles, in maintenance of their impeachment against William Blount, for high crimes and misdemeanors, and having appointed on their part managers of the said impeachment, the managers have now the honor to attend the Senate, for the purpose of exhibiting the said articles.

The VICE PRESIDENT then ordered the Sergeant-at-Arms to proclaim silence, after which he notified the managers that the Senate was ready to hear the articles of impeachment. Whereupon,

The Chairman of the Managers read the articles of impeachment, and they were received from him at the bar by the Sergeant-at-Arms, and laid on the table.

The VICE PRESIDENT then informed the managers that the Senate would take proper order on the subject of the impeachment, of which due notice should be given to the House of Representatives.

The Secretary then read the articles of impeachment, in the following words:

Articles exhibited by the House of Representatives of the United States, in the name of themselves and of all the people of the United States, against William Blount, in maintenance of their impeachment against him for high crimes and misdemeanors.

ARTICLE 1. That, whereas the United States, in the months of February, March, April, May, and June, in the year of our Lord one thousand seven hundred and ninety seven, and for many years then past, were at peace with His Catholic Majesty, the King of Spain; and whereas, during the months aforesaid, His said Catholic Majesty and the King of Great Britain were at war with each other; yet the said William Blount, on or about the months aforesaid, then being a Senator of the United States, and well knowing the premises, but disregarding the duties and obligations of his high station, and designing and intending to disturb the peace and tranquillity of the United States, and to violate and infringe the neutrality thereof, did conspire, and contrive to create, promote, and set on foot, within the jurisdiction and territory of the United States, and to conduct and carry on from thence, a military hostile expedition against the territories and dominions of His said Catholic Majesty in the Floridas and Louisiana, or a part thereof, for the purpose of wresting the same from His Catholic Majesty, and of conquering the same for the King of Great Britain, with whom His said Catholic Majesty was then at war as aforesaid, contrary to the duty of his trust and station as a Senator of the United States, in violation of the obligations of neutrality, and against the laws of the United States, and the peace and interests thereof.

ARTICLE 2. That, whereas, on the twenty-seventh day of October, in the year of our Lord one thousand seven hundred and ninety-five, a Treaty of Friendship, Limits, and Navigation, had been made and concluded between the United States and His Catholic Majesty, by the fifth article whereof it is stipulated and agreed, "that the two high contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the country adjacent to the lines and rivers, which, by the preceding articles, form the boundaries of the two Floridas: And the better to obtain this effect, both parties oblige themselves expressly to restrain by force all hostilities on the part of the Indian nations living within their boundary; so that Spain will not suffer her Indians to attack the citizens of the United States, nor the Indians inhabiting their territory; nor will the United States permit these last mentioned Indians to commence hostilities against the subjects of His Catholic Majesty or his Indians, in any manner whatever:" Yet, the said William Blount, on or about the months of February, March, April, May, and June, in the year of our Lord one thousand seven hundred and ninety-seven, then being a Senator of the United States, and well knowing the premises, and that the United States were then at peace with His said Catholic Majesty, and that His Catholic Majesty was at war with the King of Great Britain, but disregarding the duties of his high station, and the stipulations of the said treaty, and the obligations of neutrality, did conspire and contrive to excite the Creek and Cherokee nations of Indians, then inhabiting within the territorial boundary of the United States, to commence hostilities against the subjects and possessions of His Catholic Majesty, in the Floridas and Louisiana, for the purpose of reducing the same to the dominion of the King of Great Britain, with whom His Catholic Majesty was then at war as aforesaid: contrary to the duty of his trust and station as a Senator of the United States, in violation of the said Treaty of Friendship, Limits, and Navigation, and of the obligations of neutrality, and against the laws of the United States, and the peace and interests thereof.

ARTICLE 3. That, whereas, by the ordinances and acts of Congress for regulating trade and intercourse with the Indian tribes, and for preserving peace on the frontiers, it has been made lawful for the President of the United States, in order to secure the continuance of the friendship of the said Indian tribes, to appoint such persons, from time to time, as temporary agents, to reside among the Indians, as he shall think fit; and whereas, in pursuance of the said authority, the President of the United States, on or about the eighth day of September, in the year of our Lord one thousand seven hundred and ninety-six, did appoint Benjamin Hawkins, to be principal temporary agent for Indian affairs, within the Indian nations south of the river Ohio, and north of the territorial line of the United States; and whereas the said Benjamin Hawkins accepted the said appointment, and on the 21st day of April, in the year of our Lord one thousand seven hundred and ninety-seven, and for a long time before and afterwards, did exercise the functions, powers and duties attached to the same; yet, the said Wm. Blount, on or about the said twenty-first day of April, in the year of our Lord one thousand seven hundred and ninety-seven, then being a Senator of the United States, and well knowing the premises, did, in the prosecution of his criminal designs and of his conspiracies aforesaid, and the more effectually to accomplish his intention of exciting the Creek and Cherokee nations of Indians to commence hostilities against the subjects of His Catholic Majesty, further conspire and contrive to alienate and divert the confidence of the said Indian tribes or nations from the said Benjamin Hawkins, the principal temporary agent aforesaid, and to diminish, impair, and destroy the influence of the said Benjamin Hawkins with the said Indian tribes, and their friendly intercourse and understanding with him, contrary to the duty of his trust and station as a Senator of the United States,

and against the ordinances and laws of the United States, and the peace and interests thereof.

ARTICLE 4. That, whereas, by the ordinances and acts of Congress aforesaid, it is made lawful for the President of the United States to establish trading houses at such places and posts on the western and southern frontiers, or in the Indian country, as he shall judge most convenient, for the purpose of carrying on a liberal trade with the several Indian nations within the limits of the United States, and to appoint an agent at each trading house established as aforesaid, with such clerks and assistants as may be necessary for the execution of the said acts: And, whereas, by a treaty, made and concluded on the second day of July, in the year of our Lord one thousand seven hundred and ninety-one, between the United States and the Cherokee nation of Indians, inhabiting within the limits of the United States, it is stipulated and agreed, that "the United States will send such, and so many persons to reside in said nation, as they may judge proper, not exceeding four, who shall qualify themselves to act as interpreters." And whereas the President of the United States, as well in pursuance of the authorities in this article mentioned, as of the acts of Congress referred to in the third article, did appoint James Carey to be interpreter for the United States to the said Cherokee nation of Indians, and assistant at the public trading house established at the Tellico blockhouse, in the State of Tennesssee: And whereas the said James Carey did accept the said appointments, and on the twenty-first day of April, in the year of our Lord one thousand seven hundred and ninety-seven, and for a long time before and afterwards, did exercise the functions, and duties attached to the same; yet, the said William Blount, on or about the said twenty-first day of April, in the year last aforesaid, then being a Senator of the United States, and well knowing the premises, did, in prosecution of his criminal designs, and in furtherance of his conspiracies aforesaid, conspire and contrive to seduce the said James Carey from the duty and trust of his said appointments, and to engage the said James Carey to assist in the promotion and execution of his said criminal intentions and conspiracies aforesaid, contrary to the duty of his trust and station as a Senator of the United States, and against the laws and treaties of the United States, and the peace and interests thereof.

ARTICLE 5. That whereas certain tribes or nations of Indians inhabit within the territorial limits of the United States, between whom, or many of them, and the settlements of the United States, certain boundary lines have, by successive treaties, been stipulated and agreed upon, to separate the lands and possessions of the said Indians from the lands and possessions of the United States, and the citizens thereof: And whereas, particularly, by the treaty in the last article mentioned to have been made with the Cherokee nation, on the second day of July, in the year of our Lord one thousand seven hundred and ninety-one, the boundary line between the United States and the said Cherokee nation was agreed and defined; and it was further stipulated, that the same should be ascertained and marked plainly by three persons appointed on the part of the United States, and three Cherokees on the part of their nation: And whereas, by another treaty made with the said Cherokee nation, on the twenty-sixth day of June, in the year of our Lord one thousand seven hundred and ninety-four, the said hereinbefore recited treaty, of the second day of July, in the year of our Lord one thousand seven hundred and ninety one, was confirmed and established; and it was mutually agreed that the said boundary line should be actually ascertained and marked in the manner prescribed by the said last mentioned treaty: And whereas, in pursuance of the said treaties, commissioners were duly nominated and appointed, on the part of the United States, to ascertain and mark the said boundary line; yet, the said William Blount, on or about the twenty-first day of April, in the year of our Lord one thousand seven hundred and ninety-seven, then being a Senator of the United States, and well knowing the premises, in further prosecution of his said criminal designs, and of his conspiracies aforesaid, and the more effectually to accomplish his intention of exciting the said Indians to commence hostilities against the subjects of His Catholic Majesty, did further conspire and contrive to diminish and impair the confidence of the said Cherokee nation in the Government of the United States, and to create and foment discontents and disaffection among the said Indians towards the Government of the United States, in relation to the ascertainment and marking of the said boundary line, contrary to the duty of his trust and station as a Senator of the United States, and against the peace and interests thereof.

And the House of Representatives, by protestation, saving to themselves the liberty of exhibiting at any time hereafter, any further articles, or other accusation, or impeachment, against the said William Blount, and also of replying to his answers, which he shall make unto the said articles, or any of them, and of offering proof to all and every the aforesaid articles, and to all and every other articles of impeachment, or accusation, which shall be exhibited by them, as the case shall require, do demand that the said William Blount may be put to answer the said crimes and misdemeanors, and that such proceedings, examinations, trials, and judgments, may be thereupon had and given, as are agreeable to law and justice.

Signed by order and in behalf of the House.

JONATHAN DAYTON, *Speaker.*

*Attest*, JONATHAN W. CONDY, *Clerk.*

*Ordered*, That the report of the committee, made on the 5th instant, respecting the mode of administering the oaths in cases of impeachment, be the order of the day for to-morrow.

The Senate resumed the consideration of the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of the refugees from the British provinces of Canada and Nova Scotia;" and having agreed to sundry amendments, the Senate proceeded to the consideration of Executive business.

---

THURSDAY, February 8.

The Senate resumed the consideration of the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of the refugees from the British provinces of Canada and Nova Scotia, and, having adopted the report,

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

Mr. Ross, from the committee to whom was referred the consideration of a deed of cession of

the jurisdiction of certain territory, from the State of Connecticut, made a report; which was read, and ordered to lie on the table.

The Senate proceeded to consider the report of the committee, made on the 5th instant, respecting the mode of administering the oaths in cases of impeachment; and, after debate,

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

---

FRIDAY, February 9.

The Senate resumed the consideration of the report of the committee, made on the 5th instant, respecting the mode of administering the oaths in cases of impeachment,

On motion to postpone the consideration thereof, it was determined in the negative—yeas 10, nays 18, as follows:

YEAS—Messrs. Anderson, Bloodworth, Brown, Foster, Jackson, Langdon, Marshall, Martin, Mason, and Tazewell.

NAYS — Messrs. Bingham, Chipman, Goodhue, Greene, Hillhouse, Hobart, Howard, Hunter, Latimer, Livermore, Lloyd, Paine, Read, Ross, Sedgwick, Stockton, Tattnall, and Tracy.

On motion that the report be amended, by adding thereto these words: "and that a bill be brought in conformable thereto," it was determined in the negative—yeas 8, nays 20, as follows:

YEAS—Messrs. Anderson, Bloodworth, Brown, Foster, Jackson, Langdon, Marshall, and Mason.

NAYS — Messrs. Bingham, Chipman, Goodhue, Greene, Hillhouse, Hobart, Howard, Hunter, Latimer, Livermore, Lloyd, Martin, Paine, Read, Ross, Sedgwick, Stockton, Tattnall, Tazewell, and Tracy.

On motion to agree to the report of the committee, it was determined in the affirmative—yeas 22, nays 6, as follows:

YEAS—Messrs. Bingham, Brown, Chipman, Foster, Goodhue, Greene, Hillhouse, Hobart, Howard, Hunter, Latimer, Livermore, Lloyd, Martin, Paine, Read, Ross, Sedgwick, Stockton, Tattnall, Tazewell, and Tracy.

NAYS—Messrs. Anderson, Bloodworth, Jackson, Langdon, Marshall, and Mason.

So it was *Resolved*, That the oath or affirmation required by the Constitution of the United States to be administered to the Senate, when sitting for the trial of impeachment, shall be in the form following, viz:

"I, A B, solemnly swear, (or affirm, as the case may be,) that in all things appertaining to the trial of the impeachment of —— ——, I will do impartial justice, according to law."

Which oath or affirmation shall be administered by the Secretary to the President of the Senate, and by the President to each member of the Senate.

---

MONDAY, February 12.

Mr. GREENE, from the committee to whom was referred the report of the Secretary for the Department of the Treasury, on the expediency of erecting a light-house on Eaton's Neck on, Long Island, in the State of New York, reported a bill on the subject; which was read, and ordered to the second reading.

A letter from Governor Wood, of the State of Virginia, to the Secretary of the Senate, with a resolution of the Legislature of that State, ratifying an amendment to the Constitution of the United States, respecting the suability of States, were laid before the Senate, and read.

*Ordered*, That they lie on file.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of the refugees from the British provinces of Canada and Nova Scotia," was read the third time.

*Resolved*, That this bill pass with amendments.

The consideration of the bill to authorize the sale of certain lands between the Great and Little Miami rivers, in the territory of the United States southwest of the Ohio, and for giving a pre-emption to certain purchasers and settlers, was resumed.

*Resolved*, That this bill pass, that it be engrossed, and the title thereof be "An act to authorize the sale of certain lands between the Great and Little Miami rivers, in the territory of the United States northwest of the Ohio, and for giving a pre-emption to certain purchasers and settlers."

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

*Gentlemen of the Senate, and*

*Gentlemen of the House of Representatives:*

In obedience to the law, I now present to both Houses of Congress my annual account of expenditures from the contingent fund during the year 1797, by which it appears that, on the first day of January last, there remained in the Treasury a balance of fifteen thousand four hundred and ninety-four dollars and twenty-four cents, subject to future dispositions of Government.

JOHN ADAMS.

UNITED STATES, *February* 12, 1798.

The Message and documents therein referred to were read, and ordered to lie on the table.

Mr. HILLHOUSE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act appropriating a certain sum of money to defray the expense of holding a treaty with the Indians claiming lands in the State of Tennessee or North Carolina," reported amendments; which were read.

*Ordered*, That they lie for consideration.

Mr. BINGHAM presented the petition of Philip Wilson, praying compensation for the loss of a ship and cargo destroyed by Admiral Digby, after the peace was concluded between the United States and His Britannic Majesty; which, with a statement therein referred to, were read.

*Ordered*, That they lie on the table.

Mr. ROSS presented the petition of John Edgar and William Morrison, on behalf of the inhabitants of the Illinois, praying permission to lay out certain donation lands on the waters of Kaskaskia creek; which was read, and referred to Messrs. ROSS, BROWN, and LIVERMORE, to consider and report thereon to the Senate.

On motion, that the bill regulating certain proceedings in cases of impeachment be the order of the day for Wednesday next;

A motion was made to amend the motion, and that it be the order of the day for the second Monday in June next; which last motion was determined in the negative—yeas 5, nays 22, as follows:

YEAS—Messrs. Bingham, Livermore, Read, Ross, and Sedgwick.

NAYS—Messrs. Anderson, Bloodworth, Brown, Chipman, Foster, Goodhue, Greene, Hillhouse, Hobart, Howard, Hunter, Jackson, Langdon, Latimer, Llyod, Marshall, Martin, Mason, Paine, Tattnall, Tazewell, and Tracy.

And the original motion was agreed to.

---

TUESDAY, February 13.

A motion was made by Mr. GOODHUE, that it be

"*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to obtain from the collectors of the customs of the principal collection districts of the United States, an account, exhibiting the number and tonnage of the vessels, and the estimated value of their cargoes, that have been captured or detained since the first day of January, 1796, from their respective districts, by or under the authority of foreign nations, distinguishing the vessels captured or detained by each nation; and that the said Secretary lay the result of the information so obtained, as soon as may be, before the Senate."

And it was agreed that this motion lie for consideration.

The Senate proceeded to the consideration of the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act appropriating a certain sum of money to defray the expense of holding a treaty with the Indians claiming lands in the State of Tennessee or North Carolina;" and, after debate,

*Ordered*, That the further consideration thereof be postponed.

The bill to erect a light-house on Eaton's Neck, in the State of New York, and place beacons and buoys in the Sound, between the city of New York, in said State, and Newport, in the State of Rhode Island, and in the harbors of those places, was read the second time.

*Ordered*, That it be committed to the committee who reported the bill.

---

WEDNESDAY, February 14.

The Senate proceeded to consider the motion made yesterday by Mr. GOODHUE, which was adopted; and

*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to obtain from the collectors of the customs of the principal collection districts of the United States, an account exhibiting the number and tonnage of the vessels, and the estimated value of their cargoes, that have been captured or detained since the first day of January, 1796, from their respective districts, by or under the authority of foreign nations, distinguishing the vessels captured or detained by each nation; and that the said Secretary lay the result of the information so obtained, as soon as may be, before the Senate.

A motion was made by Mr. READ, that it be

*Resolved*, That the duty or trust imposed by the Constitution of the United States, on a Senator of the United States, is not of such a nature as to render a Senator impeachable, or subject to any examination or trial for crimes or offences alleged to have been committed against the laws and peace of the United States, other than any citizen of the United States not a member of either House of Congress, and not holding any office under the said States:"

And it was agreed that this motion lie for consideration.

*Ordered*, That the committee appointed the 30th of January last, to report a form of proceeding in cases of impeachment, be discharged.

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 one thousand seven hundred and ninety-eight, and for other purposes:" in which they desire the concurrence of the Senate.

The Senate proceeded to consider the report of the committee to whom was referred the bill regulating certain proceedings in cases of impeachment; and, after progress, it was agreed that the further consideration thereof be postponed.

---

THURSDAY, February 15.

The bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year one thousand seven hundred and ninety-eight, and for other purposes," was read, and ordered to the second reading.

A motion was made, by Mr. LIVERMORE, that a committee be appointed to consider and report what measures ought to be adopted by the Senate, relative to the articles of impeachment exhibited by the House of Representatives against WILLIAM BLOUNT; and 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 granting the right of sending and receiving letters and packets by post, free of postage, to the Attorney General of the United States, and the officer commanding the troops of the United States;" in which they desire the concurrence of the Senate.

The Senate proceeded to consider the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act appropriating a certain sum of money to defray the expense of holding a treaty with the Indians claiming lands in the State of Tennessee or North Carolina," and adopted sundry of the amendments reported.

On motion, to agree to part of the report of the committee, in the words following:

"Nothing in this act contained shall be construed to admit an obligation on the part of the United States to extinguish, for the benefit of any State or individual citizen, Indian claims to any lands lying within the territory of the United States;"

It passed in the affirmative—yeas 16, nays 11, as follows:

YEAS—Messrs. Bingham, Chipman, Foster, Goodhue, Greene, Hillhouse, Howard, Langdon, Livermore, Lloyd, Paine, Read, Ross, Sedgwick, Stockton, and Tracy.

NAYS—Messrs. Anderson, Bloodworth, Brown, Gunn, Hunter, Jackson, Marshall, Martin, Mason, Tattnall, and Tazewell.

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

The bill, sent from the House of Representatives for concurrence, entitled "An act granting the right of sending and receiving letters and packets by post, free of postage, to the Attorney General of the United States, and the officer commanding the troops of the United States," was read the first time, and ordered to the second reading.

---

FRIDAY, February 16.

The bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year one thousand seven hundred and ninety-eight, and for other purposes," was read the second time, and referred to Messrs. ROSS, HILLHOUSE, and GOODHUE, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act granting the right of sending and receiving letters and packets by post, free of postage, to the Attorney General of the United States, and the officer commanding the troops of the United States," was read the second time, and referred to Messrs. TAZEWELL, LIVERMORE, and LLOYD, to consider the subject of franking letters generally, and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act appropriating a certain sum of money to defray the expense of holding a treaty with the Indians claiming lands in the State of Tennessee or North Carolina," was read the third time.

On motion, it was agreed to amend the bill, to be read as follows: "An act appropriating a certain sum of money to defray the expense of holding a treaty or treaties with the Indians."

*Resolved*, That this bill pass with amendments.

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

The Senate resumed the consideration of the report of the committee to whom was referred the bill regulating certain proceedings in cases of impeachment; and, after debate, the Senate adjourned.

MONDAY, February 19.

JOSHUA CLAYTON, appointed a Senator by the Legislature of the State of Delaware, in the place of John Vining, resigned, produced his credentials, which were read, and, the oath required by law being administered, he took his seat in the Senate.

The bill, sent from the House of Representatives for concurrence, entitled, "An act for the relief of William Alexander," was read, and ordered to the second reading.

*Ordered*, That the petition of Philip Wilson be referred to the Secretary for the Department of State, to consider and report thereon to the Senate.

The Senate resumed the consideration of the report of the committee to whom was referred the bill regulating certain proceedings in cases of impeachment.

On motion, by Mr. TAZEWELL, to amend the amendment reported to the third section, by inserting "and a jury shall be summoned for the trial thereof, in the manner and under the directions hereinafter prescribed," it passed in the negative—yeas 3, nays 26, as follows:

YEAS—Messrs. Jackson, Mason, and Tazewell.

NAYS—Messrs. Anderson, Bingham, Bloodworth, Brown, Chipman, Clayton, Foster, Goodhue, Greene, Gunn, Hillhouse, Hobart, Howard, Hunter, Langdon, Livermore, Lloyd, Marshall, Martin, Paine, Read, Ross, Sedgwick, Stockton, Tattnall, and Tracy.

---

TUESDAY, February 20.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of William Alexander," was read the second time, and referred to Messrs. Ross, TRACY, and CLAYTON, to consider and report thereon to the Senate.

Mr. Ross laid before the Senate the petition of Ralph Matson and others; also, the petition of Benjamin Reed, inhabitants of Vincennes, in the Territory northwest of the river Ohio, praying confirmation of certain grants of land therein mentioned; which petitions were severally read.

*Ordered*, That they be severally referred to the committee appointed on the 12th instant, to whom was referred the petition of John Edgar and William Morrison, to consider and report thereon to the Senate.

The Senate resumed the consideration of the report of the committee to whom was referred the bill regulating certain proceedings in cases of impeachment.

And having agreed to so much of the amendment reported by the committee as proposed to strike out the 4th section of the bill, and proceeding to the question for inserting, agreeably to the residue of the said amendment, the following words, to wit:

"SEC. 4. After the word 'enacted,' in the first line, strike out the rest of the section, and insert 'that when the Senate shall have received an impeachment, a day shall be assigned for trial, and a fit person appointed by the Senate to execute its process when ordered. And it shall be the duty of the Secretary of

the Senate to make out a summons for the party impeached to appear on the day of trial; which summons shall contain a transcript of the impeachment, with its appendages, and which, being approved by the Senate, shall be signed by the President thereof; the Secretary shall also make out subpœnas for the witnesses whose attendance shall be required, which, being approved by the Senate, shall be signed by the President; those for witnesses against the party impeached shall be delivered to the managers, those for witnesses in favor of the impeached party to himself or agent when demanded; and all process from the Senate shall be executed by its own officers, or by the marshal of the district within which the execution is to be done, and in the manner specified in such process; which shall be by leaving a copy with the party subpœnaed, or at his or her last place of residence; which execution shall be shown in the return of the process: The Senate may, nevertheless, for cause to them appearing, order, by proclamation, the party impeached to appear on the day of trial, and after process executed, or proclamation made, should the party fail to appear, the Senate may notwithstanding proceed to trial and judgment:"

It was determined in the negative—yeas 6, nays 18, as follows:

YEAS—Messrs. Anderson, Bloodworth, Langdon, Marshall, Martin, and Mason.

NAYS—Messrs. Bingham, Brown, Chipman, Clayton, Foster, Goodhue, Greene, Gunn, Hillhouse, Hobart, Howard, Hunter, Livermore, Read, Ross, Sedgwick, Stockton, and Tracy.

The Senate having agreed to so much of the amendment reported by the committee, as proposed to strike out the sixth section of the bill, and proceeding to the question for inserting, agreeably to the residue of the said amendment, the following words to wit:

"SEC. 6. After the word 'enacted,' in the first line, strike out the rest of the section, and insert 'that, on the day fixed for trial of an impeachment, and before the same be taken up for hearing, the Secretary of the Senate shall administer to the President of the Senate, and to each Senator present, and afterwards to such others as shall come in, the following oath or affirmation, to wit: 'I, A B, do solemnly swear, (or affirm, as the case may be,) that, in all things appertaining to the trial of the impeachment of C D, I will do impartial justice, according to law, and my best judgment.' The Senate shall then proceed on the trial according to such rules as they may have established for such occasion; but may adjourn the trial from time to time, for cause to them appearing. The party impeached, after trial, shall be acquitted or convicted; and, upon conviction, the Senate shall pronounce judgment according to law:"

It was determined in the negative—yeas 7, nays 18, as follows:

YEAS—Messrs. Anderson, Bloodworth, Brown, Foster, Langdon, Marshall, and Mason.

NAYS—Messrs. Bingham, Chipman, Clayton, Goodhue, Greene, Gunn, Hillhouse, Howard, Hobart, Hunter, Latimer, Livermore, Martin, Read, Ross, Sedgwick, Stockton, and Tracy.

On the question to agree to the third reading of the bill, it passed in the negative.

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

*Gentlemen of the Senate and*
*Gentlemen of the House of Representatives:*

In obedience to the law of the United States of the 3d March, 1797, entitled "An act authorizing an expenditure, and making an appropriation, for the prosecution of the claims of certain citizens of the United States for property captured by the belligerent Powers," I submit to Congress the account exhibited to me by the Secretary of State, with his report of the 17th of this month. JOHN ADAMS.

UNITED STATES, *February* 20, 1798.

The Message and papers therein referred to were read, and ordered to lie on the table.

The Senate proceeded to consider the motion made on the 15th instant by Mr. LIVERMORE.

Whereupon, *Ordered*, That Messrs. LIVERMORE, ROSS, and STOCKTON, be a committee to consider and report what measures ought to be adopted by the Senate, relative to the articles of impeachment exhibited by the House of Representatives against WILLIAM BLOUNT.

---

WEDNESDAY, February 21.

Mr. ROSS, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of William Alexander," reported the bill without amendment; and the report was adopted.

*Ordered*, That this bill pass to a third reading.

The Senate proceeded to consider the motion made on the 14th instant, by Mr. READ, respecting the impeachment of a Senator of the United States. Whereupon—

On motion by Mr. SEDGWICK,

*Ordered*, That the said motion be referred to the committee appointed on the 20th instant, to report the measures proper to be adopted relative to the articles of impeachment against WILLIAM BLOUNT, with instruction to take the same into consideration, and report their opinion as to any amendment thereof, (in point of form only,) and at what time it will be proper to consider the subject thereof.

---

THURSDAY, February 22.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of William Alexander," was read the third time and passed.

A message from the House of Representatives informed the Senate that they agree to all the amendments of the Senate to the bill, entitled "An act appropriating a certain sum of money to defray the expense of holding a treaty with the Indians claiming lands in the State of Tennessee or North Carolina," with an amendment to their fifth amendment, in which they desire the concurrence of the Senate.

The Senate took into consideration the amendment in the bill last mentioned, and resolved that they do concur therein.

*Ordered*, That the consideration of the report of the committee to whom was referred the consideration of a deed of cession of the jurisdiction

of a certain territory, from the State of Connecticut, be the order of the day for Monday next.

Mr. LIVERMORE, from the committee to whom it was referred to report the proper measures to be adopted relative to the articles of impeachment against WILLIAM BLOUNT; and to whom was also referred the resolution relative to the impeachment of a Senator of the United States, reported in part; and the report was read, and ordered to lie for consideration.

---

FRIDAY, February 23.

Mr. ROSS, from the committee to whom it was referred to inquire whether any, and what, territory, lying to the southward and westward of the State of Georgia belongs to the United States; and to whom was also referred the petition and remonstrance of the Legislature of the State of Georgia, reported a bill; which was read and ordered to a second reading.

The Senate proceeded to consider the report of the committee appointed to consider the proper measures to be adopted relative to the articles of impeachment against WILLIAM BLOUNT; and to whom was also referred the resolution relative to the impeachment of a Senator of the United States; which report was read and amended, and ordered to be recommitted.

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

*Gentlemen of the Senate, and*

*Gentlemen of the House of Representatives:*

The enclosed memorial from the Commissioners appointed under an act of the United States, entitled "An act for establishing the temporary and permanent seat of the Government of the United States," representing the situation and circumstances of the city of Washington, I take this opportunity to present to both Houses of the Legislature, and recommend to their consideration. Alexander White, Esq., one of those Commissioners, is now in this city, and will be able to give to Congress, or any of their committees, any explanation or further information which the subject may require.

JOHN ADAMS.

UNITED STATES, *February* 23, 1798.

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

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act to provide for the widows and orphans of certain deceased officers, in which they desire the concurrence of the Senate.

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

Mr. TAZEWELL, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act granting the right of sending and receiving letters and packets by post, free of postage, to the Attorney General of the United States and the officer commanding the troops of the United States," reported that the bill pass without amendment.

*Ordered*, That the consideration thereof be postponed.

MONDAY, February 26.

The bill, sent from the House of Representatives for concurrence, entitled "An act to provide for the widows and orphans of certain deceased officers," was read the second time.

*Ordered*, That it be referred to Messrs. LIVERMORE, PAINE, and TRACY, to consider and report thereon to the Senate.

The bill for an amicable settlement of limits with Georgia, and authorizing the establishment of a Government in the Mississippi Territory, was read the second time.

*Ordered*, That the consideration of this bill be the order of the day for Wednesday next.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act granting the right of sending and receiving letters and packets by post, free of postage, to the Attorney General of the United States and the officer commanding the troops of the United States," and ordered that it pass to a third reading.

The Senate then went into the consideration of Executive business.

---

TUESDAY, February 27.

The bill, sent from the House of Representatives for concurrence, entitled "An act granting the right of sending and receiving letters and packets by post, free of postage, to the Attorney General of the United States and the officer commanding the troops of the United States," was read the third time; and, on the question of agreeing to its final passage, it was determined in the negative.

Mr. BROWN, from the committee appointed on the 3d instant to consider the petition of Stephen Monot and others, inhabitants of Galliopolis, reported the following resolution:

"*Resolved*, That the said petitioners, who, by unavoidable absence, or other cause, have been prevented from obtaining their proportion of the land appropriated for the relief of the inhabitants of Galliopolis, by act of Congress passed on the 3d March, 1795, be allowed each —— acres of land, to be laid out in the territory northwest of the river Ohio, adjoining to the lands described and set apart in the said act."

And the resolution was agreed to.

*Ordered*, That it be referred to the committee who made the report, with instructions to bring in a bill accordingly.

Mr. LIVERMORE, from the committee appointed to consider the proper measures to be adopted relative to the articles of impeachment againt William Blount; and to whom was also referred the resolution relative to the impeachment of a Senator of the United States, reported in part, and the report was read and amended; and, after debate, it was ordered that the further consideration thereof be postponed.

---

WEDNESDAY, February 28.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act to repeal the act, entitled 'An

act laying duties on stamped vellum, parchment, and paper;" and a bill entitled "An act for the erection of a light-house, and placing buoys at the several places therein mentioned;" in which they desire the concurrence of the Senate.

The bill for an amicable settlement of limits with Georgia, and authorizing the establishment of a Government in the Mississippi Territory, was read the second time; and, after debate, it was ordered that the further consideration thereof be postponed.

The bill last mentioned in the message of this day was read, and ordered to the second reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act to repeal the act, entitled 'An act laying duties on stamped vellum, parchment, and paper,'" was read; and, on the question to agree to the second reading of this bill, it passed in the negative.

---

THURSDAY, March 1.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the erection of a light-house, and placing buoys at the several places therein mentioned," was read the second time.

*Ordered*, That it be referred to the committee appointed on the 13th February last, to whom was referred the bill providing for the erection of a light-house on Eaton's Neck, in the State of New York, to consider and report thereon to the Senate.

The Senate resumed the consideration of the report of the committee appointed to prepare rules of proceeding in the case of the impeachment of WILLIAM BLOUNT; which, being amended, is as follows:

"The committee to whom was recommitted the report of the committee appointed to prepare rules of proceeding in the case of the impeachment against William Blount, report, in part, that a writ of summons issue, directed to the said William Blount, in the form following:

"*United States of America, ss.*

"The Senate of the United States of America to William Blount, late a Senator of the United States for the State of Tennessee, greeting: Whereas the House of Representatives of the United States of America did, on the 7th day of July last past, in their own name, and in the name of all the people of the United States, impeach you, the said William Blount, of high crimes and misdemeanors before the Senate of the United States: And whereas the said House of Representatives did, on the 7th day of February, of the present year, exhibit to the Senate, their articles of impeachment against you, the said William Blount, charging you with high crimes and misdemeanors, therein specially set forth, (a true copy of which articles of impeachment is annexed to this writ,) and did demand that you, the said William Blount, should be put to answer the said crimes and misdemeanors; and that such proceedings, examinations, trials, and judgments, might be thereupon had, as are agreeable to law and justice—You, the said William Blount, are therefore summoned to be and appear before the Senate of the United States of America, at their Chamber, in the city of Philadelphia, in the State of Pennsylvania, on the third Monday of December next, at the hour of eleven of that day, then and there to answer the said articles of impeachment, and then and there to abide by, obey, and perform, such orders and judgments as the Senate of the United States shall make in the premises, according to the Constitution and laws of the said United States. And hereof you are in nowise to fail. Witness, the Honorable Thomas Jefferson, Esq., Vice President of the United States of America, and President of the Senate thereof, at the city of Philadelphia, the first day of March, in the year of our Lord 1798, and of the independence of the United States the twenty-second."

"Which summons shall be signed by the Secretary of the Senate.

"That the said summons shall be served on the said William Blount by the Sergeant-at-Arms of this House, or a special messenger, who shall leave a true copy of the writ and the articles annexed with the said William Blount, if he can be found, showing him the original; or at the usual place of residence of the said William Blount, if he cannot be found. Which messenger shall make return of the writ of summons, and of his proceedings in virtue thereof, to the Senate, on the appearance-day therein mentioned.

"And that a message be sent to the House of Representatives, giving information that the Senate have directed the said writ to be issued, and of the day mentoned therein for the appearance of the said William Blount."

On motion to agree to the report of the committee, as amended, it was determined in the affirmative—yeas 22, nays 5, as follows:

YEAS—Messrs. Bingham, Brown, Chipman, Foster, Goodhue, Greene, Hillhouse, Hobart, Hunter, Langdon, Latimer, Livermore, Lloyd, Martin, Paine, Read, Ross, Sedgwick, Stockton, Tattnall, Tazewell, and Tracy.

NAYS—Messrs. Anderson, Bloodworth, Jackson, Marshall, and Mason.

So the report was adopted.

*Resolved*, That the Secretary of the Senate do issue the summons hereinbefore directed, and that service thereof be made sixty days at the least before the return day mentioned in the said writ of summons.

Mr. LIVERMORE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to provide for the widows and orphans of certain deceased officers," reported the bill without amendment.

The Senate resumed the second reading of the bill for an amicable settlement of limits with Georgia, and authorizing the establishment of a Government in the Mississippi Territory.

On motion, by Mr. TATTNALL, that the first clause of the third section of the bill, which now stands in these words:

"*Be it further enacted*, That all that tract of country bounded on the west by the Mississippi"—

Be amended to read as follows:

"*Be it further enacted*, That, as soon as the consent of the State of Georgia shall be obtained, by cession or otherwise, all that tract of country bounded on the west by the Mississippi"—

It passed in the negative—yeas 8, nays 20, as follows:

YEAS—Messrs. Anderson, Bloodworth, Gunn, Jackson, Langdon, Mason, Tattnall, and Tazewell.

NAYS—Messrs. Bingham, Brown, Chipman, Foster, Goodhue, Greene, Hillhouse, Hobart, Hunter, Latimer, Livermore, Lloyd, Marshall, Martin, Paine, Read, Ross, Sedgwick, Stockton, and Tracy.

---

FRIDAY, March 2.

The Senate resumed the consideration of the bill for an amicable settlement of limits with Georgia, and authorizing the establishment of a Government in the Mississippi Territory; and, having agreed to sundry amendments, it was ordered that this bill pass to the third reading.

The Senate proceeded to consider the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to provide for the widows and orphans of certain deceased officers; and, after debate, it was ordered that this bill pass to a third reading.

---

MONDAY, March 5.

Mr. GREENE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the erection of a light-house, and placing buoys at the several places therein mentioned," reported an amendment, which was read, and ordered to lie for consideration.

The bill for an amicable settlement of limits with Georgia, and authorizing the establishment of a Government in the Mississippi Territory, was read the third time; and, on the question to agree to the final passage of the bill, it was determined in the affirmative—yeas 20, nays 8, as follows:

YEAS—Messrs. Bingham, Bloodworth, Brown, Chipman, Clayton, Foster, Greene, Hobart, Hunter, Latimer, Laurance, Livermore, Lloyd, Marshall, Martin, Paine, Ross, Sedgwick, Tattnall, and Tracy.

NAYS—Messrs. Anderson, Goodhue, Gunn, Hillhouse, Jackson, Langdon, Mason, and Tazewell.

So it was *Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a Government in the Mississippi Territory."

The bill, sent from the House of Representatives for concurrence, entitled "An act to provide for the widows and orphans of certain deceased officers," was read the third time.

*Ordered*, That the question on the final passage of this bill be postponed until to-morrow.

The VICE PRESIDENT laid before the Senate a letter from the Secretary for the Department of Treasury, transmitting a statement of goods, wares, and merchandise, exported from the United States during one year, prior to the 1st of October, 1797, prepared in pursuance of the resolution of the Senate, passed on the 5th of February, 1796; and noting that the foreign goods, wares, and merchandise, included in this statement, are estimated at about twenty-seven millions of dollars; and the letter was read.

*Ordered*, That the letter, together with the return, be printed for the use of the Senate.

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

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

The first despatches from our Envoys Extraordinary, since their arrival at Paris, were received at the Secretary of State's office at a late hour the last evening. They are all in a character which will require some days to be deciphered, except the last, which is dated the 8th of January, 1798. The contents of this letter are of so much importance to be immediately made known to Congress and to the public, especially to the mercantile part of our fellow-citizens, that I have thought it my duty to communicate them to both Houses without loss of time.

JOHN ADAMS.

UEITED STATES, *March* 5, 1798.

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

---

TUESDAY, March 6.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act providing the means of intercourse between the United States and foreign nations;" in which they desire the concurrence of the Senate.

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

The Senate resumed the consideration of the bill, sent from the House of Representatives for concurrence, entitled "An act to provide for the widows and orphans of certain deceased officers."

On motion, by Mr. SEDGWICK, to expunge the words, "and of the militia," it was determined in the affirmative—yeas 16, nays 12, as follows:

YEAS—Messrs. Anderson, Bingham, Chipman, Clayton, Foster, Goodhue, Greene, Hillhouse, Hobart, Latimer, Livermore, Lloyd, Marshall, Paine, Sedgwick, and Tracy.

NAYS—Messrs. Bloodworth, Brown, Gunn, Hunter, Jackson, Langdon, Laurance, Martin, Mason, Ross, Tattnall, and Tazewell.

So it was *Resolved*, That this bill pass with an amendment.

Mr. Ross, from the committee to whom was referred the petitions of Benjamin Reed and others, inhabitants of Post Vincennes; also, the petition of J. Edgar and William Morrison, on behalf of the inhabitants of the Illinois, reported:

"That there being no correct statement of the measures taken in consequence of the resolutions and laws of Congress, confirming titles, and authorizing the grants of bounties, in lands, to certain settlers at Post Vincennes, and in the Illinois country, the committee have not been able to obtain sufficient information to guide them in reporting either for or against the petitions; but, in order that a fair and full explanation of these claims may be had, the committee recommend to the Senate the following resolution:

"*Resolved*, That the petition of sundry inhabitants of Post Vincennes, the petition of J. Edgar and William Morrison, on behalf of the inhabitants of the Illinois, and the petition of Benjamin Reed, be referred to the Governor of the Territory northwest of the river Ohio, who is hereby requested to report to the Senate, on the first Monday in December next, a correct and full statement of what has been done in pursuance of the resolves of Congress of the 20th June, and 29th August, 1788; and of the act of Congress of the 3d of March, 1791, 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,' and whether any of the ancient rights, settlements, or improvements, of the inhabitants, are included within the tracts allotted for satisfying bounties allowed to the old settlers."

The report, having been read, was adopted.

Mr. TRACY laid before the Senate the memorials of Joseph Ball and others, holders of bills of credit, emitted in pursuance of a resolution of Congress of the 18th of March, 1780, praying that the subject may be taken into consideration; which memorials were read.

*Ordered*, That they severally lie on the table.

The Senate resumed the consideration of the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the erection of a light-house, and placing buoys at the several places therein mentioned," and agreed to amend the bill accordingly; and, the bill being further amended, it was agreed, by unanimous consent, that the bill be now read the third time.

*Resolved*, That this bill pass with amendments.

A motion was made, by Mr. MASON, that it be

"*Resolved*, That a committee be appointed to consider and report upon the expediency of erecting a light-house upon Old Point Comfort, in Virginia, and of erecting a beacon on Tybee island, in the State of Georgia, and fixing buoys at the mouth of Savannah river; and that they be authorized to report by bill or otherwise."

*Ordered*, That this motion lie for consideration.

On motion, it was agreed that the committee to whom was referred the bill providing for the erection of a light-house on Eaton's Neck, in the State of New York, be discharged.

---

WEDNESDAY, March 7.

The bill, sent from the House of Representatives for concurrence, entitled "An act providing the means of intercourse between the United States and foreign nations," was read a second time.

*Ordered*, That it be referred to the committee, appointed the 16th of February, to consider the bill entitled "An act making appropriations for the support of Government for the year one thousand seven hundred and ninety-eight, and for other purposes," to report thereon to the Senate.

Mr. BROWN, from the committee to whom was referred the petition of sundry inhabitants of Galliopolis, reported a bill to authorize a grant of lands to Stephen Monot and others, inhabitants of Galliopolis, therein named; which was read, and ordered to a second reading.

The Senate resumed the consideration of the report of the committee to whom was referred a deed of cession of the jurisdiction of certain territory from the State of Connecticut; and, after debate,

*Ordered*, That the further consideration thereof be postponed.

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 to provide for the widows and orphans of certain deceased officers." They have passed a bill entitled "An act to amend the act entitled 'An act laying duties on stamped vellum, parchment, and paper," in which they desire the concurrence of the Senate.

The bill last mentioned was read, and ordered to a second reading.

The Senate proceeded to consider the resolution of the House of Representatives, disagreeing to the amendment of the Senate to the bill entitled "An act to provide for the widows and orphans of certain deceased officers."

A motion was made, by Mr. BLOODWORTH, that the Senate recede from their amendment to the bill; and, after debate, it was agreed that the further consideration thereof be postponed.

---

THURSDAY, March 8.

The bill, sent from the House of Representatives for concurrence, entitled "An act laying duties on stamped vellum, parchment, and paper," was read a second time, and referred to Messrs. BINGHAM, GOODHUE, and MARTIN, to consider and report thereon to the Senate.

On motion, by Mr. READ,

*Ordered*, That the committee appointed the 26th December last, to revise the Judiciary system of the United States, be instructed to report by bill.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act to continue in force, for a limited time, an act entitled 'An act declaring the consent of Congress to an act of the State of Maryland, passed the twenty-eighth day of December, one thousand seven hundred and ninety-three, for the appointment of a health officer;'" in which they desire the concurrence of the Senate.

The Senate resumed the consideration of the motion made yesterday to recede from their amendment disagreed to by the House of Representatives to the bill entitled "An act to provide for the widows and orphans of certain deceased officers."

On motion, by Mr. PAINE, that the consideration thereof be postponed until the second Monday in December next, it passed in the negative—yeas 14, nays 15, as follows:

YEAS—Messrs. Chipman, Clayton, Foster, Goodhue, Greene, Hillhouse, Langdon, Latimer, Livermore, Lloyd, Marshall, Paine, Sedgwick, and Tracy.

NAYS—Messrs. Anderson, Bingham, Bloodworth,

Brown, Gunn, Hobart, Hunter, Jackson, Laurance, Martin, Mason, Read, Ross, Tattnall, and Tazewell.

On the question to agree to the original motion, it was determined in the affirmative—yeas 16, nays 13, as follows:

YEAS—Messrs. Anderson, Bingham, Bloodworth, Brown, Gunn, Hobart, Hunter, Jackson, Langdon, Laurance, Martin, Mason, Read, Ross, Tattnall, and Tazewell.

NAYS—Messrs. Chipman, Clayton, Foster, Goodhue, Greene, Hillhouse, Latimer, Livermore, Lloyd, Marshall, Paine, Sedgwick, and Tracy.

So it was *Resolved*, That the Senate recede from the amendment disagreed to by the House of Representatives to this bill.

On motion, by Mr. MASON,

*Resolved*, That the Secretary of the Treasury be requested to report to the Senate as to the necessity of erecting a light-house on Old Point Comfort, in Virginia, and establishing a beacon on Tybee Island, in the State of Georgia, and fixing buoys at the mouth of Savannah river; with an estimate of the expense respectively attending the same.

Mr. Ross, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government, for the year one thousand seven hundred and ninety-eight, and for other purposes," reported that the bill pass without amendment.

The bill, last sent up from the House of Representatives, was read, and ordered to a second reading.

The bill to authorize a grant of lands to Stephen Monot and others, inhabitants of Galliopolis, therein named, was read a second time; and, after debate, on motion, it was agreed that the further consideration thereof be postponed.

A message from the House of Representatives informed the Senate that the House agree to some, and disagree to other, amendments of the Senate to the bill entitled "An act for the relief of the refugees from the British provinces of Canada and Nova Scotia."

---

FRIDAY, March 9.

The Senate proceeded to consider the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government, for the year one thousand seven hundred and ninety-eight, and for other purposes;" and, the report being adopted,

*Ordered*, That this bill pass to a third reading.

Mr. Ross, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act providing the means of intercourse between the United States and foreign nations," reported the bill without amendment; and it was agreed that the consideration thereof be postponed.

The Senate proceeded to consider the resolution of the House of Representatives, agreeing to some, and disagreeing to other, amendments of the Senate to the bill entitled "An act for the relief of the refugees from the British provinces of Canada and Nova Scotia."

*Resolved*, That the Senate do insist on their amendments, disagreed to by the House of Representatives, to the bill above mentioned.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act limiting the time within which claims against the United States, for credits on the books of the Treasury, may be presented for allowance;" a bill, entitled "An act declaring the consent of Congress to an act of the Commonwealth of Massachusetts;" and a bill, entitled "An act for the relief of Sylvanus Crowell;" in which they desire the concurrence of the Senate.

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

The bill, sent from the House of Representatives for concurrence, entitled "An act to continue in force, for a limited time, an act, entitled 'An act declaring the consent of Congress to an act of the State of Maryland, passed 28th day of December, one thousand seven hundred and ninety-three, for the appointment of a health officer," was read the second time.

*Ordered*, That the further consideration thereof be postponed.

---

MONDAY, March 12.

The bill, sent from the House of Representatives for concurrence, entitled "An act declaring the consent of Congress to an act of the Commonwealth of Massachusetts," was read the second time, and referred to Messrs. GOODHUE, TRACY, and BLOODWORTH, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Sylvanus Crowell," was read the second time, and referred to Messrs. GREENE, GOODHUE, and TRACY, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act limiting the time within which claims against the United States, for credits on the books of the Treasury, may be presented for allowance," was read the second time, and referred to Messrs. BINGHAM, TRACY, and SEDGWICK, to consider and report thereon to the Senate.

The Senate proceeded to consider the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act providing the means of intercourse between the United States and foreign nations;" which was adopted.

*Ordered*, That this bill pass to a third reading.

The bill, entitled "An act making appropriations for the support of Government, for the year one thousand seven hundred and ninety-eight, and for other purposes," was read the third time.

On motion, by Mr. ANDERSON, that the following clause be struck out from the bill, to wit:

"For the expense incurred by the committee of the

House of Representatives on the impeachment of William Blount, for the compensation of the members, and for incidental charges, as estimated by the chairman of the committee, two thousand six hundred and twenty-six dollars."

It was determined in the negative—yeas 7, nays 18, as follows:

YEAS—Messrs. Anderson, Bloodworth, Brown, Hillhouse, Jackson, Marshall, and Tracy.

NAYS—Messrs. Bingham, Chipman, Foster, Goodhue, Greene, Hobart, Hunter, Langdon, Laurance, Livermore, Lloyd, Martin, Paine, Read, Ross, Sedgwick, Stockton, and Tazewell.

---

TUESDAY, March 13.

Mr. BINGHAM, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to amend the act, entitled 'An act laying duties on stamped vellum, parchment, and paper,'" reported an amendment; which was read and disagreed to.

And, after agreeing to an amendment, the bill was ordered to the third reading.

A message from the House of Representatives informed the Senate that the House insist on their disagreement to sundry amendments of the Senate to the bill, entitled "An act for the relief of the refugees from the British provinces of Canada and Nova Scotia," desire a conference on the subject matter thereof, and have appointed managers at the same on their part.

The Senate proceeded to consider the resolution of the House of Representatives, asking a conference on the amendments to the bill last mentioned; and,

*Resolved*, That they do agree to the proposed conference, and that Messrs. SEDGWICK and TRACY be managers at the same, on the part of the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act providing the means of intercourse between the United States and foreign nations," was read the third time.

On motion, by Mr. TAZEWELL, to expunge the third section of the bill, as follows:

"*And be it further enacted*, That, for defraying the expenses of intercourse between the United States and foreign nations, during the year one thousand seven hundred and ninety-eight, there be further appropriated, in addition to the aforesaid sum of forty thousand dollars, and out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of twenty-eight thousand six hundred and fifty dollars."

It was determined in the negative—yeas 5, nays 22, as follows:

YEAS—Messrs. Anderson, Brown, Jackson, Langdon, and Tazewell.

NAYS—Messrs. Bingham, Bloodworth, Chipman, Foster, Goodhue, Greene, Hillhouse, Hobart, Hunter, Latimer, Laurance, Livermore, Lloyd, Marshall, Martin, Paine, Read, Ross, Sedgwick, Stockton, Tattnall, and Tracy.

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

The Senate resumed the second reading of the bill to authorize a grant of lands to Stephen Monot and others, inhabitants of Galliopolis, therein named.

*Ordered*, That this bill pass to a third reading.

---

WEDNESDAY, March 14.

Mr. GREENE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Sylvanus Crowell," reported the bill without amendment, and it was ordered to the third reading.

*Ordered*, That the memorials of Joseph Ball and others, holders of bills of credit emitted in pursuance of a resolution of Congress of the 18th of March, 1780, be referred to Messrs. TRACY, GREENE, and ROSS, to consider and report thereon to the Senate.

Mr. GOODHUE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act declaring the consent of Congress to an act of the Commonwealth of Massachusetts," reported the bill without amendment.

*Ordered*, That this bill pass to a third reading.

Mr. MARSHALL laid before the Senate the memorial of Margaret Lapsley, praying the renewal of lost certificates therein mentioned; and the petition was read, and referred to Messrs MARSHALL, TRACY, and ANDERSON, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act to amend the act, entitled 'An act laying duties on stamped vellum, parchment, and paper,'" was read the third time.

*Resolved*, That this bill pass with an amendment.

The bill to authorize a grant of lands to Stephen Monot and others, inhabitants of Galliopolis, therein named, was read the third time.

On the final passage of the bill, it was determined in the affirmative—yeas 17, nays 9, as follows:

YEAS—Messrs. Anderson, Bingham, Bloodworth, Brown, Chipman, Foster, Hunter, Jackson, Langdon, Laurance, Livermore, Marshall, Martin, Read, Sedgwick, Tattnall, and Tazewell.

NAYS—Messrs. Greene, Hillhouse, Hobart, Latimer, Lloyd, Paine, Ross, Stockton, and Tracy.

So it was *Resolved*, That this bill pass, that it be engrossed, and that the title thereof be, "An act to authorize a grant of lands to Stephen Monot and others, inhabitants of Galliopolis, therein named."

The Senate then went into the consideration of Executive business.

---

THURSDAY, March 15.

The bill, sent from the House of Representatives for concurrence, entitled "An act declaring

the consent of Congress to an act of the Commonwealth of Massachusetts," was read the third time.

*Ordered*, That the further consideration thereof be postponed until Monday next.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Sylvanus Crowell," was read the third time, and passed.

Mr. TRACY, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of the legal representatives of Thomas Clark, deceased," reported the bill without amendment; and, after debate,

*Ordered*, That the further consideration thereof be postponed.

---

FRIDAY, March 16.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of the legal representatives of Thomas Clark, deceased;" and, after debate,

*Ordered*, That this bill pass to a third reading.

---

MONDAY, March 19.

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

*Gentlemen of the Senate, and*

*Gentlemen of the House of Representatives:*

The despatches from the Envoys Extraordinary of the United States to the French Republic, which were mentioned in my Message to both Houses of Congress, of the fifth instant, have been examined and maturely considered.

While I feel a satisfaction in informing you that their exertions, for the adjustment of the differences between the two nations, have been sincere and unremitted, it is incumbent on me to declare, that I perceive no ground of expectation that the objects of their mission can be accomplished, on terms compatible with the safety, the honor, or the essential interests of the nation.

This result cannot, with justice, be attributed to any want of moderation on the part of this Government, or to any indisposition to forego secondary interests, for the preservation of peace. Knowing it to be my duty, and believing it to be your wish, as well as that of the great body of the people, to avoid, by all reasonable concessions, any participation in the contentions of Europe, the powers vested in our Envoys were commensurate with a liberal and pacific policy, and that high confidence which might justly be reposed in the abilities, patriotism, and integrity, of the characters to whom the negotiation was committed. After a careful review of the whole subject, with the aid of all the information I have received, I can discern nothing which could have insured or contributed to success, that has been omitted on my part, and nothing further which can be attempted, consistently with maxims for which our country has contended at every hazard, and which constitute the basis of our national sovereignty.

Under these circumstances, I cannot forbear to reiterate the recommendations which have been formerly made, and to exhort you to adopt, with promptitude, decision, and unanimity, such measures as the ample resources of the country afford, for the protection of our seafaring and commercial citizens; for the defence of any exposed portions of our territory; for replenishing our arsenals, establishing foundries and military manufactures; and to provide such efficient revenue, as will be necessary to defray extraordinary expenses, and supply the deficiencies which may be occasioned by depredations on our commerce.

The present state of things is so essentially different from that in which instructions were given to the collectors to restrain vessels of the United States from sailing in an armed condition, that the principle on which those orders were issued has ceased to exist. I therefore deem it proper to inform Congress, that I no longer conceive myself justifiable in continuing them, unless in particular cases, where there may be reasonable ground of suspicion that such vessels are intended to be employed contrary to law.

In all your proceedings, it will be important to manifest a zeal, a vigor, and concert, in defence of the national rights, proportioned to the danger with which they are threatened.

JOHN ADAMS.

UNITED STATES, *March* 19, 1798.

The Message was read, and referred to the committee appointed on the 29th November last, who have under consideration that part of the Speech of the President of the United States, at the commencement of the session, which relates to the protection of commerce, to consider and report thereon to the Senate.

Mr. TRACY, from the committee to whom was referred the petition of Jonathan Davenport, an invalid pensioner, made report, and the report was read.

*Ordered*, That it lie for consideration.

Mr. MARSHALL, from the committee to whom was referred the petition of Margaret Lapsley, reported a state of facts, and that it be

*Resolved*, That a bill be brought in for the relief of the legal representative of Samuel Lapsley, deceased,

Which report was adopted; and,

*Ordered*, That it be recommitted, with an instruction to the committee to bring in a bill accordingly.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for an additional appropriation to provide and support a Naval Armament," in which they desire the concurrence of the Senate.

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

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of the legal representatives of Thomas Clark, deceased," was read the third time.

On the final passage of this bill, it was determined in the negative—yeas 10, nays 14, as follows:

YEAS—Messrs. Anderson, Bloodworth, Greene, Hunter, Jackson, Langdon, Martin, Read, Tattnall, and Tazewell.

NAYS—Messrs. Bingham, Chipman, Clayton, Foster, Goodhue, Hillhouse, Laurance, Livermore, Marshall, Paine, Ross, Sedgwick, Stockton, and Tracy.

So it was *Resolved*, That this bill do not pass.

Mr. MARSHALL, from the committee appointed for the purpose, reported a bill for the relief of the legal representative of Samuel Lapsley, deceased, which was read, and ordered to the second reading.

Mr. READ, from the committee appointed to revise the Judiciary system of the United States, reported a bill on that subject, which was read, and ordered to the second reading.

TUESDAY, March 20.

Mr. GOODHUE, from the committee appointed 29th November last, on that part of the Speech of the President of the United States which respects the protection of commerce, and to whom was also referred the Message of the President of the United States of the 19th instant, reported so far as to bring in a bill to enable the President of the United States to purchase or lease one or more foundries; which bill was read, and ordered to the second reading.

A motion was made, by Mr. ANDERSON, as follows:

*Resolved*, That the President of the United States be requested to lay before the Senate the instructions given to the American Commissioners at Paris; and, also, all communications which he hath received from them relative to the object of their mission.

It was agreed, that this motion lie until to-morrow for consideration.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making an appropriation for completing the buildings requisite for the accommodation of the Government of the United States at the city of Washington," in which they desire the concurrence of the Senate.

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

The bill, sent from the House of Representatives for concurrence, entitled "An act for an additional appropriation to provide and support a Naval Armament," was read the second time, and ordered to the third reading.

The bill for the relief of the legal representative of Samuel Lapsley, deceased, was read the second time; and, after debate,

*Ordered*, That the further consideration thereof be postponed.

The Senate resumed the third reading of the bill, sent from the House of Representatives for concurrence, entitled "An act declaring the consent of Congress to an act of the Commonwealth of Massachusetts."

On the final passage of this bill, it was determined in the affirmative—yeas 15, nays 9, as follows:

YEAS—Messrs. Bingham, Bloodworth, Chipman, Clayton, Foster, Goodhue, Greene, Hillhouse, Hunter, Laurance, Lloyd, Martin, Stockton, Tattnall, and Tracy.

NAYS—Messrs. Anderson, Jackson, Langdon, Livermore, Marshall, Paine, Read, Sedgwick, and Tazewell.

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

Mr. LAURANCE notified the Senate that he should, to-morrow, ask leave to bring in a bill supplementary to the act, entitled "An act to establish the Judicial Courts of the United States."

WEDNESDAY, March 21.

Mr. GOODHUE presented the petition of William Gray, junior, and others, merchants of Salem, in the Commonwealth of Massachusetts, stating, that they are subject to an unequal payment of the duties on certain merchandise imported from India, arising from the construction of the revenue laws by the Collector for the district of Salem and Beverly; and praying Congress to take their case into consideration; and the petition was read.

*Ordered*, That it be referred to the Secretary for the Department of Treasury, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to continue in force the act, entitled 'An act prohibiting for a limited time the exportation of arms and ammunition, and for encouraging the importation thereof;" in which they desire the concurrence of the Senate.

The bill to enable the President of the United States to purchase or lease one or more foundries, was read the second time, and ordered to the third reading.

The VICE PRESIDENT laid before the Senate a letter from the Secretary for the Department of Treasury, with the abstract required by the fourth section of the act, entitled "An act relative to the compensations of certain officers employed in the collection of the duties of impost and tonnage," passed February 14, 1795.

The letter was read, and ordered to lie on file.

The bill, sent from the House of Representatives for concurrence, entitled "An act making an appropriation for completing the buildings requisite for the accommodation of the Government of the United States, at the city of Washington," was read the second time, and referred to Messrs. LLOYD, TAZEWELL, SEDGWICK, STOCKTON, and GOODHUE, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act for an additional appropriation to provide and support a Naval Armament," was read the third time and passed.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act to continue in force for a limited time an act, entitled 'An act declaring the consent of Congress to an act of the State of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, for the appointment of a health officer," and having agreed to an amendment,

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

The bill last brought from the House of Representatives for concurrence was read, and ordered to the second reading.

Conformable to notice given yesterday, Mr. LAURANCE obtained leave to bring in a bill supplementary to the act, entitled "An act to establish the Judicial Courts of the United States;" which was read, and ordered to the second reading.

The VICE PRESIDENT laid before the Senate a letter from Samuel Meredith, Treasurer of the United States, with his account of receipts and expenditures in the Treasury Department, for the quarter ending the 30th of December last; which were read.

*Ordered*, That they lie on the table.

THURSDAY, March 22.

The bill, sent from the House of Representatives for concurrence, entitled "An act to continue in force the act, entitled 'An act prohibiting for a limited time the exportation of arms and ammunition, and for encouraging the importation thereof," was read the second time, and referred to Messrs. SEDGWICK, PAINE, and TAZEWELL, to consider and report thereon to the Senate.

The bill supplementary to the act, entitled "An act to establish the Judicial Courts of the United States was read the second time, and referred to Messrs. LAURANCE, STOCKTON, and ROSS, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act to continue in force for a limited time an act, entitled 'An act declaring the consent of Congress to an act of the State of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, for the appointment of a health officer," was read the third time; and the title thereof having been amended,

*Resolved*, That this bill pass with amendments.

The Senate resumed the second reading of the bill for the relief of the legal representative of Samuel Lapsley, deceased; and, having agreed to an 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 alter the time for making entry of stills, and for other purposes;" a bill, entitled "An act to revive and continue in force the act respecting the compensation of clerks, and for other purposes;" a bill, entitled "An act to continue in force for a limited time a part of an act, entitled 'An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas;" and a bill, entitled "An act to continue in force the fifth section of an act, entitled 'An act in addition to the act, entitled 'An act to establish the Post Office and post roads within the United States;" in which they desire the concurrence of the Senate.

The bills were read, and ordered that they severally pass to the second reading.

The bill to enable the President of the United States to purchase or lease one or more foundries was read the third time; and, being amended, on the final passage of this bill, it was determined in the affirmative—yeas 24, nays 3, as follows:

YEAS—Messrs. Bingham, Bloodworth, Brown, Chipman, Clayton, Foster, Goodhue, Greene, Hillhouse, Hobart, Hunter, Langdon, Latimer, Laurance, Lloyd, Marshall, Martin, Paine, Read, Ross, Sedgwick, Stockton, Tattnall, and Tracy.

NAYS—Messrs. Anderson, Jackson, and Tazewell.

So it was *Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An act to enable the President of the United States to purchase or take on lease one or more foundries."

The Senate proceeded to consider the report of the committee to whom was referred the petition of Jonathan Davenport, an invalid, "that the prayer of the petitioner is not reasonable;" and the report was agreed to.

*Ordered*, That the petitioner have leave to withdraw his petition.

FRIDAY, March 23.

The bill, sent from the House of Representatives for concurrence, entitled "An act to revive and continue in force the act respecting the compensation of clerks, and for other purposes," was read the second time, and referred to Messrs. BLOODWORTH, BINGHAM, and TRACY, to consider and report thereon to the Senate.

Mr. SEDGWICK, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to continue in force the act, entitled 'An act prohibiting for a limited time the exportation of arms and ammunition, and for encouraging the importation thereof," reported an amendment; which was adopted, and the bill was ordered to the third reading, as amended.

The bill, sent from the House of Representatives for concurrence, entitled "An act to continue in force the fifth section of an act, entitled 'An act in addition to the act, entitled 'An act to establish the Post Office and post roads within the United States," was read the second time, and ordered to the third reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act to continue in force for a limited time a part of an act, entitled 'An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas," was read the second time, and referred to Messrs. PAINE, MARSHALL, and ROSS, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act to alter the time of making entry of stills, and for other purposes," was read the second time, and referred to the committee last named, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that they have passed a bill,

entitled "An act making an appropriation for the payment of a balance found due to the legal representatives of William Carmichael, deceased," in which they desire the concurrence of the Senate.

The bill was read and ordered to the second reading.

The bill for the relief of the legal representative of Samuel Lapsley, deceased, was read the third time and passed.

Mr. GOODHUE, from the committee appointed on the 29th of November last, on that part of the Speech of the President of the United States which respects the protection of commerce; and to whom was also referred the Message of the President of the United States of the 19th instant, reported, so far as to bring in a bill to provide an additional armament for the further protection of the trade of the United States, and for other purposes; which bill was read, and ordered to the second reading.

Mr. TRACY, from the committee to whom was recommitted the petition of Joseph Nourse, Register of the Treasury, made report, which was read, amended, and adopted, as follows:

That the petitioner asks an increase of compensation and an allowance for expenses he has been obliged to incur, in the years 1793 and 1797, by removing out of Philadelphia when it was visited with the epidemic fever.

The committee find Mr. Nourse has served the United States many years, with faithfulness and ability, and, on the score of merit, claims every attention from Government which justice and policy can dictate.

They further find, that, on the 11th September, 1789, the officers in the Treasury Department were by law placed on the following establishment, viz:

| | |
|---|---|
| Secretary of the Treasury | $3,500 per ann. |
| Comptroller | 2,000 do. |
| Treasurer | 2,000 do. |
| Auditor | 1,500 do. |
| Register | 1,250 do. |

On the 8th of May, 1792, an additional compensation was made to certain of those officers, as follows, viz:

| | |
|---|---|
| Comptroller | $400 per ann. |
| Auditor | 400 do. |
| Treasurer | 400 do. |
| Register | 500 do. |

And, on the 2d of March, 1793, the following additions, viz:

| | |
|---|---|
| Comptroller | $250 per ann. |
| Auditor | 500 do. |
| Register | 250 do. |

Which establishes the salaries now received by the officers in the Treasury Department, as follows, viz:

| | |
|---|---|
| Secretary of the Treasury | $3,500 per ann. |
| Comptroller | 2,650 do. |
| Auditor | 2,400 do. |
| Treasurer | 2,400 do. |
| Register | 2,000 do. |

The committee are of opinion that the salaries of these and many other officers of the United States are small, when considered in reference to their services and necessary expenditures; but, as their commission will not authorize them to report on the subject of salaries generally, they are of opinion Mr. Nourse's compensation, when compared with that of other officers in the Treasury Department, is as high as relative justice will permit; especially when compared with the salary of the Secretary of the Treasury, which has not been increased since its first establishment in 1789.

The committee further find, that additional duties have been imposed on this petitioner, and likewise on all the other officers in the Treasury Department; but they are not convinced that the additional duties imposed on the Register, when compared with those imposed on other officers, are such as in equity to entitle the petitioner to a separate increase of compensation. They are, therefore, of opinion that the first request in the petition, to wit, that for an increase of salary, ought not to be granted.

On the second request, to wit, that for his expenses in removing from Philadelphia to avoid the epidemic fever, the committee find Mr. Nourse was obliged to incur considerable expense in removing his family from this city in 1793 and 1797, to avoid the fever, which at those periods was prevalent, and that he attended to the duties of his office under disadvantages and extra expense. This part of the petitioner's request the committee are of opinion is reasonable, and therefore present for the consideration of the Senate the following resolution, to wit:

*Resolved*, That a committee be appointed to bring in a bill, allowing Joseph Nourse, Register of the Treasury, the sum of —— dollars, out of any unappropriated money in the Treasury, to indemnify him for the extra expense he incurred in removing his family from Philadelphia in the years 1793 and 1797, to avoid the epidemic fever, and the extra expense incurred by him in attending to the business of his office during the same period.

*Ordered*, That the report be recommitted, with instructions to the committee to bring in a bill accordingly.

---

MONDAY, March 26.

The VICE PRESIDENT laid before the Senate a letter, with a return from Charles Burrall, Assistant Postmaster General, conformable to "An act in addition to the act, entitled 'An act to establish the Post Office and post roads within the United States;" which were read.

*Ordered*, That they lie for consideration.

Mr. PAINE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to continue in force, for a limited time, a part of an act, entitled 'An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas,'" reported the bill without amendment.

*Ordered*, That this bill pass to a third reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act making an appropriation for the payment of a balance found due to the legal representatives of William Carmichael, deceased," was read the second time, and referred to Messrs. TRACY, LANGDON, and BLOODWORTH, to consider and report thereon to the Senate.

The bill to provide an additional armament for the further protection of the trade of the United States, and for other purposes, was read the second time.

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

The bill, sent from the House of Representatives for concurrence, entitled "An act to continue in force the fifth section of an act, entitled 'An act in addition to the act, entitled 'An act to establish the Post Office and post roads within the United States,'" was read the third time and passed.

The bill, sent from the House of Representatives for concurrence, entitled "An act to continue in force the act entitled 'An act prohibiting, for a limited time, the exportation of arms and ammunition, and for encouraging the importation thereof,'" was read the third time.

*Resolved*, That this bill pass with amendments.

The bill to alter and amend the act entitled "An act to establish the Judicial Courts of the United States," was read the second time; and, after debate,

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

A motion was made, by Mr. MARSHALL, that the Senate enter into the following resolutions:

"*Resolved*, That it is expedient to lay an embargo, for a limited time, on all ships and vessels owned wholly or in part by citizens of the United States, other than ships or vessels employed solely in the fisheries or coasting trade; and that these be regulated in their respective voyages consistent with their safety and a state of neutrality.

"*Resolved*, That it is expedient to complete the fortifications of the ports and harbors of the United States, and effectually to garrison the same.

"*Resolved*, That it is expedient to raise a provisional army, to be employed, when necessary, for internal security and defence.

"*Resolved*, That it is expedient to provide for supplying any deficiency existing or arising in the arms and military stores of the United States; and

"*Resolved*, That the foregoing resolutions be referred to the committee to whom was referred the President's Message of the 19th instant, as instructions to the said committee to prepare and report bills corresponding with the said resolutions, and in the same order in which they stand."

The resolutions were read, and ordered to lie for consideration.

---

TUESDAY, March 27.

The Senate proceeded to consider the motion made yesterday, by Mr. MARSHALL, that sundry resolutions be adopted, relative to an embargo and other subjects therein mentioned; and

On the question to agree to the first resolution, viz:

"*Resolved*, That it is expedient to lay an embargo, for a limited time, on all ships and vessels owned wholly or in part by citizens of the United States, other than ships and vessels employed solely in the fisheries or coasting trade; and that these be regulated in their respective voyages consistent with their safety and a state of neutrality;"

It passed in the negative—yeas 5, nays 22, as follows:

YEAS—Messrs. Anderson, Bloodworth, Jackson, Marshall, and Tazewell.

NAYS—Messrs. Bingham, Brown, Chipman, Clayton, Foster, Goodhue, Greene, Hillhouse, Hobart, Hunter, Langdon, Latimer, Laurance, Lloyd, Martin, Paine, Read, Ross, Sedgwick, Stockton, Tattnall, and Tracy.

The other resolutions contained in the motion were postponed.

A message from the House of Representatives informed the Senate that the House have passed a bill, sent from the Senate for concurrence, entitled "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi territory," with amendments; in which they desire the concurrence of the Senate.

---

WEDNESDAY, March 28.

Mr. LAURANCE, from the committee to whom was referred the bill supplementary to an act entitled "An act to establish the Judicial Courts of the United States," reported an amendment; which was read and ordered to lie for consideration.

The Senate resumed the second reading of the bill to provide an additional armament for the further protection of the trade of the United States, and for other purposes; and, after progress,

*Ordered*, That the further consideration thereof be postponed.

Mr. SEDGWICK reported from the managers at the conference on the bill entitled "An act for the relief of the refugees from the British provinces of Canada and Nova Scotia;" and the report was read, and ordered to lie for consideration.

Mr. LLOYD, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act making an appropriation for completing the buildings requisite for the accommodation of the Government of the United States, at the city of Washington," reported the bill without amendment.

*Ordered*, That it lie for consideration.

---

THURSDAY, March 29.

The Senate proceeded to consider the report of the managers appointed to confer on the amendments to the bill entitled "An act for the relief of the refugees from the British provinces of Canada and Nova Scotia;" which report was adopted. Whereupon,

*Resolved*, That the Senate do adhere to their ninth, tenth, and eleventh amendments to the said bill.

*Resolved*, That they do recede from their twelfth amendment, so far as respects striking out the words agreed by the report to be struck out, and insist on so much of their twelfth amendment as contains the first proviso to the eighth section, to wit: "Provided, That, in considering what compensation ought to be made by virtue of this act, all grants which may have been made by

the United States or individual States, shall be considered either in whole or in part, as the case may be, a satisfaction to those who may have received the same."

Mr. BLOODWORTH, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to revive and continue in force the act respecting the compensation of clerks, and for other purposes," reported amendments, which were read.

*Ordered*, That the report lie for consideration.

The Senate proceeded to consider the amendments of the House of Representatives to the bill entitled "An act for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a government in the Mississippi territory;" and,

*Resolved*, That they concur in the amendments.

The Senate resumed the second reading of the bill to provide an additional armament for the further protection of the trade of the United States, and for other purposes; and, after progress, the Senate adjourned.

---

FRIDAY, March 30.

The Senate resumed the second reading of the bill to provide an additional armament for the further protection of the trade of the United States, and for other purposes.

On motion, by Mr. TAZEWELL, to amend the sixth section, which now stands—

"*And be it further enacted*, That all commissioned armed vessels of the United States, sailing as convoys, shall be governed in their conduct towards foreign armed ships, by the provisions and stipulations of treaties respectively subsisting with such foreign nations, and where none such exist, by the principles of the general law of nations:"

By adding these words, "as applicable to a state of neutrality."

It was determined in the negative—yeas 10, nays 16, as follows:

YEAS—Messrs. Anderson, Bloodworth, Brown, Hunter, Jackson, Langdon, Marshall, Martin, Tattnall, and Tazewell.

NAYS—Messrs. Bingham, Chipman, Clayton, Foster, Goodhue, Greene, Hillhouse, Hobart, Latimer, Laurance, Livermore, Paine, Read, Ross, Sedgwick, and Tracy.

And the bill having been amended, it was ordered to a third reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act to continue in force, for a limited time, a part of an act entitled 'An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas," was read a third time.

*Resolved*, That this bill pass.

A message from the House of Representatives informed the Senate that the House recede from their disagreement to the ninth, tenth, and eleventh amendments, adhered to by the Senate, to the bill entitled "An act for the relief of the refugees from the British provinces of Canada and Nova Scotia;" and also recede from their disagreement to the twelfth amendment to the said bill, so far as to agree to the first proviso to the ninth section, amended as follows: "Provided, That, in considering what compensation ought to be made by virtue of this act, all grants, except military grants, which may have been made by the United States or individual States, shall be considered at the just value thereof, at the time the same were made respectively, either in whole or in part, as the case may be, a satisfaction to those who may have received the same."

The Senate proceeded to consider the resolutions of the House of Representatives, receding from their disagreement to sundry amendments to the bill, entitled "An act for the relief of the refugees from the British provinces of Canada and Nova Scotia." Whereupon,

*Resolved*, That the Senate recede from their twelfth amendment to the said bill, so far as to agree to the first proviso in the ninth section, amended agreeably to the report of the conferees thereon.

The Senate proceeded to consider the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to revive and continue in force the act respecting the compensation of clerks, and for other purpores;" and the report being agreed to, and the bill amended accordingly,

*Ordered*, That it pass to a third reading as amended.

---

MONDAY, April 2.

The Senate proceeded to consider the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act making an appropriation for completing the buildings requisite for the accommodation of the Government of the United States at the city of Washington."

*Ordered*, That the consideration thereof be postponed until Wednesday next.

The Senate took into consideration the report of the committee to whom was referred the bill, supplementary to the act entitled "An act to establish the Judicial Courts of the United States;" and, after debate,

*Ordered*, That the further consideration thereof be postponed.

The bill to provide an additional armament for the further protection of the trade of the United States, and for other purposes, was taken into consideration.

*Ordered*, That the third reading of this bill be postponed.

The bill, sent from the House of Representatives for concurrence, entitled "An act to revive and continue in force the act respecting the compensation of clerks, and for other purposes," was read a third time.

*Resolved*, That this bill pass with amendments.

On motion, by Mr. BINGHAM,

"That a committee be appointed to take into consid-

eration the propriety of instituting a separate Executive department, for the purpose of superintending and regulating the various objects connected with the Naval Establishment of the United States;"

It was agreed that this motion lie for consideration.

---

TUESDAY, April 3.

The Senate took into consideration the motion made on the 20th March, that the President of the United States be requested to lay before the Senate the instructions given to the American Commissioners at Paris; and, after debate, it was agreed that the further consideration thereof be postponed.

The Senate took into consideration the motion made yesterday, that a committee be appointed relative to the propriety of instituting a separate Executive department, in respect to the Naval Establishment; and the motion being amended, was adopted, and,

*Ordered*, That Messrs. BINGHAM, TAZEWELL, and GOODHUE, be a committee to take into consideration the propriety of instituting an Executive department, for the purpose of superintending and regulating the various objects connected with the Naval Establishment of the United States.

The bill to provide an additional armament for the further protection of the trade of the United States, and for other purposes, was read the third time.

On motion, by Mr. BINGHAM, to amend the bill, by inserting at the end thereof a new section, as follows:

"*And be it further enacted*, That the President of the United States be, and he is hereby, authorized, if he should deem it necessary, to cause to be built, for the protection of the United States, a number of vessels, not exceeding ten, to be fitted, manned, armed, and equipped as galleys; the officers and men in the service of which vessels to be on the same pay, receive the same subsistence and emoluments, and be appointed in the same manner, as is hereinbefore provided for; which vessels shall be stationed in such places, and be employed in such manner as the President of the United States may direct."

*Ordered*, That it lie for consideration; and, on motion, it was agreed that the further consideration of the bill be postponed.

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

*Gentlemen of the Senate, and*

*Gentlemen of the House of Representatives:*

In compliance with the request of the House of Representatives, expressed in their resolution of the second of this month, I transmit to both Houses those instructions to, and despatches from, the Envoys Extraordinary of the United States to the French Republic, which were mentioned in my Message of the nineteenth of March last, omitting only some names, and a few expressions descriptive of the persons.

I request that they may be considered in confidence, until the members of Congress are fully possessed of their contents, and shall have had opportunity to deliberate on the consequences of their publication; after which time I submit them to your wisdom.

JOHN ADAMS.

UNITED STATES, *April* 3, 1798.

The galleries being cleared, the Message and documents were read.

*Ordered*, That they lie for consideration.

---

WEDNESDAY, April 4.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing an expenditure, and making an appropriation for the reimbursement of moneys advanced by the Consuls of the United States, in certain cases," in which they desire the concurrence of the Senate.

The Senate took into consideration the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act making an appropriation for completing the buildings requisite for the accommodation of the Government of the United States at the city of Washington;" and, after debate,

*Ordered*, That the further consideration thereof be postponed.

A motion was made by Mr. GOODHUE,

"That the Message of the President of the United States, of the 3d instant, together with the papers therein referred to, be printed for the use of the Senate;"

And, after debate, the Senate adjourned.

---

THURSDAY, April 5.

The bill, sent from the House of Representatives for concurrence, entitled "An act authorizing an expenditure, and making an appropriation for the reimbursement of moneys advanced by the Consuls of the United States, in certain cases," was read, and ordered to the second reading.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act making an appropriation for completing the buildings requisite for the accommodation of the Government of the United States at the city of Washington;" and, after debate, it was agreed that the further consideration thereof be postponed.

A motion was made, by Mr. PAINE,

"That a committee be appointed to prepare a respectful Address, to be presented by the Senate to the President of the United States, thanking him for his communications of the third instant, and expressing the high satisfaction the Senate have received from the liberal and fair manner in which he has directed the attempt at negotiation with the French Republic by our Envoys Extraordinary; and regretting the want of success which has hitherto attended his fair and honorable advances toward a reconciliation with that Republic; declaring, also, the unanimous determination of the Senate to repel every attempt of foreign Powers to impair the independence of this country:"

And, it was agreed that the motion lie for consideration.

On motion, by Mr. GOODHUE,

*Ordered*, That five hundred copies of the Mes-

sage of the President of the United States, of the 3d instant, together with despatches from the Envoys to the French Republic, accompanying the same, be published for the use of the Senate.

On motion, by Mr. LLOYD, that the instructions to the Envoys Extraordinary to the French Republic, be also printed; it was agreed that this motion be postponed.

---

SATURDAY, April 7.

No business of importance was transacted in the Senate to-day.

---

MONDAY, April 9.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act making an appropriation for completing the buildings requisite for the accommodation of the Government of the United States at the city of Washington;" which, having amended,

On the question to agree to the third reading of the bill as amended, it was determined in the affirmative—yeas 18, nays 9, as follows:

YEAS—Messrs. Bloodworth, Brown, Chipman, Foster, Greene, Hillhouse, Howard, Hunter, Jackson, Langdon, Lloyd, Marshall, Martin, Paine, Read, Tattnall, Tazewell, and Tracy.

NAYS—Messrs. Bingham, Clayton, Goodhue, Hobart, Laurance, Livermore, Ross, Sedgwick, and Stockton.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to authorize certain officers and other persons to administer oaths;" also, a bill, entitled "An act declaring the consent of Congress to two acts of the State of North Carolina, therein mentioned;" in which they desire the concurrence of the Senate. They desire a conference on the proceedings of the Senate of the 1st March last, relative to the impeachment of WILLIAM BLOUNT, and have appointed managers at the same on their part.

The bills last mentioned were read, and ordered that they severally pass to the second reading.

The Senate took into consideration the resolution of the House of Representatives, desiring a conference on the proceedings of the Senate of 1st March last, respecting the impeachment of WILLIAM BLOUNT. Whereupon,

*Resolved*, That they do agree to the proposed conference, and that Messrs. ROSS and LIVERMORE be managers at the same on the part of the Senate.

The Senate resumed the third reading of the bill to provide an additional armament for the further protection of the trade of the United States, and for other purposes; and Mr. BINGHAM having withdrawn his motion, made the 3d instant, to amend the bill, by adding a new section to the end thereof—on the question to agree to the final passage of the bill, it was determined in the affirmative—yeas 20, nays 7, as follows:

YEAS—Messrs. Bingham, Chipman, Clayton, Foster, Goodhue, Greene, Hillhouse, Hobart, Howard, Hunter, Laurance, Lloyd, Martin, Paine, Read, Ross, Sedgwick, Stockton, Tattnall, and Tracy.

NAYS—Messrs. Anderson, Bloodworth, Brown, Jackson, Langdon, Livermore, and Tazewell.

So it was *Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An act to provide an additional armament for the further protection of the trade of the United States, and for other purposes."

Mr. TRACY, from the committee appointed for the purpose, reported a bill for the relief of Joseph Nourse; which was read, and ordered to the second reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act authorizing an expenditure, and making an appropriation for the reimbursement of moneys advanced by the Consuls of the United States, in certain cases," was read the second time.

*Ordered*, That this bill pass to a third reading.

Mr. BINGHAM presented the petition of John Vaughan, merchant, praying allowance for loss sustained by the deposit of certain quantities of bullion in the Mint of the United States, in consequence of intervening regulations; which petition was read.

*Ordered*, That it lie on the table.

The galleries being cleared, a motion was made by Mr. LLOYD:

"That the instructions to the Envoys Extraordinary to the French Republic, referred to in the Message of the President of the United States of the 3d instant, be printed for the use of the Senate."

Whereupon, Mr. HUNTER moved the previous question, to wit: Shall the main question be now put? And it was determined in the affirmative—yeas 15, nays 11, as follows:

YEAS—Messrs. Bloodworth, Chipman, Clayton, Goodhue, Greene, Hillhouse, Hobart, Jackson, Langdon, Laurance, Lloyd, Ross, Sedgwick, Stockton, and Tracy.

NAYS—Messrs. Anderson, Bingham, Brown, Howard, Hunter, Livermore, Martin, Paine, Read, Tattnall, and Tazewell.

And, on the main question, it was determined in the affirmative—yeas 16, nays 10, as follows:

YEAS—Messrs. Anderson, Bloodworth, Chipman, Clayton, Goodhue, Greene, Hillhouse, Hobart, Jackson, Langdon, Laurance, Lloyd, Ross, Sedgwick, Stockton, and Tracy.

NAYS—Messrs. Bingham, Brown, Howard, Hunter, Livermore, Martin, Paine, Read, Tattnall, and Tazewell.

So it was *Resolved*, That five hundred copies of the instructions to the Envoys Extraordinary to the French Republic, referred to in the Message of the President of the United States of the 3d instant, be printed for the use of the Senate.

---

TUESDAY, April 10.

The bill, sent from the House of Representatives for concurrence, entitled "An act declaring the consent of Congress to two acts of the State

of North Carolina therein mentioned," was read the second time, and referred to Messrs. MARTIN, BINGHAM, and TAZEWELL, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act to authorize certain officers and other persons to administer oaths," was read the second time, and referred to Messrs. SEDGWICK, ANDERSON, and READ, to consider and report thereon to the Senate.

The bill for the relief of Joseph Nourse was read the second time, and the blank filled up.

*Ordered*, That this bill pass to a third reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act making an appropriation for completing the buildings requisite for the accommodation of the Government of the United States at the city of Washington," was read the third time, and, after debate,

*Ordered*, That it be recommitted to Messrs. LLOYD, ROSS, and MARSHALL, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act authorizing an expenditure, and making an appropriation for the reimbursement of moneys advanced by the Consuls of the United States, in certain cases," was read the third time and passed.

---

WEDNESDAY, April 11.

The bill for the relief of Joseph Nourse was read the third time and passed.

Mr. LLOYD, from the committee to whom was recommitted the bill, sent from the House of Representatives for concurrence, entitled "An act making an appropriation for completing the buildings requisite for the accommodation of the Government of the United States at the city of Washington," reported the bill further amended; which was read.

*Ordered*, That it lie for consideration.

Mr. BINGHAM, from the committee to whom was referred the expediency of constituting the Executive Department for superintending and regulating the various objects connected with the Naval Establishment, obtained leave to report by bill; which bill was read, and ordered to the second reading.

---

THURSDAY, April 12.

The Senate resumed the consideration of the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entited "An act making an appropriation for completing the buildings requisite for the accommodation of the Government of the United States at the city of Washington;" which report, having been amended, was adopted, and the bill was amended accordingly.

On the question to agree to the final passage of the bill as amended, it was determined in the affirmative—yeas 17, nays 6, as follows:

YEAS—Messrs. Anderson, Bloodworth, Brown, Chipman, Greene, Hillhouse, Howard, Jackson, Langdon, Livermore, Lloyd, Martin, Paine, Read, Tattnall, Tazewell, and Tracy.

NAYS—Messrs. Bingham, Clayton, Goodhue, Laurance, Sedgwick, and Stockton.

*Resolved*, That this bill pass with amendments.

The bill to establish an Executive department, to be denominated the Department of the Navy, was read the second time.

*Ordered*, That the further consideration thereof be postponed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act supplementary to the act providing for the further defence of the ports and harbors of the United States;" and a bill, entitled "An act for the relief of sick and disabled seamen;" in which they desire the concurrence of the Senate.

The bill first mentioned was read, and it was, by unanimous consent, read the second time.

*Ordered*, That it be referred to the committee appointed the 29th of November last, on that part of the Speech of the President of the United States, which respects measures for the security and protection of the commerce of the United States, to consider and report thereon to the Senate.

The bill last mentioned in the Message was read, and ordered to the second reading.

---

FRIDAY, April 13.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of sick and disabled seamen," was read the second time, and referred to Messrs. GOODHUE, LANGDON, and READ, to consider and report thereon to the Senate.

The Senate resumed the second reading of the bill to to establish an Executive department, to be denominated the Department of the Navy; and, having agreed to sundry amendments,

*Ordered*, That it pass to a third reading.

Mr. MARTIN, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act declaring the consent of Congress to two acts of the State of North Carolina therein mentioned," reported an amendment; which was read.

*Ordered*, That it lie for consideration.

Mr. GOODHUE, from the committee appointed the 29th of November last, on that part of the Speech of the President of the United States which respects measures for the security and protection of the commerce of the United States, reported, in part, a bill authorizing the President of the United States to raise a provisional army; which was read, and ordered to the second reading.

Mr. GREENE laid before the Senate a memorial of the merchants and others, of the town of Providence, in the State of Rhode Island, praying an extension of the Providence district, as it relates to the entry and clearance of vessels, which was read.

*Ordered*, That it be referred to the Secretary

for the Department of the Treasury, to consider and report thereon to the Senate.

MONDAY, April 16.

The VICE PRESIDENT communicated a letter from JOHN SLOSS HOBART, resigning his seat in the Senate, in consequence of his appointment to be Judge of the New York district; which letter was read.

*Ordered*, That the VICE PRESIDENT be requested to notify the Executive of the State of New York that JOHN SLOSS HOBART hath accepted the appointment of Judge of the New York district, and that his seat in the Senate is of course vacated.

Mr. ROSS, from the managers appointed to confer with those appointed by the House of Representatives, on the proceedings of the Senate of the 1st of March last, respecting the impeachment of William Blount, made report; which was read; whereupon,

*Resolved*, That it is not, at this time, expedient to alter the return day of the summons directed to be issued to William Blount, so as to make it returnable in the present session of Congress as requested by the managers of the House of Representatives, there being no certainty that it will continue long enough to afford reasonable time for a proper service and return of this process.

Mr. STOCKTON presented the address of the inhabitants of the town of Newark, in the State of New Jersey, stating their apprehension of great evils that may result from the arming of private merchant ships; and, also, from the establishment of a public naval force; and the address was read.

The bill to establish an Executive department, to be denominated the Department of the Navy, was read the third time.

A motion, by Mr. MARSHALL, to amend the bill, by adding the following section:

"*And be it enacted*, That this act shall continue in force for one year, and from thence to the end of the next session of Congress thereafter;"

And, on motion by Mr. PAINE, it was agreed to amend the motion, as follows:

"*And be it enacted*, That this act shall continue in force for four years, and from thence to the end of the next session of Congress thereafter."

And, on the question to agree to the motion, as amended, it was determined in the negative—yeas 10, nays 15, as follows:

YEAS—Messrs. Bloodworth, Brown, Hunter, Langdon, Marshall, Martin, Mason, Paine, Tattnall, and Tazewell.

NAYS—Messrs. Bingham, Chipman, Foster, Goodhue, Greene, Hillhouse, Howard, Laurance, Livermore, Lloyd, Read, Ross, Sedgwick, Stockton, and Tracy.

And, on the final passage of the bill, it was determined in the affirmative—yeas 19, nays 6, as follows:

YEAS—Messrs. Bingham, Chipman, Foster, Goodhue, Greene, Hillhouse, Howard, Hunter, Laurance, Livermore, Lloyd, Martin, Paine, Read, Ross, Sedgwick, Stockton, Tattnall, and Tracy.

NAYS—Messrs. Bloodworth, Brown, Langdon, Marshall, Mason, and Tazewell.

So it was *Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An act to establish an Executive department, to be denominated the Department of the Navy."

The Senate took into consideration the amendment reported by the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act declaring the consent of Congress to two acts of the State of North Carolina, therein mentioned; and, having amended the report,

On the question to adopt it, as amended, it was determined in the negative.

On the question to agree to the third reading of the bill, it passed in the negative.

TUESDAY, April 17.

The bill authorizing the President of the United States to raise a provisional army was read the second time.

*Ordered*, That it be recommitted to the committee who brought in the bill.

A motion was made, by Mr. BROWN, as follows:

"*Resolved*, That a committee be appointed to inquire whether any, and what, amendments are necessary to an act entitled 'An act providing for the sale of the lands of the United States in the territory northwest of the river Ohio, and above the mouth of Kentucky river,' and to report by bill or otherwise;"

Which was read and adopted; and,

*Ordered*, That Messrs. BROWN, ROSS, and STOCKTON, be the committee.

On motion, by Mr. ROSS,

*Resolved*, That the Secretary of the Treasury be requested to report to the Senate what progress has been made by the Surveyor General in laying off, and preparing for sale, the lands directed to be surveyed and sold by an act of Congress, passed the 18th of May, 1796, entitled "An act providing for the sale of lands of the United States in the territory northwest of the Ohio, and above the mouth of Kentucky river:" And also whether any, and what, progress has been made by the Surveyor General in surveying the lands allotted for the satisfaction of military bounties, by the act of Congress, passed the first of June, 1796, and entitled "An act regulating the grants of lands appropriated for military services, and for the Society of United Brethren for propagating the Gospel among the Heathen."

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act to provide an additional regiment of artillerists and engineers," in which they desire the concurrence of the Senate.

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

WEDNESDAY, April 18.

The bill, sent from the House of Representatives for concurrence, entitled "An act to provide an additional regiment of artillerists and engineers," was read the second time.

*Ordered*, That it be referred to the committee appointed on the 29th of November last, on that part of the Speech of the President of the United States, which respects measures for the security and protection of the commerce of the United States, to consider and report thereon to the Senate.

Mr. READ laid before the Senate the memorial of Laurance Manning, stating that a certain John Herd, without power or authority from him, drew a military commutation certificate from Mr. Howell's office, the property of the memorialist; and praying relief.

*Ordered*, That it lie on the table.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act to enable the President of the United States to procure cannon, arms, and ammunition, and for other purposes;" and a bill entitled "An act for erecting light-houses, and placing buoys and stakes, at the places therein mentioned," in which they desire the concurrence of the Senate.

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

The Senate resumed the second reading of the bill to alter and amend the act entitled "An act to establish the Judicial Courts of the United States;" and, after debate,

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

Mr. GOODHUE, from the committee to whom was referred the bill authorizing the President of the United States to raise a provisional army, reported amendments; which were read.

*Ordered*, That they lie for consideration.

Mr. TRACY, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act making an appropriation for the payment of a balance found due to the legal representatives of William Carmichael, deceased," reported the bill without amendment.

*Ordered*, That this bill pass to a third reading.

---

THURSDAY, April 19.

The bill, sent from the House of Representatives for concurrence, entitled "An act to enable the President of the United States to procure cannon, arms, and ammunition, and for other purposes," was read the second time.

*Ordered*, That it be referred to the committee appointed the 29th November last, on that part of the Speech of the President of the United States which respects measures for the security and protection of the commerce of the United States, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act for erecting light-houses, and placing buoys and stakes, at the places therein mentioned," was read the second time.

*Ordered*, That it be referred to Messrs. GREENE, LIVERMORE, and GOODHUE, to consider and report thereon to the Senate.

The Senate took into consideration the amendments reported by the committee to whom was referred the bill authorizing the President of the United States to raise a provisional army; and, on the question to agree to the third reading of the bill, it was determined in the affirmative—yeas 16, nays 7, as follows:

YEAS—Messrs. Anderson, Bingham, Foster, Goodhue, Greene, Hillhouse, Howard, Latimer, Laurance, Livermore, Marshall, Read, Ross, Sedgwick, Stockton, and Tracy.

NAYS—Messrs. Bloodworth, Brown, Langdon, Martin, Mason, Tattnall, and Tazewell.

The bill, sent from the House of Representatives for concurrence, entitled "An act making an appropriation for the payment of a balance found due to the legal representatives of William Carmichael, deceased," was read the third time.

*Resolved*, That this bill pass.

---

FRIDAY, April 20.

Mr. GREENE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for erecting light-houses, and placing buoys and stakes, at the places therein mentioned," reported the bill without amendment.

*Ordered*, That this bill pass to a third reading.

Mr. SEDGWICK, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act to authorize certain officers and other persons to administer oaths," reported the bill with an amendment; and the report was adopted, and the bill was amended accordingly.

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

The bill authorizing the President of the United States to raise a provisional army, was read the third time.

On motion, by Mr. MARSHALL, that the bill be recommitted generally; it was agreed that the final question on the passage of this bill be postponed until Monday next.

Mr. GOODHUE, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act to provide an additional regiment of artillerists and engineers," reported the bill without amendment.

*Ordered*, That this bill pass to a third reading.

Mr. ROSS, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to alter the time of making entry of stills, and for other purposes," reported amendments; which were read, and ordered to lie for consideration.

*Ordered*, That Messrs. MARSHALL, SEDGWICK, and LIVERMORE, be a committee to inquire into the expediency of altering the terms for holding the Courts of the United States in the districts of Kentucky, Tennessee, and Maine; also, of making provision in cases where the Judges of the said Courts have been counsel, or shall be interested in any case depending before them; also, of authorizing appeals from judgments rendered in the said

Courts, holden for the districts aforesaid; and, also, of making alterations necessary to the administration of justice, in the said District Courts, in relation to the State laws or Courts; and to report by bill or otherwise.

The Senate resumed the consideration of the report of the committee to whom was referred the bill supplementary to the act, entitled "An act to establish the Judicial Courts of the United States."

*Resolved*, That the further consideration of this bill be postponed until the next session of Congress.

---

MONDAY, April 23.

Mr. STOCKTON presented the address of a large and respectable meeting of citizens, inhabitants of the townships of Windsor and Montgomery, and the towns of Princeton and Kingston, in the State of New Jersey, signed Enos Kelsey, chairman, expressing their unshaken and entire confidence in the wisdom and integrity of the Executive of the United States, and pledging their lives and fortunes, and sacred honor, in support of the Constitution, and such measures of defence as the Government may find expedient to adopt, in this critical and threatening aspect of public affairs; and the address was read.

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 provide an additional armament for the further protection of the trade of the United States, and for other purposes," with amendments, in which they desire the concurrence of the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act to provide an additional regiment of artillerists and engineers," was read the third time.

On motion, by Mr. MASON, to amend the bill, by limiting the establishment to three instead of five, years: it passed in the negative.

*Resolved*, That this bill pass.

The Senate took into consideration the amendments of the House of Representatives to the bill, entitled "An act to provide an additional armament for the further protection of the trade of the United States, and for other purposes."

On motion, by Mr. TAZEWELL, to postpone the consideration of the amendments to this bill until the next session of Congress: it was determined in the negative—yeas 5, nays 16, as follows:

YEAS—Messrs. Anderson, Bloodworth, Langdon, Mason, and Tazewell.

NAYS—Messrs. Bingham, Clayton, Goodhue, Greene, Hillhouse, Howard, Latimer, Laurance, Marshall, Martin, Read, Ross, Sedgwick, Stockton, Tattnall, and Tracy.

On motion, by Mr. Ross, it was agreed to postpone the consideration of the first, and to consider the other, amendments; and the second amendment was agreed to.

And, on the question to agree to the third amendment, which was to strike out the fifth section, the votes being equal, the VICE PRESIDENT determined the question in the negative.

On motion, by Mr. STOCKTON,

*Ordered*, That the further consideration of the amendments be postponed until to-morrow.

The Senate resumed the third reading of the bill authorizing the President of the United States to raise a provisional army.

On motion, to fill the blank in the tenth section, so as that the proviso be read as follows:

"*And provided, also*, That no enlistment shall take place by virtue of this act after three years from the passing thereof:"

It was determined in the affirmative—yeas 13, nays 8, as follows:

YEAS—Messrs. Bingham, Goodhue, Greene, Hillhouse, Howard, Latimer, Laurance, Marshall, Read, Ross, Sedgwick, Stockton, and Tracy.

NAYS—Messrs. Anderson, Bloodworth, Brown, Langdon, Martin, Mason, Tattnall, and Tazewell.

On the question to agree to the final passage of the bill, it was determined in the affirmative—yeas 13, nays 8, as follows:

YEAS—Messrs. Bingham, Clayton, Goodhue, Greene, Hillhouse, Howard, Latimer, Laurance, Read, Ross Sedgwick, Stockton, and Tracy.

NAYS—Messrs. Anderson, Bloodworth, Brown, Langdon, Martin, Mason, Tattnall, and Tazewell.

So it was *Resolved*, That this bill pass; that it be engrossed, and that the title thereof be "An act authorizing the President of the United States to raise a provisional army."

---

TUESDAY, April 24.

The bill, sent from the House of Representatives for concurrence, entitled "An act to authorize certain officers and other persons to administer oaths," was read the third time.

*Resolved*, That this bill pass with an amendment.

The bill, sent from the House of Representatives for concurrence, entitled "An act for erecting light-houses, and placing buoys and stakes, at the places therein mentioned," was read the third time.

*Resolved*, That this bill pass.

The Senate resumed the consideration of the amendments of the House of Representatives to the bill, entitled "An act to provide an additional armament for the further protection of the trade of the United States, and for other purposes."

On motion, by Mr. READ, it was determined to reconsider the vote of yesterday, by which the third amendment was disagreed to.

On the question to agree to said third amendment, which is to strike out of the bill the following section:

"Sec. 5. *And be it further enacted*, That no merchant vessel bound from a port of the United States, and destined to any place that is besieged, blockaded, or invested, shall be taken under the protection and convoy of any public armed vessel; nor unless satisfactory evidence is produced to the Collector, previous to her departure, that the vessel and cargo are *bona fide* the

property of a citizen or citizens of the United States; and if bound to the ports of one of the belligerent Powers, that no goods, wares, or merchandise, contraband by the general law of nations, or by any treaty to which the United States are a party, are laden on board the same. Duplicate certificates to this effect, ascertaining the nature and quality of the cargo, shall be furnished by the Collector of the district where the cargo was laden, one of which shall be delivered to the commanding officer of the convoy, and the other retained by the captain of the merchant vessel. And in cases where merchant vessels of the United States are to be taken under convoy, bound from foreign ports, certificates of the same nature, including the same provisions, shall be delivered to the commander of the convoy; and if no Consul shall be resident at such port, then certificates containing evidence of a like nature, attested by two witnessess, and taken before a judge, magistrate, or notary public, shall be procured."

It was determined in the affirmative—yeas 12, nays 9, as follows:

YEAS—Messrs. Clayton, Foster, Goodhue, Greene, Hillhouse, Howard, Latimer, Laurance, Read, Ross, Sedgwick, and Tracy.

NAYS—Messrs. Bingham, Bloodworth, Brown, Langdon, Livermore, Marshall, Martin, Mason, and Tazewell.

On the question to agree to the fourth amendment, which is, to strike out of the bill the following section:

"Sec. 6. *And be it further enacted*, That all commissioned armed vessels of the United States shall be governed in their conduct towards foreign armed vessels by the provisions and stipulations of treaties respectively subsisting with foreign nations, and by the principles of the general law of nations:"

It was determined in the affirmative—yeas 13, nays 8, as follows:

YEAS—Messrs. Clayton, Foster, Goodhue, Greene, Hillhouse, Howard, Latimer, Laurance, Marshall, Read, Ross, Sedgwick, and Tracy.

NAYS—Messrs. Bingham, Bloodworth, Brown, Langdon, Livermore, Martin, Mason, and Tazewell.

Whereupon, *Resolved*, That the Senate do agree to all the amendments of the said bill.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Obadiah Brown;" and a bill, entitled "An act for the relief of Reuben Smith and Nathan Strong, and of Peter Aupoix;" 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 report of the committee on the bill, sent from the House of Representatives for concurrence, entitled "An act to alter the time of making entry of stills, and for other purposes;" and, the report having been adopted, the bill was amended accordingly.

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

---

WEDNESDAY, April 25.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Reuben Smith and Nathan Strong, and of Peter Aupoix," was read the second time, and referred to Messrs. TRACY, LIVERMORE, and GREENE, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Obadiah Brown," was read the second time, and referred to Messrs. GREENE, LIVERMORE, and SEDGWICK, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act to alter the time of making entry of stills, and for other purposes," was read the third time as amended; and the question on its final passage postponed until to-morrow.

Mr. GOODHUE, from the committee appointed the 29th of November last, on that part of the Speech of the President of the United States which respects measures for the security and protection of the commerce of the United States, reported, in part, a bill to authorize the President of the United States to cause to be purchased or built, a number of small vessels to be equipped as galleys, or otherwise; which bill was read.

*Ordered*, That it pass to a second reading.

Mr. GOODHUE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act providing for the further protection of the ports and harbors of the United States," reported the bill without amendment.

*Ordered*, That this bill pass to a third reading.

Mr. BROWN, from the committee appointed to inquire whether any, and what, amendments are necessary to an act entitled "An act providing for the sale of the lands of the United States in the territory northwest of the river Ohio, and above the mouth of Kentucky river," reported a bill to amend the same; which was read, and ordered to a second reading.

A motion was made by Mr. HILLHOUSE,

"That a committee be appointed to consider whether any, and what, provision ought to be made by law, for removing from the territory of the United States such aliens born, not entitled by the Constitution and laws thereof to the rights of citizenship, as may be dangerous to its peace and safety; and providing for returns to be made of all aliens that shall be landed from any vessel which shall arrive in any of the ports of the United States; and that permits be granted to such as shall be suffered to reside therein; and to report by bill or otherwise."

*Ordered*, That this motion lie for consideration.

The Senate resumed the second reading of the bill to alter and amend the act entitled "An act to establish the Judicial Courts of the United States;" and, after debate,

*Ordered*, That the further consideration thereof be postponed until the next session of Congress.

---

THURSDAY, April 26.

The bill to amend an act entitled "An act providing for the sale of the lands of the United

States in the territory northwest of the river Ohio, and above the mouth of Kentucky river," was read the second time.

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

A message from the House of Representatives informed the Senate that the House of Representatives disagree to the amendments of the Senate to the bill entitled "An act to revive and continue in force the act respecting the compensation of clerks, and for other purposes."

The Senate took into consideration the motion made yesterday respecting such aliens, resident in the United States, as may be dangerous to its peace and safety; and, having amended the motion, by expunging the word "born," after the word "aliens," in the first instance, it was adopted; and

*Ordered*, That Messrs. LIVERMORE, HILLHOUSE, READ, SEDGWICK, and LAURANCE, be the committee for the purposes therein mentioned.

Mr. BINGHAM presented the address and memorial of the citizens of Philadelphia, the district of Southwark, and the Northern Liberties, expressive of their "perfect and grateful approbation of the conduct heretofore pursued by the Executive Department," to preserve peace with foreign nations and the neutral position of the United States, their confidence in the wisdom and patriotism of every branch of the Government, and pledging themselves firmly to support every measure which may hereafter be thought necessary to secure the Constitution, freedom, and independence, of the United States; and,

On motion by Mr. LIVERMORE, a large and respectable committee of the said citizens being admitted on the floor of the House, the address was read.

*Ordered*, That it lie on the table.

The Senate took into consideration their amendments disagreed to by the House of Representatives to the bill entitled "An act to revive and continue in force the act respecting the compensation of clerks, and for other purposes."

*Resolved*, That they do insist on their amendments to the said bill.

Mr. GOODHUE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to enable the President of the United States to procure cannon, arms, and ammunition, and for other purposes," reported the bill without amendment.

The bill authorizing the President of the United States to cause to be purchased or built, a number of small vessels to be equipped as galleys, or otherwise, was read the second time.

*Ordered*, That this bill pass to a third reading.

On motion, by Mr. MARSHALL,

"That, instead of the three existing circuits, the several districts of the United States be divided and arranged into four circuits, to wit: The districts of New Hampshire, Massachusetts, Connecticut, Rhode Island, and Vermont, shall compose one circuit, and be called the first circuit; the districts of New York, New Jersey, Pennsylvania, Delaware, and Maryland, shall compose one circuit, and be called the second circuit; the districts of Virginia, North Carolina, Kentucky, and Tennessee, shall compose one circuit, and be called the third circuit; and the districts of South Carolina and Georgia shall compose one circuit, and be called the fourth circuit: that two associate justices be appointed, in addition to the present number; and that two justices be assigned to each circuit, to hold the circuit courts therein semi-annually, except in the districts of Kentucky and Tennessee, where they shall be held annually."

*Ordered*, That this motion lie for consideration.

The VICE PRESIDENT communicated a letter from Thomas Pinckney, late Minister Plenipotentiary of the United States to His Catholic Majesty, requesting the direction of Congress in respect to the acceptance of the customary present from that Government, and also of one from His Britannic Majesty, made in conformity to the usage of those Powers respectively, to a foreign Minister, on negotiating a treaty; and the letter was read.

*Ordered*, That it lie for consideration.

---

FRIDAY, April 27.

The bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to an act providing for the further protection of the ports and harbors of the United States," was read a third time and passed.

The bill to authorize the President of the United States to cause to be purchased or built a number of small vessels, to be equipped as galleys, or otherwise, was read the third time.

*Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An act to authorize the President of the United States to cause to be purchased or built a number of small vessels, to be equipped as galleys, or otherwise."

On motion by Mr. MARSHALL,

*Resolved*, That no motion shall be deemed in order, to admit any person or persons whatever within the doors of the Senate Chamber, to present any petition, memorial, or address, or to hear any such read.

On motion by Mr. TAZEWELL, that it be

"*Resolved*, That it be a standing rule of this House that no member of the Senate ought to receive or give any visit to any foreign agent or ambassador, or any other person that avows himself to be a public agent or ambassador for a foreign country, without the leave and consent of the Senate"—

It was determined in the negative—yeas 6, nays 16, as follows:

YEAS—Messrs. Anderson, Bloodworth, Brown, Langdon, Mason, and Tazewell.

NAYS—Messrs. Bingham, Clayton, Foster, Goodhue, Greene, Hillhouse, Howard, Latimer, Laurance, Livermore, Marshall, Martin, Read, Sedgwick, Tattnall, and Tracy.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act making appropriations for the Military Establishment for the year 1798, and for other purposes," in which they desire the concurrence of the Senate.

Mr. HOWARD presented the resolutions of a numerous and respectable meeting of the citizens of Georgetown, held the 21st day of April, instant, signed Lloyd Beall, chairman, expressive of their entire approbation of the conduct of the Executive, in respect to the instructions to our Ministers to the French Republic, and of the strongest confidence in the wisdom, virtue, and patriotism, of the constituted authorities of their country; which resolutions were read.

The bill last brought from the House of Representatives for concurrence was read, and ordered to the second reading.

Mr. GREENE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Obadiah Brown," reported the bill without amendment; and, the report being agreed to—

*Ordered*, That this bill pass to a third reading.

The Senate took into consideration the bill, sent from the House of Representatives for concurrence, entitled "An act to enable the President of the United States to procure cannon, arms, and ammunition, and for other purposes."

*Ordered*, That this bill pass to a third reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act to alter the time of making an entry of stills, and for other purposes," was resumed; and, after debate, the Senate adjourned.

### MONDAY, April 30.

Mr. STOCKTON presented the address and memorial of the citizens of Newark; also, the resolutions of the citizens of the county of Monmouth, in the State of New Jersey, approbating the conduct of the Government in the endeavors to effect a good understanding with the French Republic, and expressing their determination, to the utmost of their ability, to support all such measures for the protection and vindication of the rights, liberty, and independence, of the United States, as may be recommended or enacted; and they were severally read.

The bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for the Military Establishment for the year 1798, and for other purposes," was read the second time, and referred to Messrs. TRACY, STOCKTON, and GREENE, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act to enable the President of the United States to procure cannon, arms, and amunition, and for other purposes," was read the third time and passed.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act directing the payment of a detachment of militia, for services performed in the year one thousand seven hundred and ninety-four, under Major James Ore," in which they desire the concurrence of the Senate.

The Senate resumed the third reading of the bill, sent from the House of Representatives for concurrence, entitled "An act to alter the time of making entry of stills, and for other purposes;" and, after debate—

*Ordered*, That the further consideration thereof be postponed.

The bill last brought from the House of Representatives for concurrence was read, and it was, by unanimous consent, read the second time.

*Ordered*, That it be referred to Messrs. TRACY, ANDERSON, and LATIMER, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Obadiah Brown," was read the third time and passed.

*Ordered*, That the petition of Laurance Manning be referred to Messrs. READ, HOWARD, and SEDGWICK, to consider and report thereon to the Senate.

*Ordered*, That the letter of Thomas Pinckney, late Minister Plenipotentiary, to negotiate a treaty with His Catholic Majesty, communicated to the Senate the 26th instant, be referred to Messrs. SEDGWICK, READ, and BINGHAM, to consider and report thereon to the Senate.

Mr. TRACY notified the Senate that he should, to-morrow, ask leave to introduce a bill to amend the act, entitled "An act to amend and repeal, in part, the act entitled 'An act to ascertain and fix the Military Establishment of the United States."

### TUESDAY, May 1.

Mr. STOCKTON presented the address of a numerous and respectable meeting of the citizens of the city and township of Trenton and its vicinity, in the State of New Jersey, signed Isaac Smith, chairman; highly approbating the conduct of the Executive, in respect to the negotiation with the French Republic, and expressive of their assurances of support to every branch of the Government in such measures as may be adopted for the security of the freedom, independence, and defence of our country; which address was read.

Mr. SEDGWICK, from the Committee to whom was referred the letter of Thomas Pinckney, late Minister Plenipotentiary to negotiate a treaty with His Catholic Majesty, communicated to the Senate the 26th of April last, made report, which was read and considered; and, after debate thereon, the Senate adjourned.

### WEDNESDAY, May 2.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act to continue in force a part of an act therein mentioned," in which they desire the concurrence of the Senate.

Agreeably to notice given on the 30th of April last, Mr. TRACY obtained leave to bring in a bill to amend the act entitled "An act to amend and repeal, in part, the act entitled 'An act to ascertain and fix the Military Establishment of the

United States;" and the bill was read and ordered to the second reading.

The Senate resumed the consideration of the report of the committee authorizing Thomas Pinckney, late Envoy Extraordinary to the King of Spain, and Minister Plenipotentiary to the King of Great Britain, to receive the customary presents to foreign Ministers at those Courts.

On the question to agree to the first resolution reported, to wit:

"*Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Congress doth consent that Thomas Pinckney, Esq., who, as Envoy Extraordinary of the United States, negotiated the Treaty of Friendship, Limits, and Navigation, between the United States and the King of Spain, may receive from the said King such present as it is customary for His Catholic Majesty to make to such persons as negotiate treaties with him:"

It passed in the affirmative—yeas 17, nays 5, as follows:

YEAS—Messrs. Anderson, Bingham, Bloodworth, Clayton, Foster, Goodhue, Greene, Hillhouse, Howard, Latimer, Laurance, Livermore, Martin, Read, Sedgwick, Stockton, and Tracy.

NAYS—Messrs. Brown, Langdon, Marshall, Mason, and Tazewell.

And the other resolution reported was agreed to, in the words following:

*And be it further resolved,* That Congress doth consent that the said Thomas Pinckney, Esq., lately Minister Plenipotentiary from the United States to the King of Great Britain, may receive from the said King such present as it is customary for His Britannic Majesty to make to Ministers Plenipotentiary on taking leave of him.

The motion made on the 26th of April last, for changing the three existing circuits of the United States into four circuits, was resumed and agreed to; and,

*Ordered,* That it be referred to the committee appointed the 20th of April last, "to inquire into the expediency of altering the terms for holding the courts of the United States in the districts of Kentucky, Tennessee, and Maine;" which committee are instructed to bring in a bill accordingly.

---

THURSDAY, May 3.

Mr. LAURANCE presented the address of a number of respectable citizens of New York, signed by Jacob Morton and others, their committee, expressive of their high esteem of the wisdom and moderation of the Chief Magistrate of the United States, in conducting the late negotiation with the French Republic, and of his unshaken firmness and patriotism; also, assuring Congress of their determination to support, at all hazards, such measures as may be deemed necessary to maintain the honor, freedom, and independence of their country; and the address was read.

Mr. MASON presented the resolutions of a numerous meeting of the citizens of Alexandria, signed John Fitzgerald, chairman, approbating the wise and patriotic measures of the Executive in the late negotiation with the French Republic, and pledging their cheerful and prompt compliance in support of the Administration.

The VICE PRESIDENT laid before the Senate a report from the Secretary for the Department of Treasury, on the state of the Western lands; in conformity to the order of Senate of the 17th of April last.

*Ordered,* That this report, together with the bill to amend an act entitled "An act providing for the sale of the lands of the United States in the territory northwest of the river Ohio, and above the mouth of Kentucky river," be referred to Messrs. BROWN, STOCKTON, and MASON; who are also instructed to take into consideration the petition of James Jamison and others, inhabitants on the Sciota river, presented to the Senate on the first of February last, to consider and report thereon.

Mr. TRACY, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act directing the payment of a detachment of militia for services performed in the year one thousand seven hundred and ninety-four, under Major James Ore," reported the bill with an amendment; which was considered and adopted.

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

The bill to amend the act, entitled "An act to amend and repeal, in part, the act entitled 'An act to ascertain and fix the Military Establishment of the United States," was read the second time, and referred to Messrs. TRACY, HOWARD, and ANDERSON, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act to continue in force a part of an act therein mentioned," was read the second time.

*Ordered,* That this bill pass to a third reading.

Mr. HOWARD presented the address and memorial of the citizens of Baltimore, and Baltimore county, applauding the wise and liberal measures of the Government, for the adjustment of differences and the restoration of harmony between the United States and the French Republic, and expressive of their determination to support the constituted authorities of their country; and the address was read.

Mr. H. presented, also, the address of a number of the inhabitants of Harford county, in the State of Maryland, signed Samuel Hughes, chairman, declaring much satisfaction in the measures taken by the Executive of the United States, for the accommodation of the unhappy differences subsisting between this country and the French Republic, and their determination firmly to support, in all situations, their independence, and the Government of their choice.

---

FRIDAY, May 4.

Mr. LIVERMORE, from the committee to whom was referred the motion made on the 25th of April last, on the subject, reported a bill concern-

ing aliens; which was read, and ordered to the second reading.

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

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

I now transmit to Congress copies of all the communications from our Envoys Extraordinary, received since their arrival in Paris, excepting those before presented by me to both Houses. JOHN ADAMS.

UNITED STATES, May 4, 1798.

The Message and communications were read.

*Ordered*, That five hundred copies of the Message and communications be printed for the use of the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act directing the payment of a detachment of militia, for services performed in the year one thousand seven hundred and ninety-four, under Major James Ore," was read the third time.

*Resolved*, That this bill pass with an amendment.

The bill, sent from the House of Representatives for concurrence, entitled "An act to continue in force a part of an act therein mentioned," was read the third time; and,

On motion, it was agreed to amend the title of the bill, by expunging the words "therein mentioned," and inserting, in their place these words: "respecting the compensation to the officers and mariners of the revenue cutters."

*Resolved*, That this bill pass as amended.

A message from the House of Representatives informed the Senate, that the House adhere to their disagreement to the amendments of the Senate to the bill, entitled "An act to revive and continue in force the act respecting the compensation of clerks, and for other purposes."

A message from the House of Representatives informed the Senate, that the House disagree to the resolutions, sent from the Senate for concurrence, authorizing Thomas Pinckney, late Envoy Extraordinary to the King of Spain, and Minister Plenipotentiary to the King of Great Britain, to receive the customary presents to foreign Ministers at those Courts.

---

MONDAY, May 7.

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 to revive and continue in force the act respecting the compensation of clerks, and for other purposes." Whereupon,

*Resolved*, That they do recede from their amendments to the said bill.

---

TUESDAY, May 8.

The bill concerning aliens was read the second time; and, after debate,

*Ordered*, That the further consideration thereof be postponed.

Mr. MARSHALL, from the committee to whom was referred the motion made the 26th of April last, for changing the three existing circuits of the United States into four circuits, reported a bill to alter and extend the provisions of the act, entitled "An act to establish the Judicial Courts of the United States;" which was read, and ordered to the second reading.

---

THURSDAY, May 10.

Mr. STOCKTON presented the resolutions of a very respectable number of the citizens of New Brunswick and its vicinity, in the State of New Jersey, signed John Neilson, chairman, expressive of their warmest approbation of the prudent, firm, and temperate policy adopted and pursued by the President of the United States, with respect to our foreign relations, and particularly to those of the French Republic, and declaring that they will, with promptitude, ardor, and constancy, support every Governmental measure for the defence of our country, and for maintaining the national honor, rights, and independence; and the resolutions were read.

The Senate resumed the second reading of the bill concerning aliens.

On motion to strike out of the first section the following words, to wit: "under the hand and seal of such person or persons as the President of the United States shall appoint to grant the same," and to substitute these words, "agreeably to the form prescribed in this act, duly authenticated by some court of the United States, or of some particular State, which courts are severally authorized and required to grant the said permits, upon the application of the party, conformably to the provisions of this act;" and it was agreed to divide the question, so far as it extends to striking out the words first recited; and

The division passed in the negative—yeas 9, nays 12, as follows:

YEAS—Messrs. Anderson, Bloodworth, Brown, Hunter, Marshall, Martin, Mason, Tattnall, and Tazewell.

NAYS—Messrs. Bingham, Foster, Goodhue, Greene, Hillhouse, Howard, Laurance, Livermore, Lloyd, Read, Stockton, and Tracy.

*Ordered*, That the further consideration of the bill be postponed.

Mr. LLOYD presented the address of a respectable number of the citizens of Elkton and its vicinity, in Cecil county, in the State of Maryland, expressive of their approbation of the conduct of the Executive of the United States in his endeavors to adjust the existing differences with the French Republic, and of their resolution zealously to give their support to the Government in such measures as may be adopted for the defence of the honor, dignity, and commercial rights of the nation; and the address was read.

---

FRIDAY, May 11.

Mr. GOODHUE presented the address of the inhabitants of the town of Salem, in the Commonwealth of Massachusetts, declaring their full sat-

isfaction in the measures taken by the supreme Executive for accommodating the differences subsisting with the French Republic, and their determination, depending on the patronage of the Most High, at every hazard, to support the Government of their choice, and the measures that may be adopted; and the address was read.

Mr. BINGHAM presented the memorial of the judges, grand jury, and sheriff, of the county of Bucks, in the State of Pennsylvania, expressing their entire approbation of the measures of the supreme Executive in endeavoring to effect an accommodation of the existing differences with, and to obtain redress for the repeated and accumulated injuries sustained from, the French Republic; and pledging themselves, with the assistance of Heaven, to their children and their country, by all the ties which can bind the affection and fidelity of man, to resist, with firmness, every invasion of their rights, and to transmit to their posterity, sacred and inviolate, the freedom, honor, and independence, of their country; and the memorial was read.

The bill to alter and extend the provisions of the act, entitled "An act to establish the Judicial Courts of the United States," was read the second time.

*Resolved*, That the consideration thereof be postponed.

The Senate resumed the seeond reading of the bill concerning aliens; and, after debate, the further consideration thereof was postponed.

Mr. MASON presented the resolutions of the inhabitants of Fairfax county, in the State of Virginia, highly approving the conduct of the supreme Executive of the United States, and particularly in endeavoring to restore the good understanding formerly subsisting between the United States and the French Republic; and pledging themselves in support of measures for the defence of the country and the protection of its commerce; and the address was read.

Mr. LIVERMORE presented the address of a number of the inhabitants of the town of Portsmouth, in the State of New Hampshire, pledging to the supreme Executive and to Congress the most determined and unequivocal support in maintaining measures that have been or may be adopted for the interest, honor, and independence of the United States; and the address was read.

The VICE PRESIDENT laid before the Senate a letter from Samuel Meredith, Treasurer, with his account of receipts and expenditures in the War Department, for the quarter ending 31st of March last; which were read.

*Ordered*, That they lie for consideration.

---

MONDAY, May 14.

Mr. TRACY, from the committee to whom was referred the bill to amend the act, entitled "An act to amend and repeal in part the act, entitled 'An act to ascertain and fix the Military Establishment of the United States," reported the bill without amendment.

*Resolved*, That this bill pass to the third reading.

Mr. GOODHUE presented the address of the citizens of the town of Gloucester, in the Commonwealth of Massachusetts, approbating the conduct of the supreme Executive, avowing their determination to support the Constitution, and, at the risk of their lives and fortunes, to preserve inviolate the rights and liberties of the country; and the address was read.

Mr. HOWARD presented an address, to the same effect, from a numerous and respectable meeting of the inhabitants of Upper Marlborough and its vicinity, in Prince George's county, in the State of Maryland; and the address was read.

The Senate resumed the second reading of the bill concerning aliens; and, after debate,

*Resolved*, That the further consideration thereof be postponed.

The Senate resumed the second reading of the bill to alter and extend the provisions of the act, entitled "An act to establish the Judicial Courts of the United States; and, after debate, it was agreed that the further consideration thereof be postponed until to-morrow.

---

TUESDAY, May 15.

On motion, by Mr. LIVERMORE,

*Resolved*, That the Secretary of the Senate be directed to write to all such Senators as are absent without leave, or whose leave of absence has expired, requesting their immediate attendance.

The bill to amend the act, entitled "An act to repeal, in part, the act, entitled 'An act to ascertain and fix the Military Establishment of the United States," was read the third time.

*Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An act to amend the act, entitled "An act to amend and repeal, in part, the act, entitled 'An act to ascertain and fix the Military Establishment of the United States."

Mr. STOCKTON presented the address of a numerous and respectable meeting of the citizens of Upper Freehold, in the county of Monmouth, and those in its vicinity, from the counties of Burlington and Middlesex, in the State of New Jersey, signed Robert Montgomery, chairman, expressive of their gratitude and thanks for the firm, moderate, and unshaken patriotism of the President of the United States, and of their acquiescence in every measure which the National Legislature shall in their wisdom adopt; and the address was read.

Mr. LIVERMORE presented the address of one hundred and sixteen inhabitants of Dover, in the State of New Hampshire, to the same effect; and the address was read.

The Senate resumed the second reading of the bill to alter and extend the provisions of the act, entitled "An act to establish the Judicial Courts of the United States; and, having agreed to sundry amendments,

*Resolved*, That this bill pass to a third reading.

---

WEDNESDAY, May 16.

The bill to alter and extend the provisions of

the act, entitled "An act to establish the Judicial Courts of the United States," was read the third time; and, after debate,

*Ordered*, That it be recommitted to the committee who brought in the bill, and that Messrs. ANDERSON, MARTIN, and TAZEWELL, be added to the committee.

Mr. STOCKTON presented the address of the people of Gloucester county, in the State of New Jersey, signed Franklin Davenport, chairman, and unanimously agreed to; expressive of their unshaken and undiminished confidence in the Executive and Congress of the United States, and, engaging, under the protecting arm of Providential aid, cheerfully to sustain the honorable task of defending, supporting, and maintaining, the dignity, freedom, and independence, of their country; and the address was read.

The Senate resumed the second reading of the bill concerning aliens; and, after debate, it was agreed that the further consideration thereof be postponed.

THURSDAY, May 17.

Mr. MARTIN presented the address of a full and respectable meeting of the inhabitants of the town of Newbern, in the State of North Carolina, signed Richard Dobbs Spaight, and others, their committee, expressive of their entire confidence in the Government of the United States, their warm approbation of its measures, and their perfect concurrence in its views; and the address was read.

The Senate resumed the second reading of the bill concerning aliens; and, after progress,

Adjourned.

FRIDAY, May 18.

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 authorizing the President of the United States to raise a provisional army," with amendments, in which they desire the concurrence of the Senate.

The Senate resumed the second reading of the bill concerning aliens; and, after progress,

*Ordered*, That the further consideration thereof be postponed until Monday next.

Mr. GOODHUE, from the committee appointed the 29th of November last, to consider that part of the Message of the President of the United States which respects the protection of commerce, further reported a bill on that subject; which was read, and ordered to the second reading.

Mr. MARSHALL presented the petition of Robert Campbell, by his agent, William Lytle, praying the interposition of Congress to vest in him, and his heirs, a certain tract of land therein mentioned; and the petition was read.

*Ordered*, That it be referred to Messrs. MARSHALL, BROWN, and CHIPMAN, to consider and report thereon to the Senate.

MONDAY, May 21.

WILLIAM NORTH, appointed a Senator by the Executive of the State of New York, in place of John Sloss Hobart, resigned, produced his credentials, and, the oath required by law, being administered to him, he took his seat in the Senate.

The Senate took into consideration the amendments of the House of Representatives to the bill, sent from the Senate for concurrence, entitled "An act authorizing the President of the United States to raise a provisional army;" and,

*Ordered*, That they be referred to the committee, appointed the 29th of November last, who reported the bill, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act for the relief of Thomas Lewis;" and a bill, entitled "An act respecting Loan Office and final settlement certificates, indents of interest, and the unfunded or registered debt credited in the books of the Treasury;" in which bills they desire the concurrence of the Senate.

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

*Ordered*, That Mr. LIVERMORE be of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of sick and disabled seamen," in place of Mr. LANGDON, absent with leave.

Mr. STOCKTON presented the resolution of the mayor, deputy mayor, recorder, aldermen, and common council, of the borough of Elizabeth, in the county of Essex, and State of New Jersey, with the unanimous address of seven hundred inhabitants of said borough, certified by Elias Dayton, mayor, expressive of their warmest approbation of the Executive of the United States, for his instructions to our Envoys at Paris, of their indignation at the injurious conduct of the French Republic towards the United States, and pledging themselves, by the blessing of God, to aid their country against the machinations of its enemies, and in support of the national councils; and the address was read.

The bill more effectually to protect the commerce and coasts of the United States, was read the second time; and, after agreeing to an amendment,

The Senate went into Executive business, and adjourned.

TUESDAY, May 22.

Mr. READ presented the resolutions and address of the city of Charleston, in the State of South Carolina, expressive of their perfect satisfaction in the appointment, (by the Executive of the United States,) of a solemn embassy, to endeavor to remove all differences with the French Republic, and making a full, solemn, and explicit declaration of their sincere attachment to the Constitution and Government, and their fixed resolution to maintain and support them, against all foreign encroachments and domination, at the hazard of their lives and fortunes; and the communications were read.

Mr. BINGHAM presented the address and memorial of the citizens of the county of Alleghany, in the State of Pennsylvania; and

Mr. HOWARD presented the resolution of a respectable meeting of the citizens of the town of Liberty and its vicinity, in the upper part of District No. 3, in Frederick county, and State of Maryland, each expressive of similar sentiments; which were severally read.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Thomas Lewis," was read the second time, and referred to Messrs. TRACY, BROWN, and HOWARD, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act respecting Loan Office and final settlement certificates, indents of interest, and the unfunded or registered debt, credited in the books of the Treasury," was read the second time, and referred to Messrs. BINGHAM, CHIPMAN, and TRACY, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act supplementary to, and to amend the act entitled 'An act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on that subject;" in which they desire the concurrence of the Senate.

Mr. GOODHUE, from the committee to whom were referred the amendments of the House of Representatives to the bill, entitled "An act authorizing the President of the United States to raise a provisional army," reported them without amendment.

On motion by Mr. MARSHALL, to amend the first clause of the last section, contained in the amendments, so that it read as follows:

"*And be it further enacted*, That the private soldiers who are, and who shall be, enlisted and employed in the service of the United States, shall be, and they are hereby, exempted, during their term of service, from all personal arrests, for any debt or contract, created or entered into subsequent to his or their enlistment;"

It was determined in the negative—yeas 7, nays 16, as follows:

YEAS—Messrs. Anderson, Bloodworth, Brown, Marshall, Martin, Mason, and Tazewell.

NAYS—Messrs. Bingham, Chipman, Clayton, Foster, Goodhue, Hillhouse, Howard, Hunter, Latimer, Livermore, Lloyd, North, Read, Stockton, Tattnall, and Tracy.

And the report was adopted, and

*Resolved*, That the Senate do concur in the amendments.

Mr. MARSHALL, from the committee to whom was referred the bill to alter and extend the provision of the act entitled "An act to establish the Judicial Courts of the United States," reported amendments.

The bill last brought from the House of Representatives was read, and ordered to the second reading.

The Senate resumed the second reading of the bill more effectually to protect the commerce and coasts of the United States; and agreed to a further amendment.

*Resolved*, That it pass to a third reading.

---

WEDNESDAY, May 23.

Mr. MARSHALL reported, from the committee appointed to consider the petition of Robert Campbell, by his agent William Lytle, that the committee can find no evidence which will entitle the said Campbell to a grant for the lands therein referred to, upon the conditions stated in his said petition, the warrant specified in the Surveyor's additional certificate not corresponding with the certificate of survey; and therefore report that the said Robert Campbell have leave to withdraw his said petition.

And the report was adopted.

Mr. GOODHUE presented the address of the inhabitants of the town of Lynn, in the Commonwealth of Massachusetts, expressive of their approbation of the conduct of the Executive of the United States, particularly in respect to the negotiation with the French Republic; and pledging themselves to support the energetic measures of our magistrates, in the defence of the liberties of their country; and the address was read.

Mr. LLOYD presented the address of five hundred citizens of Kent county, in the State of Maryland; also, the address of two hundred and fifty inhabitants of the said county, approbating the measures of Government, and pledging their support; and the addresses were severally read.

The bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to, and to amend the act entitled 'An act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on that subject," was read the second time, and referred to Messrs. BINGHAM, STOCKTON, and TAZEWELL, to consider and report thereon to the Senate.

Mr. BROWN, from the committee appointed the 3d instant, on the petition of Joseph Jamison and others, of Sciota river, and to whom was also referred the bill to amend an act entitled "An act providing for the sale of the lands of the United States in the territory northwest of the river Ohio," reported the bill amended.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act providing compensation for the marshals, clerks, attorneys, jurors, and witnesses, in the Courts of the United States, and to repeal certain parts of the acts therein mentioned, and for other purposes;" and the bill entitled "An act allowing an additional compensation to the Accountant of the War Department, for the year one thousand seven hundred and ninety-eight."

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

The bill more effectually to protect the commerce and coasts of the United States, was read the third time.

On motion, by Mr. MARTIN, to expunge the preamble, which is as follows:

"Whereas armed vessels belonging to the Republic of France and citizens thereof, have committed depredations on the commerce of the United States, and have recently captured the vessels and property of citizens thereof, on and near the coasts, in violation of the law of nations and treaties between the United States and the French nation:"

It passed in the negative—yeas 7, nays 16, as follows:

YEAS—Messrs. Anderson, Bloodworth, Hunter, Marshall, Martin, Mason, and Tazewell.

NAYS—Messrs, Bingham, Brown, Chipman, Clayton, Foster, Goodhue, Hillhouse, Latimer, Livermore, Lloyd, North, Paine, Read, Stockton, Tattnall, and Tracy.

On motion, by Mr. ANDERSON, "that the bill be postponed until we have certain accounts of the total failure of negotiation between the United States and the French Republic;" it passed in the negative—yeas 7, nays 16, as follows:

YEAS—Messrs. Anderson, Bloodworth, Brown, Marshall, Martin, Mason, and Tazewell.

NAYS—Messrs. Bingham, Chipman, Clayton, Foster, Goodhue, Hillhouse, Latimer, Livermore, Lloyd, North, Paine, Read, Stockton, Tattnall, and Tracy.

On motion to agree to the final passage of the bill, it was determined in the affirmative—yeas 16, nays 7, as follows:

YEAS—Messrs. Bingham, Chipman, Clayton, Foster, Goodhue, Hillhouse, Hunter, Latimer, Livermore, Lloyd, North, Paine, Read, Stockton, Tattnall, and Tracy.

NAYS—Messrs. Anderson, Bloodworth, Brown, Marshall, Martin, Mason, and Tazewell.

*Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An act more effectually to protect the commerce and coasts of the United States."

Mr. LLOYD presented the address of a respectable meeting of the citizens of Queen Ann's county, in the State of Maryland, expressive of their entire approbation of the measures of the Supreme Executive, and pledging their lives and fortunes to defend their country and its Government; and the address was read.

The report made yesterday from the committee to whom was referred the bill to alter and extend the provisions of the act, entitled "An act to establish the Judicial Courts of the United States," was read.

*Ordered*, That it lie for consideration.

---

THURSDAY, May 24.

The Senate took into consideration the amendments reported yesterday by the committee to whom was referred the bill to alter and extend the provisions of the act, entitled "An act to establish the Judicial Courts of the United States," and having agreed to the report, the bill was amended accordingly, and the further consideration thereof postponed.

The bill, sent from the House of Representatives for concurrence, entitled "An act providing compensation for the marshals, clerks, attorneys, jurors, and witnesses, in the courts of the United States, and to repeal certain parts of the acts therein mentioned, and for other purposes," was read the second time, and referred to Messrs. MASON, STOCKTON, and TRACY, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act allowing an additional compensation to the Accountant of the War Department, for the year one thousand seven hundred and ninety-eight," was read the second time, and referred to Messrs. NORTH, TRACY, and HUNTER, to consider and report thereon to the Senate.

The Senate resumed the second reading of the bill concerning aliens; and, after debate, the further consideration thereof was postponed.

---

FRIDAY, May 25.

The Senate resumed the third reading of the bill to alter and extend the provisions of the act, entitled "An act to establish the Judicial Courts of the United States."

On motion, by Mr. ANDERSON, it was agreed to reconsider the sixth section reported by the committee; and, on the question to agree thereto, in the following words:

"Sec. 6. *And be it further enacted*, That the first section of the act, entitled 'An act in addition to the act, entitled 'An act to establish the judicial courts of the United States,' be, and the same is hereby, repealed:"

It was determined in the negative—yeas 5, nays 19, as follows:

YEAS—Messrs. Livermore, Lloyd, Mason, North, and Tazewell.

NAYS—Messrs. Anderson, Bingham, Bloodworth, Brown, Chipman, Clayton, Foster, Goodhue, Hillhouse, Hunter, Latimer, Laurance, Marshall, Martin, Paine, Read, Stockton, Tattnall, and Tracy.

So it was *Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An act to alter and extend the provisions of the act, entitled 'An act to establish the Judicial Courts of the United States."

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act providing for the more effectual collection of certain internal revenues of the United States," in which they desire the concurrence of the Senate.

The bill last brought from the House of Representatives for concurrence was read, and ordered to the second reading.

The Senate resumed the second reading of the bill concerning aliens.

On motion, to agree to the 7th section of the bill, amended as follows:

"Sec. 7. *And be it further enacted*, That every master or commander of any ship or vessel which shall come into any port of the United States, shall immediately, on his arrival, make report in writing to the collector or other chief officer of the customs in such port

of all aliens, if any, on board his vessel, specifying their names, age, place of nativity, the country from which they shall have come, the nation to which they belong and owe allegiance, their occupation, and a description of their persons, as far as he shall be informed thereof. And, on failure, every such master or commander shall forfeit and pay —— dollars; for the payment whereof, in default of the master or commander, such vessel shall also be holden, and may by such collector, or other officer of the customs, be detained. And it shall be the duty of such collector, or other officer of the customs, to transmit forthwith to the officer of the Department of State, true copies of all such returns."

It was determined in the affirmative—yeas 22, nays 1, as follows:

YEAS—Messrs. Anderson, Bingham, Bloodworth, Brown, Chipman, Clayton, Foster, Goodhue, Hillhouse, Hunter, Laurance, Lloyd, Marshall, Martin, Mason, North, Paine, Reed, Stockton, Tattnall, Tazewell, and Tracy.

NAY—Mr. Livermore.

*Ordered*, That the further consideration of the bill be postponed.

---

MONDAY, May 28.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act providing for the relief of persons imprisoned for debts due to the United States;" and a bill, entitled "An act supplementary to an act, entitled "An act for the relief of persons imprisoned for debt;" in which they desire the concurrence of the Senate.

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

The bill, sent from the House of Representatives for concurrence, entitled "An act providing for the more effectual collection of certain internal revenues of the United States," was read the second time, and referred to Messrs. HILLHOUSE, STOCKTON, and TAZEWELL, to consider and report thereon to the Senate.

Mr. LLOYD presented the resolutions and address of a respectable number of the citizens of the lower end of Frederick county, in the State of Maryland, signed Andrew Scriver, chairman; also, the resolutions of a large number of citizens, assembled in the court-house in Somerset county, in the said State, signed John Doane, chairman, approving the conduct of the supreme Executive of the United States, particularly in regard to his measures respecting an accommodation of the subsisting difference with the French Republic; and pledging their lives and fortunes in the defence of their country, and in the support of its Government; and the resolutions and address were read.

The Senate resumed the second reading of the bill concerning aliens.

On motion, by Mr. MARSHALL, to amend the 8th section, to be read as follows:

"SEC. 8. *And be it further enacted*, That it shall be lawful for the President of the United States, whenever he may deem it necessary for the public safety, to have removed out of the territory thereof any alien who may or shall be imprisoned, under this act, for speaking, writing, or printing, contrary to the provisions thereof, any thing herein to the contrary notwithssanding:"

It was determined in the negative—yeas 8, nays 14, as follows:

YEAS—Messrs. Anderson, Bloodworth, Brown, Hunter, Marshall, Mason, Tattnall, and Tazewell.

NAYS—Messrs. Bingham, Chipman, Clayton, Foster, Goodhue, Hillhouse, Laurance, Livermore, Lloyd, Martin, North, Paine, Read, and Tracy.

On motion, by Mr. LIVERMORE, to expunge the 8th section of the bill, it was determined in the negative—yeas 10, nays 13, as follows:

YEAS—Messrs. Anderson, Bloodworth, Brown, Hunter, Livermore, Marshall, Martin, Mason, Tattnall, and Tazewell.

NAYS—Messrs. Bingham, Chipman, Clayton, Foster, Goodhue, Hillhouse, Laurance, Lloyd, North, Paine, Read, Stockton, and Tracy.

On motion, by Mr. MASON, to expunge the 9th section, which is as follows:

"Sec. 9. *And be it further enacted*, That it shall be lawful for the President of the United States to send or remove, out of the territory thereof, all such aliens as he shall judge dangerous to the peace and safety of the United States, or shall have reasonable grounds to suspect are concerned in any treasonable or secret machinations against the Government thereof; such alien having obtained a permit, agreeably to the provisions of this act, notwithstanding:"

It was determined in the negative—yeas 10, nays 13, as follows:

YEAS—Messrs. Anderson, Bloodworth, Brown, Hunter, Livermore, Marshall, Martin, Mason, Tattnall, and Tazewell.

NAYS—Messrs. Bingham, Chipman, Clayton, Foster, Goodhue, Hillhouse, Laurance, Lloyd, North, Paine, Read, Stockton, and Tracy.

On motion, by Mr. MARSHALL, to amend the bill, by adding to the end of the 9th section as follows, to wit:

"And whenever the President of the United States shall cause any alien to be removed out of the United States, the facts on which the order of removal are founded, together with the order itself, and specifying the manner and time of removal, with the place where the party shall be left, shall be entered in a well-bound book, to be kept in the office of the Secretary of the Department of State, for the inspection of Congress; and such order shall be executed by such persons as shall be named therein:"

It passed in the negative—yeas 10, nays 13, as follows:

YEAS—Messrs. Anderson, Bloodworth, Brown, Hunter, Livermore, Marshall, Martin, Mason, Tattnall, and Tazewell.

NAYS—Messrs. Bingham, Chipman, Clayton, Foster, Goodhue, Hillhouse, Laurance, Lloyd, North, Paine, Read, Stockton, and Tracy.

---

TUESDAY, May 29.

The bill, sent from the House of Representatives for concurrence, entitled "An act providing

for the relief of persons imprisoned for debts due to the United States," was read the second time, and referred to Messrs. LAURANCE, LIVERMORE, and CHIPMAN, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to an act, entitled 'An act for the relief of persons imprisoned for debt,'" was read the second time, and referred to the last-mentioned committee, to consider and report thereon to the Senate.

Mr. TRACY, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "an act making appropriations for the Military Establishment for the year one thousand seven hundred and ninety-eight, and for other purposes," reported the bill with amendments; which were read.

*Resolved*, That they lie for consideration.

The Senate resumed the second reading of the bill concerning aliens.

A motion was made, by Mr. LAURANCE, to amend the 11th section of the bill, by adding as follows:

"*And provided, also*, That nothing in this act contained shall be construed to affect any person, being an alien, who came within the United States for the purpose of becoming a citizen thereof, and who has made the declaration, and renounced his allegiance and fidelity, in the manner, and according to the provisions in an act, entitled 'An act to establish a uniform rule of naturalization, and to repeal the act heretofore passed on that subject;' or may make the same, and renounce his allegiance and fidelity, according to the provision contained in the said act, within —— days after passing of this act."

Whereupon, a motion was made by Mr. STOCKTON, to amend the amendment, by striking out therefrom the words following:

"Or may make the same, and renounce his allegiance and fidelity, according to the provision contained in the said act, within —— days after passing of this act."

And the motion to amend the amendment passed in the affirmative—yeas 14, nays 10, as follows:

YEAS—Messrs. Chipman, Clayton, Foster, Goodhue, Hillhouse, Hunter, Latimer, Livermore, Lloyd, North, Paine, Read, Stockton, and Tracy.

NAYS—Messrs. Anderson, Bingham, Bloodworth, Brown, Laurance, Marshall, Martin, Mason, Tattnall, and Tazewell.

On the question to agree to the amendment, as amended, it passed in the affirmative—yeas 20, nays 4, as follows:

YEAS—Messrs. Anderson, Bingham, Bloodworth, Brown, Chipman, Clayton, Foster, Hillhouse, Hunter, Latimer, Laurance, Livermore, Marshall, Martin, Mason, North, Stockton, Tattnall, Tazewell, and Tracy.

NAYS—Messrs. Goodhue, Lloyd, Paine, and Read.

And several other amendments being agreed to,

*Resolved*, That the further consideration of the bill be postponed.

WEDNESDAY, May 30.

The VICE PRESIDENT communicated a letter signed Samuel Meredith, with his account of receipts and expenditures in the Treasury Department for the quarter ending the 31st of March last; and the letter was read.

*Resolved*, That the letter and account lie on the table.

Mr. CHIPMAN presented the address of the mayor, aldermen, common council, and freemen, of the city of Vergennes, in the county of Addison, and State of Vermont, signed by Roswel Hopkins, mayor, and by the aldermen, common council, and a great number of freemen of the said city, declaring "their unequivocal approbation and applause of the conduct of the supreme Executive of the United States; particularly in respect to the measures for accommodating the subsisting differences with the French Republic; their confidence in the united councils of our country, and, under the guidance of the Supreme Disposer of events, pledging their lives and fortunes to the last mite, to defend it against any nation on earth, which, with sacrilegious finger, shall dare touch the holy ark of our national rights;" and the address was read.

The Senate resumed the second reading of the bill concerning aliens.

On motion, by Mr. LAURANCE, to subjoin the following to the end of the 11th section:

"*And provided*, That nothing in this act contained shall be construed to contravene any provision of any treaty subsisting between the United States and any foreign nation;"

It was determined in the affirmative—yeas 12, nays 12, as follows:

YEAS—Messrs. Anderson, Bingham, Bloodworth, Brown, Hunter, Laurance, Livermore, Marshall, Martin, Mason, Tattnall, and Tazewell.

NAYS—Messrs. Chipman, Clayton, Foster, Goodhue, Hillhouse, Latimer, Lloyd, North, Paine, Read, Stockton, and Tracy.

The VICE PRESIDENT determined the question in the affirmative.

On motion, to agree to the eleventh section as amended—

A motion was made, by Mr. LIVERMORE, and it was agreed to divide the section as follows:

"SEC. 11. *And be it further enacted*, That in case any person ordered or adjudged to be transported, shall be found at large within the United States, after sentence of transportation pronounced, such alien shall be imprisoned and kept to hard labor for and during life;"

And, on the question to agree to this division, it was determined in the affirmative—yeas 16, nays 6, as follows:

YEAS—Messrs. Bingham, Chipman, Clayton, Foster, Goodhue, Hillhouse, Hunter, Latimer, Laurance, Lloyd, North, Paine, Read, Stockton, Tattnall, and Tracy.

NAYS—Messrs. Anderson, Brown, Livermore, Marshall, Mason, and Tazewell.

And, after agreeing to other amendments,

*Resolved*, That the further consideration of the bill be postponed.

THURSDAY, May 31.

Mr. LAURANCE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act providing for the relief of persons imprisoned for debts due to the United States," reported the bill without amendment.

Mr. L., from the same committee, to whom was also referred the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to an act, entitled 'An act for the relief of persons imprisoned for debt,'" reported amendments; which were read.

Mr. HILLHOUSE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act providing for the more effectual collection of certain internal revenues of the United States," reported amendments, which were considered and agreed to; and,

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

The Senate resumed the second reading of the bill concerning aliens.

A motion was made, by Mr. BINGHAM, to restore the words yesterday agreed to be struck out from the eleventh section, to wit: "nor to any alien merchant conforming to such regulations as the President of the United States shall prescribe;" and,

On motion, by Mr. LIVERMORE, it was agreed to divide the question as follows: "nor to any alien merchant;" and this division passed in the affirmative—yeas 14, nays 10, as follows:

YEAS—Messrs. Anderson, Bingham, Brown, Foster, Hunter, Latimer, Laurance, Livermore, Marshall, Martin, Mason, Read, Tattnall, and Tazewell.

NAYS—Messrs. Bloodworth, Chipman, Clayton, Goodhue, Hillhouse, Lloyd, North, Paine, Stockton, and Tracy.

And on motion to agree to the other division of the question, to wit: "conforming to such regulations as the President of the United States shall prescribe," it was determined in the negative—yeas 10, nays 14, as follows:

YEAS—Messrs. Bingham, Foster, Goodhue, Hillhouse, Latimer, Laurance, Lloyd, Read, Stockton, and Tracy.

NAYS—Messrs. Anderson, Bloodworth, Brown, Chipman, Clayton, Hunter, Livermore, Marshall, Martin, Mason, North, Paine. Tattnall, and Tazewell.

On motion to reconsider the first division of the question last agreed to, it passed in the negative.

---

FRIDAY, June 1.

Mr. NORTH presented the resolutions and address of a numerous meeting of the inhabitants of the city of Schenectady, in the State of New York, signed John Sanders, chairman, declarative of their warm and unequivocal approbation of the measures adopted by the Government to maintain a state of neutrality with the belligerent Powers of Europe; and pledging their lives and fortunes to support the laws and the liberties of their country; and the address was read.

The bill, sent from the House of Representatives for concurrence, entitled "An act providing for the more effectual collection of certain internal revenues of the United States," was read the third time.

*Ordered*, That it be recommitted to the committee who brought in the report; together with the bill, sent from the House of Representatives for concurrence, entitled "An act to alter the time of making entry of stills, and for other purposes," to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act for establishing and organizing a battalion of infantry, to be called the Marine Corps;" and a bill entitled "An act to suspend the commercial intercourse between the United States and France, and the dependencies thereof;" in which they desire the concurrence of the Senate.

The bills were read and ordered to the second reading.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act providing for the relief of persons imprisoned for debts due to the United States."

*Resolved*, That this bill pass to a third reading.

The Senate took into consideration the amendments reported by the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to an act entitled 'An act for the relief of persons imprisoned for debt;'" which being adopted, the bill was amended accordingly.

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

The Senate resumed the second reading of the bill concerning aliens.

*Ordered*, That it be recommitted to the committee who brought in the bill, to consider and report thereon to the Senate, and that Mr. BINGHAM be of the committee, in place of Mr. SEDGWICK, absent on account of the ill state of his health.

The Senate took into consideration the report of the committee to whom was referred the petition of Joseph Jamison, of Scioto river, and others, and to whom was also referred the bill to amend an act entitled "An act providing for the sale of the lands of the United States in the territory northwest of the river Ohio and above the mouth of Kentucky river; and, after debate,

*Resolved*, That the further consideration thereof be postponed.

---

MONDAY, June 4.

Mr. LLOYD presented the address of a respectable meeting of the inhabitants of Montgomery county, in the State of Maryland, signed Jeremiah Crabb, chairman; also, the resolutions of a number of respectable inhabitants of the county of Washington, in the said State, declaring their approbation of the conduct of the Executive of

the United States, and, in confidence on that beneficent Providence whose interpositions in our favor have often been displayed, pledging their lives and fortunes in the defence of the Constitution and Government of their country; and the address and resolutions were read.

The bill, sent from the House of Representatives for concurrence, entitled "An act providing for the relief of persons imprisoned for debts due to the United States," was read the third time, and passed.

The bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to an act entitled 'An act for the relief of persons imprisoned for debt,'" was read the third time.

*Resolved*, That this bill pass with amendments.

Mr. BINGHAM, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act respecting Loan Office and final settlement certificates, indents of interest, and the unfunded or registered debt, credited in the books of the Treasury," reported amendments, which were read, adopted, and the bill was amended accordingly.

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

The bill, sent from the House of Representatives for concurrence, entitled "An act to suspend the commercial intercourse between the United States and France, and the dependencies thereof," was read the second time.

*Ordered*, That it be referred to Mr. GOODHUE and others, to whom was referred, on the 29th of November last, that part of the President's Speech on measures for the security and protection of the commerce of the United States, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act for establishing and organizing a battalion of infantry, to be called the Marine Corps," was read the second time, and referred to Messrs. TRACY, NORTH, and LLOYD, to report thereon to the Senate.

Mr. LIVERMORE, from the committee to whom was referred the bill respecting aliens, reported the bill with an amendment; which was read.

*Ordered*, That it lie for consideration.

On motion, by Mr. MARTIN,

*Resolved*, That the Senate will attend the funeral of Colonel NATHAN BRYAN, late a member of the House of Representatives of the United States, at nine o'clock to-morrow morning.

---

TUESDAY, June 5.

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

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

I now transmit to both Houses the communications from our Envoys at Paris, received since the last, which have been presented by me to Congress.

JOHN ADAMS.

UNITED STATES, *June* 5, 1798.

The Message and communications were read.

*Ordered*, That five hundred copies thereof be printed for the use of the Senate.

Mr. LAURANCE notified the Senate that he should, to-morrow, move for leave to bring in a bill to punish frauds committed on the Bank of the United States.

The Senate took into consideration the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for the Military Establishment for the year one thousand seven hundred and ninety-eight, and for other purposes."

On motion to agree to amend the first amendment reported to the bill, to be read as follows: "The sum of ——— (including the sum of two hundred thousand dollars already appropriated on account,) be, and hereby is, appropriated;" and it was determined in the affirmative—yeas 20, nays 2, as follows:

YEAS—Messrs. Anderson, Bloodworth, Chipman, Clayton, Foster, Goodhue, Hillhouse, Hunter, Latimer, Laurance, Livermore, Lloyd, Marshall, Martin, North, Paine, Read, Stockton, Tattnall, and Tracy.

NAYS—Messrs. Mason and Tazewell.

And, having agreed to further amendments reported by the committee,

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

Mr. GOODHUE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to suspend the commercial intercourse between the United States and France, and the dependencies thereof," reported the bill amended.

The bill, sent from the House of Representatives for concurrence, entitled "An act respecting Loan Office and final settlement certificates, indents of interest, and the unfunded or registered debt credited in the books of the Treasury," was read the third time.

*Resolved*, That this bill pass with an amendment.

---

WEDNESDAY, June 6.

The bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for the Military Establishment for the year one thousand seven hundred and ninety-eight, and for other purposes," was read the third time.

*Resolved*, That this bill pass with amendments.

Mr. GOODHUE, from the committee appointed the 29th November last, on that part of the Speech of the President of the United States which respects measures for the security and protection of the commerce of the United States, reported a bill authorizing the President of the United States to accept of any armed vessel, offered for the use of the United States; which bill was read, and ordered to the second reading.

The Senate took into consideration the report of the committee, to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to suspend the com-

mercial intercourse between the United States and France, and the dependencies thereof;" which report being disagreed to, and an amendment, on motion, being adopted,

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

The Senate took into consideration the report of the committee, to whom was referred the bill concerning aliens; and, after debate,

*Ordered*. That the further consideration thereof be postponed.

---

THURSDAY, June 7.

The bill authorizing the President of the United States to accept of any armed vessels, offered for the use of the United States, was read the second time.

On motion, it was agreed, that the consideration thereof be postponed.

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

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

The bill, sent from the House of Representatives for concurrence, entitled "An act to suspend the commercial intercourse between the United States and France, and the dependencies thereof," was read the third time; and, being further amended,

On the final passage of the bill, it was determined in the affirmative—yeas 18, nays 4, as follows:

YEAS—Messrs. Anderson, Bingham, Bloodworth, Chipman, Clayton, Foster, Goodhue, Hillhouse, Latimer, Laurance, Livermore, Martin, North, Paine, Read, Stockton, Tattnall, and Tracy.

NAYS—Messrs. Brown, Marshall, Mason, and Tazewell.

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

Mr. LAURANCE, agreeably to notice on the 5th instant, obtained leave to bring in a bill to punish frauds committed on the Bank of the United States; which was read and ordered to the second reading.

The Senate resumed the consideration of the report of the committee to whom was referred the bill concerning aliens; and the report being amended, was agreed to; and the bill was amended accordingly.

On motion, by Mr. TAZEWELL, further to amend the bill, by adding the following words to the end of the third section, reported by the committee, to wit:

"*Provided*, That nothing in this act contained, shall be construed to contravene any provision of any treaty subsisting between the United States and any foreign nation:"

It was determined in the negative—yeas 5, nays 16, as follows:

YEAS—Messrs. Anderson, Brown, Mason, Tattnall, and Tazewell.

NAYS—Messrs. Chipman, Clayton, Foster, Goodhue, Hillhouse, Hunter, Latimer, Laurance, Livermore, Marshall, Martin, North, Paine, Read, Stockton, and Tracy.

*Resolved*, That this bill pass to a third reading.

Mr. HILLHOUSE, from the committee to whom was recommitted the bill, sent from the House of Representatives for concurrence, entitled "An act providing for the more effectual collection of certain internal revenues of the United States," reported the bill further amended; and the report was adopted.

*Resolved*, That this bill pass with amendments.

Mr. HILLHOUSE, from the committee, to whom was also recommitted the bill, sent from the House of Representatives for concurrence, entitled "An act to alter the time of making entry of stills, and for other purposes," reported the bill without further amendment.

A motion was made, by Mr. MASON,

"That a committee be appointed to inquire whether, and when, it may be proper to close the present session of Congress; and also into the propriety of altering the time for the next annual meeting of Congress."

And it was agreed that this motion lie for consideration.

---

FRIDAY, June 8.

The Senate took into consideration the motion made yesterday, relative to closing the present session of Congress; which, being amended, was agreed to, as follows:

*Ordered*, That Messrs. TRACY, LAURANCE, GOODHUE, STOCKTON, and PAINE, be a committee to inquire what business, of a public nature, may require the attention of Congress, before its adjournment, and when it may be proper to close the present session of Congress; and also into the propriety of altering the time for the next annual meeting of Congress, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to regulate and fix the compensations of the officers employed in collecting the internal revenues of the United States, and to insure more effectually the settlement of their accounts," in which they desire the concurrence of the Senate. They agree to the amendments of the Senate to the bill, entitled "An act making appropriations for the Military Establishment, for the year one thousand seven hundred and ninety-eight, and for other purposes;" with an amendment to the eighth amendment, in which they desire the concurrence of the Senate.

Mr. TRACY, from the committee to whom was referred the motion to amend the Rules for conducting business in the Senate, reported an addition to the 19th rule; which was read.

*Ordered*, That it lie for consideration.

Mr. BINGHAM, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to, and to amend the act, entitled 'An act to establish an uniform rule of naturali-

zation, and to repeal the act heretofore passed on that subject," reported the bill amended; which amendment was read.

*Ordered*, That it lie for consideration.

The Senate took into consideration the amendment of the House of Representatives, to the eighth amendment of the Senate, to the bill, entitled "An act making appropriations for the Military Establishment, for the year one thousand seven hundred and ninety-eight, and for other purposes."

*Resolved*, That they do agree to the said amendment to the amendment.

The bill concerning aliens was read the third time; and,

On motion, by Mr. MASON, the second clause of the first section reported by the committee was amended, to be read as follows:

"Which order shall be served on such alien, by delivering him a copy thereof, or leaving the same at his usual abode."

On motion by Mr. MARSHALL, to amend the second clause, in the first section of the bill as reported by the committee, to be read, as follows:

"Which order shall also express the cause of removal:"

And it was determined in the negative—yeas 6, nays 17, as follows:

YEAS—Messrs. Anderson, Bloodworth, Marshall, Martin, Mason, and Tazewell.

NAYS—Messrs. Bingham, Brown, Chipman, Clayton, Foster, Goodhue, Hillhouse, Latimer, Laurance, Livermore, Lloyd, North, Paine, Read, Stockton, Tattnall, and Tracy.

On the final passage of the bill, the question was determined in the affirmative—yeas 16, nays 7, as follows:

YEAS—Messrs. Bingham, Chipman, Clayton, Foster, Goodhue, Hillhouse, Latimer, Laurance, Livermore, Lloyd, Martin, North, Paine, Read, Stockton, and Tracy.

NAYS—Messrs, Anderson, Bloodworth, Brown, Marshall, Mason, Tattnall, and Tazewell.

So it was *Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An act concerning aliens."

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of John Vaughan," was read the second time, and ordered, that it be referred to Messrs. BINGHAM, TRACY, and PAINE, to consider and report thereon to the Senate.

The bill last sent from the House of Representatives for concurrence was read, and ordered to the second reading.

The bill to punish frauds committed on the Bank of the United States, was read the second time, and referred to Messrs. LAURANCE, STOCKTON, and TAZEWELL, to consider and report thereon to the Senate.

The Senate resumed the consideration of the bill authorizing the President of the United States to accept of any armed vessel offered for the use of the United States.

*Ordered*, That it be referred to the committee appointed the 29th of November last on that part of the Speech of the President of the United States, which respects measures for the security and protection of the commerce of the United States, to consider and report thereon to the Senate.

Mr. NORTH, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act allowing an additional compensation to the Accountant of the War Department, for the year one thousand seven hundred and ninety-eight," reported the bill without amendment; and, after debate,

*Ordered*, That the further consideration thereof be postponed,

The bill, sent from the House of Representatives for concurrence, entitled "An act to alter the time of making entry of stills, and for other purposes;" was resumed.

*Resolved*, That this bill pass with amendments.

---

MONDAY, June 11.

The bill, sent from the House of Representatives for concurrence, entitled "An act to regulate and fix the compensations of the officers employed in collecting the internal revenues of the United States, and to insure more effectually the settlement of their accounts," was read the second time, and referred to Messrs. TRACY, LIVERMORE, and STOCKTON, to consider and report thereon to the Senate.

The Senate took into consideration the amendments reported by the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to and to amend the act, entitled 'An act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on that subject;" and the report being agreed to, the bill was amended accordingly.

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

A message from the House of Representatives informed the Senate that the House have agreed to the amendments of the Senate to the bill, entitled "An act to suspend the commercial intercourse between the United States and France, and the dependencies thereof," with an amendment, in which they desire the concurrence of the Senate. They have appointed a committee to inquire whether, and when, it may be proper to close the present session of Congress; and, also, into the propriety of altering the time for the next annual meeting of Congress; and have instructed them to confer thereon with a committee which they desire may be appointed on the part of the Senate for the purpose.

The Senate took into consideration the resolution of the House of Representatives, appointing a committee to consider and confer on the proper time at which the present session may be closed.

*Resolved*, That they do agree to the conference desired by the House of Representatives on the first resolution, and that Messrs. TRACY, LAURANCE, GOODHUE, STOCKTON, and PAINE, the

committee of the Senate, who were appointed on the 8th instant, for the purpose of a like inquiry, be managers of the said conference on the part of the Senate.

The Senate resumed the consideration of the report of the committee to whom was referred the bill to amend an act, entitled "An act providing for the sale of the lands of the United States in the territory northwest of the river Ohio, and above the mouth of Kentucky river;" and the report being disagreed to,

*Resolved*, That this bill pass to a third reading.

The Senate took into consideration the report of the committee to whom was referred the motion to amend the rules for conducting business in the Senate.

*Resolved*, That the consideration thereof be postponed.

---

TUESDAY, June 12.

Mr. GOODHUE, from the committee to whom was referred the bill authorizing the President of the United States to accept of any armed vessel offered for the use of the United States, reported an amendment, which was read.

*Ordered*, That it lie for consideration.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act allowing an additional compensation to the Accountant of the War Department, for the year one thousand seven hundred and ninety-eight." And,

*Resolved*, That the further consideration thereof be postponed until the next session of Congress.

The bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to and to amend the act, entitled 'An act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on that subject,'" was read the third time.

On motion, by Mr. ANDERSON, to reduce the term of residence necessary to qualify an alien to become a citizen, by striking out "fourteen years" and inserting in the place thereof "seven years," it was agreed that the motion should be divided, and that the question should be taken on striking out; and this part of the motion was determined in the negative—yeas 10, nays 11, as follows:

YEAS—Messrs. Anderson, Bloodworth, Brown, Foster, Marshall, Martin, Mason, North, Tattnall, and Tazewell.

NAYS—Messrs. Bingham, Chipman, Goodhue, Hillhouse, Latimer, Laurance, Livermore, Paine, Read, Stockton, and Tracy.

On motion, by Mr. ANDERSON, to strike out these words, section 1st, line 3d: "the United States or of any State," and insert in lieu thereof, "any one of the United States;" it was agreed that the motion should be divided, and that the question should be taken on striking out; and this part of the motion was determined in the negative—yeas 8, nays 13, as follows:

YEAS—Messrs. Anderson, Bloodworth, Brown, Marshall, Mason, North, Tattnall, and Tazewell.

NAYS—Messrs. Bingham, Chipman, Foster, Goodhue, Hillhouse, Latimer, Laurance, Livermore, Martin, Paine, Read, Stockton, and Tracy.

And the bill being further amended, the question on the final passage thereof was determined in the affirmative—yeas 13, nays 8, as follows:

YEAS—Messrs. Bingham, Chipman, Foster, Goodhue, Hillhouse, Latimer, Laurance, Livermore, Martin, Paine, Read, Stockton, and Tracy.

NAYS—Messrs. Anderson, Bloodworth, Brown, Marshall, Mason, North, Tattnall, and Tazewell.

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

Mr. LAURANCE, from the committee to whom was referred the bill to punish frauds committed on the Bank of the United States, reported the bill with amendments; which were read.

*Ordered*, That they lie for consideration.

A motion was made, by Mr. HILLHOUSE, "that a committee be appointed to consider whether any and what addition ought to be made to the compensation allowed by law to the officers of Government, whose official duties require them to reside at the seat of Government;" and the motion was read.

*Ordered*, That it lie for consideration.

The bill to amend an act entitled "An act providing for the sale of the lands of the United States in the territory northwest of the river Ohio, and above the mouth of Kentucky river," was considered, and, on motion by Mr. FOSTER, it was agreed that the further consideration thereof be postponed until Monday next.

---

WEDNESDAY, June 13.

Mr. MASON, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act providing compensation for the marshals, clerks, attorneys, jurors, and witnesses, in the courts of the United States, and to repeal certain parts of the acts therein mentioned, and for other purposes," reported the bill with amendments.

*Ordered*, That they lie for consideration.

The Senate took into consideration the report of the committee to whom was referred the bill authorizing the President of the United States to accept of any armed vessels offered for the use of the United States.

On motion, by Mr. ANDERSON, to add at the end of the second section reported by the committee—

"*And provided, also*, That no vessel offered on loan, shall be accepted at a higher rate of interest (where interest shall be demanded) than six per cent. per annum upon the principal, which shall be reimbursed at the pleasure of the Government of the United States;"

It passed in the negative—yeas 10, nays 12, as follows:

YEAS—Messrs. Anderson, Brown, Howard, Langdon, Marshall, Martin, Mason, North, Paine, and Tattnall.

NAYS—Messrs. Bingham, Chipman, Foster, Goodhue, Hillhouse, Latimer, Laurance, Livermore, Lloyd, Read, Stockton, and Tracy.

On motion, by Mr. MASON, to add to the end of the second section, "nor of greater force than —— guns to each;" it passed in the negative—yeas 8, nays 15, as follows:

YEAS—Messrs. Anderson, Bloodworth, Brown, Langdon, Marshall, Martin, Mason, and Tattnall.

NAYS—Messrs. Bingham, Chipman, Foster, Goodhue, Hillhouse, Howard, Latimer, Laurance, Livermore, Lloyd, North, Paine, Read, Stockton, and Tracy.

On the question to agree to the second section of the bill reported by the committee, amended as follows:

"SEC. 2. *And be it further enacted*, That it shall be lawful for the President, and he is hereby authorized, to receive, for the use of the United States, any vessel, armed or suitable to be armed, that may hereafter be built within the United States, and owned by any citizen or citizens of the United States, which may be offered to him, on such terms as he may deem beneficial to the public interest; which vessels shall be in addition to those heretofore provided by any law of the United States: *Provided*, That the vessels to be received by virtue of this section shall not exceed twelve in number, nor be of less force than twenty guns, nine pounders, each vessel;"

It passed in the affirmative—yeas 16, nays 7, as follows:

YEAS—Messrs. Bingham, Chipman, Foster, Goodhue, Hillhouse, Howard, Latimer, Laurance, Livermore, Lloyd, Martin, North, Paine, Read, Stockton, and Tracy.

NAYS—Messrs. Anderson, Bloodworth, Brown, Langdon, Marshall, Mason, and Tattnall.

And other amendments, reported by the committee, being agreed to, the bill was amended accordingly.

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

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act to provide for the valuation of lands and dwelling houses, and the enumeration of slaves, within the United States;" a bill, entitled "An act to amend the act entitled 'An act providing a naval armament;'" and the act entitled "An act to authorize the President of the United States to cause to be purchased or built a number of small vessels, to be equipped as galleys or otherwise;" and a bill entitled "An act to authorize the defence of the merchant vessels of the United States against French depredations;" in which bills they desire the concurrence of the Senate.

---

THURSDAY, June 14.

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

The bill authorizing the President of the United States to accept of any armed vessels offered for the use of the United States, was read a third time; and the question on the final passage of this bill was determined in the affirmative—yeas 16, nays 7, as follows:

YEAS—Messrs. Bingham, Chipman, Foster, Goodhue, Hillhouse, Howard, Latimer, Laurance, Livermore, Lloyd, Martin, North, Paine, Read, Stockton, and Tracy.

NAYS—Messrs. Anderson, Brown, Langdon, Marshall, Mason, Tattnall, and Tazewell.

So it was *Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An act authorizing the President of the United States to accept and receive vessels armed, or suitable to be armed, for the use of the United States, in addition to those heretofore provided."

Mr. GOODHUE, from the committee appointed on the 29th of November last, on that part of the Speech of the President of the United States which respects measures for the security and protection of the commerce of the United States, reported a bill in addition to the act more effectually to protect the commerce and coasts of the United States; which was read, and ordered to a second reading.

The Senate took into consideration the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act providing compensation for the marshals, clerks, attorneys, jurors, and witnesses, in the courts of the United States, and to repeal certain parts of the acts therein mentioned, and for other purposes;" and, after debate,

*Resolved*, That the further consideration thereof be postponed.

Mr. TRACY, from the joint committee appointed to inquire whether, and when, it may be proper to close the present session of Congress; and, also, into the propriety of altering the time for the next annual meeting of Congress, made report; which was read.

*Ordered*, That it lie for consideration.

---

FRIDAY, June 15.

The bill, sent from the House of Representatives for concurrence, entitled "An act to amend the act, entitled 'An act providing a Naval Armament," and the act, entitled "An act to authorize the President of the United States to cause to be purchased, or built, a number of small vessels, to be equipped as galleys, or otherwise;" was read the second time.

*Ordered*, That it be referred to the committee appointed on the 29th of November last, on that part of the Speech of the President of the United States which relates to measures for the security and protection of the commerce of the United States, to consider and report he reon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act to authorize the defence of the merchant vessels of the United States against French depredations," was read the second time, and referred to the last mentioned committee, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act to provide for the valuation of lands and dwelling

houses, and the enumeration of slaves within the United States," was read the second time, and referred to Messrs. READ, PAINE, STOCKTON, LATIMER, and HILLHOUSE, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that the House disagree to the first, and concur in the other amendment of the Senate, with an amendment to the bill, entitled "An act providing for the more effectual collection of certain internal revenues of the United States;" they have passed a bill, entitled "An act providing arms for the militia throughout the United States;" in which they desire the concurrence of the Senate.

The bill, in addition to the act more effectually to protect the commerce and coasts of the United States, was read the second time.

*Resolved*, That this bill pass to a third reading.

The bill last brought from the House of Representatives for concurrence was read, and ordered to the second reading.

Mr. LLOYD notified the Senate that he should, to-morrow, ask leave to bring in a bill to allow to the Secretary of the Navy the privilege of franking letters.

Mr. BINGHAM, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of John Vaughan," reported the bill without amendment.

*Resolved*, That the consideration thereof be postponed.

---

MONDAY, June 18.

Mr. LANGDON presented the memorial of the inhabitants of the town of Portsmouth, in the State of New Hampshire, signed by Daniel Rindge and others, stating the exposed situation of their port, and praying that measures may be taken for its immediate defence; and the petition was read.

*Ordered*, That it be referred to the Secretary for the Department of War, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act supplementary to, and to amend the act, entitled 'An act authorizing the President of the States to raise a provisional army;" in which they desire the concurrence of the Senate.

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

*Gentlemen of the Senate and*

*Gentlemen of the House of Representatives:*

I now transmit to Congress the despatch No. 8, from our Envoys Extraordinary to the French Republic, which was received at the Secretary of State's office on Thursday, the fourteenth day of this month.

JOHN ADAMS.

UNITED STATES, *June* 18, 1798.

The Message and despatch were read.

*Ordered*, That five hundred copies thereof be printed for the use of the Senate.

The bill last brought from the House of Representatives for concurrence was read, and ordered to the second reading.

Mr. BINGHAM presented the address of a numerous meeting of the inhabitants of the borough and county of Bedford, in the State of Pennsylvania, signed Hugh Barclay, chairman; and

Mr. HOWARD presented the address of a respectable meeting of the inhabitants of the upper part of Montgomery county, in the State of Maryland, signed Aneas Campbell, chairman, stating, respectively, their approbation of the conduct of the Executive and Legislative branches of Government, and pledging their support; and the addresses were severally read.

The bill, in addition to the act more effectually to protect the commerce and coasts of the United States, was read the third time.

The final passage of the bill, as amended, was determined in the affirmative—yeas 15, nays 3, as follows:

YEAS—Messrs. Bingham, Chipman, Foster, Goodhue, Hillhouse, Howard, Laurance, Livermore, Lloyd, Marshall, Martin, North, Paine, Read, and Tracy.

NAYS—Messrs. Langdon, Tattnall, and Tazewell.

So it was *Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An act in addition to the act more effectually to protect the commerce and coasts of the United States."

The bill, sent from the House of Representatives for concurrence, entitled "An act providing arms for the militia throughout the United States," was read the second time, and referred to Messrs. NORTH, CHIPMAN, and HOWARD, to consider and report thereon to the Senate.

Mr. GOODHUE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to amend the act, entitled 'An act providing a Naval Armament;" and the act, entitled "An act to authorize the President of the United States to cause to be purchased, or built, a number of small vessels, to be equipped as galleys, or otherwise;" reported the bill without amendment.

*Resolved*, That this bill pass to a third reading.

Mr. GOODHUE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to authorize the defence of the merchant vessels of the United States against French depredations," reported the bill amended; and the amendments were read.

*Ordered*, That they lie for consideration.

The Senate took into consideration the resolutions of the House of Representatives on the amendment of the Senate to the bill, entitled "An act providing for the more effectual collection of certain internal revenues of the United States."

*Resolved*, That they insist on their first amendment disagreed to by the House of Representatives, and disagree to the other amendments of the House of Representatives to the amendments of the Senate, ask a conference on the disagreeing votes of the two Houses, and that Messrs. HILL-

HOUSE and PAINE be managers at the conference on the part of the Senate.

Conformably to notice given on the 15th instant, Mr. LLOYD had leave to bring in a bill to allow to the Secretary of the Navy the privilege of franking letters; which bill was read, and ordered to the second reading.

---

TUESDAY, June 19.

Mr. GOODHUE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of sick and disabled seamen, reported the bill amended; and the amendments were read.

*Ordered*, That they lie for consideration.

The bill, sent from the House of Representatives for concurrence, entitled 'An act providing a Naval Armament;" and the act, entitled "An act to authorize the President of the United States to cause to be purchased or built a number of small vessels, to be equipped as galleys, or otherwise," was read the third time; and the final passage of the bill was determined in the affirmative—yeas 20, nays 2, as follows:

YEAS—Messrs. Brown, Chipman, Foster, Goodhue, Hillhouse, Howard, Langdon, Latimer, Laurance, Livermore, Lloyd, Marshall, Martin, Mason, North, Paine, Read, Stockton, Tattnall, and Tracy.

NAYS—Messrs. Bloodworth and Tazewell.

*Resolved*, That this bill pass.

The bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to, and to amend the act entitled "An act authorizing the President of the United States to raise a provisional army," was read the second time, and amended.

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

A message from the House of Representatives informed the Senate that they insist on their amendments to the amendments of the Senate to the bill, entitled "An act providing for the more effectual collection of certain internal revenues of the United States," and agree to the proposed conference thereon, and have appointed managers at the same on their part. They have passed a "Resolution authorizing the printing and distributing, throughout the United States, a certain number of copies of the instructions to, and despatches from, the Envoys Extraordinary and Ministers Plenipotentiary to the French Republic;" in which they desire the concurrence of the Senate.

The resolution was read.

*Resolved*, That the consideration thereof be postponed.

The amendments reported by the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to authorize the defence of the merchant vessels of the United States against French depredations," were agreed to; and the bill was amended accordingly.

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

The bill to extend the privilege of franking letters and packets to the Secretary of the Navy was read a second time.

*Resolved*, That this bill pass to a third reading.

---

WEDNESDAY, June 20.

The bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to, and to amend the act, entitled 'An act authorizing the President of the United States to raise a provisional army," was read a third time; and, on motion, the amendment made yesterday to the bill was considered; and the final passage of the bill was determined in the affirmative—yeas 16, nays 5, as follows:

YEAS—Messrs. Chipman, Foster, Goodhue, Hillhouse, Howard, Latimer, Laurance, Livermore, Lloyd, Marshall, Martin, North, Paine, Read, Stockton, and Tracy.

NAYS—Messrs. Bloodworth, Brown, Langdon, Mason, and Tattnall.

So it was resolved that this bill pass.

The bill, sent from the House of Representatives for concuerence, entitled "An act to authorize the defence of the merchant vessels of the United States against French depredations," was read a third time; and the final passage of the bill, as amended, was determined in the affirmative—yeas 16, nays 3, as follows:

YEAS—Messrs. Bingham, Chipman, Foster, Goodhue, Hillhouse, Howard, Latimer, Laurance, Livermore, Lloyd, Martin, North, Paine, Read, Stockton, and Tracy.

NAYS—Messrs. Brown, Langdon, and Mason.

So it was resolved that this bill pass, as amended.

The bill to extend the privilege of franking letters and packets to the Secretary of the Navy was read a third time.

*Resolved*, That this bill pass; that it be engrossed; and that the title thereof be, "An act to extend the privilege of franking letters and packets to the Secretary of the Navy."

The Senate took into consideration the amendments reported by the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of sick and disabled seamen;" and, after debate,

*Resolved*, That the further consideration thereof be postponed.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of John Vaughan," and, after debate,

*Ordered*, That it be recommitted, and that the committee be instructed to report a state of facts.

The resolution, yesterday sent from the House of Representatives for concurrence, providing that the instructions to, and despatches from, the Envoys to the French Republic, be printed, was considered; and

*Resolved*, That the Senate do concur therein.

Mr. BINGHAM presented the memorial of Thos. M'Kean and others, praying that measures may be taken to encourage the printing of the Journals

of Congress; and the memorial was read, and ordered to lie on the table.

The Senate resumed the consideration of the bill, sent from the House of Representatives for concurrence, entitled "An act providing compensation for the marshals, clerks, attorneys, jurors, and witnesses, in the Courts of the United States, and to repeal certain parts of the acts therein mentioned, and for other purposes;" and, after debate,

*Resolved*, That the further consideration of this bill be postponed until the next session of Congress.

---

THURSDAY, June 21.

Mr. READ, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves, within the United States," reported amendments, which were read; and,

*Ordered*, That they lie for consideration.

The Senate took into consideration the amendment reported by the committee to whom was referred the bill to punish frauds committed on the Bank of the United States.

On the question to agree to the report, in the words following: "At the end of the bill add, nor more than —— years, or shall be imprisoned not exceeding —— years, and fined not exceeding —— dollars," it was determined in the affirmative—yeas 19, nays 1, as follows:

YEAS—Messrs. Bingham, Chipman, Foster, Goodhue, Hillhouse, Howard, Langdon, Latimer, Laurance, Livermore, Marshall, Martin, Mason, North, Paine, Read, Stockton, Tazewell, and Tracy.

NAY—Mr. Lloyd.

On motion, that this bill pass to the third reading, it was determined in the affirmative—yeas 14, nays 6, as follows:

YEAS—Messrs. Bingham, Chipman, Foster, Goodhue, Hillhouse, Howard, Latimer, Laurance, Lloyd, North, Paine, Read, Stockton, and Tracy.

NAYS—Messrs. Brown, Langdon, Livermore, Martin, Mason, and Tazewell.

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

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

While I congratulate you on the arrival of General Marshall, one of our late Envoys Extraordinary to the French Republic, at a place of safety, where he is justly held in honor, I think it my duty to communicate to you a letter received by him from Mr. Gerry, the only one of the three who has not received his *congé*. This letter, together with another, from the Minister of Foreign Relations to him, of the third of April, and his answer of the fourth, will show the situation in which he remains; his intentions and prospects.

I presume that, before this time, he has received fresh instructions, (a copy of which accompanies this message,) to consent to no loans, and, therefore, the negotiation may be considered at an end.

I will never send another Minister to France without assurances that he will be received, respected, and honored, as the representative of a great, free, powerful, and independent nation.

JOHN ADAMS.

UNITED STATES, *June* 21, 1798.

The Message and documents were read.

*Resolved*, That five hundred copies thereof be printed for the use of the Senate.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making an appropriation for the expenses incident to the new regiment of artillerists and engineers, during the year one thousand seven hundred and ninety-eight;" in which they desire the concurrence of the Senate.

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

Mr. GOODHUE, from the committee appointed the 29th of November last, on that part of the Speech of the President of the United States, which respects the security and protection of commerce, reported a bill, declaring void the treaties between the United States and the French Republic; which was read, and ordered to the second reading.

A message from the House of Representatives informed the Senate that the House concur in the bill, passed in the Senate, entitled "An act concerning aliens," with amendments; in which they desire concurrence.

The amendments were read, and ordered to lie for consideration.

---

FRIDAY, June 22.

The bill, sent from the House of Representatives for concurrence, entitled "An act making an appropriation for the expenses incident to the new regiment of artillerists and engineers, during the year one thousand seven hundred and ninety-eight," was read the second time.

*Ordered*, That it be referred to Messrs. TRACY, NORTH, and HOWARD, to consider and report thereon to the Senate.

The Senate took into consideration the amendments of the House of Representatives to the bill, sent from the Senate, entitled "An act concerning aliens."

*Resolved*, That they do concur in the amendments.

The bill to declare the treaties between the United States and the Republic of France void, and of no effect, was read the second time.

*Resolved*, That the further consideration thereof be postponed.

The bill to punish frauds committed on the Bank of the United States was read the third time, and, being amended, the question on the final passage of the bill was determined in the affirmative—yeas 15, nays 6, as follows:

YEAS—Messrs. Bingham, Chipman, Foster, Goodhue, Hillhouse, Howard, Latimer, Laurance, Lloyd, Marshall, North, Paine, Read, Stockton, and Tracy.

NAYS—Messrs. Brown, Langdon, Livermore, Martin, Mason, and Tazewell.

So it was *Resolved*, That this bill pass; that it

be engrossed; and that the title thereof be "An act to punish frauds committed on the Bank of the United States."

The Senate took into consideration the amendments reported by the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves, within the United States;" which were agreed to.

*Resolved*, That this bill be recommitted to the committee who reported the amendments.

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 authorize the defence of the merchant vessels of the United States against French depredations," with amendments; in which they desire the concurrence of the Senate.

---

SATURDAY, June 23.

The Senate took into consideration the amendments of the House of Representatives to the amendments of the Senate to the bill, entitled "An act to authorize the defence of the merchant vessels of the United States against French depredations."

*Resolved*, That they do concur therein.

A message from the House of Representatives informed the Senate that they have passed a resolution authorizing the President of the Senate and Speaker of the House of Representatives to adjourn their respective Houses on the 9th day of July next: in which they desire the concurrence of the Senate.

The Senate resumed the second reading of the bill to declare the treaties between the United States and the Republic of France void and of no effect.

On motion to agree to the enacting clause, in the words following:

"SEC. 1. *Be it therefore enacted, by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Treaty of Amity and Commerce, and the Treaty of Alliance, between the United States and the French Government, concluded on the 6th day of February, one thousand seven hundred and seventy-eight, and the Consular Convention between the same parties, concluded on the fourteenth of November, one thousand seven hundred and eighty-eight, under existing circumstances, ought to be, and are hereby declared, void and of no effect, and shall no longer be binding on the Government and citizens of the United States:"

It was determined in the affirmative—yeas 16, nays 3, as follows:

YEAS—Messrs. Bingham, Chipman, Foster, Goodhue, Hillhouse, Howard, Latimer, Laurance, Livermore, Lloyd, Martin, North, Paine, Read, Sedgwick, and Tracy.

NAYS—Messrs. Brown, Langdon, and Mason.

On motion, by Mr. MARTIN, that the further consideration of this bill be postponed to the next session of Congress, it passed in the negative—yeas 5, nays 13, as follows:

YEAS—Messrs. Brown, Langdon, Martin, Mason, and Tazewell.

NAYS—Messrs. Bingham, Chipman, Foster, Goodhue, Hillhouse, Howard, Laurance, Lloyd, North, Paine, Read, Sedgwick, and Tracy.

On the passage of the bill to the third reading, the question was determined in the affirmative—yeas 13, nays 5, as follows:

YEAS—Messrs. Bingham, Chipman, Foster, Goodhue, Hillhouse, Howard, Laurance, Lloyd, North, Paine, Read, Sedgwick, and Tracy.

NAYS—Messrs. Brown, Langdon, Martin, Mason, and Tazewell.

So it was *Resolved*, That this bill be read the third time.

Mr. LLOYD notified the Senate that he should, on Monday next, ask leave to bring in a bill to define more particularly the crime of treason, and to define and punish the crime of sedition.

---

MONDAY, June 25.

The bill to declare the treaties between the United States and the Republic of France void and of no effect, was read the third time; and the final passage of the bill was determined in the affirmative—yeas 14, nays 5, as follows:

YEAS—Messrs. Bingham, Chipman, Foster, Goodhue, Hillhouse, Howard, Laurance, Livermore, Lloyd, North, Paine, Read, Sedgwick, and Tracy.

NAYS—Messrs. Brown, Langdon, Martin, Mason, and Tazewell.

*Resolved*, That this bill pass; that it be engrossed; and that the title thereof be, "An act to declare the treaties between the United States and the Republic of France void and of no effect."

Mr. TRACY, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act making an appropriation for the expenses incident to the new regiment of artillerists and engineers during the year one thousand seven hundred and ninety-eight," reported the bill amended; which was read and adopted.

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

Mr. READ, from the committee to whom was recommitted the bill, sent from the House of Representatives for concurrence, entitled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves, within the United States," reported that the bill pass without any additional amendments.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act providing for the enumeration of the inhabitants of the United States;" and a bill, entitled "An act supplementary to the act entitled 'An act to provide an additional armament for the further protection of the trade of the United States, and for other purposes;" in which bills they desire the concurrence of the Senate. They have passed the bill, sent from the Senate for concurrence, entitled "An act in addition to the act more effectually to protect the commerce and

coasts of the United States," with amendments; in which they desire the concurrence of the Senate.

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

The amendments of the House of Representatives to the bill, entitled "An act in addition to the act more effectually to protect the commerce and coasts of the United States," were read.

*Resolved*, That they be referred to the committee who originally brought in the bill, to consider and report thereon to the Senate.

Mr. READ presented the resolutions of the inhabitants of Georgetown, in the State of South Carolina, declarative of their confidence in, and approbation of, the measures of Government, and pledging their lives and fortunes in the defence of the rights of their country; and the resolutions were read.

The Senate took into consideration the resolution of the House of Representatives of the 23d instant, authorizing an adjournment of Congress.

*Resolved*, That the further consideration thereof be postponed until Tuesday the 3d of July next.

The Senate took into consideration the report of the committee to whom was referred the motion to amend the rules for conducting business in the Senate, which was agreed to. Whereupon,

*Resolved*, That the following be added to the 19th rule:

"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."

A message from the House of Representatives informed the Senate that the House agree to all the amendments of the Senate to the bill, entitled "An act to alter the time of making entry of stills, and for other purposes," except to the last, to which they disagree.

The Senate resumed the consideration of the report of the committee to whom was recommitted the bill, sent from the House of Representatives, entitled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves, within the United States;" and, after progress,

*Ordered*, That the further consideration thereof be postponed.

---

TUESDAY, June 26.

Agreeably to notice yesterday, Mr. LLOYD moved for leave to bring in a bill to define, more particularly, the crime of treason, and to define and punish the crime of sedition.

On motion, by Mr. LIVERMORE, to refer this motion to a committee, it was determined in the negative—yeas 4, nays 17, as follows:

YEAS—Messrs. Bingham, Langdon, Livermore, and Lloyd.

NAYS—Messrs. Anderson, Brown, Chipman, Foster, Goodhue, Hillhouse, Howard, Latimer, Laurance, Martin, Mason, Paine, Read, Sedgwick, Stockton, Tazewell, and Tracy.

On the question for leave to bring in the bill, it was determined in the affirmative—yeas 14, nays 8, as follows:

YEAS—Messrs. Chipman, Foster, Goodhue, Hillhouse, Howard, Latimer, Laurance, Lloyd, North, Paine, Read, Sedgwick, Stockton, and Tracy.

NAYS—Messrs. Anderson, Bingham, Brown, Langdon, Livermore, Martin, Mason, and Tazewell.

So the bill was brought in, and read the first time.

On the question to agree to the second reading of the bill, it was determined in the affirmative—yeas 14, nays 8, as follows:

YEAS—Messrs. Chipman, Foster, Goodhue, Hillhouse, Howard, Latimer, Laurance, Lloyd, North, Paine, Read, Sedgwick, Stockton, and Tracy.

NAYS—Messrs. Anderson, Bingham, Brown, Langdon, Livermore, Martin, Mason, and Tazewell.

So it was *Resolved*, That this bill pass to the second reading.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act respecting alien enemies;" and a bill, entitled "An act to enable the President of the United States to borrow money for the public service;" in which bills they desire the concurrence of the Senate.

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

The bill, sent from the House of Representatives, entitled "An act making an appropriation for the expenses incident to the new regiment of artillerists and engineers, during the year one thousand seven hundred and ninety-eight," was read the third time.

*Resolved*, That this bill pass with an amendment.

Mr. GOODHUE, from the committee to whom was referred the amendments of the House of Representatives to the bill entitled "An act in addition to the act more effectually to protect the commerce and coasts of the United States," reported that the amendments be adopted.

*Resolved*, That the Senate do concur in the amendments to the bill last mentioned.

The bill, sent from the House of Representatives, entitled "An act supplementary to the act entitled 'An act to provide an additional armament for the further protection of the trade of the United States, and for other purposes,'" was read the second time.

*Ordered*, That it be referred to the committee appointed the 29th of November last, on that part of the Speech of the President of the United States respecting measures for the security and

protection of the commerce of the United States, to consider and report thereon to the Senate.

Mr. NORTH, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act providing arms for the militia throughout the United States," reported the bill without amendment.

The bill, sent from the House of Representatives, entitled "An act providing for the enumeration of the inhabitants of the United States," was read the second time, and referred to Messrs. READ, LAURANCE, PAINE, TRACY, and BINGHAM, to consider and report thereon to the Senate.

On request, the VICE PRESIDENT was excused from attendance in Senate for the remainder of the session.

---

WEDNESDAY, June 27.

The VICE PRESIDENT being absent, the Senate proceeded to the choice of a President *pro tempore*, as the Constitution provides, and THEODORE SEDGWICK was duly elected.

The bill to define more particularly the crime of treason, and to define and punish the crime of sedition, was read the second time.

On motion, that this bill be committed, it passed in the affirmative—yeas 15, nays 6, as follows:

YEAS—Messrs. Bingham, Chipman, Foster, Goodhue, Hillhouse, Howard, Latimer, Laurance, Lloyd, North, Paine, Read, Sedgwick, Stockton, and Tracy.

NAYS—Messrs. Anderson, Brown, Langdon, Livermore, Martin, and Mason.

*Ordered*, That this bill be referred to Messrs. LLOYD, TRACY, STOCKTON, CHIPMAN, and READ, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act authorizing the grant and conveyance of a certain lot of ground to Elie Williams;" in which they desire the concurrence of the Senate.

The bill last brought up from the House of Representatives was read, and ordered to the second reading.

Mr. GOODHUE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act entitled 'An act to provide an additional armament for the further protection of the trade of the United States, and for other purposes," reported the bill without amendment; which was agreed to.

*Resolved*, That this bill pass to a third reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act to enable the President of the United States to borrow money for the public service," was read the second time, and referred to Messrs. STOCKTON, TRACY, and BINGHAM, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act respecting alien enemies," was read the second time.

*Ordered*, That it be referred to Mr. LLOYD, and others, the committee appointed on the bill to define more particularly the crime of treason, and to define and punish the crime of sedition, to consider and report thereon to the Senate.

The Senate resumed the consideration of the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves, within the United States;" and, after progress,

*Ordered*, That the further consideration thereof be postponed.

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

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

I have received a letter from his Excellency Thomas Mifflin, Governor of Pennsylvania, enclosing some documents, which I judge it my duty to lay before Congress without loss of time.

As my opinion coincides entirely with that of his Excellency the Governor, I recommend the subject to the consideration of both Houses of Congress, whose authority alone appears to me adequate to the occasion.

JOHN ADAMS.

UNITED STATES, *June* 27, 1798.

The Message and papers therein referred to were read.

*Ordered*, That they be committed to Messrs. BINGHAM, STOCKTON, and READ, to report thereon by bill or otherwise.

---

THURSDAY, June 28.

The bill, sent from the House of Representatives for concurrence, entitled "An act authorizing the grant and conveyance of a certain lot of ground to Elie Williams," was read the second time, and referred to Messrs. BROWN, PAINE, and TRACY, to consider and report thereon to the Senate.

Mr. BINGHAM, from the committee to whom was referred the bill sent from the House of Representatives, entitled "An act limiting the time within which claims against the United States for credits on the books of the Treasury, may be presented for allowance," reported the bill without amendment.

The bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled 'An act to provide an additional armament for the further protection of the trade of the United States, and for other purposes," was read the third time, and amended.

On the question to agree to the final passage of the bill as amended, it was determined in the affirmative—yeas 17, nays 4, as follows:

YEAS—Messrs. Bingham, Chipman, Foster, Goodhue, Hillhouse, Howard, Latimer, Laurance, Livermore, Lloyd, Martin, North, Paine, Read, Sedgwick, Stockton, and Tracy.

NAYS—Messrs. Anderson, Langdon, Mason, and Tazewell.

*Resolved*, That this bill pass with amendments.

Mr. BINGHAM, from the committee to whom

was referred the Message of the President of the United States, of the 27th instant, and the papers accompanying the same, reported a bill to authorize the President to prevent and regulate the landing of French passengers and other persons, who may arrive within the ports of the United States, from foreign places; which bill was read, and, by unanimous consent, it was read the second time.

*Resolved*, That this bill pass to a third reading.

FRIDAY, June 29.

The Senate took into consideration the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act providing arms for the militia throughout the United States;" and, having adopted the report,

*Resolved*, That this bill pass to a third reading.

The bill to authorize the President to prevent and regulate the landing of French passengers, and other persons, who may arrive within the United States from foreign places, was read the third time.

On motion, to amend the proviso to the fourth section to read as follows:

"*Provided* That nothing in this act shall be construed to prohibit the migration or importation of such persons as any State may think proper by law to admit, nor to such persons whose admission may be prohibited by the respective States:"

It was determined in the negative—yeas 3, nays 17, as follows:

YEAS—Messrs. Anderson, Mason, and Tazewell.

NAYS—Messrs. Bingham, Foster, Goodhue, Hillhouse, Howard, Langdon, Latimer, Laurance, Livermore, Lloyd, Martin, North, Paine, Read, Sedgwick, Stockton, and Tracy.

On motion, by Mr. MASON, to strike out these words from the preamble:

"The peculiar circumstances of the United States, in relation to the Republic of France, and the citizens thereof, require that, whilst the United States have afforded hospitality and protection to Frenchmen who have sought an asylum in this country, they should, on the other hand, guard against the arrival and admission of such evil disposed persons as, by their machinations, may endanger the internal safety and tranquillity of the country;" in order to insert the following words: "It is represented that, on the evacuation of Port au Prince by the British troops, a number of French white men and negroes were put on board of vessels bound to the United States, some of which have arrived, and others may be shortly expected, and it is deemed dangerous to admit indiscriminately such persons into the United States:"

It was agreed to divide the motion, and that the words should be struck out; and, on the question to agree to the substitute, it was determined in the negative—yeas 10, nays 10, as follows:

YEAS—Messrs. Anderson, Bingham, Langdon, Laurance, Livermore, Martin, Mason, North, Read, and Tazewell.

NAYS—Messrs. Foster, Goodhue, Hillhouse, Howard, Latimer, Lloyd, Paine, Sedgwick, Stockton, and Tracy.

So the amendment was lost.

And the bill being further amended, by striking out the remainder of the preamble,

*Resolved*, That the consideration of this bill be postponed until to-morrow.

SATURDAY, June 30.

The Senate resumed the third reading of the bill to authorize the President to prevent or regulate the landing of French passengers, and other persons, who may arrive within the ports of the United States from foreign places.

On motion, by Mr. MARTIN, one of the majority in favor of the exception yesterday agreed to, namely, "except children under the age of twelve years, and women, in cases especially authorized by the President," that it be reconsidered, it was determined in the negative—yeas 6, nays 15, as follows:

YEAS—Messrs. Hillhouse, Howard, Lloyd, Martin, and Read.

NAYS—Messrs. Bingham, Brown, Chipman, Foster, Goodhue, Langdon, Latimer, Laurance, Livermore, North, Paine, Sedgwick, Stockton, Tazewell, and Tracy.

*Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An act to authorize the President to prevent or regulate the landing of French passengers, and other persons, who may arrive within the ports of the United States from foreign places."

The Senate resumed the second reading of the bill, sent from the House of Representatives, entitled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves, within the United States."

On motion, by Mr. PAINE, to agree to the following amendment to the proviso in the eighth section, "And all uncultivated lands, except such as make part or parcel of a farm, and except wood lots, used or reserved for the purposes of fuel, fencing, lumber, or building:"

It was determined in the negative—yeas 10, nays 11, as follows:

YEAS—Messrs. Bingham, Brown, Chipman, Goodhue, Latimer, Laurance, Livermore, Paine, Sedgwick, and Stockton.

NAYS—Messrs. Foster, Hillhouse, Howard, Langdon, Lloyd, Martin, Mason, North, Read, Tazewell, and Tracy.

On motion, by one of the majority, to reconsider and restore the following words, struck out from the end of the proviso to the eighth section: "or which, at the time of making the said valuation or enumeration, shall not have been assessed for, nor be then held liable to, taxation under the laws of the State wherein the same is, or may be, situated or possessed, shall be exempted from the aforesaid valuation and enumeration:"

It was determined in the negative—yeas 6, nays 14, as follows:

YEAS—Messrs. Bingham, Foster, Howard, Latimer, Laurance, and North.

NAYS—Messrs. Brown, Chipman, Goodhue, Hillhouse, Langdon, Livermore, Lloyd, Martin, Mason, Paine, Read, Sedgwick, Tazewell, and Tracy.

On motion, by Mr. MASON, to add the following words to the end of the eighth section: "except such as, from fixed infirmity or bodily disability, may be incapable of labor:"

It was determined in the affirmative—yeas 11, nays 8, as follows:

YEAS—Messrs. Howard, Langdon, Latimer, Livermore, Lloyd, Martin, Mason, Paine, Read, Sedgwick, and Tazewell.

NAYS—Messrs. Bingham, Brown, Foster, Goodhue, Hillhouse, Laurance, North, and Tracy.

On motion, by Mr. BROWN, to strike out of that part of the eighth section which respects the enumeration of slaves these words, "above the age of twelve, and under the age of fifty, years:"

It was determined in the negative—yeas 10, nays 11, as follows:

YEAS—Messrs. Bingham, Brown, Chipman, Goodhue, Hillhouse, Latimer, Laurance, Lloyd, North, and Sedgwick.

NAYS—Messrs. Foster, Howard, Langdon, Livermore, Martin, Mason, Paine, Read, Stockton, Tazewell, and Tracy.

The report of the committee having been agreed to, and the bill amended accordingly,

*Resolved*, That it pass to the third reading as amended.

Mr. HILLHOUSE, from the managers on the part of the Senate, appointed to confer with the managers on the part of the House of Representatives, on the disagreeing votes of the two Houses on the bill, entitled "An act providing for the more effectual collection of certain internal revenues of the United States," made report, which was read.

*Ordered*, That it lie for consideration.

Mr. TRACY notified the Senate that he should, on Monday next, ask leave to bring in a bill to alter and amend the act making alterations and amendments in the Treasury and War Departments, and to alter and amend the act entitled "An act to establish the office of Purveyor of Public Supplies."

---

MONDAY, July 2.

JOHN RUTHERFURD, from the State of New Jersey, attended.

The Senate took into consideration the resolution of the House of Representatives disagreeing to their amendment to the bill, entitled "An act to alter the time of making entry of stills, and for other purposes."

*Resolved*, That they do insist on their said amendment, and ask a conference thereon, and that Messrs. HILLHOUSE and PAINE be the managers at the same on the part of the Senate.

Mr. HILLHOUSE reported, from the managers on the part of the Senate appointed to confer with the managers on the part of the House of Representatives on the differing votes of the two Houses on the bill, entitled "An act providing for the more effectual collection of certain internal revenues of the United States:" Whereupon,

*Resolved*, That the Senate do recede from their first amendment, and insist on their disagreement to the amendments of the House of Representatives to the second amendment of the Senate.

Mr. LLOYD, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act respecting alien enemies," reported the bill with amendments, which were adopted, and the bill was amended accordingly.

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

Mr. LLOYD, from the committee to whom was referred the bill to define more particularly the crime of treason, and to define and punish the crime of sedition, reported amendments; which were read.

*Ordered*, That they lie for consideration.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act to lay and collect a direct tax within the United States," in which they desire the concurrence of the Senate.

The bill was read, and it was, by unanimous consent, read the second time.

*Ordered*, That it be referred to Messrs. STOCKTON, LAURANCE, READ, BINGHAM, and LATIMER, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives, entitled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves, within the United States," was read the third time.

On motion, to restore these words in the provision for the valuations of lands and town lots, struck out of the eighth section, line 21st, to wit: "might be sold for immediate payment," it was determined in the negative—yeas 8, nays 14, as follows:

YEAS—Messrs. Bingham, Brown, Howard, Latimer, Laurance, Livermore, North, and Tazewell.

NAYS—Messrs. Chipman, Foster, Goodhue, Hillhouse, Langdon, Lloyd, Martin, Mason, Paine, Read, Rutherfurd, Sedgwick, Stockton, and Tracy.

On motion, by Mr. LAURANCE, to agree to the following amendment in the proviso to the eighth section: "and all uncultivated lands, except such as make a part or parcel of a farm, and except wood lots used or reserved for the purposes of fuel, fencing, lumber, or building," it was determined in the negative—yeas 10, nays 12, as follows:

YEAS—Messrs. Bingham, Brown, Chipman, Latimer, Laurance, Livermore, Paine, Rutherfurd, Sedgwick, and Stockton.

NAYS—Messrs. Foster, Goodhue, Hillhouse, Howard, Langdon, Lloyd, Martin, Mason, North, Read, Tazewell, and Tracy.

On motion, by Mr. READ, the following amendment was agreed to: after "same," in the 7th line of second section, "in default of taking which oath or affirmation before entering on the discharge of the duties aforesaid, the party failing shall forfeit and pay two hundred dollars for the use of the United States, to be recovered in any court, having competent jurisdiction, with cost of suit."

On motion, by Mr. LAURANCE, to strike out of the provision, for the enumeration of slaves, these words, "above the age of twelve, and under the age of fifty years, it was determined in the negative—yeas 11, nays 11, as follows:

YEAS—Messrs. Bingham, Brown, Chipman, Goodhue, Hillhouse, Latimer, Laurance, Lloyd, North, Rutherfurd, and Sedgwick.

NAYS—Messrs. Foster, Howard, Langdon, Livermore, Martin, Mason, Paine, Read, Stockton, Tazewell, and Tracy.

So the motion was lost.

The question, on the final passage of the bill, was unanimously determined in the affirmative—yeas 22, as follows:

YEAS—Messrs. Bingham, Brown, Chipman, Foster, Goodhue, Hillhouse, Howard, Langdon, Latimer, Laurance, Livermore, Lloyd, Martin, Mason, North, Paine, Read, Rutherfurd, Sedgwick, Stockton, Tazewell, and Tracy.

*Resolved*, That this bill pass with amendments.

---

TUESDAY, July 3.

Mr. TRACY, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act for the establishing and organizing a battalion of infantry, to be called the Marine Corps," reported amendments, which were read.

*Ordered*, That they lie for consideration.

The Senate resumed the consideration of the report of the committee to whom was referred the bill to define more particularly the crime of treason, and to define and punish the crime of sedition; and, having agreed to the report, the bill was amended accordingly; and the question to agree to the third reading of the bill, as amended, was determined in the affirmative—yeas 18, nays 5, as follows:

YEAS—Messrs. Bingham, Chipman, Clayton, Foster, Greene, Hillhouse, Howard, Latimer, Laurance, Livermore, Martin, North, Paine, Read, Rutherfurd, Sedgwick, Stockton, and Tracy.

NAYS—Messrs. Anderson, Brown, Langdon, Mason, and Tazewell.

The bill, sent from the House of Representatives, entitled "An act providing arms for the militia throughout the United States," 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 further to protect the commerce of the United States," in which they desire the concurrence of the Senate.

The bill was read, and, by unanimous consent, it was read the second time.

*Ordered*, That it be referred to Mr. GOODHUE, and others, appointed the 29th of November last, on that part of the Speech of the President of the United States which respects measures for the security and protection of the commerce thereof, to consider and report thereon to the Senate.

Agreeably to the order of the day, the Senate took into consideration the resolution sent from the House of Representatives for the adjournment of Congress on the 9th instant.

*Resolved*, That the consideration thereof be postponed until Saturday next.

A message from the House of Representatives informed the Senate that the House agree to the proposed conference on the bill entitled "An act to alter the time of making entry of stills, and for other purposes," and have appointed managers at the same on their part. They disagree to the report of the conferees on the bill entitled "An act providing for the more effectual collection of certain internal revenues of the United States," and adhere to their amendments to the said bill.

*Resolved*, That the further consideration of this bill be postponed until the next session of Congress.

The bill, sent from the House of Representatives, entitled "An act respecting alien enemies," was read the third time.

*Resolved*, That this bill pass with amendments.

The bill, sent from the House of Representatives, entitled "An act limiting the time within which claims against the United States for credits on the books of the Treasury may be presented for allowance," was read the third time, and amended.

On the question to agree to the final passage of the bill as amended, it was determined in the affirmative—yeas 15, nays 6, as follows:

YEAS—Messrs. Brown, Chipman, Foster, Goodhue, Hillhouse, Howard, Langdon, Latimer, Livermore, Martin, Paine, Rutherfurd, Sedgwick, Stockton, and Tracy.

NAYS—Messrs. Bingham, Laurance, Mason, North, Read, and Tazewell.

*Resolved*, That this bill pass with an amendment.

A message from the House of Representatives informed the Senate that the House agree to all the amendments of the Senate to the bill, entitled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States," except to strike out so much of the proviso to the 8th section as is contained in these words:

"Shall be exempted from the aforesaid valuation and enumeration:"

to which they do not agree.

The Senate proceeded to consider the amendment disagreed to by the House of Representatives to the bill last mentioned. Whereupon,

*Resolved*, That they do recede from their said amendment.

---

WEDNESDAY, July 4.

Agreeably to notice given on the 30th June last, Mr. TRACY had leave to bring in a bill to alter and amend the "Act making alterations and amendments in the Treasury and War Departments, and to alter and amend the act, entitled 'An act to establish the office of Purveyor of Public Supplies;" which was read, and ordered to the second reading.

The bill to define more particularly the crime

of treason, and to define and punish the crime of sedition, was read the third time.

On motion to expunge the following words from the second section reported as an amendment:

"Or shall, in manner aforesaid, traduce or defame the President of the United States, or any Court or Judge thereof, by declarations, tending to criminate their motives in any official transaction:"

It was determined in the negative—yeas 8, nays 15, as follows:

YEAS—Messrs. Anderson, Brown, Howard, Langdon, Martin, Mason, North, and Tazewell.

NAYS—Messrs. Chipman, Clayton, Foster, Goodhue, Hillhouse, Latimer, Laurance, Livermore, Lloyd, Paine, Read, Rutherfurd, Sedgwick, Stockton, and Tracy.

On motion to expunge the whole of the second section reported by the committee, in the words following:

"SEC. 2. *And be it further enacted*, That if any person shall, by any libellous or scandalous writing, printing, publishing, or speaking, traduce or defame the Legislature of the United States, by seditious or inflammatory declarations, or expressions, with intent to create a belief in the citizens thereof, that the said Legislature, in enacting any law, was induced thereto by motives hostile to the Constitution, or liberties and happiness of the people thereof; or shall, in manner aforesaid, traduce or defame the President of the United States, or any Court or Judge thereof, by declarations tending to criminate their motives, in any official transaction; the person so offending, and thereof convicted, before any Court of the United States having jurisdiction thereof, shall be punished by a fine, not exceeding two thousand dollars, and by imprisonment, not exceeding two years:"

It was determined in the negative—yeas 6, nays 18, as follows:

YEAS—Messrs. Anderson, Brown, Howard, Langdon, Mason, and Tazewell.

NAYS—Messrs. Chipman, Clayton, Foster, Goodhue, Greene, Hillhouse, Latimer, Laurance, Livermore, Lloyd, Martin, North, Paine, Read, Rutherfurd, Sedgwick, Stockton, and Tracy.

The question on the final passage of the bill was determined in the affirmative—yeas 18, nays 6, as follows:

YEAS—Messrs. Chipman, Clayton, Foster, Goodhue, Greene, Hillhouse, Latimer, Laurance, Livermore, Lloyd, Martin, North, Paine, Read, Rutherfurd, Sedgwick, Stockton, and Tracy.

So it was *Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An act in addition to the act, entitled 'An act for the punishment of certain crimes against the United States."

---

THURSDAY, July 5.

A motion was made that the Secretary of the Senate pay to Hugh McKinley, for his labor and attendance on the Senate, one dollar per day, during the time he has been, or may be, thus employed the present session; to be paid out of the money appropriated for the contingent expenses of the two Houses of Congress; and it was agreed that the motion should lie for consideration.

Mr. GOODHUE, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act further to protect the commerce of the United States," reported the bill without amendment; and the report was adopted.

*Resolved*, That this bill pass to a third reading.

The amendments reported by the committee, to whom was referred the bill sent from the House of Representatives, entitled "An act for the establishing and organizing a battalion of infantry to be called the Marine Corps," were considered and agreed to, and the bill was amended accordingly.

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

Mr. STOCKTON, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act to lay and collect a direct tax within the United States," reported the bill amended.

*Ordered*, That the amendments lie for consideration.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act for erecting a lighthouse and beacon, and placing buoys, at the places therein mentioned;" in which they desire the concurrence of the Senate.

The bill was read, and, by unanimous consent, it was read the second time.

*Ordered*, That it be referred to Messrs. GOODHUE, GREENE, and MARTIN, to consider and report thereon to the Senate.

The bill to alter and amend the act making alterations and amendments in the Treasury and War Departments, and to alter and amend the act, entitled "An act to establish the office of Purveyor of Public Supplies," was read the second time, and amended.

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

The bill to amend an act, entitled "An act providing for the sale of the lands of the United States in the territory northwest of the river Ohio, and above the mouth of Kentucky river," was read the third time.

And the question to agree to the final passage of the bill, was determined in the affirmative—yeas 13, nays 9, as follows:

YEAS—Messrs. Anderson, Brown, Chipman, Foster, Hillhouse, Howard, Langdon, Laurance, Martin, North, Paine, Rutherfurd, and Stockton.

NAYS—Messrs. Clayton, Goodhue, Greene, Livermore, Lloyd, Mason, Read, Sedgwick, and Tracy.

So it was *Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An act to amend an act, entitled 'An act providing for the sale of the lands of the United States in the territory northwest of the river Ohio, and above the mouth of Kentucky river."

The Senate resumed the second reading of the bill, sent from the House of Representatives, en-

titled "An act for the relief of sick and disabled seamen."

*Resolved*, That the further consideration of this bill be postponed until to-morrow.

---

FRIDAY, July 6.

The motion made yesterday, respecting the compensation to Hugh McKinley, for services, was considered; whereupon,

*Resolved*, That the Secretary of the Senate pay to Hugh McKinley, for his labor and attendance on the Senate, one dollar per day, during the time he has been, or may be, thus employed the present session; to be paid out of the money appropriated for the contingent expenses of the two Houses of Congress.

The bill, sent from the House of Representatives, entitled "An act for establishing and organizing a battalion of infantry, to be called the Marine Corps," was read the third time, and amended.

*Resolved*, That this bill pass with amendments.

The bill, sent from the House of Representatives, entitled "An act further to protect the commerce of the United States," was read the third time; and the question to agree to the final passage of the bill was determined in the affirmative—yeas 18, nays 4, as follows:

YEAS—Messrs. Bingham, Chipman, Foster, Goodhue, Greene, Hillhouse, Howard, Latimer, Laurance, Livermore, Martin, North, Paine, Read, Rutherfurd, Sedgwick, Stockton, and Tracy.

NAYS—Messrs. Anderson, Brown, Langdon, and Tazewell.

The bill to alter and amend the act making alterations and amendments in the Treasury and War Departments, and to alter and amend the act, entitled "An act to establish the office of Purveyor of Public Supplies," was read the third time; and, the title being amended,

*Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An act establishing the office of Accountant in the Department of the Navy, and to alter and amend the act, entitled 'An act to establish the office of Purveyor of Public Supplies."

Mr. TRACY, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act to regulate and fix the compensations of the officers employed in collecting the internal revenues of the United States, and to insure more effectually the settlement of their accounts," reported the bill with amendments; which were read.

*Ordered*, That they lie for consideration.

The Senate took into consideration the amendments reported by the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act to lay and collect a direct tax within the United States."

On motion to agree to part of the report of the committee, which is to amend that clause of the second section which now stands, "upon every dwelling-house which, with the out-houses appurtenant thereto, and the lot whereon the same are erected, not exceeding two acres in any case, shall be valued, in manner aforesaid, at more than one hundred and not more than five hundred dollars," by striking out the words "at more than one hundred and not more than five hundred dollars," it passed in the affirmative—yeas 13, nays 10, as follows:

YEAS—Messrs. Anderson, Bingham, Clayton, Greene, Howard, Langdon, Latimer, Laurance, Martin, North, Read, Rutherfurd, and Tazewell.

NAYS—Messrs. Brown, Chipman, Foster, Goodhue, Hillhouse, Livermore, Paine, Sedgwick, Stockton, and Tracy.

The consideration of the bill at this time was then postponed.

---

SATURDAY, July 7.

Mr. LIVERMORE, by unanimous consent, obtained leave to bring in a bill to alter the time for the next meeting of Congress; and the bill was read; and, by unanimous consent, the bill was read the second time.

*Ordered*, That it be referred to Messrs. LIVERMORE, STOCKTON, and BINGHAM, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate, that the House concur in the bill, sent from the Senate, entitled "An act to declare the treaties between the United States and the Republic of France void and of no effect," with amendments; in which they desire the concurrence of the Senate.

The Senate took into consideration the amendments to the bill last mentioned.

*Resolved*, That they do concur therein.

Mr. STOCKTON, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act to enable the President of the United States to borrow money for the public service," reported the bill with amendments; which were read.

*Ordered*, That they lie for consideration.

A motion was made by Mr. GOODHUE, as followeth:

"*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, and, when ratified by three-fourths of the said Legislatures, to be valid, to all intents and purposes, as part of the said Constitution, viz:

"That (in addition to the other qualifications prescribed by the said Constitution) no person shall be eligible as President or Vice President of the United States, nor shall any person be a Senator or Representative in the Congress of the United States, except a natural born citizen, or unless he shall have been a resident in the United States at the time of the declaration of independence, and shall have continued either to reside within the same or to be employed in its service from that period to the time of his election."

*Ordered*, That this motion lie for consideration.

The Senate took into consideration the amendments reported by the committee to whom was

referred the bill, sent from the House of Representatives, entitled "An act to regulate and fix the compensations of the officers employed in collecting the internal revenues of the United States, and to insure more effectually the settlement of their accounts;" and the amendments were adopted. And it was agreed, by unanimous consent, to dispense with the rule, and that this bill be now read the third time.

*Resolved*, That this bill pass with amendments.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act establishing an annual salary for the surveyor of the port of Gloucester;" and a bill, entitled "An act to make a further appropriation for the additional naval armament;" in which they desire the concurrence of the Senate.

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

On motion, it was agreed, by unanimous consent, to dispense with the rule, and that the bill, entitled "An act to make a further appropriation for the additional naval armament," be now read the second time.

*Ordered*, That it be referred to Messrs. TRACY, GOODHUE, and RUTHERFURD, to consider and report thereon to the Senate.

The Senate resumed the consideration of the amendments reported by the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act to lay and collect a direct tax within the United States."

On motion, to add to the second section the amendment reported by the committee, amended as follows:

"Except such lands as, at the time of making the said valuation or enumeration, shall not have been assessed for, nor be then held liable to, taxation, for State purposes, under the laws of the State wherein the same is, or may be, situated or possessed:"

It was determined in the negative—yeas 9, nays 12, as follows:

YEAS—Messrs. Anderson, Bingham, Foster, Goodhue, Howard, Laurance, Mason, North, and Rutherfurd.

NAYS—Messrs. Brown, Clayton, Greene, Hillhouse, Langdon, Livermore, Martin, Paine, Sedgwick, Stockton, Tazewell, and Tracy.

On motion, by Mr. GREENE, to strike out the word "and," in the 5th line of the second section, and insert, after "slaves," in the same line, "and other personal property;" it was determined in the negative—yeas 6, nays 16, as follows:

YEAS—Messrs. Brown, Greene, Langdon, Laurance, Livermore, and North.

NAYS—Messrs. Anderson, Bingham, Chipman, Clayton, Foster, Goodhue, Hillhouse, Howard, Martin, Mason, Paine, Read, Sedgwick, Stockton, Tazewell, and Tracy.

And the bill having been further amended, it was ordered to the third reading, as amended.

The Senate resumed the consideration of the resolution of the House of Representatives, on the subject of adjournment.

*Resolved*, That it be postponed until Monday next.

---

MONDAY, July 9.

Mr. LIVERMORE, from the committee to whom was referred the bill to alter the time for the next meeting of Congress, reported that the bill pass without amendment; and the report was adopted. And it was agreed, by unanimous consent, to dispense with the rule, and that this bill be now read the third time; and the blank was filled with "the first Monday in November next."

*Resolved*, That this bill pass, that it be engrossed, and that the title thereof be "An act to alter the time for the next meeting of Congress."

Mr. GOODHUE, from the committee appointed the 29th of November last, on that part of the Speech of the President of the United States which respects measures for the security and protection of commerce, reported a bill for encouraging the capture of French armed vessels, by armed ships or vessels owned by a citizen or citizens of the United States; which was read, and ordered to the second reading.

The Senate resumed the consideration of the report of the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act to enable the President of the United States to borrow money for the public service."

On motion, by Mr. BINGHAM, to strike out these words: "All such sums of money as, before the end of the next session of Congress may, in his judgment, be necessary," and to substitute the following: "A sum not exceeding —— dollars."

It was determined in the affirmative—yeas 11, nays 9, as follows:

YEAS—Messrs. Anderson, Bingham, Chipman, Clayton, Greene, Langdon, Laurance, Martin, North, Rutherfurd, and Tazewell.

NAYS—Messrs. Foster, Goodhue, Hillhouse, Howard, Livermore, Paine, Sedgwick, Stockton, and Tracy.

And having agreed to the amendments reported by the committee, the bill was ordered to the third reading as amended.

The bill, sent from the House of Representatives, entitled "An act establishing an annual salary for the surveyor of the port of Gloucester," was read the second time, and ordered to the third reading.

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 regulate and fix the compensations of the officers employed in collecting the internal revenues of the United States, and to insure more effectually, the settlement of their accounts," with amendments, in which they desire the concurrence of the Senate. They have passed a bill, entitled "An act to augment the Army of the United States, and for other purposes," in which they desire the concurrence of the Senate.

The bill last brought up from the House of

Representatives was read, and ordered to the second reading.

The Senate took into consideration the amendments of the House of Representatives to the amendments of the Senate, to the bill, entitled "An act to regulate and fix the compensations of the officers employed in collecting the internal revenues of the United States, and to insure more effectually the settlement of their accounts."

*Resolved*, That they do agree to the said amendment to their amendments.

The Senate resumed the consideration of the resolution of the House of Representatives for adjourning the two Houses of Congress on the 9th instant.

*Resolved*, That they do concur therein, so amended as that Congress may adjourn on the 16th instant.

The bill, sent from the House of Representatives, entitled "An act to lay and collect a direct tax within the United States," was read the third time; and the bill being further amended,

*Resolved*, That it pass with amendments.

Mr. TRACY, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act for the relief of Thomas Lewis," reported the bill without amendment.

On the question to agree to the third reading of this bill, it passed in the negative.

Mr. GOODHUE, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act for erecting a light-house and a beacon, and placing buoys, at the places therein named," reported the bill without amendment.

*Resolved*, That this bill pass to a third reading.

Mr. BINGHAM, from the committee to whom was recommitted the bill, sent from the House of Representatives, entitled "An act for the relief of John Vaughan," made a report; which was read.

*Ordered*, That the report, together with a statement of the case, signed Elias Boudinot, Director of the Mint, be printed for the use of the Senate.

---

TUESDAY, July 10.

The bill for encouraging the capture of French armed vessels, by armed ships or vessels owned by a citizen or citizens of the United States, was read the second time and amended.

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

The bill, sent from the House of Representatives, entitled "An act to augment the Army of the United States, and for other purposes," was read the second time.

*Ordered*, That it be referred to the committee appointed the 29th of November last, on that part of the Speech of the President of the United States which respects measures for the security and protection of commerce, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives, entitled "An act to enable the President of the United States to borrow money for the public service," was read the third time.

On motion to strike out, from the 1st section of the bill, lines six and and seven, the following words: "And upon such terms and conditions as he shall judge most advantageous for the United States;" and insert, in lieu thereof, the following: "at a rate of interest not exceeding six per cent. per annum:"

It was determined in the negative—yeas 9, nays 14, as follows:

YEAS—Messrs. Anderson, Brown, Langdon, Livermore, Martin, Mason, North, Paine, and Tazewell.

NAYS—Messrs. Bingham, Chipman, Clayton, Foster, Goodhue, Greene, Hillhouse, Latimer, Laurance, Read, Rutherfurd, Sedgwick, Stockton, and Tracy.

On motion to strike out the amendment agreed to yesterday, as follows: "Which sums of money may be borrowed on contracts to remain fixed and irredeemable for a term not exceeding twenty-five years:"

It was determined in the affirmative—yeas 19, nays 4, as follows:

YEAS—Messrs. Anderson, Brown, Chipman, Clayton, Foster, Goodhue, Greene, Hillhouse, Langdon, Latimer, Laurance, Livermore, Martin, Mason, North, Paine, Rutherfurd, Sedgwick, and Tazewell.

NAYS—Messrs. Bingham, Read, Stockton, and Tracy.

On motion, to expunge the words yesterday agreed to in the 1st section, to wit: "a sum not exceeding —— dollars," and to restore the words of the original bill, as follows: "all such sums of money as, before the end of the next session of Congress, may, in his judgment, be necessary:"

It was determined in the negative—yeas 11, nays 11, as follows:

YEAS—Messrs. Chipman, Foster, Goodhue, Hillhouse, Latimer, Livermore, Paine, Read, Sedgwick, Stockton, and Tracy.

NAYS—Messrs. Anderson, Bingham, Clayton, Greene, Langdon, Laurance, Martin, Mason, Rutherfurd, and Tazewell.

So the motion was lost.

And having filled up the blank, limiting the sum to be borrowed, with "five millions of dollars;"

*Resolved*, That this bill pass with amendments.

Mr. TRACY, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to make a further appropriation for the additional naval armament," reported amendments; which were read,

*Ordered*, That they lie for consideration.

---

WEDNESDAY, July 11.

The bill for encouraging the capture of French armed vessels, by armed ships or vessels owned by a citizen or citizens of the United States, was read the third time; and the final passage of the bill was determined in the affirmative—yeas 16, nays 4, as follows:

YEAS—Messrs. Anderson, Bingham, Chipman, Good-

hue, Greene, Hillhouse, Latimer, Laurance, Livermore, Martin, North, Paine, Read, Sedgwick, Stockton, and Tracy.

NAYS—Messrs. Brown, Langdon, Mason, and Tazewell.

So it was *Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An act for encouraging the capture of French armed vessels, by armed ships or vessels owned by a citizen or citizens of the United States."

The bill, sent from the House of Representatives, entitled "An act establishing an annual salary for the surveyor of the port of Gloucester," was read a third time and passed.

The bill, sent from the House of Representatives, entitled "An act for erecting a light-house and beacon, and placing buoys, at the places therein mentioned," was read a third time.

*Resolved*, That the further consideration thereof be postponed until to-morrow.

A message from the House of Representatives informed the Senate that they concur in the first, and disagree to the second, amendment of the Senate to the bill entitled "An act to enable the President of the United States to borrow money for the public service." They concur in the bill entitled "An act in addition to an act entitled 'An act for the punishment of certain crimes against the United States," with amendments; in which they desire the concurrence of the Senate.

The Senate took into consideration the resolution of the House of Representatives, disagreeing to their second amendment to the bill entitled "An act to enable the President of the United States to borrow money for the public service."

*Resolved*, That they do insist on their amendment, ask a conference thereon, and that Messrs. TRACY and BINGHAM be managers at the same on the part of the Senate.

The Senate took into consideration the amendments reported by the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act to make a further appropriation for the additional naval armament;" which, being adopted, and the bill amended accordingly,

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

The amendments of the House of Representatives to the bill entitled "An act in addition to the act entitled 'An act for the punishment of certain crimes against the United States," were read and ordered to lie for consideration.

*Ordered*, That the memorial of Thomas McKean and others, respecting the publication of the Journals of Congress, be referred to Messrs. BINGHAM, LATIMER, and LIVERMORE, to consider and report thereon to the Senate.

The Senate resumed the second reading of the bill, sent from the House of Representatives, entitled "An act for the relief of John Vaughan;" and, after debate,

*Ordered*, That the further consideration thereof be postponed.

A message from the House of Representatives informed the Senate that the House agree to the conference on the amendment to the bill entitled "An act to enable the President of the United States to borrow money for the public service," and have appointed managers at the same on their part. They have passed a bill entitled "An act to suspend, for a further time, the duties upon the manufacture of snuff within the United States, and the drawbacks upon the exportation thereof;" in which they desire the concurrence of the Senate. They concur in some, and agree to other, amendments of the Senate to the bill entitled "An act to lay and collect a direct tax within the United States," with amendments; in which amendments they desire the concurrence of the Senate.

The Senate took into consideration the resolutions of the House of Representatives on the amendments of the Senate to the bill entitled "An act to lay and collect a direct tax within the United States."

On motion to insist on their amendment to section second, line sixth, to strike out the words "at more than one hundred, and not more than five hundred dollars," it passed in the negative—yeas 9, nays 12, as follows:

YEAS—Messrs. Anderson, Bingham, Latimer, Laurance, Martin, Mason, Read, Rutherfurd, and Tazewell,

NAYS—Messrs. Brown, Chipman, Foster, Goodhue, Greene, Hillhouse, Livermore, North, Paine, Sedgwick, Stockton, and Tracy.

On motion to recede from the amendment last recited, it was determined in the affirmative—yeas 13, nays 8, as follows:

YEAS—Messrs. Brown, Chipman, Foster, Goodhue, Greene, Hillhouse, Livermore, North, Paine, Rutherfurd, Sedgwick, Stockton, and Tracy.

NAYS—Messrs. Anderson, Bingham, Latimer, Laurance, Martin, Mason, Read and Tazewell.

So it was *Resolved*, That the Senate do recede from all their amendments disagreed to by the House of Representatives, and do disagree to their amendment of the twelfth amendment of the Senate.

A message from the House of Representatives informed the Senate that the House do not concur in the bill, sent from the Senate, entitled "An act to alter the time for the next meeting of Congress." They have passed a bill, entitled "An act in further addition to the act, entitled 'An act to establish the Judicial Courts of the United States;" in which they desire the concurrence of the Senate.

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

The bill, sent from the House of Representatives, entitled "An act to suspend for a further time the duties upon the manufacture of snuff within the United States, and the drawback upon the exportation thereof," was read and ordered to the second reading.

---

THURSDAY, July 12.

The bill, sent from the House of Representatives, entitled "An act to suspend for a further time the duties upon the manufacture of snuff

within the United States, and the drawback upon the exportation thereof," was read the second time.

*Resolved*, That this bill pass to a third reading.

The bill, sent from the House of Representatives, entitled "An act in further addition to the act, entitled 'An act to establish the Judicial Courts of the United States,'" was read the second time.

*Resolved*, That the bill pass to a third reading.

The Senate took into consideration the amendments of the House of Representatives to the bill, entitled "An act in addition to the act, entitled 'An act for the punishment of certain crimes against the United States.'"

On motion, by Mr. MARTIN, to amend the amendment of the House of Representatives, by striking out these words: "or bring them, or either of them, into contempt or disrepute, or to excite against them, or either or any of them, the hatred of the good people of the United States," it passed in the negative—yeas 5, nays 17, as follows:

YEAS—Messrs. Anderson, Brown, Martin, Mason, and Tazewell.

NAYS—Messrs. Bingham, Chipman, Clayton, Foster, Goodhue, Greene, Hillhouse, Latimer, Laurance, Livermore, North, Paine, Read, Rutherfurd, Sedgwick, Stockton, and Tracy.

On motion, by Mr. MASON, to amend the last amendment of the House of Representatives, by striking out "during the time it shall be in force," and inserting, "which prosecution shall have been commenced during the continuance of the act," it passed in the negative—yeas 5, nays 17, as follows:

YEAS—Messrs. Anderson, Brown, Martin, Mason and Tazewell.

NAYS—Messrs. Bingham, Chipman, Clayton, Foster, Goodhue, Greene, Hillhouse, Latimer, Laurance, Livermore, North, Paine, Read, Rutherfurd, Sedgwick, Stockton, and Tracy.

So it was *Resolved*, That the Senate do concur in the amendments of the House of Representatives to this bill.

Mr. GOODHUE, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act to augment the Army of the United States, and for other purposes," reported amendments; which were read, agreed to, and the bill was amended accordingly.

*Resolved*, 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 the bill, sent from the Senate, entitled "An act establishing the office of Accountant in the Department of the Navy, and to alter and amend the act, entitled 'An act to establish the office of Purveyor of Public Supplies,'" with amendments, in which they desire the concurrence of the Senate. They recede from their amendment to the twelfth amendment of the Senate on the bill, entitled "An act to lay and collect a direct tax within the United States." They adhere to their disagreement to the last amendment insisted on by the Senate to the bill, entitled "An act to alter the time of making entry of stills, and for other purposes." The House of Representatives have passed a bill, entitled "An act making certain additional appropriations for the year one thousand seven hundred and ninety-eight;" in which they desire the concurrence of the Senate.

*Ordered*, That the Secretary of the Senate lay before the President of the United States an attested copy of the joint resolution authorizing the President of the Senate and Speaker of the House of Representatives to adjourn their respective Houses on the 16th instant.

The amendment of the House of Representatives to the bill, entitled "An act establishing the office of Accountant in the Department of the Navy, and to alter and amend the act, entitled 'An act to establish the office of Purveyor of Public Supplies,'" was read.

*Ordered*, That it lie for consideration.

The resolution of the House of Representatives, adhering to their disagreement to the last amendment insisted on by the Senate to the bill, entitled "An act to alter the time of making entry of stills, and for other purposes," was considered.

*Resolved*, That the further consideration of this bill be postponed until the next session of Congress.

The Senate resumed the third reading of the bill, entitled "An act making further appropriations for the additional Naval Armament;" and the question on the final passage of the bill, as amended, was determined in the affirmative—yeas 13, nays 3, as follows:

YEAS—Messrs. Bingham, Chipman, Clayton, Foster, Goodhue, Greene, Hillhouse, Latimer, Laurance, Livermore, Martin, North, Paine, Read, Rutherfurd, Sedgwick, Stockton, and Tracy.

NAYS—Messrs. Anderson, Mason, and Tazewell.

So it was *Resolved*, That this bill do pass as amended.

The bill, sent from the House of Representatives, entitled "An act making certain additional appropriations for the year one thousand seven hundred and ninety-eight," was read the first time, and, by unanimous consent, it was read the second time.

*Ordered*, That it be referred to Messrs. TRACY, BINGHAM, and FOSTER, to consider and report thereon to the Senate.

The Senate resumed the third reading of the bill, sent from the House of Representatives, entitled "An act for erecting a light-house and beacon, and placing buoys at the places therein mentioned;" and, after debate, the further consideration thereof was postponed.

---

FRIDAY, July 13.

Mr. READ, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act providing for the enumeration of the inhabitants of the United States," reported the bill without amendment.

On motion, by Mr. LIVERMORE, to postpone the further consideration of this bill to the next session of Congress, it was determined in the affirmative—yeas 11, nays 7, as follows:

YEAS—Messrs. Bingham, Chipman, Goodhue, Hillhouse, Laurance, Livermore, North, Paine, Read, Sedgwick, and Tracy.

NAYS—Messrs. Anderson, Clayton, Foster, Greene, Latimer, Mason, and Tazewell.

So it was *Resolved*, That the further consideration of this bill be postponed until the next session of Congress.

Mr. LIVERMORE notified the Senate that he should, to-morrow, ask leave to bring in a bill to alter the time for the next meeting of Congress.

Mr. BINGHAM, from the committee to whom was referred the petition of Thomas McKean and others, made report; which was read.

*Ordered*, That it lie for consideration.

The bill, sent from the House of Representatives, entitled "An act to augment the Army of the United States, and for other purposes," was read the third time; and the question on the final passage of the bill, as amended, was determined in the affirmative—yeas 15, nays 2, as follows:

YEAS—Messrs. Bingham, Chipman, Clayton, Foster, Goodhue, Greene, Hillhouse, Laurance, Livermore, Martin, North, Paine, Read, Sedgwick, and Tracy.

NAYS—Messrs. Mason and Tazewell.

So it was *Resolved*, That this bill do pass with amendments.

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

*Gentlemen of the Senate:*

A resolution of both Houses of Congress, authorizing an adjournment on Monday, the 16th of this month, has been laid before me. Sensible of the severity of the service in so long a session, it is with great reluctance that I find myself obliged to offer any consideration which may operate against the inclinations of the members; but certain measures of Executive authority which will require the consideration of the Senate, and which cannot be matured, in all probability, before Monday or Tuesday, oblige me to request of the Senate that they would continue their session until Wednesday or Thursday. JOHN ADAMS.

UNITED STATES, *July* 13, 1798.

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

Mr. TRACY reported, from the managers appointed to confer on the amendments of the Senate to the bill, sent from the House of Representatives, entitled "An act to enable the President of the United States to borrow money for the public service," that the Senate recede from their proposed amendment, which was to strike out the proviso to the first section of the act; and to amend said proviso as follows, viz: Strike out after the word "borrowed," to the end of the proviso, and insert these words: "at any time after the expiration of fifteen years from the date of such loan;" and the report was adopted. Whereupon,

*Resolved*, That the Senate do accordingly recede from their amendment disagreed to by the House of Representatives on the said bill.

The bill, sent from the House of Representatives, entitled "An act in further addition to the act entitled 'An act to establish the Judicial Courts of the United States,'" was read the third time, and passed.

The Senate took into consideration the amendments of the House of Representatives to the bill entitled "An act establishing the office of Accountant in the Department of the Navy, and to alter and amend the act entitled 'An act to establish the office of Purveyor of Public Supplies.'"

*Ordered*, That they be referred to Messrs. TRACY, BINGHAM, and CHIPMAN, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives, entitled "An act to suspend, for a further time, the duties upon the manufacture of snuff within the United States, and the drawbacks upon the exportation thereof," was read the third time, and passed.

The bill, sent from the House of Representatives, entitled "An act for erecting a light-house and beacon, and for placing buoys at the places therein mentioned," was read the third time; and, being further amended,

*Resolved*, That this bill pass with amendments.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act to alter the time of making entry of stills;" and a bill entitled "An act respecting balances reported against certain States, by the Commissioners appointed to settle the accounts between the United States and the several States;" in which they desire the concurrence of the Senate.

The bill, sent from the House of Representatives, entitled "An act to alter the time of making entry of stills," was read, and, by unanimous consent, it was read the second time.

*Ordered*, That it be referred to Messrs. PAINE, HILLHOUSE, and BROWN, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives, entitled "An act respecting balances reported against certain States, by the Commissioners appointed to settle the accounts between the United States and the several States," was read, and ordered to the second reading.

The Senate resumed the consideration of the report of the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act for the relief of John Vaughan;" and, having amended the bill, the question to agree to the third reading was determined in the affirmative—yeas 15, nays 4, as follows:

YEAS—Messrs. Bingham, Chipman, Foster, Greene, Hillhouse, Latimer, Laurance, Livermore, Martin, North, Paine, Read, Rutherfurd, Tazewell, and Tracy.

NAYS—Messrs. Anderson, Brown, Clayton, and Mason.

Mr. CHIPMAN reported from the committee, that they had examined and found duly enrolled, the bill, entitled "An act to lay and collect a direct tax within the United States."

A message from the House of Representatives informed the Senate that the House do not concur in the bill, sent from the Senate, entitled "An act for encouraging the capture of French armed vessels by armed ships or vessels owned by a citizen or citizens of the United States.

SATURDAY, July 14.

Agreeably to notice given yesterday, Mr. LIVERMORE obtained leave to bring in a bill to alter the time for the next session of Congress; which was read, and ordered to the second reading.

On motion, by Mr. READ, that the 13th rule, for doing business in the Senate, which prohibits the second reading of a bill on the same day, be suspended for the remainder of the session, it was determined in the affirmative—yeas 13, nays 6, as follows:

YEAS—Messrs. Bingham, Chipman, Foster, Goodhue, Greene, Hillhouse, Howard, Latimer, Laurance, Livermore, Read, Sedgwick, and Tracy.

NAYS.—Messrs. Anderson, Brown, Martin, Mason, Rutherfurd, and Tazewell.

The bill, sent from the House of Representatives, entitled "An act respecting balances reported against certain States, by the Commissioners appointed to settle the accounts between the United States and the several States," was read the second time.

On motion, that the further consideration thereof be postponed until the next session of Congress, it was determined in the negative—yeas 7, nays 14, as follows:

YEAS—Messrs. Goodhue, Hillhouse, Martin, Paine, Sedgwick, Tazewell, and Tracy.

NAYS—Messrs. Anderson, Bingham, Brown, Chipman, Foster, Greene, Howard, Latimer, Laurance, Livermore, Mason, North, Read, and Rutherfurd.

*Ordered*, That this bill be referred to Messrs. LAURANCE, BINGHAM, and LIVERMORE, to consider and report thereon to the Senate.

The Senate took into consideration the report of the committee on the petition of Thomas McKean and others, respecting the Journals of Congress proposed to be published by Richard Folwell. Whereupon,

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Senate and Clerk of the House of Representatives be authorized and directed to subscribe, on such terms as they may deem eligible, for the use of the Senate and House of Representatives, for four hundred copies of the Journals of Congress, which are proposed to be published by Richard Folwell.

On motion, the bill to alter the time for the next meeting of Congress was read the second time.

*Resolved*, That this bill do not pass to the third reading.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making certain appropriations, and to authorize the President to obtain a loan on the credit of the direct tax; also, a bill, entitled "An act further to amend the act, entitled 'An act laying duties on stamped vellum, parchment, and paper;" in which bills they desire the concurrence of the Senate. They concur in the amendments of the Senate to the bill, entitled "An act to augment the Army of the United States, and for other purposes," with an amendment, 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 to make a further appropriation for the additional Naval Armament." They recede from their disagreement to the amendments of the Senate to the bill, entitled "An act to enable the President of the United States to borrow money for the public service," so far as to concur therein, agreeably to the modification made by the committee of conference, and adopted by the Senate. They agree to some, and disagree to other, of the amendments of the Senate to the bill, entitled "An act for erecting a light-house and beacon, and placing buoys, at the places therein mentioned."

The Senate resumed the consideration of the report of the committee, to whom was referred the bill, sent from the House of Representatives, entitled "An act for the relief of sick and disabled seamen; and, the same being adopted, the bill was read the third time.

*Resolved*, That this bill pass with amendments.

The Senate took into consideration their amendment, disagreed to by the House of Representatives, to the bill, entitled "An act for erecting a light-house and beacon, and placing buoys, at the places therein mentioned."

*Resolved*, That they do recede therefrom.

On motion, to reconsider the question thereon, and to agree to the third reading of the bill to alter the time for the next meeting of Congress, it was determined in the negative—yeas 10, nays 10, as follows:

YEAS—Messrs. Chipman, Foster, Goodhue, Greene, Hillhouse, Laurance, Livermore, Martin, Read, and Tracy.

NAYS—Messrs. Anderson, Bingham, Brown, Howard, Latimer, Mason, North, Rutherfurd, Sedgwick, and Tazewell.

So the question was lost.

The Senate took into consideration the amendment of the House of Representatives to their amendment to the sixth section of the bill entitled "An act to augment the Army of the United States, and for other purposes."

*Resolved*, That the Senate agree to the said amendment with amendments.

A message from the House of Representatives informed the Senate that they have passed a bill entitled "An act allowing an additional compensation to the Doorkeeper and Assistant Doorkeeper of the House of Representatives, for their services during the present session of Congress;" in which they desire the concurrence of the Senate.

The bill, sent from the House of Representatives, entitled "An act making certain appropriations, and to authorize the President to obtain a loan on the credit of the direct tax," was read a first and second time.

*Ordered*, That it be referred to the committee, appointed the 12th instant, on the bill entitled "An act making certain additional appropriations for the year one thousand seven hundred and ninety-eight," to consider and report thereon to the Senate.

The bill, sent from the House of Representatives, entitled "An act for allowing an additional compensation to the Doorkeeper and Assistant Doorkeeper of the House of Representatives, for their services during the present session of Congress," was read.

On motion, the bill was read a second and third time, and amended.

*Resolved*, That this bill pass with amendments.

The Senate took into consideration their amendments, disagreed to by the House of Representatives, to the bill entitled "An act to make a further appropriation for the additional naval armament."

*Resolved*, That they do recede from their said amendments, disagreed to by the House of Representatives.

The bill, sent from the House of Representatives, entitled "An act further to amend the act entitled 'An act laying duties on stamped vellum, parchment and paper,'" was read the first and second time, and referred to Messrs. GOODHUE, READ, and LAURANCE, to consider and report thereon to the Senate.

Mr. LAURANCE, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act respecting balances reported against certain States, by the Commissioners appointed to settle the accounts between the United States and the several States," reported the bill without amendment; and the report was adopted.

*Resolved*, That this bill pass to a third reading.

On motion, by Mr. BINGHAM, that the twelfth rule for doing business in the Senate, which prohibits the reading of a bill on the same day in which it is announced, be suspended for the residue of the session, it passed in the affirmative—yeas 11, nays 8, as follows:

YEAS—Messrs. Bingham, Chipman, Foster, Goodhue, Greene, Hillhouse, Latimer, Laurance, Read, Sedgwick, and Tracy.

NAYS—Messrs. Anderson, Brown, Howard, Livermore, Martin, Mason, North, and Tazewell.

So it was *Resolved*. That the twelfth rule for doing business in the Senate be suspended during the present session.

On motion, Mr. BINGHAM had leave to bring in a bill to amend the act entitled "An act to suspend the commercial intercourse between the United States and France, and the dependencies thereof;" which was read the first and second time, and referred to Messrs. BINGHAM, LAURANCE, and GOODHUE, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives, entitled "An act for the relief of John Vaughan," was read the third time.

On motion, that the further consideration of this bill be postponed to the next session of Congress, it passed in the negative—yeas 10, nays 10, as follows:

YEAS—Messrs. Anderson, Brown, Goodhue, Hillhouse, Howard, Latimer, Livermore, Mason, North, and Tazewell.

NAYS—Messrs. Bingham, Chipman, Foster, Greene, Laurance, Martin, Read, Rutherfurd, Sedgwick, and Tracy.

So the motion was lost.

The question on the final passage of the bill was determined in the negative—yeas 10, nays 10, as follows:

YEAS—Messrs. Bingham, Chipman, Foster, Greene, Laurance, Martin, Read, Rutherfurd, Sedgwick, and Tracy.

NAYS—Messrs. Anderson, Brown, Goodhue, Hillhouse, Howard, Latimer, Livermore, Mason, North, and Tazewell.

So the bill was lost.

A message from the House of Representatives informed the Senate that they have passed a bill entitled "An act for allowing an additional compensation to the principal and the two engrossing clerks in the office of the Clerk of the House of Representatives, for their services during the present session of Congress;" in which they desire the concurrence of the Senate.

*Ordered*, That the Message of the President of the United States, of the 13th instant, be referred to Messrs. LAURANCE, READ, and TRACY, to consider and report thereon to the Senate.

---

MONDAY, July 16.

Mr. GOODHUE, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act further to amend the act entitled 'An act laying duties on stamped vellum, parchment, and paper,'" reported amendments; which were read.

*Resolved*, That the further consideration of this bill be postponed until the next session of Congress.

Mr. BINGHAM, from the committee to whom was referred the bill to amend the act entitled "An act to suspend the commercial intercourse between the United States and France, and the dependencies thereof," reported amendments; which were read and adopted.

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

Mr. TRACY, from the committee to whom was referred the amendments of the House of Representatives to the bill entitled "An act establishing the office of Accountant in the Department of the Navy, and to alter and amend the act entitled 'An act to establish the office of Purveyor of Public Supplies,'" reported amendments to the amendments.

*Resolved*, That the Senate do agree to the first amendment, and to the amendment to the title.

*Resolved*, That they do disagree to the first of the two new sections, and agree to the last new section, with an amendment, to wit: in the last line but one, strike out the word "sixty," and insert in lieu thereof the word "ninety."

Mr. TRACY, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act making certain appropriations, and to authorize the President to obtain a loan on the credit of the direct tax," reported

the bill without amendment; and the report was adopted.

The bill was then read a third time and passed.

The petition of John Messing, exhibiting his claim to a certain tract of land in the State of New Hampshire, was presented and read.

*Ordered*, That this petition lie on file.

The bill, sent from the House of Representatives, entitled "An act respecting balances reported against certain States, by the Commissioners appointed to settle the accounts between the United States and the several States," was read a third time.

On motion to postpone the consideration of this bill until the next session of Congress, it was determined in the negative—yeas 8, nays 11, as follows:

YEAS—Messrs. Anderson, Brown, Goodhue, Hillhouse, Martin, Sedgwick, Tazewell, and Tracy.

NAYS—Messrs. Bingham, Chipman, Foster, Greene, Howard, Latimer, Laurance, Livermore, North, Read, and Rutherfurd.

On motion to strike out these words from section first, lines seventh and eighth, "or in the purchase of arms for the militia of such State;" it passed in the negative.

On motion, by Mr. BROWN, to strike out, from section first, lines ninth and tenth, these words: "or to the sum assumed by the United States in the debt of such State;" it was determined in the negative—yeas 6, nays 13, as follows:

YEAS—Messrs. Anderson, Brown, Foster, Greene, Hillhouse, and Tazewell.

NAYS—Messrs. Bingham, Chipman, Goodhue, Howard, Latimer, Laurance, Livermore, Martin, North, Read, Rutherfurd, Sedgwick, and Tracy.

The final passage of the bill was determined in the negative—yeas 9, nays 10, as follows:

YEAS—Messrs. Bingham, Chipman, Howard, Latimer, Laurance, Livermore, North, Read, and Rutherfurd.

NAYS—Messrs. Anderson, Brown, Foster, Goodhue, Greene, Hillhouse, Martin, Sedgwick, Tazewell, and Tracy.

So it was *Resolved*, That this bill do not pass.

The bill, sent from the House of Representatives, entitled "An act for allowing an additional compensation to the principal and the two engrossing clerks in the office of the Clerk of the House of Representatives, for their services during the present session of Congress," was read.

On motion, the bill was read a second and third time; and, being amended,

*Resolved*, That this bill pass with amendments.

The bill to amend the act entitled "An act to suspend the commercial intercourse between the United States and France, and the dependencies thereof," was read a third time.

*Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An act to amend the act entitled 'An act to suspend the commercial intercourse between the United States and France, and the dependencies thereof."

Mr. BROWN, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act authorizing the grant and conveyance of a certain lot of ground to Elie Williams," reported the bill without amendment; which report was adopted.

The bill was then read a third time and passed.

Mr. TRACY, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act making certain additional appropriations for the year one thousand seven hundred and ninety-eight," reported the bill without amendment.

The bill was then read the third time, and passed.

*Resolved*, That the bill, sent from the House of Representatives, entitled "An act to alter the time of making entry of stills," be postponed until the next session of Congress; also, that the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act for the relief of Reuben Smith and Nathan Strong, and of Peter Aupoix," be discharged from the consideration thereof, and that the bill be postponed until the next session of Congress.

*Ordered*, That the report of the committee on the cession of a tract of land by the State of Connecticut to the United States, be postponed to the next session of Congress.

Mr. LAURANCE, from the committee to whom was referred the Message of the President of the United States of the 13th instant, made report; which was read.

*Ordered*, That it lie for consideration.

A message from the House of Representatives informed the Senate that the House concur in the bill, sent from the Senate, entitled "An act to amend the act, entitled 'An act to suspend the commercial intercourse between the United States and France, and the dependencies thereof," with an amendment, in which they desire the concurrence of the Senate.

The Senate took into consideration the amendment of the House of Representatives to the bill last mentioned.

*Resolved*, That they do not concur in the said amendment.

A message from the House of Representatives informed the Senate that the House insist on their amendment to the bill, sent from the Senate, entitled "An act to amend the act, entitled 'An act to suspend the commercial intercourse between the United States and France, and the dependencies thereof;" 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 insisting on their amendment to the bill, entitled "An act to amend the act, entitled 'An act to suspend the commercial intercourse between the United States and France, and the dependencies thereof," and asking a conference on the disagreeing votes of the two Houses.

*Resolved*, That they do agree to the proposed conference, and that Messrs. BINGHAM and GOODHUE be managers at the same on the part of the Senate.

Mr. BINGHAM, from the committee of confer-

ence, on the bill, entitled "An act to amend the act, entitled 'An act to suspend the commercial intercourse between the United States and France, and the dependencies thereof," made a report. Whereupon,

*Resolved*, That the Senate do recede from their disagreement to the amendment of the House of Representatives, so far as agree thereto with an amendment.

A message from the House of Representatives informed the Senate, that the House recede from their amendment to the bill, entitled "An act to amend the act, entitled 'An act to suspend the commercial intercourse between the United States and France, and the dependencies thereof," so far as to agree thereto with the amendment of the Senate to their amendment.

*Resolved*, That John Vaughan have leave to withdraw his papers.

The Senate took into consideration the report of the committee to whom was referred the Message of the President of the United States of the 13th instant, and which is as follows:

"That as, in the opinion of the President, certain measures of Executive authority will require the consideration of the Senate, and which could not be matured before Monday or Tuesday, it is the opinion of the committee, that the Senate should adjourn in their Executive capacity to meet to-morrow at the Senate Chamber, at ten o'clock in the forenoon, on Executive business."

And the report was adopted.

A message from the House of Representatives informed the Senate, that the House have appointed a joint committee on their part 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; and desire the appointment of a committee on the part of the Senate.

The Senate took into consideration this resolution of the House of Representatives.

*Resolved*, That they do concur therein, and that Messrs. CHIPMAN and GREENE be the committee on the part of the Senate.

Mr. CHIPMAN reported, from the joint committee, that they had waited on the President of the United States, who informed them that he had nothing further to communicate to Congress, except what might result from the last enrolled bill now under his consideration.

*Ordered*, That the Secretary acquaint the House of Representatives therewith; and that the Senate, having finished the Legislative business before them, are about to adjourn.

A message from the House of Representatives informed the Senate, that the House having finished the business before them, are about to adjourn to the first Monday in December next.

The Senate then went into the consideration of Executive business—after which,

The PRESIDENT declared the Senate, so far as respects its Legislative functions, adjourned to the time by the Constitution prescribed; and, in its Executive capacity, until to-morrow morning at ten o'clock.

## EXECUTIVE SESSION.

TUESDAY, July 17, 1798.

Agreeably to the adjournment of yesterday, as stated at large in the Legislative proceedings, the Senate assembled.

PRESENT:

THEODORE SEDGWICK, President *pro tempore*, from the State of Massachusetts;
BENJAMIN GOODHUE, from Massachusetts;
NATHANIEL CHIPMAN, from Vermont;
JAMES HILLARY and URIAH TRACY, from Connecticut;
THEODORE FOSTER and RAY GREENE, from Rhode Island;
JOHN LAURANCE and WILLIAM NORTH, from New York;
JOHN RUTHERFURD, from New Jersey;
WILLIAM BINGHAM, from Pennsylvania;
HENRY LATIMER, from Delaware;
JOHN E. HOWARD, from Maryland;
HENRY TAZEWELL, from Virginia;
JOHN BROWN, from Kentucky;
JOSEPH ANDERSON, from Tennessee;
ALEXANDER MARTIN, from North Carolina;
JACOB READ, from South Carolina.

*Ordered*, That the following summons, directed to the Senators of the United States, respectively, be entered on the Journals:

*The President of the United States to* ———, *Senator for the State of* ———.

Certain matters touching the public good, requiring that the session of the Senate, for Executive business, should be continued, and that the members thereof should convene on Tuesday, the 17th day of July, inst., you are desired to attend at the Senate Chamber, in Philadelphia, on that day, at ten o'clock in the forenoon, then and there to receive and deliberate on such communications as shall be made to you on my part.

JOHN ADAMS.

UNITED STATES, *July* 16, 1798.

The Senate took into consideration the nominations of the Commissioners, under an act of Congress, passed in the present session, to provide for the valuation of lands and houses, and for the enumeration of slaves, as contained in the Message of the President of the United States, of the 16th instant. Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations, respectively.

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

The Senate took into consideration the Message of the President of the United States, of the 16th instant, and the nominations contained therein, of Jonathan Dayton and William Ward Burrows, respectively, to office.

*Resolved*, That the consideration of the nomination of Jonathan Dayton be postponed.

*Resolved*, That the Senate do advise and consent to the appointment of William Ward Burrows, agreeably to the nomination.

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

The Senate resumed the consideration of the nomination of "Daniel McNeal, to be a captain in the navy, to take rank from the 5th of June, 1798," as contained in the Message of the President of the United States, of the 13th instant.

Mr. NORTH, from the committee appointed to consider this Message, made a report:

"That it appeared from a conversation which the committee had with the President, that he considered that part of his communication, which relates to Captain Neal's taking rank from the 5th of June last, merely as a memorandum. That he was exclusively invested with the power of settling the rank of officers, on their receiving appointments from the Senate; and that the insertion of the time from which Captain Neal is to take rank, is not binding on, or of consequence to the Senate, and therefore may, or may not, be acted upon by that body, or inserted in their Journals, at their pleasure."

On motion to divide the question on the nomination of Daniel McNeal, to the word "navy," inclusive;

The question of order was called for, which was by the President submitted to the Senate, who determined that the divison of it is in order.

And, on motion to agree to the first division of the question, as above stated, it was determined in the affirmative.

On motion, to agree to the subsequent division of the question, to wit: "to take rank from the 5th of June, 1798;" it was determined in the negative.

*Resolved*, That the Senate do advise and consent to the appointment of "Daniel McNeal, to be a captain in the navy."

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

On motion, to advise and consent to the appointment of "Thomas Williams, of Virginia, also to be a captain in the navy," agreeably to the nomination of the 13th instant it was determined in the affirmative.

*Resolved*, That the Senate do advise and consent to the appointment of Thomas Williams, of Virginia, to be a captain in the navy.

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

---

WEDNESDAY, July 18.

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

*Gentlemen of the Senate:*

Believing that the letter received this morning from General Washington, will give high satisfaction to the Senate, I transmit them a copy of it, and congratulate them and the public on this great event—the General's acceptance of his appointment as Lieutenant General and Commander-in-Chief of the Army.

JOHN ADAMS.

UNITED STATES, *July* 17, 1798.

MOUNT VERNON, *July* 13, 1798.

DEAR SIR: I had the honor, on the evening of the 11th instant, to receive from the hands of the Secretary of War, your favor of the 7th, announcing that you had, with the advice and consent of the Senate, appointed me "Lieutenant General and Commander-in-Chief of all the armies raised or to be raised for the service of the United States.

I cannot express how greatly affected I am at this new proof of public confidence, and the highly flattering manner in which you have been pleased to make the communication; at the same time I must not conceal from you my earnest wish that the choice had fallen upon a man less declined in years, and better qualified to encounter the usual vicissitudes of war.

You know, sir, what calculation I had made relative to the probable course of events on my retiring from office, and the determination I had consoled myself with, of closing the remnant of my days in my present peaceful abode; you will, therefore, be at no loss to conceive and appreciate the sensations I must have experienced to bring my mind to any conclusion that would pledge me, at so late a period of life, to leave scenes I sincerely love, to enter upon the boundless field of public action, incessant trouble, and high responsibility.

It was not possible for me to remain ignorant of, or indifferent to, recent transactions. The conduct of the Directory of France towards our country; their insidious hostility to its Government; their various practices to withdraw the affections of the people from it; the evident tendency of their acts and those of their agents to countenance and invigorate opposition; their disregard of solemn treaties and the laws of nations; their war upon our defenceless commerce; their treatment of our ministers of peace; and their demands, amounting to tribute; could not fail to excite in me corresponding sentiments with those my countrymen have so generally expressed in their affectionate addresses to you. Believe me, sir, no one can more cordially approve of the wise and prudent measures of your Administration. They ought to inspire universal confidence; and will, no doubt, combined with the state of things, call from Congress such laws and means as will enable you to meet the full force and extent of the crisis.

Satisfied, therefore, that you have sincerely wished and endeavored to avert war, and exhausted, to the last drop, the cup of reconciliation, we can with pure hearts appeal to Heaven for the justice of our cause, and may confidently trust the final result to that kind Providence who has heretofore, and so often, signally favored the people of these United States.

Thinking in this manner, and feeling how incumbent it is upon every person, of every description, to contribute at all times to his country's welfare, and especially in a moment like the present, when every thing we hold dear and sacred is so seriously threatened, I have finally determined to accept the commission of Commander-in-Chief of the Armies of the United States; with the reserve only that I shall not be called into the field until the Army is in a situation to require my presence, or it becomes indispensable by the urgency of circumstances.

In making this reservation, I beg it to be understood, that I do not mean to withhold any assistance to arrange and organize the Army, which you may think I can afford. I take the liberty also to mention, that I must decline having my acceptance considered as drawing after it any immediate charge upon the public, or that I can receive any emoluments annexed to the ap-

pointment, before entering into a situation to incur expense.

The Secretary of War being anxious to return to the seat of Government, I have detained him no longer than was necessary to a full communication upon the several points he had in charge.

With very great respect and consideration, I have the honor to be, dear sir, your most obedient and humble servant,

G. WASHINGTON.

JOHN ADAMS, *President of the United States.*

The Message and letter were read, and five hundred copies thereof ordered to be printed for the use of the Senate.

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

*Gentlemen of the Senate:*

I nominate Alexander Hamilton, of New York, to be Inspector General of the Army, with the rank of Major General.

Charles Cotesworth Pinckney, of South Carolina, to be a Major General.

Henry Knox, of Massachusetts, to be a Major General.

Henry Lee, of Virginia, to be a Major General of the Provisional Army.

Edward Hand, of Pennsylvania, to be a Major General of the Provisional Army.

John Brooks, of Massachusetts, to be a Brigadier General.

William Washington, of South Carolina, to be a Brigadier General.

Jonathan Dayton, of New Jersey, to be a Brigadier General.

William Stevens Smith, of New York, to be Adjutant General, with the rank of Brigadier General.

Ebenezer Huntington, of Connecticut, to be a Brigadier General of the Provisional Army.

Anthony Walton White, to be a Brigadier General of the Provisional Army.

William Richison Davie, of North Carolina, to be a Brigadier General of the Provisonal Army.

John Sevier, of Tennessee, to be a Brigadier General of the Provisional Army.

James Craik, of Virginia, to be Physician General of the Army.

JOHN ADAMS.

JULY 18, 1798.

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

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

*Gentlemen of the Senate:*

I nominate William Winder, of Maryland, to be Accountant of the Navy. JOHN ADAMS.

JULY 18, 1798.

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

---

THURSDAY, July 19.

The Senate took into consideration the Message of the President of the United States, of the 18th instant, and the nomination contained therein, of William Winder, to office. Whereupon,

*Resolved*, That they do advise and consent to the appointment, agreeably to the nomination.

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

The Senate took into consideration the Message of the President of the United States, of the 18th instant, and the nominations contained therein, of Alexander Hamilton, and others, to military appointments. Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations, respectively; except to that of William Stevens Smith, of New York, to be Adjutant General, with the rank of Brigadier General, to which they do not advise and consent.

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

*Ordered*, That Mr. BINGHAM and Mr. LAURANCE be a committee to wait on the President of the United States, and notify him, that, having finished the Executive business before them, they are ready to adjourn, unless he may have any further matters for their consideration.

Mr. BINGHAM reported, from the committee last mentioned, that the President of the United States informed them that he had a further communication to make to the Senate.

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

*Gentlemen of the Senate:*

I nominate William North, of New York, to be Adjutant General of the Army, with the rank of Brigadier General.

JOHN ADAMS.

UNITED STATES, *July* 19, 1798.

The Message was read.

On motion, it was agreed, by unanimous consent, to dispense with the rule, and that the said nomination be now considered. Whereupon.

*Resolved*, That they do advise and consent to the appointment, agreeably to the nomination.

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

The President adjourned the Senate to the first Monday in December next, to meet in this place.

# PROCEEDINGS AND DEBATES

OF THE

# HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AT THE SECOND SESSION OF THE FIFTH CONGRESS, BEGUN AT THE CITY OF PHILADELPHIA, MONDAY, NOVEMBER 13, 1797.

---

MONDAY, November 13, 1797.

This being the day appointed by law for the meeting of Congress, the House of Representatives assembled in their Chamber, and the following members answered to their names, to wit:

*From New Hampshire.*—ABIEL FOSTER.

*From Massachusetts.*—STEPHEN BULLOCK, SAMUEL LYMAN, JOHN REED, WILLIAM SHEPARD, GEORGE THATCHER, JOSEPH B. VARNUM, and PELEG WADSWORTH.

*From Connecticut.*—JOHN ALLEN, JOSHUA COIT, ROGER GRISWOLD, and NATHANIEL SMITH.

*From New York.*—LUCAS ELMENDORPH, HENRY GLEN, JONATHAN N. HAVENS, HEZEKIAH L. HOSMER, JOHN E. VAN ALEN, and JOHN WILLIAMS.

*From New Jersey.*—JONATHAN DAYTON, (Speaker,) and THOMAS SINNICKSON.

*From Pennsylvania.*—JOHN CHAPMAN, ALBERT GALLATIN, THOMAS HARTLEY, and JOHN SWANWICK.

*From Maryland.*—GEORGE BAER, junior, WILLIAM CRAIK, GEORGE DENT, and RICHARD SPRIGG, junior.

*From Virginia.*—JOHN DAWSON, D. HOLMES, JAMES MACHIR, DANIEL MORGAN, and ANTHONY NEW.

*North Carolina.*—MATTHEW LOCKE, NATHANIEL MACON, and RICHARD STANFORD.

*South Carolina.*—ROBERT GOODLOE HARPER, and JOHN RUTLEDGE, junior.

Several new members, to wit: ISAAC PARKER, from Massachusetts; THOMAS TILLINGHAST, returned to serve as a member of this House, for the State of Rhode Island, in the room of Elisha R. Potter, who has resigned his seat; and WILLIAM EDMOND, returned to serve in this House, as a member for Connecticut, in the room of James Davenport, deceased, appeared, produced their credentials, and took their seats in the House.

But a quorum of the whole number not being present, the House adjourned until to-morrow morning, eleven o'clock.

---

TUESDAY, November 14.

Several other members, to wit: from Massachusetts, HARRISON G. OTIS; from Rhode Island, CHRISTOPHER G. CHAMPLIN; from Connecticut, SAMUEL W. DANA and CHAUNCEY GOODRICH; from Vermont, MATTHEW LYON; from Pennsylvania, BLAIR MCCLENACHAN and RICHARD THOMAS; from Delaware, JAMES A. BAYARD; from Virginia, RICHARD BRENT; from North Carolina, ROBERT WILLIAMS; from South Carolina, WILLIAM SMITH; and from Georgia, ABRAHAM BALDWIN, appeared, and took their seats in the House.

But a quorum of the whole number not being present, the House adjourned until to-morrow morning, eleven o'clock.

---

WEDNESDAY, November 15.

Several other members, to wit: from New Jersey, JAMES H. IMLAY; from Pennsylvania, WILLIAM FINDLEY; and from Maryland, WILLIAM HINDMAN, appeared, and took their seats in the House.

And a quorum, consisting of a majority of the whole number, being present, the oath to support the Constitution of the United States was administered, by Mr. SPEAKER, to the following new members, to wit:

ISAAC PARKER, THOMAS TILLINGHAST, and WILLIAM EDMOND, who took their seats in the House on Monday last.

A message was then sent to the Senate, to inform them that a quorum of the House is assembled, and were ready to proceed to business.

On motion, *Ordered*, That the Clerk of this House cause the members to be furnished, during the present session, with three newspapers, such as the members, respectively, shall choose, to be delivered at their lodgings; provided they do not exceed the price at which subscribers are furnished with them.

*Ordered*, That a Committee of Revisal and Unfinished Business be appointed, pursuant to the Standing Rules and Orders of the House:

And a committee was appointed, of Mr. MACON, Mr. LYMAN, and Mr. HAVENS.

And then the House adjourned until to-morrow morning, eleven o'clock.

---

THURSDAY, November 16.

Several other members, to wit: from Vermont LEWIS R. MORRIS; from New York, JAMES COCHRAN, and EDWARD LIVINGSTON; from Virginia, MATTHEW CLAY, THOMAS EVANS, WALTER JONES, ABRAM TRIGG, and JOHN TRIGG; and from North Carolina, WILLIAM BARRY GROVE, appeared, and took their seats in the House.

And then the House adjourned until to-morrow morning, eleven o'clock.

FRIDAY, November 17.

Two other members, to wit: from New Jersey, MARK THOMSON; and from Pennsylvania, JOHN A. HANNA, appeared, and took their seats in the House.

*Ordered*, That a Committee of Elections be appointed, pursuant to the Standing Rules and Orders of the House:

And a committee was appointed, of Mr. COIT, Mr. VARNUM, Mr. JOHN WILLIAMS, Mr. HARTLEY, Mr. DENT, Mr. BALDWIN, and Mr. EVANS.

And then the House adjourned until Monday morning, eleven o'clock.

---

MONDAY, November 20.

Several other members, to wit: from New Hampshire, JONATHAN FREEMAN and WILLIAM GORDON; from New Jersey, JAMES SCHUREMAN; from Maryland, WILLIAM MATTHEWS; and from Virginia, ABRAHAM VENABLE, appeared, and took their seats in the House.

The House did not form a quorum for some time after the SPEAKER had taken the Chair; when it was formed,

Mr. MACON, from the Committee of Revisal and Unfinished Business, made a report in part; which being read, was ordered to be printed for the use of the members.

The House having sat for a considerable time without business, and the SPEAKER having declared there was none before it,

Mr. NEW said, as he understood there was not yet a quorum in the Senate, he should move that the House adjourn.

The motion was carried, and the House adjourned accordingly.

---

TUESDAY November 21.

Several other members, to wit: from Massachusetts, DWIGHT FOSTER; from New York, PHILIP VAN CORTLANDT; and from Virginia, CARTER B. HARRISON, appeared, and took their seats in the House.

Mr. COIT, from the Committee of Elections, made a report that the newly returned members were entitled to their seats.

Mr. HARPER said, as he understood the late Committee of Claims was not now in existence, he should move for the appointment of such a committee.

The motion was carried, and a committee of seven members were appointed, viz: Messrs. DWIGHT FOSTER, COIT, THOMSON, HANNA, BAER, JONES, and STANFORD.

Mr. LIVINGSTON moved that a Committee of Commerce and Manufactures be also appointed.

The motion was agreed to, and a committee of seven members appointed, viz: Messrs. LIVINGSTON, CHAMPLIN, GRISWOLD, SCHUREMAM, SWANWICK, GROVE, and DENT.

After the reception and disposition of several private memorials, the House adjourned.

WEDNESDAY, November 22.

Two other members, to wit: from Pennsylvania, DAVID BARD, and SAMUEL SITGREAVES, appeared and took their seats.

A message was received from the Senate informing the House that the Senate had formed a quorum, and that they had elected Mr. READ as President *pro tem.*

Mr. WILLIAMS moved that a committee be appointed, jointly with one to be appointed by the Senate, to wait on the President of the United States, to inform him that quorums of both Houses are assembled, and are ready to receive any communications which he may think proper to make to them.

The motion was agreed to, and Messrs. OTIS, RUTLEDGE, and DAWSON, were appointed a committee for the purpose.

A message was received from the Senate informing the House that they concurred with them in the appointment of a committee to wait on the President, and that they had appointed Messrs. BINGHAM and TRACY, a committee on their part.

Subsequently, the committee reported that they had performed the service, and that the President had signified that he would meet both Houses in the Representatives' Chamber to-morrow at 12 o'clock.

## CUSTOM-HOUSE REGULATIONS.

Mr. RUTLEDGE presented a memorial from the merchants of Charleston, complaining of the operation of the law for the regulation of the custom-house at that place, by which the collector is to cause to be weighed by his own officers, all goods and wares imported, which were heretofore weighed by the proprietors of the wharves, who kept persons for the purpose, and which added considerably to the value of the private property of the individuals owning the said wharves. They state this grievance to have put them to great inconvenience, and pray for redress. Referred to the Secretary of the Treasury.

## ENCOURAGEMENT OF THE ARTS.

Mr. COIT observed that there were, in his opinion, some inconsistencies in the act for the encouragement and protection of the useful arts. By this act, any person swearing that he is the inventor of any improvement, and paying the expense of the patent, may obtain one; and if any person infringes it, he has his remedy by suing him. The general scope of the act did not go to define who was the real inventor; this was left to be determined. In the former act on this subject, certain of the Heads of Departments were to determine whether any object proposed for a patent was really a new invention. In looking further into the act he found two clauses which he thought inconsistent with the general tenor of the law, [these he read,] and therefore moved that a committee be appointed to inquire whether any, and if any, what alterations are necessary to be made in the said act. Agreed to, and a committee of three members appointed.

## BENJAMIN WELLS.

Mr. FINDLEY presented the memorial of Benjamin Wells, collector of revenue for the fourth survey of the district of Pennsylvania, who states that, in the years 1791, 1792, 1793, and 1794, and particularly in the last year, he had been greatly obstructed in the performance of his duty by persons opposed to the laws which he had to execute, by which he had experienced considerable loss and injury. He acknowledges having received from the commissioners, in pursuance of the act passed on this subject, upwards of eight hundred dollars, but this sum being inadequate to his compensation, he prays for further relief.

Mr. F. moved that this memorial, being a singular case, and the petitioner being in town waiting the issue of his application, should be referred to a select committee. This motion was seconded by Mr. HARTLEY, and opposed by Messrs. COIT and MACON, who were of opinion that the subject would come properly under the cognizance of the Committee of Claims, and that it was desirable, in order to preserve a uniformity in their proceedings, to have this and all other claims, referred to the standing committee. Mr. MACON therefore moved that this petition should be referred to the Committee of Claims; but, at the request of Mr. HARTLEY, both motions were withdrawn, and the petition was ordered to lie on the table.

Mr. FINDLEY gave notice he should call it up to-morrow.

## UNFINISHED BUSINESS.

On motion of Mr. HARPER, the report of the Committee of Revisal and Unfinished Business was taken up, and the following resolution having been read, was agreed to:

"*Resolved*, That all petitions depending and undecided upon at the second session of the fourth Congress, and at the last session, ought to be taken up and acted upon by the House, as the same may be called for by any member, or upon the application of the individual claimant or petitioner."

Mr. HARPER then observed, that amongst the unfinished business, there was a report on the petition of Henry Hill, which was favorable to the petitioner. He wished, as the business had been long before the House, to have it early decided upon, and would move, therefore, that it be committed to a Committee of the Whole House. Agreed to, and made the order for Monday.

Mr. LIVINGSTON said, amongst the unfinished business, he found a bill for the relief of refugees from Canada and Nova Scotia. He wished it to be referred to a Committee of the Whole. Agreed to, and made the order for Monday.

Mr. HARPER observed, that towards the close of the last session, a very distressing case was brought before the House, and postponed for want of time; he meant that of Antonia Carmichael, widow of William Carmichael. He moved that the report be referred to a Committee of the Whole. Agreed to, and made the order for Tuesday.

Mr. LIVINGSTON said, there was a report of a select committee on the operation of the act for the relief and protection of American seamen, which included the subject of an establishment of a marine hospital, and other important matters. He wished this subject referred to a Committee of the Whole. Agreed to, and made the order for Tuesday.

Several other reports were moved for, and similarly disposed of.

Mr. VENABLE thought it not right that business which was perfectly new to many members should be thus referred to Committees of the Whole. He did not think the resolution of the Committee of Revisal and Unfinished Business went so far. He thought that it meant only that the petitions and reports should be taken up and read, and then disposed of as the House should think proper.

The SPEAKER decided that the order taken was agreeable to the reported resolution of the Committee of Revisal and Unfinished Business, which had been agreed to.

A message was received from the Senate informing the House that they had agreed to a resolution for the appointment of two Chaplains, one for each House, to interchange weekly; and that they had appointed on their part the Right Reverend Bishop WHITE.

---

THURSDAY, November 23.

Two new members, to wit: WILLIAM C. C. CLAIBORNE, from the State of Tennessee; and THOMAS PINCKNEY, returned to serve as a member of this House for the State of South Carolina, in the room of William Smith, appointed Minister Plenipotentiary of the United States to the Court of Lisbon, appeared, produced their credentials, and took their seats in the House; the oath to support the Constitution of the United States being first administered to them by Mr. SPEAKER, according to law.

Two other members, to wit: from Virginia, THOMAS CLAIBORNE and JOHN CLOPTON, appeared, and took their seats in the House.

## PRESIDENT'S SPEECH.

The hour of twelve being near at hand, the SPEAKER announced it, and a message was sent to the Senate to inform them that they were met, and ready to receive the communications of the President of the United States, agreeably to his appointment.

The members of the Senate attended accordingly, and about a quarter after twelve the PRESIDENT OF THE UNITED STATES (after visiting the Senate Chamber) entered the House, accompanied by his Secretary and the Heads of Departments, and, being seated, rose and delivered the following Address:

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

I was for some time apprehensive that it would be necessary, on account of the contagious sickness which afflicted the city of Philadelphia, to convene the National Legislature at some other place. This measure it was desirable to avoid, because it would occasion much public inconvenience, and a considerable public expense, and add to the calamities of the in-

habitants of this city, whose sufferings must have excited the sympathy of all their fellow-citizens. Therefore, after taking measures to ascertain the state and decline of the sickness, I postponed my determination, having hopes, now happily realized, that, without hazard to the lives or health of the members, Congress might assemble at this place, where it was next by law to meet. I submit, however, to your consideration, whether a power to postpone the meeting of Congress, without passing the time fixed by the Constitution, upon such occasions, would not be a useful amendment to the law of one thousand seven hundred and ninety-four.

Although I cannot yet congratulate you on the re-establishment of peace in Europe, and the restoration of security to the persons and properties of our citizens from injustice and violence at sea, we have nevertheless abundant cause of gratitude to the Source of Benevolence and Influence, for interior tranquillity and personal security, for propitious seasons, prosperous agriculture, productive fisheries, and general improvements; and, above all, for a rational spirit of civil and religious liberty, and a calm, but steady determination to support our sovereignty, as well as our moral and religious principles, against all open and secret attacks.

Our Envoys Extraordinary to the French Republic embarked, one in July, the other early in August, to join their colleague in Holland. I have received intelligence of the arrival of both of them in Holland, from whence they all proceeded on their journey to Paris, within a few days of the nineteenth of September. Whatever may be the result of this mission, I trust that nothing will have been omitted on my part, to conduct the negotiation to a successful conclusion, on such equitable terms as may be compatible with the safety, honor, and interests of the United States. Nothing, in the meantime, will contribute so much to the preservation of peace, and the attainment of justice, as a manifestation of that energy and unanimity of which, on many former occasions, the people of the United States have given such memorable proofs, and the exertion of those resources for national defence, which a beneficent Providence has kindly placed within their power.

It may be confidently asserted, that nothing has occurred since the adjournment of Congress, which renders inexpedient those precautionary measures recommended by me to the consideration of the two Houses, at the opening of your late extraordinary session. If that system was then prudent, it is more so now, as increasing depredations strengthen the reasons for its adoption.

Indeed, whatever may be the issue of the negotiation with France, and whether the war in Europe is or is not to continue, I hold it most certain that perfect tranquillity and order will not soon be obtained. The state of society has so long been disturbed; the sense of moral and religious obligations so much weakened; public faith and national honor have been so impaired; respect to treaties has been so diminished, and the law of nations has lost so much of its force; while pride, ambition, avarice, and violence, have been so long unrestrained, there remains no reasonable ground on which to raise an expectation, that a commerce, without protection or defence, will not be plundered.

The commerce of the United States is essential, if not to their existence, at least to their comfort, their growth, prosperity, and happiness. The genius, character, and habits of the people are highly commercial; their cities have been founded, and exist, upon commerce; our agriculture, fisheries, arts, and manufactures, are connected with and depend upon it; in short, commerce has made this country what it is, and it cannot be destroyed or neglected without involving the people in poverty and distress; great numbers are directly and solely supported by navigation—the faith of society is pledged for the preservation of the rights of commercial, and seafaring, no less than of the other citizens. Under this view of our affairs, I should hold myself guilty of a neglect of duty, if I forebore to recommend that we should make every exertion to protect our commerce, and to place our country in a suitable posture of defence, as the only sure means of preserving both.

I have entertained an expectation, that it would have been in my power, at the opening of this session, to have communicated to you the agreeable information of the due execution of our treaty with His Catholic Majesty, respecting the withdrawing of his troops from our territory, and the demarkation of the line of limits; but by the latest authentic intelligence, Spanish garrisons were still continued within the limits of our country, and the running of the boundary line had not been commenced. These circumstances are the more to be regretted, as they cannot fail to affect the Indians in a manner injurious to the United States; still, however, indulging the hope that the answers which have been given, will remove the objections offered by the Spanish officers to the immediate execution of the treaty, I have judged it proper that we should continue in readiness to receive the posts, and to run the line of limits. Further information on this subject will be communicated in the course of the session.

In connection with the unpleasant state of things on our western frontier, it is proper for me to mention the attempts of foreign agents to alienate the affections of the Indian nations, and to excite them to actual hostilities against the United States; great activity has been exerted by these persons, who have insinuated themselves among the Indian tribes, residing within the territory of the United States, to influence them, to transfer their affections and force to a foreign nation, to form them into a confederacy, and prepare them for war, against the United States.

Although measures have been taken to counteract these infractions of our rights, to prevent Indian hostilities, and to preserve their attachment to the United States, it is my duty to observe, that, to give a better effect to these measures, and to obviate the consequences of a repetition of such practices, a law, providing adequate punishment for such offences, may be necessary.

The Commissioners appointed under the fifth article of the Treaty of Amity, Commerce, and Navigation, between the United States and Great Britain, to ascertain the river, which was truly intended, under the name of the river St. Croix, mentioned in the Treaty of Peace, met at Passamaquoddy Bay in October, 1796, and viewed the mouths of the rivers in question, and the adjacent shores and islands; and being of opinion, that actual surveys of both rivers to their sources, were necessary, gave the agents of the two nations instructions for that purpose, and adjourned to meet at Boston in August: they met; but the surveys, requiring more time than had been supposed, and not being then completed, the Commissioners again adjourned to meet at Providence, in the State of Rhode Island, in June next, when we may expect a final examination and decision.

The Commissioners appointed in pursuance of the sixth article of the treaty, met at Philadelphia in May

last, to examine the claims of British subjects, for debts contracted before the peace, and still remaining due to them, from citizens or inhabitants of the United States. Various causes have hitherto prevented any determinations; but the business is now resumed, and doubtless will be prosecuted without interruption.

Several decisions on the claims of the citizens of the United States, for losses, and damages, sustained by reason of irregular and illegal captures, or condemnations, of their vessels or other property, have been made by the Commissioners in London, conformably to the seventh article of the treaty; the sums awarded by the Commissioners have been paid by the British Government; a considerable number of other claims, where costs and damages, and not captured property, were the only objects in question, have been decided by arbitration, and the sums awarded to the citizens of the United States have also been paid.

The Commissioners appointed agreeably to the 21st article of our Treaty with Spain, met at Philadelphia in the Summer past, to examine and decide on the claims of our citizens for losses they have sustained in consequence of their vessels and cargoes having been taken by the subjects of His Catholic Majesty, during the late war between Spain and France; their sittings have been interrupted, but are now resumed.

The United States being obligated to make compensation for the losses and damages sustained by British subjects, upon the award of the Commissioners acting under the sixth article of the Treaty with Great Britain, and for the losses and damages sustained by British subjects, by reason of the capture of their vessels and merchandise, taken within the limits and jurisdiction of the United States, and brought into their ports, or taken by vessels originally armed in ports of the United States, upon the awards of the Commissioners acting under the seventh article of the same treaty, it is necessary that provision be made for fulfilling these obligations.

The numerous captures of American vessels by cruisers of the French Republic, and of some by those of Spain, have occasioned considerable expenses, in making and supporting the claims of our citizens before their tribunals. The sums required for this purpose have, in divers instances, been disbursed by the Consuls of the United States; by means of the same captures, great numbers of our seamen have been thrown ashore in foreign countries, destitute of all means of subsistence, and the sick in particular have been exposed to grievous suffering.

The Consuls have, in these cases also, advanced moneys for their relief; for these advances they reasonably expect reimbursements from the United States. The Consular act relative to seamen requires revision and amendment; the provisions for their support in foreign countries, and for their return, are found to be inadequate, and ineffectual. Another provision seems necessary to be added to the Consular act; some foreign vessels have been discovered sailing under the flag of the United States, and with forged papers. It seldom happens that the Consuls can detect this deception, because they have no authority to demand an inspection of the registers and sea-letters.

*Gentlemen of the House of Representatives:*

It is my duty to recommend to your serious consideration those objects which, by the Constitution, are placed particularly within your sphere—the national debt and taxes.

Since the decay of the feudal system, by which the public defence was provided for, chiefly at the expense of individuals, a system of loans has been introduced. And as no nation can raise, within the year, by taxes, sufficient sums for its defence, and military operations in time of war, the sums loaned and debts contracted have necessarily become the subjects of what have been called funding systems. The consequences arising from the continued accumulation of public debts in other countries, ought to admonish us to be careful to prevent their growth in our own. The national defence must be provided for as well as the support of Government; but both should be accomplished, as much as possible, by immediate taxes, and as little as possible by loans. The estimates for the services for the ensuing year will, by my direction, be laid before you.

*Gentlemen of the Senate and*

*Gentlemen of the House of Representatives:*

We are met together at a most interesting period; the situations of the principal Powers of Europe are singular and portentous: connected with some by treaties and with all by commerce, no important event there can be indifferent to us; such circumstances call with peculiar importunity, not less for a disposition to unite in all those measures on which the honor, safety, and prosperity of our country depend, than for all the exertions of wisdom and firmness.

In all such measures you may rely on my zealous and hearty concurrence.

JOHN ADAMS.

UNITED STATES, *November* 23, 1797.

Having concluded his Speech, and delivered copies of it to the President *pro tem.* of the Senate, and to the Speaker of the House of Representatives, the PRESIDENT retired, the SPEAKER resumed the Chair, and the House being come to order, he, as usual, read the Speech from the Chair. This being done, on motion, it was referred to a Committee of the Whole House, and made the order for to-morrow. It was ordered also to be printed.

## CHAPLAIN TO THE HOUSE.

Mr. WILLIAMS observed it was not usual to attend to much business on the day the Speech was delivered; but he should wish that they might take up the resolution of the Senate respecting the appointment of Chaplains.

The motion was agreed to, and the resolve of the Senate having been read,

Mr. MACON objected to the form of it. If they were to agree to a resolution of this kind, he hoped it would be in the usual form. The Senate, without their concurrence to the resolution, had proceeded to elect a Chaplain, which was contrary to former practice. They ought first, he said, to have known that this House would agree to have Chaplains before they had proceeded to an election. He called for the reading of the former resolution.

Mr. WILLIAMS did not think the variation material.

Mr. VENABLE wished to have the question divided, as the resolution and election were two distinct things. He therefore moved to strike out the latter part.

Mr. DWIGHT FOSTER saw no necessity for striking out any part of the resolution. It might very well be divided. He therefore moved that the

sense of the House might first be taken on the former part.

Mr. Venable consented, and the first part was agreed to.

Mr. Williams then moved that the House proceed to the election of a Chaplain. Agreed to.

The Speaker informing the House that a previous nomination was necessary,

Mr. Williams nominated the Rev. Ashbel Green.

The Sergeant-at-Arms was directed to collect the ballots, and Messrs. Griswold and N. Smith were appointed tellers.

The votes being examined, Mr. Griswold reported the result to be:

| | |
|---|---|
| For Dr. Green - - - - | 54 |
| For Dr. Priestley - - - - | 6 |
| For Dr. Blair - - - - | 3 |
| For General Williams - - - | 1 |
| For Mr. Ustick - - - - | 1 |

Dr. Green was of course declared duly elected.

After reading a few private petitions which were referred to the Committee of Claims, the House adjourned.

---

Friday, November 24.

## ADDRESS TO THE PRESIDENT.

Mr. Harper moved that the House form itself into a Committee of the Whole on the Speech of the President of the United States.

The motion was agreed to, and Mr. Dent was called to the Chair. The Speech having been read by the Chairman,

Mr. Harper and Mr. Lyon rose together. The Chairman determining the former to have the precedence,

Mr. Harper observed that it had been usual for the House to present an Address in answer to the communications of the President. He said he had in his hand the resolution which had heretofore been adopted, which he should submit to the consideration of the committee. It was to the following effect:

"*Resolved*, That a respectful Address be presented by the House of Representatives to the President of the United States, in answer to his Speech to both Houses of Congress at the commencement of the present session, containing assurances that the House will take into consideration the various and important matters recommended to their attention."

Mr. Lyon said he was opposed to a resolution of this kind. He had risen to have made a different one, but the preference had been given to the gentleman from South Carolina. He wished to get rid of a debate of ten or fourteen days about the wording of an Answer to the President's Speech. He had it in contemplation to have returned an Answer directly from the House, by appointing a committee to inform the President they were ready to go on with their business; as he wished also to get rid of the troublesome and greatly derided custom of turning out *en masse* to wait upon the President. If he were in order, he would read what he intended to have moved.

The Chairman declaring it would be in order to read the proposition in his place, Mr. Lyon read as follows:

*Resolved*, As the opinion of this committee, that the various subjects submitted to the consideration of Congress by the President of the United States, in his Speech to both Houses at the commencement of the present session, ought to be taken into full and mature consideration by this House, and proceeded on with that due attention and despatch which their respective importance and a just regard to the public interest may demand; and that a committee of —— members be appointed to wait on the President, and in the name of the House respectfully to assure him of its ready co-operation with the other Departments of Government, in all such measures as may be deemed advisable for the public good, and to promote the peace, happiness, and welfare of the United States."

Mr. Harper supposed it was not necessary to use any arguments to show the propriety of adopting the same resolution which had hitherto been thought proper. He believed the occasions for innovation should be evident and strong, before they were resorted to. He had never heard any reason, in private or in public, for departing from the rule which had been laid down by their predecessors. With respect to the propriety of this mode of proceeding, if it should be called in question, he doubted not that there were members present who would show that it was proper, and had been adopted after serious consideration; but the mode proposed having been the constant practice since the adoption of the present Government, was a sufficient reason for continuing it. The gentleman from Vermont had said, "it was a very troublesome and much derided ceremony." With respect to its being troublesome, that was the fault of gentlemen who were opposed to the measure. They might make objections to every sentiment in an Answer, and by that means produce a long debate; otherwise the business would not be a troublesome one. As to its being a derided ceremony, he knew gentlemen who had caused themselves to be subjects of derision by their attempts to deride it; but whether those attempts had redounded to their own honor, or made them appear ridiculous, he left every one to decide.

Mr. Otis inquired whether the resolution of the gentleman who had just sat down was in order.

The Chairman replied, that the motion of the gentleman from South Carolina must first be decided upon.

It was then put and carried by 52 votes in the affirmative.

The committee then rose and reported the resolution. The House took it up; when

Mr. Havens called for the yeas and nays; which having been agreed to,

Mr. Venable said, the yeas and nays having been determined to be taken, as he intended to vote in the negative, he thought it necessary to give his reasons for doing so. He did not wish to enter into a long discussion on the subject at present. It was well known, that the mode of proceeding in answering the Address, had occasioned considerable embarrassment in the House.

It was not out of any disrespect to the Chief Magistrate that he was opposed to it. The gentleman from South Carolina had said, that except inconveniences had grown out of the practice, it ought not to be altered. If the gentleman would stand on this ground, he would pardon his vote. It was not from a wish to innovate, that he wished the custom departed from, but because it had been found to be attended with real inconveniences. It was well known that heretofore two or three weeks had been consumed in debating upon an answer to the Speech, which he thought an unnecessary waste of time, and delay of public business. This he thought a serious evil, and a sufficient reason for departing from the former precedent, which was established at a time when this inconvenience was not seen. He was, therefore, willing to change it.

Mr. LYON said, it did not argue much for the age we live in, that they were to follow customs, merely because they had been established, which was all the reason the gentleman from South Carolina had given for adopting his resolution. He thought the gentleman last up had shown sufficient ground for departing from the old practice. He himself had attended to every argument he had heard in that House and out of it on the subject, in its favor, and he did not think them of any weight. He should wish to hear the reasons which gave rise to it. It was his opinion that they ought not to be bound by precedent, but every day endeavor to do better than they did the last.

The question was put, and decided in the affirmative—yeas 57, nays 20, as follows:

YEAS—John Allen, George Baer, jr., Abraham Baldwin, James A. Bayard, Stephen Bullock, John Chapman, Thomas Claiborne, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, George Dent, William Edmond, Thomas Evans, William Findley, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, John A. Hanna, Robert Goodloe Harper, Thomas Hartley, William Hindman, David Holmes, Hezekiah L. Hosmer, James H. Imlay, Walter Jones, Edward Livingston, Samuel Lyman, James Machir, William Mathews, Daniel Morgan, Lewis R. Morris, Harrison G. Otis, Isaac Parker, Thomas Pinckney, John Reed, John Rutledge, jr., James Schureman, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, Richard Sprigg, jr., John Swanwick, George Thatcher, Richard Thomas, Mark Thomson, Thomas Tillinghast, John E. Van Alen, Joseph B. Varnum, Peleg Wadsworth, John Williams, and Robert Williams.

NAYS—David Bard, William Charles Cole Claiborne, Matthew Clay, John Clopton, John Dawson, Lucas Elmendorph, Albert Gallatin, Carter B. Harrison, Jonathan N. Havens, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Anthony New, William Smith, Richard Stanford, Abraham Trigg, John Trigg, Philip Van Cortlandt, and Abraham Venable.

Mr. LYON said, the House had now determined upon an Address. He would move what he thought would be the proper form. [He then read the substance of his resolution.]

The SPEAKER said it was not now in order to say what the Address should be. The gentleman might, after the committee was appointed, make his motion by way of instruction to the committee; or, when the Address should be reported, he might move his as a substitute.

Mr. LYON questioned the opinion of the SPEAKER as to his being out of order.

The SPEAKER declared he was so; if the gentleman still thought otherwise, he might appeal to the House.

Mr. LYON submitted, and a committee of five was appointed to draught an Answer, viz: Messrs. OTIS, DAWSON, RUTLEDGE, BAYARD, and BALDWIN.

## COLLECTION OF INTERNAL REVENUE.

Mr. HARPER said, amongst the unfinished business of last session, there was a bill for the more effectual collection of certain internal revenues. He wished it to be committed to a Committee of the Whole.

Mr. GALLATIN said it was unusual to go into the consideration of a bill which originated in a former session, in this summary way.

The SPEAKER said he was about to observe, that the resolution of the Committee of Revisal and Unfinished Business, which had been agreed to, did not comprise bills; they must of course be proceeded with according to the rule of the House on that subject, which he read.

Mr. HARPER consented, and withdrew his motion.

## FOREIGN COINS.

Mr. VENABLE moved that a committee be appointed to consider whether any and what alterations are necessary in the law for regulating foreign coins. He said very considerable loss had been experienced in different parts of the country by foreign coins, particularly by French crowns, and he thought some regulation on this subject was immediately necessary.

Mr. MACON and Mr. HARRISON spoke of the necessity of the measure, and a committee of three was appointed.

## BENJAMIN WELLS.

Mr. FINDLEY moved that the petition of Benjamin Wells, collector in the western part of Pennsylvania, for further redress for injury sustained by the insurrection, presented the other day, be referred to a select committee.

Mr. MACON objected to its being sent to a special committee, on the same ground as when it was presented.

Mr. HARTLEY spoke in favor of a select committee, on account of the singularity of the case, and went into the merits of the claim.

Mr. SITGREAVES wished it on account of despatch, as the petitioner was waiting.

Mr. COIT acknowledged that select committees were generally more favorable to claims than the standing committee, but he did not think this ought to make them depart from their usual practice, particularly as the rule of the House was express on this head. [He read it.]

Mr. GALLATIN was in favor of a select com-

mittee, as the petition involved the question whether any further relief ought to be granted to persons of this description. He did not wish this because he was in favor of further recompense, for he and the people in his part of the country thought there had been already more than sufficient granted. He wished the question, however, to come into discussion, and to have a decision; and as the Committee of Claims uniformly throw out all claims which were not founded upon some law, they would certainly throw out this, as it asked a favor, rather than demanded a right; he was in favor of its going to a select committee.

The question was put on reference to the Committee of Claims, and carried—38 to 37.

## EVIDENCE IN CONTESTED ELECTIONS.

Mr. HARPER said, he should lay upon the table some resolutions respecting the mode of taking evidence in contested elections. It would be recollected, he said, that the House had experienced great inconvenience for want of some fixed mode of taking evidence in such cases. Persons had been obliged to attend here for instructions, they had gone back to take the evidence, and before they could return the session probably had closed. To remedy this inconvenience, it had been thought some permanent mode might be adopted so as to prevent these double journeys and consequent expenses. The motion which he now submitted was brought forward in the session before last, but postponed for want of time.

The resolutions were as follows:

"*Resolved*, That the method of taking evidence to be adduced in the trial of contested elections for this House, shall hereafter be as follows:

"*First*. The party intending to contest an election shall give notice of such intention to the person returned. If it be an election in the usual course, this notice shall be given at least —— weeks before the time when the said person is to take his seat; if not in the usual course, but to fill a vacancy, then the notice shall be given within —— days after the persons appointed to hold the election shall have made known, publicly, the state of the poll. The notice shall be delivered in writing, at the usual residence of the person returned; and if he be absent, shall be left there open.

"*Secondly*. That the party intending to take examinations shall then apply to some justice or judge of the courts of the United States, or some chancellor, justice, or judge of a supreme, superior, or county court, or court of common pleas, of any State; or some mayor or chief magistrate of a town or city, and shall obtain a notification, under his hand and seal, directed to the opposite party, and requiring him to attend by himself, or his attorney, duly authorized, and cross-examine the witnesses. This notification shall state the time and place of examination, and the names of the witnesses; and it shall be served on the opposite party, or his attorney, duly authorized, as either may be nearest to such place; provided either is within one hundred miles of it, for attendance. After receiving the notification, one day, exclusive of Sundays, shall be allowed for every twenty miles.

"*Thirdly*. In all cases where either party shall give notice to the other of his having appointed an attorney for the purpose aforesaid, it shall be necessary to serve the above mentioned notification on the attorney.

"*Fourthly*. Every person deposing shall make oath or affirmation to testify the whole truth, and shall subscribe the testimony by him or her given; which shall be reduced to writing only by the magistrate taking the deposition, or by the deponent, in his pressnce. The deposition so taken, together with the certificate of the notices and proof of the service of them, shall be sealed up by the magistrate who took it, and transmitted to the Speaker of the House.

"*Resolved*, That the examination of witnesses, taken in this manner, and no other, shall hereafter be admitted on trials of contested elections.

"*Resolved*, That copies of any papers recorded in any office of record, provided those copies be attested under the hand and seal of the recording officer, shall be admitted at all such trials, in the same manner as the original would be, if produced. In like manner, copies of any other papers of a public nature, and remaining in the possession of a public officer, shall be admitted, when attested under the hand and seal of that officer.

"*Resolved*, That —— copies of these resolutions shall be forwarded forthwith to the Executive of every State, with a request that they will cause the managers of every election, in their respective States, to be furnished with at least one copy."

The resolutions were committed to a Committee of the Whole for Wednesday.

The House then adjourned till Monday next.

---

MONDAY, November 27.

A new member, to wit: BAILEY BARTLETT, returned to serve in this House as a member for Massachusetts, in the place of Theophilus Bradbury, who has resigned his seat, appeared, produced his credentials, and took his seat in the House; the oath to support the Constitution of the United States being first administered to him by Mr. SPEAKER, according to law.

Several other members, to wit: from Massachusetts, SAMUEL SEWALL; from New York, DAVID BROOKS; from Maryland, JOHN DENNIS; from Virginia, JOHN NICHOLAS and JOSIAH PARKER; and from North Carolina, THOMAS BLOUNT, appeared and took their seats in the House.

## REPORT ON CLAIMS.

Mr. DWIGHT FOSTER, from the Committee of Claims, presented a report, which stated that the committee having examined the files and Journals of the second session of the fourth Congress, found sundry petitions and memorials referred to the Committee of Claims, which, for want of time, had not been reported upon; and that some of the petitioners being now attending to learn the issue of their applications, they proposed a resolution for the adoption of the House to the following effect:

"*Resolved*, That all claims which, during the second session of the fourth Congress, were referred to the Committee of Claims, and not by them reported upon, be, and the same are hereby, referred to the Committee of Claims, to be by them reported upon agreeably to the rules of the House."

The resolution was agreed to.

The SPEAKER observed, that there had been an

order made last week contrary to the rules of the House, by committing a bill to a Committee of the Whole, which had originated at a former session, without introducing it in the way directed by the rules. It would be necessary, therefore, to discharge the committee from the committal.

Mr. LIVINGSTON accordingly moved that the Committee of the Whole, to whom was referred the bill relative to refugees from Canada and Nova Scotia, be discharged from the consideration. Agreed to.

Mr. WILLIAMS then moved that a committee be appointed to prepare and bring in a bill for that purpose. Agreed to, and a committee of three appointed.

## RULES OF THE HOUSE.

Mr. LIVINGSTON observed, at the beginning of the first session of the last Congress, a committee was appointed to prepare and report standing rules for the regulation of the House. He moved that such a committee be now appointed.

Mr. HARPER thought, on consideration, the gentleman would find this motion to be unnecessary. They had been in the habit, it was true, of heretofore appointing a committee to report a new set of rules; but he believed it would be allowed that the usefulness of rules depended in some degree upon their permanency. He thought they were changed too often, without good reason, which produced an uncertainty in the conducting of business. He saw no inconvenience which would attend the adoption of the present rules. He thought them sufficient; and if any gentleman wished to introduce any new rule, or to change an old one, he might do it by way of motion.

Mr. LIVINGSTON said, the usual course was to appoint a committee to report a set of rules; and in the mean time the old ones were declared binding. With respect to the present rules, he had discovered several inconveniences. He would mention one, which was that requiring all bills to be introduced in the same way, though they had undergone discussion at a former session; the inconvenience of which had just been seen, and which he thought a dilatory practice. The idea of the gentleman from South Carolina that they ought not to change their rules, he did not think deserved all the weight which he gave it. Every House, by the Constitution, was to be the judge of its own rules, and the adopting those of a former House was merely a temporary expedient. If the House, however, should not think proper to go into a revision of the old rules, he should move such alterations in them as appeared to him necessary.

Mr. HARPER replied, if the inconvenience which had been mentioned had existence, it might be removed by a particular motion; but he was doubtful whether the thing complained of was an inconvenience. He believed they were seldom too slow in passing laws; the contrary was more frequently the case. The more formalities required, and the greater number of aspects in which a law was seen, the more likely it would be to be good. If a gentleman, wishing to introduce a bill, had drawn it up well, he would have no difficulty in persuading a committee to report it; if not, it was better that it should be amended before its introduction. He believed, therefore, that they had better go on in their usual way, and avoid innovation.

Mr. GALLATIN said, as this motion was in conformity to the constant practice of the House, he could not see with what propriety it could be called an innovation.

Mr. SITGREAVES believed the rules of the last House were already the rules of this, by a resolution of last session.

The motion was put and negatived—37 to 32.

## UNIFORM MILITIA SYSTEM.

Mr. WILLIAMS said, it was generally allowed that the present militia laws were not only very expensive in their execution, but very inadequate in their effects. The subject had before been under consideration; but, for want of time, was passed over. He, therefore, proposed a resolution to the following effect:

"*Resolved*, That a committee be appointed to report whether any and what amendments are necessary to the act providing an uniform militia system throughout the United States."

Agreed to, and a committee of five appointed.

## ADDRESS TO THE PRESIDENT.

Mr. OTIS, from the committee appointed to draught an Address in answer to the Speech of the President of the United States, reported the following, which was twice read, and referred to a Committee of the Whole for to-morrow:

SIR: While our sympathy is excited by the recent sufferings of the citizens of Philadelphia, we participate in the satisfaction which you are pleased to express, that the duration of the late calamity was so limited, as to render unnecessary the expense and inconvenience that would have been incident to the convention of Congress in another place: and we shall readily attend to every useful amendment of the law which contemplates the event of contagious sickness at the seat of Government.

In lamenting the increase of the injuries offered to the persons and property of our citizens at sea, we gratefully acknowledge the continuance of interior tranquillity, and the attendant blessings of which you remind us, as alleviations of these fatal effects of injustice and violence.

Whatever may be the result of the mission to the French Republic, your early and uniform attachment to the interest of our country; your important services in the struggle for its independence, and your unceasing exertions for its welfare, afford no room to doubt of the sincerity of your efforts to conduct the negotiation to a successful conclusion, on such terms as may be compatible with the safety, honor, and interest of the United States. We have also a firm reliance upon the energy and unanimity of the people of these States, in the assertion of their rights, and on their determination to exert, upon all proper occasions, their ample resources in providing for the national defence.

The importance of commerce, and its beneficial influence upon agriculture, arts, and manufactures, have been verified in the growth and prosperity of our country. It is essentially connected with the other great interests of the community. They must flourish and

decline together; and while the extension of our navigation and trade naturally excites the jealousy, and tempts the avarice of other nations, we are firmly persuaded, that the numerous and deserving class of citizens engaged in these pursuits, and dependent on them for their subsistence, has a strong and indisputable claim to our support and protection.

The delay of the Spanish officers to fulfil the treaty existing with His Catholic Majesty is a source of deep regret. We learn, however, with satisfaction, that you still indulge hopes of removing the objections which have been made to its execution, and that you have continued in readiness to receive the posts. Disposed to perform, with fidelity, our national engagements, we shall insist upon the same justice from others which we exercise towards them.

Our abhorrence cannot be too strongly expressed of the intrigues of foreign agents to alienate the affections of the Indian nations, and to rouse them to acts of hostility against the United States. No means in our power should be omitted of providing for the suppression of such cruel practices, and for the adequate punishment of their atrocious authors.

Upon the other interesting subjects noticed in your Address, we shall bestow the requisite attention. To preserve inviolate the public faith, by providing for the due execution of our treaties; to indemnify those who may have just claims to retribution upon the United States for expenses incurred in defending the property and relieving the necessities of our unfortunate fellow-citizens; to guard against evasions of the laws intended to secure advantages to the navigation of our own vessels; and especially, to prevent, by all possible means, an unnecessary accumulation of the public debt, are duties which we shall endeavor to keep in view, and discharge with assiduity.

We regard, with great anxiety, the singular and portentous situation of the principal Powers of Europe. It was to be devoutly wished that the United States, remote from this seat of war and discord; unambitious of conquest; respecting the rights of other nations; and desirous, merely, to avail themselves of their natural resources, might be permitted to behold the scenes which desolate that quarter of the globe with only those sympathetic emotions which are natural to the lovers of peace and friends of the human race. But we are led by events to associate with these feelings a sense of the dangers which menace our security and peace. We rely upon your assurances of a zealous and hearty concurrence in such measures as may be necessary to avert these dangers; and nothing on our part shall be wanting to repel them, which the honor, safety, and prosperity of our country may require.

Mr. HARPER said, that in pursuance of the notice which he had given, he now rose to move a resolution to the following effect:

"*Resolved*, That a committee be appointed to prepare and report a bill for providing an uniform system of bankruptcy throughout the United States."

Mr. H. added, that it was unnecessary, he supposed, to enlarge upon the usefulness of such a law. That the passing of it would be attended with difficulties, he was ready to allow; but, as these could only be properly judged of when the bill was reported, he trusted no objection would be made to the appointment of the proposed committee.

Mr. COIT would have no objection to agreeing to the resolution, if the mover would consent to a small alteration in its form. He wished, therefore, that the committee should be appointed "to inquire whether such a law be expedient."

Mr. HARPER said, if it was the intention of the gentleman to transfer the power of judging the expediency of the measure from the House to a select committee, he should certainly object to it. He believed the resolution would be best in its present form.

Mr. LIVINGSTON said, there were two courses to be taken in the introducing of bills. The gentleman from South Carolina had chosen that which directed the appointment of a committee to report a bill. He might have adopted the mode proposed by the gentleman from Connecticut; but there could be no question as to the propriety of the present motion.

Mr. BALDWIN observed that the way in which the gentleman from Connecticut might obtain his end, would be, by moving to commit the motion.

Mr. COIT accordingly moved that the motion be committed.

Mr. BALDWIN added, that the objections to this mode of proceeding, which might be urged in ordinary cases, were not applicable in this; because the committee appointed would see the several solemn decisions which had heretofore been had on this subject, and would calculate whether it would be worth their while to go over the same ground which had heretofore been trodden with so little success. If he recollected right, the late colleague of the present mover in the business introduced the measure in the first session of Congress under the present Government; but it was attended with so many difficulties, that the gentleman himself was discouraged from proceeding with it. Almost every Congress since have had the subject before them. He believed that not less than five or six bills had gone out the same course. Our country, he said, was so extensive, and our interests so various, that no system of bankruptcy, he believed, could be formed to suit all its parties. If, indeed, the committee, after revising the several bills heretofore rejected, could suggest any new provisions which might appear to obviate former objections, or if there should appear to them to be any new circumstances in the present situation of the country which should even call for the law with its former deficiencies, they will of course report a bill. If the contrary should be the course, they will report it as their opinion.

The motion was agreed to, and a committee of five was appointed, viz: Messrs. HARPER, COIT, NICHOLAS, SITGREAVES, and BALDWIN.

---

TUESDAY, November 28.

SAMUEL SMITH, from Maryland, appeared and took his seat.

Mr. OTIS presented the petition of Deborah Gannett, praying compensation for her services as a soldier in the Revolutionary war, under the name of Robert Shirtcliff; stating that she is able to produce certificates, not only of her having served, but

also of having been wounded. Referred to the Committee of Claims.

## ADDRESS TO THE PRESIDENT.

Mr. COIT moved for the order of the day on the reported Answer to the President's Speech.

The motion being agreed to, the House accordingly resolved itself into a Committee of the Whole upon that subject, and the Address having been read through by the Chairman, it was again read by paragraphs. The first four were read, without any objection being offered to them. The fifth being gone through,

Mr. PINCKNEY said, he had to propose a small alteration to this clause: he wished to make the latter part of it a little less harsh. Instead of saying, "we shall insist upon the same justice from others," &c., he thought it would have the same effect, and the terms would be less objectionable, if the passage ran thus: "Nothing shall be wanting on our part to obtain the same justice from others." &c. The expression used, he said, might be perfectly justifiable, but, if we could obtain what we wished without the possibility of giving offence, he thought that mode ought to be preferred. It was on this account that he wished the phraseology to be changed.

Mr. VENABLE would suggest an amendment, which he thought would produce the effect wished by the gentleman last up, without changing the phraseology so much as he had proposed. The way in which this might be done, would be by striking out the word "insist," and inserting that of *expect.*

Mr. PINCKNEY did not think this amendment would produce the effect he wished. Expectation, he said, might be entertained, without making an effort to obtain the object. We had already *expected* a long time, without effort. He wished to express the same firmness which the committee intended by their report, but, at the same time, to avoid anything like harshness. If the effect of the proposed substitute had appeared to be the same, he should have been sorry to have cavilled about words.

Mr. RUTLEDGE said, as a member of the committee who reported the Address, he did not feel tenacious as to the wording of it. At first, he thought with his colleague, who proposed the amendment, that the word *insist* was rather harsh; but, upon a little reflection, his objections to the phrase were removed. Indeed, he thought the proposed amendment would make the passage stronger than it was in the original. They might insist, he said, in argument; looking upon the treaty as a good one, they might insist upon its execution; but if it were not to be effected without going to war, they might afterwards relinquish it. The amendment he thought more forcible. It said "nothing shall be wanting to obtain," &c.; which would be to say, we look upon the treaty as a good one, and nothing shall be wanting on our part to obtain its fulfilment. The words might even be considered to say, that we are determined to have the treaty carried into effect, though war should be the price of the determination.

Mr. VENABLE said, it was an objection to the proposed amendment, that the same phraseology occurred in the last paragraph. He thought, therefore, it would be best to change the words in the way he had suggested; for, though the word *expect* was less harsh, he thought it equally forcible with *insist.*

Mr. BAYARD was in favor of the amendment of the gentleman from South Carolina; and if the same phraseology had been proposed in the select committee, he should there have supported it. He did not think the substitute which had been proposed by the gentleman frem Virginia would produce the effect intended by the gentleman from South Carolina. It was the intention of the committee who reported the Address, to say something on the subject; but the proposed substitute said nothing. As to the objection of the gentleman, on account of the same phraseology occurring in another part of the Address, there would be no difficulty in rectifying that, so as to produce that variety which the gentleman seemed so desirous of having.

Mr. DAYTON (the Speaker) approved of the amendment of the gentleman from South Carolina, but not from the reasons which that gentleman had urged in support of it, but for those which his colleague had produced against it; not because it was more smooth, but because it contained more of decision and firmness. He thought, in this respect, this country had been trifled with, and any opinion expressed by them upon this subject ought to be done with a firmness of tone.

Mr. LIVINGSTON said, as gentlemen thought it necessary to give the reasons of their vote upon this occasion, be would just mention his. If it were intended to be inferred by the phraseology used upon this occasion, (as some gentlemen seemed to suppose,) that they were disposed to go to war in support of the Executive in their construction of the negotiation with Spain, he was not prepared to say this for his constituents. He did not think the subject was sufficiently matured to give this decision. He considered the proposition as a general one, and preferred the amendment of the gentleman from South Carolina to the original. He did not, indeed, think it materially different, until he heard the objections urged against it by a gentleman who was upon the committee, (Mr. RUTLEDGE.) He had said they might *insist* in argument. How insist in argument? What had the House to do with argument? Were they to carry on the treaty? No. All the *insisting* they could show must be by *acts*, and not by *argument.*

The question on Mr. PINCKNEY'S amendment was put and carried, there being sixty-two members in the affirmative.

The remainder of the Address was then gone through, without further observation.

Mr. HARPER inquired, whether it would now be in order to go back to the first paragraph. On the Chairman's informing him it would, he said he thought there was an expression in the latter part of that paragraph which would require alteration. He meant that part which spoke of the law which contemplates contagious sickness at the seat of

Government. He supposed the committee meant to recommend such a law, as he believed there was not a law of that kind at present in existence. He therefore moved to strike out the words which had this reference.

Mr. Otis said, his friend from South Carolina had overlooked the law in question, which was passed in 1794, in consequence of the contagious sickness which had been experienced in this city the preceding year, and which gave to the President of the United States the power of convening Congress in any other place.

Mr. Harper acknowledged his mistake, and that his proposed amendment was therefore unnecessary.

Mr. H. said, he wished to propose an alteration in the phraseology of the fourth clause. It did not appear to him to be very polite, to talk to other nations about their jealousy and avarice; and whatever might be the latitude proper to be taken in private debate, when the House expressed itself publicly, he thought all unnecessary harshness should be avoided. He wished, therefore, to strike out some words, and introduce others, so that the passage, instead of reading as at present, might be thus expressed: "And while the extension of our navigation and trade may excite jealousy and tempt avarice, we are," &c.

Mr. Bayard was opposed to this amendment. He did not think the phraseology could give umbrage to any nation whatever, since no nation could apply the phrase to itself. If the gentleman would consider the paragraph, he would find, that it was not said that any particular nation was jealous or avaricious; but merely, if any nation were possessed of jealousy and avarice, our navigation and trade would naturally excite their jealousy and tempt their avarice. Any general sentiment might as well be objected to as this. When it was said that the riches of one man tempt the avarice of others, it could not be inferred that any particular men were pointed at.

Mr. Harper did not think the amendment of very great importance, though of sufficient to be adopted. He did not think any nation could justly take the expression to itself, or that they could with propriety be offended with it; but he thought It better to avoid all harsh expressions. He thought a proper degree of spirit, and even of anger and revenge, might be shown, without unbecoming expressions; not that he meant to say the expression in question was unbecoming, but he thought it harsh. He was also of opinion that the discrimination of his friend, on the subject of jealousy and avarice, was more nice than solid.

The question was taken on Mr. Harper's amendment, and negatived—47 to 33.

The committee then rose, and reported the Address with one amendment. The House took it up, and agreed to the amendment.

Mr. Bayard then moved an amendment, to correct the phraseology of the last paragraph, so as not to clash with the amendment; but the Speaker informing him the amendment could not be introduced without a recommittal, the Address was agreed to without further amendment.

Mr. Otis moved that the Speaker, attended by the House, shall present the said Address to the President of the United States; and that a committee be appointed to wait upon the President to know when and where it will be convenient for him to receive the same. Agreed to.

## ANTONIA CARMICHAEL.

Mr. Harper moved that the House resolve itself into a Committee of the Whole, on the report of the Secretary of State, on the memorial of Antonia Carmichael, widow of William Carmichael, deceased; which being agreed to, the House resolved itself into a committee accordingly, and the report was read from the Chair.

It appears that the late William Carmichael, (formerly a delegate in Congress from Maryland,) was appointed Secretary of Legation to Mr. Jay, Minister Plenipotentiary for negotiating a treaty with the King of Spain, in September, 1779; that the commissions to the Secretaries to such Ministers, at that time, directed that, in case of the death of the Minister, or necessary absence, they are to take charge of all public affairs in his hands, and to reside at such Court; that, on the 4th October, 1779, Congress resolved that each of the Ministers Plenipotentiary be allowed at the rate of £2,500 sterling per annum, and each of their Secretaries at the rate of £1,000, in full for their expenses respectively; that Mr. Jay was called from Spain to Paris in May, 1782, to assist in the negotiation of peace, leaving the business of his mission in Spain to Mr. Carmichael; that he continued at the Court of Spain until he received a formal appointment in April, 1790, of Chargé des Affaires, under the new Government of the United States. Hence it follows that Mr. Carmichael was entitled not only to the salary of £1,000 sterling as Secretary, but to such other allowances as were proper to be made to a Chargé des Affaires, or Minister of the United States at a foreign Court; for though the salaries were said to be in full for their services and expenses, yet it was usual to make other allowances for contingent expenses; that, at the Court of Spain, foreign Ministers were obliged to attend the Court at their five different places of residence, at each of which he was under the necessity of hiring a house; the Secretary of State therefore reports that the following extraordinary expenses in Mr. Carmichael's account shall be allowed:

| | | | |
|---|---|---|---|
| 1782 to '89. | 1. | Presents to porters and other servants of the Ministers of State, &c. eight years, at 1,840 reals of vellon a year, | 14,720 00 |
| Do. | do. | 2. Expenses of presentation at Court - | 3,680 00 |
| Do. | do. | 3. Expenses of illuminations, 7 years - | 6,028 17 |
| Do. | do. | 4. For postage of letters, 8 years - - | 26,103 00 |
| Do. | do. | 5. Presents to letter-carriers, 8 years, at the King's country seats | 1,562 06 |
| Do. | do. | 6. Expenses of paper, quills, ink, &c. 8 y'rs | 10,870 00 |

| | | |
|---|---|---|
| 1782 to '89. | 7. Expenses of copying different papers, 8 y'rs | 9,686 00 |
| Do. do. | 8. Expenses of a journey from Madrid to Paris, and back to Madrid, | 16,010 00 |
| Do. do. | 9. For house-rent at the Scitos (country residence of the King) at Aranjuez, La Grange, L'Escurial, and Le Pardo, 8 years - | 76,515 19 |
| | | 165,175 36 |
| Equal, at 26 reals to a dollar, to - | | $8,258 76 |

A concurrence with this report was advocated by Messrs. HARPER, HARTLEY, PINCKNEY, SPRIGG, GALLATIN, BAYARD, CRAIK, and T. CLAIBORNE, on the ground of equity and humanity. It was opposed by Messrs. WILLIAMS, MACON, and COIT; they wished for further time and information on the subject, and for that purpose Mr. WILLIAMS moved that the committee rise, in order that it might be discharged from a further consideration of the subject; and that the subject might be referred to the Committee of Claims. It was urged by the friends of the report that further information could not be had than was contained in the report, and that the principle might as well now be decided upon as at any distant period; that it being a case founded on equity and not on law, it was not a proper subject to be referred to the Committee of Claims. They urged, also, that a delay of justice was in this, as in most other cases, a denial of it; that the estates of the widow were mortgaged, and had been kept from sale from the hope of receiving what she petitioned for from Congress. At length the motion for the committee to rise was put and negatived, there being only seven votes in favor of it. A resolution was then agreed to, authorizing the accounting officers of the Treasury to settle the account, and a committee appointed to bring in a bill.

ADDRESS TO THE PRESIDENT.

Mr. OTIS, from the committee appointed to wait upon the President, to know when and where it would be convenient for him to receive the Address in answer to his Speech, reported that they had attended to that service, and that it would be convenient for him to receive it at his house to-morrow at twelve o'clock.

---

WEDNESDAY, November 29.

CONTESTED ELECTION.

Mr. COIT observed that the memorial of Robert Rutherford, complaining of an undue election, was before the Committee of Elections at the last session, but no report was made upon it. He moved, therefore, that it be now referred to the present Committee of Elections. Agreed to.

Mr. HARPER moved for the order of the day on his resolution regulating the mode of taking evidence in cases of contested elections; but, upon Mr. COIT wishing the consideration to lie over till to-morrow, he consented.

ADDRESS TO THE PRESIDENT.

Mr. LYON said, when the motion was proposed yesterday on the subject of waiting upon the President, he should have opposed it, only that he did not wish to deprive some gentlemen of the gratification of attending the ceremony; and now he hoped those gentlemen would consent to gratify him by agreeing to a similar resolution to that of last session, excusing him from an attendance upon the occasion.

Mr. SITGREAVES said, that notwithstanding the precedent of last session, he should be opposed to indulging the gentleman from Vermont in his request. When a resolution passed that House, it was entitled to the obedience of all the members; and except the gentleman could assign some better reason than he had heard for the indulgence, he trusted he would not be excused from complying with the order.

Mr. LYON hoped he should be excused from repeating the reasons which he had last session given for his motion.

Mr. MACON observed, that whether the resolution was agreed to or not, the gentleman might doubtless remain behind if he chose, as he had no idea that the House could compel members to go about parading the streets of Philadelphia. The gentleman might have conscientious scruples, and if the ceremony were meant to be respectful to the President, members should attend it freely, or not at all. He should wish, therefore, that gentlemen disinclined to do the service, would not join it.

Mr. THATCHER saw no reason for excusing the gentleman from Vermont from his duty for a few minutes. If he had business, and chose to ask leave for a few days, he doubted not it would be granted; but when he wished to be excused from attending upon a business of importance, he thought very special reasons should be given for the indulgence.

Mr. WILLIAMS wished the gentleman would withdraw his motion, as it was trifling with the resolutions of the House to excuse any member from a compliance with them. He hoped the gentleman would not persevere in his singularity, though it might be the wish of some of his constituents, against the will of so large a majority of the House.

Mr. OTIS hoped the motion would not prevail. He presumed no gentleman there was particularly anxious for the society of the gentleman from Vermont on this occasion. No doubt he would grace the procession, but it would be sufficiently long without him, and if he chose to remain behind, he need be under no apprehensions of being called to account for his conduct. It was not becoming the dignity of the House to pass the resolution in question. It appeared to him that the gentleman was in full health and spirits, and every way fit for business; and as the House had resolved the thing should be done, he had no idea of admitting the protest of an individual upon their Journals against the measure.

Mr. N. SMITH knew the gentleman from Vermont had obtained leave of absence upon a simi-

lar occasion last session; but he believed the motion passed without consideration. It was unexpectedly made, and by some as unexpectedly carried. Whenever gentlemen gave a reasonable excuse for an absence from the duties of the House, they were constantly consented to; but when a gentleman came forward to ask for the indulgence, without giving any reasons for telling the House they had acted like fools, he could not consent to his being excused. If the gentleman were unable to attend; if there were any difficulty in the way of his attendance, aside from the want of a disposition to do it, he should not object to the indulgence. Mr. S. said he could not agree with the gentleman from North Carolina (Mr. MACON) that no gentleman was obliged to attend upon this ceremony. For his part he always considered a minority as bound by the vote of a majority, and the majority had passed a vote that the House should attend the Speaker in presenting the Address; not that A, B, and C, should do it, but that the House of Representatives should attend; and he believed it to be as much the duty of every member to form a House for this purpose as for any other. He believed, notwithstanding, that if any gentleman remained behind, he would not be called to account for his conduct; but he was of opinion that a motion like the present ought to be considered as an indignity offered to the House, and they ought to decline acting upon it. Being of this opinion, he should move the previous question.

Mr. GALLATIN said he should be in favor of the previous question, but not for the reasons assigned by the mover of it, but for those offered by the gentleman from North Carolina, (Mr. MACON,) viz: because he did not believe there existed any power in that House to compel any member to wait upon the President with the Address; therefore it would be improper to grant an indulgence to a member from doing what there was no obligation upon him to do. He did not recollect the words of the resolution which had been agreed to. [The SPEAKER repeated them. They were, "that the Speaker, attended by the House of Representatives, shall wait upon the President, &c."] This, Mr. G. said, must be understood in a qualified sense, as the House of Representatives had no existence out of those walls. When the Speaker presented the Address, the House was not present; they could not debate nor do any act as a House. The Address was, therefore, strictly speaking, presented by the Speaker, followed by the members of the House of Representatives—as he did not conceive the House had any power without the walls of the House. They could, indeed, appoint committees to do business out of doors, but could not call out the members as a body. Upon this ground he was, therefore, in favor of the previous question.

Mr. LYON said, understanding the matter in the light in which it had been placed by the gentleman from Pennsylvania, he would withdraw his motion.

The SPEAKER said the main question was not now under debate, and could not be withdrawn until the previous question was disposed of. He inquired if the mover were willing to withdraw it.

Mr. HARPER hoped not. He should vote in favor of it, not for the reason offered by the gentleman from Pennsylvania, but that the House might express its sense of such a motion.

Mr. VENABLE inquired if there were no way of getting rid of the previous question?

The SPEAKER said he conceived not.

Mr. MACON asked whether it would not be in order to commit, or postpone it to a certain day?

Mr. THATCHER thought he had known instances where the previous question had been called for and not taken.

The SPEAKER replied, then it must have been withdrawn.

The previous question was then put in these words, "Shall the main question now be put?" and it was carried unanimously.

## REFERENCE OF PETITIONS, &c.

Mr. LIVINGSTON, from the Committee of Commerce and Manufactures, presented a resolution to the following effect:

"*Resolved*, That all memorials and petitions, which, during the second session of the fourth Congress were referred to the Committee of Commerce and Manufactures, and not reported upon, be and the same are hereby referred to the said committee for their consideration and report."

The resolution was agreed to.

## ADDRESS TO THE PRESIDENT.

The SPEAKER announced the arrival of the hour which the President of the United States had appointed to receive the Address of the House in answer to his Speech; and the Speaker, attended by the members, accordingly waited upon the President, at his house, and presented to him the Address: to which the PRESIDENT made the following reply:

*Gentlemen of the House of Representatives:*

I receive this Address from the House of Representatives of the United States with peculiar interest.

Your approbation of the meeting of Congress in this city, and of those other measures of the Executive authority of Government communicated in my Address to both Houses, at the opening of the session, afford me great satisfaction, as the strongest desire of my heart is to give satisfaction to the people and their representatives by a faithful discharge of my duty.

The confidence you express in the sincerity of my endeavors, and the unanimity of the people, does me much honor, and gives me great joy.

I rejoice in that harmony which appears in the sentiments of all the branches of the Government, on the importance of our commerce and our obligations to defend it, as well as in all other subjects recommended to your consideration, and sincerely congratulate you and our fellow-citizens at large on this appearance, so auspicious to the honor, interest, and happiness of the nation. JOHN ADAMS.

UNITED STATES, *November* 29, 1797.

The SPEAKER and members then returned to the House, and order being obtained, the Speaker, as

usual, read the Answer of the President from the Chair; after which,

Mr. HARPER said it had been usual, where Legislative measures were recommended in the Speech of the President of the United States, to refer such parts to select committees. He therefore moved that the House resolve itself into a Committee of the Whole on the state of the Union, in order to take into consideration the Speech of the President.

The SPEAKER said the Speech had not yet been committed to that committee.

Mr. HARPER moved that it be so committed; which being agreed to, he moved that the House now resolve itself into a Committee of the Whole on the state of the Union; which was done accordingly, Mr. DENT in the Chair.

Mr. HARPER then proposed six resolutions for adoption, to the following effect; which he proposed to be referred to select committees.

1. *Resolved*, That so much of the Speech of the President of the United States as relates to power being given to the President to postpone the meeting of Congress, in certain cases, be referred to a select committee to report by bill or otherwise.

2. That so much as relates to the protection of commerce, be referred, &c.

3. That so much as relates to the attempts of foreign agents to alienate the affections of the Indian nations, and to excite them to actual hostilities against the United States, be referred, &c.

4. That so much as relates to a provision for the fulfilment of the sixth article of the Treaty between the United States and Great Britain, be referred, &c.

5. That so much as relates to the reimbursement of certain advances made by the Consuls of the United States, be referred, &c.

6. That so much as relates to the revision and amendment, in certain particulars, of the act relative to Consuls, be referred, &c.

The two first resolutions were agreed to without objection. On reading the third,

Mr. NICHOLAS said, he did not think they were ripe for going into this business. It was usual when the President alluded to facts in his Speech, which he proposed, in the course of the session, to give further information upon, to wait for that information before they proceeded to act upon them. He thought this would be best in the present case.

Mr. HARPER did not recollect that the President referred to any particular documents on this subject. If a committee were appointed, they would of course inquire into the facts, and report accordingly.

Mr. NICHOLAS said, the mover himself seemed to be aware that the committee would be at a loss for facts, and they would have to apply to the President for them. He thought it would be more respectful to wait for the communications, which would of course be made to the House, than to employ the committee to make the inquiry.

Mr. HARPER said the President had told them, as a fact, that such attempts had been made. [Mr. H. read an extract from the Speech.] To postpone the appointment of a committee, therefore, in order to wait for further communications, would be to say they did not believe the fact. Before the President had made the assertion, he would doubtless be well assured of the truth of it. But he would observe, that if no such attempts had been made, they were not unlikely to be made, and the law recommended on that ground was very desirable. It was well known that the ordinary course of law will not go into that territory; there must be a distinct and particular legislative power for the purpose. Admitting, therefore, that the President had been misinformed, the law could do no harm, but might prevent the evils complained of.

Mr. SITGREAVES observed, that the gentleman from Virginia (Mr. NICHOLAS) was very correct in saying that it was usual to wait for the promised communications of the Executive department, before they proceeded to act upon any business recommended by the Speech; but it must also be recollected, that the style of this resolution was different from that heretofore used. It was customary to say on these occasions, "Resolved, that it is expedient to do so and so," which they could not do, until evidence was before them; but this committee being differently formed, there was not that necessity, and when the communication was made, it would of course be referred to the committee now proposed to be appointed.

Mr. DAYTON (the Speaker) said, that the law recommended by the President of the United States to be passed, was to give better effect to the measures already taken to counteract the attempts of foreign agents upon the Indian nations. Before a law could be passed to give effect to those measures, it was necessary, therefore, they should be laid before them; and, if a committee were now appointed, they would, of course, have to look back to the House for information.

Mr. BALDWIN thought there was another reason for deferring the business. He thought there was a law intimately connected with this subject which expired in the Spring (of which they should have notice from the Committee of Revisal, if it was so) and of which this provision might make a part. He saw no inconvenience which could arise from letting this subject lie over for a time.

Mr. MACON said, if the gentleman from South Carolina would consent to let this matter be passed over, the House might proceed upon those objects upon which there seemed little difference of opinion.

Mr. BROOKS saw no impropriety in referring the business to a select committee; for, if it were referred, it did not follow that they were obliged immediately to act upon it. The crime, he said, was identified. If the committee were appointed, and the President had communications to make upon the subject, it would have a tendency to procure more early information than might otherwise be obtained. He thought this resolution as proper for commitment as any other.

The question for agreeing to the resolution was put and carried—44 to 43.

The remainder of the resolutions were agreed to, the committee rose, and the House took them up.

The three first resolutions were agreed to in the House without debate. On the fourth being read,

Mr. Sitgreaves said that this resolution ought to go to the Committee of Ways and Means, as coming directly within their province; but at present, he believed, no such committee had been appointed.

Mr. Harper thought it might with propriety be referred to a select committee, as it embraced other objects besides providing money.

Mr. Venable was of opinion it would be best to postpone this matter to a distant day. He did not know that any decision had yet taken place, and therefore there was no necessity for the resolution at present.

Mr. Sitgreaves was not willing to agree to a postponement to a distant day; but thought it would be best referred to the Committee of Ways and Means, as it was necessary they should have the whole of the demands against the country before them. He moved, therefore, for a postponement to this day two weeks. Agreed to.

The two remaining resolutions being agreed to, and the latter referred to the Committee of the Whole, to whom was referred the act relative to American seamen,

Mr. Sitgreaves observed, there was a very important matter in the Speech yet untouched. He therefore proposed the following resolution:

*Resolved,* That so much of the Speech as relates to foreign vessels, sailing under forged American papers, be referred te the Committee of Commerce and Manufactures.

Agreed to.

### RELIEF TO AMERICAN SEAMEN.

Mr. Livingston moved for the order of the day on the report of the committee appointed to inquire into the operation of the act for the relief and protection of American seamen; which being agreed to, the House resolved itself into a Committee of the Whole, and the report having been read, three resolutions were agreed to, viz: one directing the Secretary of State to lay before the House an abstract of all the returns made to him by the collectors of the several ports, and such accounts as he may have received from our agents in foreign ports; another for allowing —— cents per day to every sick seaman in a foreign port, and a sum for their transportation home; and another directing that a certain deduction shall be made from the wages of seamen, for the maintaining of the sick and disabled, and for the support of a hospital.

The House concurred in the resolutions, and appointed a committee for carrying them into effect.

### NORTH AND VESEY.

The House then resolved itself into a Committee of the Whole, on the report on the petition of North and Vesey.

This petition was presented during the last Winter session, and then reported upon. The petitioners state, that they were agents for the French privateer schooner Leo, Captain Harmand; that the said privateer sent into the port of Charleston, an English prize ship called the Amity, with a cargo consisting of sugar and rum, which was duly entered in the custom-house, on the 7th of April 1795; that they proceeded, on the twelfth of the same month, to the sale of the cargo, when they were prohibited from selling by a libel issued from the Court of Admiralty; that, on the 21st of the month, an injunction was granted by the District Court to stop the sale altogether, as contrary to the treaty concluded with Great Britain; that the said ship Amity being in a leaky condition, they obtained permission from the collector to land the cargo; that, by a survey afterwards held on the ship, she was condemned as not seaworthy. In consequence, application was made at the custom-house, for leave to re-export the cargo in neutral bottoms, as French property, which permission was at first refused, but afterwards granted; but that, in the meantime, by the fire which laid waste a great part of Charleston, on the 13th of June last, fifty-two hogsheads and two tierces of sugar, were totally consumed; whereupon the collector ordered the rum, part of the cargo of the ship Amity, to be sold to secure the duties on the sugar thus consumed by fire. The petitioners pray for relief by a restoration of the duties thus collected from them.

The Committee of Commrcee and Manufactures are of opinion that this case must be considered as one for which no provision had been made by law, but as analogous to that of wreck; that the cargo was supposed to be landed only in consequence of the alleged disability of the ship, and that as no sale of the cargo could be made within the United States, no duties ever could have been collected from it; so that the destruction of the sugar by fire, not having altered the original ground on which they were suffered to be landed, to wit: merely in transitu, until the ship could be repaired or the goods re-exported, the duties ought to be refunded. Whereupon, they recommended to the House to adopt the following resolution:

"*Resolved,* That a committee be appointed to bring in a bill to grant relief to the petitioners, according to the prayer of their petition."

The above resolution was agreed to, with a trifling alteration. The House took it up, agreed to it, and appointed a committee to bring in a bill.

Mr. Dent, on application, was excused from serving on the Committee of Commerce and Manufactures, (being already upon two other committees,) and Mr. S. Smith was appointed in his place.

---

Thursday, November 30.

Tompson J. Skinner, from Massachusetts, appeared, and took his seat.

Mr. Baldwin presented a remonstrance from the Legislature of Georgia, complaining of the law regulating the intercourse of the United States with the Indian tribes, and also of the operation of existing treaties. Referred to a select committee of three members.

### MEMORIAL OF QUAKERS.

Mr. Gallatin presented the following memorial of certain citizens, called Quakers, in the name

of the annual meeting of that body, lately held in Philadelphia.

To the Senate and House of Representatives of the United States, in Congress assembled:

The memorial and address of the people called Quakers, from their yearly meeting held in Philadelphia, by adjournments from the 25th of the 9th month, to the 29th of the same, inclusive, 1797, respectfully sheweth:

That, being convened, at this our annual solemnity, for the promotion of the cause of truth and righteousness, we have been favored to experience religious weight to attend our minds, and an anxious desire to follow after those things which make for peace; among other investigations the oppressed state of our brethren of the African race has been brought into view, and particularly the circumstances of one hundred and thirty-four in North Carolina, and many others whose cases have not so fully come to our knowledge, who were set free by members of our religious society, and again reduced into cruel bondage, under the authority of existing or retrospective laws; husbands and wives, and children, separated, one from another; which, we apprehend to be an abominable tragedy, and with other acts, of a similar nature, practised in other States, has a tendency to bring down the judgments of a righteous God upon our land.

This city and neighborhood, and some other parts, have been visited with an awful calamity, which ought to excite an inquiry in the cause and endeavors to do away those things which occasion the heavy clouds that hang over us. It is easy with the Almighty to bring down the loftiness of men by diversified judgments, and to make them fear the rod and Him that hath appointed it.

We wish to revive in your view the solemn engagement of Congress, made in the year one thousand seven hundred and seventy-four, as follows:

"And, therefore, we do for ourselves, and the inhabitants of the several colonies, whom we represent, firmly agree and associate, under the sacred ties of virtue, honor, and love of our country, as follows:

"Article 2. We will neither import nor purchase any slaves imported after the first day of December next, after which time we will wholly discontinue the slave trade, and will neither be concerned in it ourselves, nor will we hire our vessels, nor sell our commodities or manufactures to those who are concerned in it.

"Article 3. And will discountenance and discourage every species of extravagance and dissipation, especially horse-racing, and all kinds of gaming, cock-fighting, exhibitions of shows, plays, and other expensive diversions and entertainments."

This was a solemn league and covenant, made with the Almighty in an hour of distress, and He is now calling upon you to perform and fulfil it; but how has this solemn covenant been contravened by the wrongs and cruelties practised upon the poor African race, the increase of dissipation and luxury, and the countenance and encouragement given to play-houses, and other vain amusements! And how grossly is the Almighty affronted on the day of the celebration of Independence! What rioting and drunkenness, chambering and wantonness! to the great grief of sober inhabitants, and the disgrace of our national character.

National evils produce national judgments; we therefore fervently pray the Governor of the Universe may enlighten your understandings and influence your minds, so as to engage you to use every exertion in your power, to have these things redressed.

With sincere desires for your happiness here and hereafter, and that, when you come to close this life, you may individually be able to appeal as a Ruler did formerly: "Remember now, O Lord, I beseech thee, how I have walked before thee, in truth and with a perfect heart, and have done that which is good in thy sight."

We remain your friends and fellow-citizens.
Signed in and on behalf of the said meeting, by
JONATHAN EVANS,
*Clerk to the meeting this year.*

The memorial having been read by the Clerk,

Mr. GALLATIN moved that it be read a second time.

Mr. HARPER hoped not. This was not the first, second, or third time, that the House had been troubled with similar applications, which had a tendency to stir up a class of persons to inflict calamities which would be of greater consequence than any evils which were at present suffered; and this, and every other Legislature, ought to set their faces against remonstrances complaining of what it was utterly impossible to alter.

Mr. THATCHER hoped the petition would have a second reading, and be committed. It appeared to him that this would be the regular way of getting rid of the difficulty which was apprehended. The gentleman who had just sat down said, that this was not the first, second, or third time, that the House had been troubled with similar petitions. This, he said, was natural. If any number of persons considered themselves aggrieved, it was not likely they should leave off petitioning, until the House should act upon their petition. He thought this was what they ought to do. If the Quakers thought themselves aggrieved, it was their duty to present their petition, not only three, five, or seven times, but seventy times, until it was attended to. Gentlemen, therefore, who wished not to be troubled again, ought to be in favor of a second reading and reference. At present, they did not know what the particular grievance complained of was, nor whether it could or could not be remedied. He believed that one of the subjects of complaint had a reference to a matter complained of in a memorial presented at the last session, respecting some dark-complexioned citizens of North Carolina, who were injured by the operation of an act of the United States called the Fugitive Act; but as it was the wish of the House not to enter upon any business of a private nature at that time, the petition was ordered to lie on the table. It appeared, therefore, highly proper that this petition should be referred, as was customary, to a committee, that this grievance might be remedied.

Mr. LYON said it appeared to him that the gentleman from South Carolina (Mr. HARPER) had not attended to the subject-matter of the petition, or he would not have objected to its being read a second time. There was a grievance complained of, which certainly ought to be remedied, viz: that a certain number of black persons who had been set at liberty by their masters, were now held in

slavery, contrary to right. He thought this ought to be inquired into.

Mr. RUTLEDGE should not be opposed to the second reading and reference of this memorial, if he thought the strong censure they deserved would be the report of a committee. This censure, he thought, this body of men ought to have; a set of men who attempt to seduce the servants of gentlemen travelling to the seat of Government, who were incessantly importuning Congress to interfere in a business with which the Constitution had said they had no concern. If he was sure this conduct would be reprobated, he would cheerfully vote for a reference of the present petition; but not believing this would be the case, he should be for its laying on the table, or under the table, that they might not only have done with the business for to-day, but finally. At a time when some nations were witnesses of the most barbarous and horrid scenes, these petitioners are endeavoring to incite a class of persons to the commission of similar enormities. He thought the matter of the greatest importance, and that the reference ought by no means to be made. A gentleman before him (Mr. LYON) had said that they had certainly something to do with the detention of freemen in slavery. If the fact were as stated, (which he doubted,) redress ought to be sought by means of a court of justice, and not by petitioning that House.

Mr. SWANWICK was sorry to see so much heat produced by the introduction of this petition. He himself could see no reason why the petition should not be dealt with in the ordinary way. If the petitioners asked for any thing which it was not in the power of the House to grant, it would be of course refused; but this was no reason why their petition should not be treated with ordinary respect. In this memorial, he said, sundry things were complained of; not only slavery, but several other grievances. For instance, play-houses were complained of, whether justly or not, he was not about to decide. With respect to the grievance mentioned in North Carolina, something perhaps might be done to remedy it, without affecting the property which gentlemen seemed so much alarmed about. He could not suppose there was a disposition in the House to violate the property of any man; there was certainly as strong a disposition in the Middle States as in the Southern, to hold inviolable the right of property; nor could he see any reasonable ground for throwing this petition under the table. If these people were wrong in their understanding of this subject, it would be best to appoint a committee to set them right. He was sorry to hear gentlemen charge so respectable a body of men in that House with attempting to seduce and debauch their servants; for, if this were the case, redress could doubtless be had in a court of justice. The uncommon warmth which was shown on the occasion would lead persons to believe that gentlemen were afraid of having the matter looked into, as this was generally the temper resorted to when argument was wanting. He hoped the memorial would be dealt with in the usual way.

Mr. GALLATIN said it was the practice of the House, whenever a memorial was presented, to have it read a first and a second time, and then to commit it, unless it were expressed in such indecent terms as to induce the House to reject it, or upon a subject upon which petitions had been lately rejected by a large majority of the House. In no other case were petitions rejected without examination and without discussion. He said without examination and without discussion, because it was impossible, upon a single reading of a petition, to be able to form a sound judgment upon it. Indeed, seeing the way in which the gentleman from South Carolina (Mr. RUTLEDGE) had treated the subject, no cool examination could be expected at present; in the moment of passion it would be best not to decide, but to send the petition to a committee. What was the objection to this mode of proceeding? It was that the subject would shake a certain kind of property. How so? A petition that reminds us of the fate of certain blacks in this country, which did not refer to slaves, but to free men. This petition was to shake property! In the same manner it might be said that the law of Pennsylvania for the gradual abolition of slavery had also a tendency to destroy that property; or that the legislative decision of the State of Massachusetts that there shall be no slaves under their Government, would have that effect. But it was said the characters of the petitioners was such as they ought to brand with the mark of disapprobation.

In support of this charge, it was alleged that they were not satisfied with petitioning, but they attempted to debauch and seduce servants—to rob gentlemen of their property. He did not know to what the gentleman who made this assertion alluded; but he believed, if the matter was fairly stated, whatever may have been done in the State of Pennsylvania, has been no more than an endeavor to carry into full effect the laws of the State, which say, that "all men are free when they set their foot within the State," excepting only the servants of Members of Congress. As to the moral character of this body of people, though a number of their principles were different from those which he professed, he believed it could not be said, with truth, that they were friends to any kind of disorder; and he was surprised to hear gentleman suppose that they could or would do any thing which would throw into disorder any part of the Union. On the contrary, he believed them to be good friends of order. Mr. G. said he wished to have avoided a discussion of the merits of the memorial; but when they were told it was improper to do any thing on the subject, it became necessary. He knew it was in their power to do something. They might lay a duty of ten dollars a head on the importation of slaves; he knew a memorial had been presented at a former session respecting the kidnapping of negroes, which had been favorably reported upon. Finally, the present memorial did not apply only to the blacks, but to other objects. With respect to plays, they had a motion last session before them for laying a tax upon them, which had a re-

ference to the subject. By committing this memorial, they should give no decision. If the committee reported they could do nothing in the business, and the House agreed to the report, the matter would be closed in a much more respectful way than by throwing the petition under the table.

Mr. SEWALL said, the gentleman last up had stated two cases in which petitions had been received without a commitment. He might have added a third, more applicable to the present memorial. This was when a petition was upon matter over which this House had no cognizance, especially if it were of such a nature as to excite disagreeable sensations in one part of the House, who were concerned in property which was already held under circumstances sufficiently disagreeable. In such cases, they ought at once to reject the memorial, as it would be mispending time to commit it. If, for instance, a petition should be presented, complaining that a person had refused to discharge an obligation to another, it would be at once acknowledged that the House could not enforce the obligation; but application must be made to a court of justice. So in this case; the petitioners complain of a law of North Carolina. This House, he said, could not change that law. If any thing was done there contrary to right, the courts of that State, as well as those of the United States, were open to afford redress. It was their business, and not the business of that House. They did not come there to act upon subjects agreeable to their feelings, but upon such as the Constitution had placed in their hands.

The gentleman from Pennsylvania had said they might impose a tax of ten dollars upon the importation of every slave. Would this, he asked, relieve the petitioners? No. If they could prevent the kidnapping of negroes, it was well; but nothing was aimed at of this sort in this petition. He recollected a former instance of this kind, but the issue of the business showed that nothing could be done without injuring the public more than individuals would be benefited. The petition alluded to stage plays. With what view? To revenue? No; but to a correction of them with respect to morals. It was not within their province to do this, but under the power of the State Governments. If they were taken up for the sake of revenue, they did not come within the purview of this petition, but of the Committee of Ways and Means. Upon the whole, as he considered this as a dangerous business, and that they could do nothing to gratify the feelings of the petitioners, he would not wish to treat the application with contempt, but let it lie on the table.

Mr. MACON said, there was not a gentleman in North Carolina who did not wish there were no blacks in the country. It was a misfortune—he considered it as a curse; but there was no way of getting rid of them. Instead of peace-makers, he looked upon the Quakers as war-makers, as they were continually endeavoring in the Southern States to stir up insurrections amongst the negroes. It was unconstitutional, he said, in these men to desire the House to do what they had no power to do; as well might they ask the President of the United States to come and take the Speaker's chair. There was a law in North Carolina, he said, which forbade any person from holding either a black or white person as a slave after he had been set at liberty. The one hundred and thirty-four negroes alluded to in the petion, he knew nothing of. In the war, he said, the Quakers in their State were generally Tories. They began to set free their negroes, when the State passed a law that they should not set them free. If these people were dissatisfied with the law, they had nothing to do but transport their negroes into Pennsylvania, where, the gentleman from that State had told them, they would be immediately free. This subject had already been before the House, but they declined doing any thing in it. It was extraordinary that these people should come, session after session, with their petitions on this subject. They had put playhouses into their memorial; but they had nothing to do with them. In this State, he believed, the Legislature had passed a law authorizing them. It was altogether a matter of State policy. The whole petition was, indeed, unnecessary. The only object seemed to be to sow dissension. A petition could not come there touching any subject on which they had power to act, which he should not be in favor of committing; but this thing being wrong in itself, it was needless to commit it, as no single purpose could be answered by it.

Mr. ALLEN was in favor of a second reading and committal. He did not know that no good could arise from such a proceeding. He wished time to consider the matter. He had another reason against getting rid of this business. When the debate upon this question came to be faithfully reported, it might be said that the society of Quakers had been found guilty of such foul conduct, that their petition to the House had been *thrown under the table.* Another reason. Last Summer, along with other strangers, he went to see the new jail of the city, where he was shown a man who had been a manumitted slave; but after being free twenty years, he was apprehended under the fugitive law, and was there imprisoned. If this were so, it was necessary that this law should be revised. He hoped, therefore, the petition might be committed, and that this evil might be remedied. At all events, he trusted the petition would not be rejected, as it would be highly disrespectful to a society of men revered by every man who set a value upon virtue and integrity.

Mr. LIVINGSTON said, if he could believe that the persons who presented this petition were of the description which they had been represented; that they endeavored to raise insurrections in one part of the country, and practised robbery in another, he should not be inclined to pay much respect to them. But he did not believe these charges; he believed them indiscriminately made and unfounded. It was possible that a member of this community, as well as of any other, might be of this description; but, as against the body, he knew the charges were unworthily made. He was

acquainted with many of these persons in those States where they were most numerous, and he was certain they did not deserve the character given them. Therefore, as the matter respected the petitioners, the petition ought not to be thrown under the table. Let us now, said he, examine the request, and see whether it be so improper and impracticable as to make us say, on its first reading, we have heard enough. What do they ask? They say a certain number of citizens are deprived of what belongs to them; and can we say we will not grant relief? No, said he, we cannot, before the business is inquired into, as it would be acting unlike the Legislature of a great nation. If they said this application was so improper as not to be committed, what did they say to their predecessors who sat in that House a few months ago, who not only received an application of a similar kind, but a committee reported in its favor. They said universal emancipation is not in our power, but the evil is one for which a partial remedy may be provided. The want of time only prevented its being acted upon. This was a subject upon which they might at least debate; he could not say whether they could afford a remedy or not. His impressions were they could not, but he would not say they never could. He did not think they should do the duty which he was sent there to do, by saying so, which was to follow the dictates of a sober judgment, after facts were fairly and fully stated. He thought it best to follow the usual course, by appointing a committee, who would examine the matter and report what was best to be done, which the House could agree to or not, as they saw proper. He thought it would be for the advantage of those States most interested in the question, that it should be fully discussed and impassionately decided upon; for, so long as the petitions of these persons were neglected or treated with contempt, so long would they conceive they were unjustly treated, and continue their applications for redress.

Mr. L. said there were a number of general reflections contained in the memorial, upon the growth of vice and immorality, to the suppression of which he did not see that the power of Congress extended. They particularly pointed at the establishment of play-houses; but it might be remarked that these gentlemen, so averse to the establishment of play-houses, have not written their memorial without borrowing language from them, as they term the evil which they speak of "a terrible tragedy."

Mr. ISAAC PARKER was of opinion with the gentleman from Pennsylvania, (Mr. GALLATIN,) with respect to the disposal of petitions. But it appeared to him that the subject-matter of all petitions should be within the view and authority of the House; if not, to refer them would certainly be a waste of time. He had attended to the petition, and he did not think there was a single object upon which it was in their power to act. Nothing was prayed for. The petitioners speak of the slave trade, and, in general terms, of the immorality of the times, as injurious to the state of society; and wish some means may be taken to prevent the growth of them. To refer a petition of this sort, therefore, to a committee would answer no purpose. He did not think they were more obliged to take up the business than if they had read the address in a newspaper.

Mr. BAYARD said it might be inferred, from the anxiety and warmth of gentlemen, that the question before them was, whether slavery should or should not be abolished. The present was, however, very remote from such a question, as it was merely whether a memorial should be read a second time. The contents of this memorial, he said, were right or wrong, reasonable or unreasonable; if right, it was proper it should go to a committee; and if wrong, if so clearly absurd as it had been represented, where would be the evil of a reference for a report thereon? He did not like things to be decided in the moment of passion, but from the fullest consideration. In some countries they knew persons accused of crimes were condemned without a hearing, but there could be but one sentiment as to the injustice of such a proceeding. There could be no objection, therefore, upon general principles, to the reference of this petition. But it was said it was not to be sent, because of the general habits of this society. He believed there was no body of men more respectable; they were obedient, and contributed cheerfully to the support of Government; and, either politically or civilly speaking, as few crimes could be imputed to that body as to any other.

This memorial, he said, had been treated as coming from an Abolition Society—it was a memorial of the General Meeting of the people called Quakers; and if only out of respect to that body, it ought to be referred. But it was said it did not contain matter upon which the House could act. Gentlemen seemed not to have attended to the subject-matter of the petition. He did not believe that the House had the power to manumit slaves, but he believed there was not a word in the petition which had a reference to slavery. The petitioners state, indeed, that a number of negroes, not slaves, for negroes may be free, had been taken again into slavery, after they had been freed by their masters. He wished to know whether the House had not jurisdiction over this matter? He was warranted by the Constitution in saying they had, because that instrument says that no State shall make *ex post facto* laws. It belonged to that House, therefore, to see that the Constitution was respected, as it could not be expected from the justice of the individual States, that they would repeal such laws. It rested, therefore, with the Government of the United States to do it. Mr. B. read the clause of the Constitution touching this matter, and concluded by reminding the House that this was not an ultimate decision, but merely a reference.

Mr. JOSIAH PARKER said he was always inclined to lend a favorable ear to petitioners of every kind but when memorial was presented to the House contrary to the nature of the Government, he should consent to its lying on the table or under it. No one, he said, could say they had a right to legislate respecting the proceedings of any indi-

vidual State; they, therefore, had no power to decide on the conduct of the citizens of North Carolina in the matter complained of. Petitions had frequently come from Quakers and others on this subject; whereas this Government had nothing to do with negro slavery, except that they might lay a tax upon the importation of slaves. He recollected, when the subject was brought before the House in the first Congress held at New York, wishing to put a stop to the slave trade as much as possible, being a friend of liberty, he took every step in his power, and brought forward a proposition for laying a tax of ten dollars upon every slave imported. It was not agreed to; but there was only one State (Georgia) in which the importation of slaves was admitted. Since the establishment of this Government, Mr. P. said, the situation of slaves was much ameliorated, and any interference now might have the effect to make their masters more severe. He knew of no part of the Constitution which gave them power over horse-racing and cock-fighting, nor could they interfere with respect to play-houses; and where they had no right to legislate, they had no right to speak at all. As the session had begun harmoniously, he hoped that harmony would not be broken in upon by such applications as the present. Mr. P. produced a precedent from the Journals of 1792, where a memorial of Warner Mifflin, a Quaker, after being read, was ordered to lie on the table, and two days afterwards returned to the memorialist.

Mr. NICHOLAS felt as much as other gentlemen from the Southern States on the subject of the present petition, but his feelings did not produce the same effects. He was not afraid of an interference from the United States with their property, nor of any investigations or discussions respecting it. He believed it would be to the honor of people holding property in slaves, that the business should be looked into. He thought such an inquiry would rather secure than injure their property. He did not think it was the interest of slaveholders to cover improper practices. He was satisfied, that in the part of the country where he lived, there was no disposition to protect injuries—no disposition to reject an inquiry, or to refuse to understand a complaint. They had been told that the state of the negroes, whose cases were mentioned in the memorial, might be produced by the fugitive law; they had before heard that this law had operated mischievously. It ought, therefore, to be inquired into. On inquiry, Mr. N. said, it would not be found the fault of the Southern States that slavery was tolerated, but their misfortune; but to liberate their slaves at once, would be to act like madmen; it would be to injure all parts of the United States as well as those who possess slaves. It was their duty, however, to remedy evils; they were unfortunately placed in a situation which obliged them to hold slaves, but they did not wish to extend the mischief. He should, indeed, be sorry if his possessing property of this kind, obliged him to cover the violation of another man's right; if this were the case, he should think it necessary that his property should be taken from him. He did not think it necessary, and he doubted not, if a fair investigation took place, that this kind of property would be brought into the situation in which every man of sense would place it. He was firmly of an opinion, that to appear to be afraid of an inquiry would do more harm to this property than a fair investigation. He trusted, therefore, the petition would be committed.

Mr. BLOUNT hoped this memorial would not be committed. As this was not the first time the society of Quakers had come forward with petitions to the House, seemingly with no other view than to fix an odium on the State of North Carolina, he thought it his duty positively to contradict a fact stated in this memorial. It was stated that 134 persons, set free from slavery in North Carolina, had been since enslaved by cruel retrospective, or *ex post facto* laws; they alleged that certain members of their society had done what no person was permitted to do. Mr. B. read part of a law of North Carolina, stating "that no negro or mulatto slave shall be set free, except for meritorious services, acknowledged by a license of the court; and when any person shall be set free contrary to this law, he may be seized and sold as a slave," &c. He also read a clause from another law, passed afterwards, stating that several persons having set at liberty their slaves contrary to law, and persons having taken up and sold them, are doubtful of the validity of the sale, and that this law is passed to do away all doubts of such validity. Mr. B. said these extracts proved the assertion untrue.

Mr. GORDON lamented that this discussion had taken place, as it was certain that wherever interest is concerned, some degree of warmth will be produced; and when a petition was brought forward which might affect the property of many gentlemen in this House, and their constituents, it could not be expected they would hear it with the same calmness with persons wholly unconcerned about it. All that had been advanced in favor of the second reading of the petition was, the respectability of the persons presenting it, the opinion that would be entertained of the petitioners, if their petition was not referred, and the merits of the petition itself.

With respect to the persons of the petitioners, he felt inclined to do them every justice; but he did not think this any reason for acting upon their memorial, unless some good consequence could arise from it, any more than if they were the vilest persons on earth. As to the opinion that might be entertained out of doors, as the petition was not examined, he was not afraid that the citizens of the United States would believe that the House could be so far lost to its duty as not to look into a question of this kind, but that it would be conceived, if rejected, that they had nothing to do with it. The other reason, the only material one, was to the merits of the petition. The gentleman from Delaware, (Mr. BAYARD,) who had examined the business with much coolness and ability, had stated that a certain *ex post facto* law of North Carolina had occasioned grievances. Admitting

there was such a law, what could the House do? Could they declare a law of North Carolina null and void? There would be no utility in this; but if there was a law in North Carolina that violated the Constitution, there was a clear remedy in the law which organizes the Judicial department of the United States, in which it is said, if any law of an individual State interferes with a law of the United States, a person has a right to take advantage of the law of the United States. There was no necessity, therefore, to call upon Congress for a remedy against this law. Indeed, he saw nothing in this memorial which called for their interference, and he was therefore against a reference, as a further discussion of it would only produce uneasiness in certain parts of the United States, without producing any good.

Mr. RUTLEDGE observed, that notwithstanding all that had been said, considering the present extraordinary state of the West India Islands and of Europe, he should insist that "sufficient for the day is the evil thereof," and that they ought to shut their door against any thing which had a tendency to produce the like confusion in this country. If this were not done, the confidence of a great part of the Union in the General Government would be weakened. In the Southern States, where most of their property consisted of slaves, and where the rest was of no value without them, there was already a prejudice existing that the Northern and Eastern States were inimical to this kind of property, though they were bound by the Constitution from an interference with it; but when they heard of the House giving countenance to a petition like the present, it would increase their uneasiness. He referred to what had fallen from the gentleman from Delaware respecting *ex post facto* law, and thought a court of justice the proper tribunal to settle that business. Mr. R. said he was indisposed, notwithstanding the high panegyrics which had been passed upon the body of Quakers, to withdraw the censures he had cast upon them. The gentleman from New York had doubted the charges which he had produced, and said such things could never be attempted by the body. It was true, they did not come in a body into his lodging to seduce his servant, but individuals did it. But why, he asked, do these men come here in a body? Because they believe that their presence will give more weight to their petition; so that they appeared in bodies, or as individuals, to answer their purposes. Gentlemen had charged the opposers of the petition with heat; he thought there was as much heat on one side as the other.

Mr. EDMOND did not believe there was any real ground of irritation in the question; as no gentleman could suppose they were about to do any thing which was either unconstitutional, or which would affect their property. Whether the persons who presented the memorial are virtuous or vicious, was of no consequence, since justice was due to both classes of men. They had brought a petition before them, and they ought to consider it. It was addressed to their honesty or justice; if the facts were claims upon their honesty or justice they should be attended to; and not only attended to, but, if possible, relief granted. It was stated that there were a number of persons held in bondage who were justly entitled to liberty.

This fact called for examination; and a question arose, if it were established, whether that House could afford redress. A gentleman from North Carolina (Mr. BLOUNT) had stated that the fact was not true; it was certainly, therefore, worth while to be inquired into. Another gentleman had said, if the fact were as stated, they had no power to act; and a third was of opinion that, by the Constitution, redress might be afforded. This diversity of opinion showed the necessity of an investigation of the subject, in order to determine the jurisdiction of the House. He wished it for another reason. It had been stated, that if this petition were attended to, it would open a door to faction and mischief. Can it have this effect? These people bring forward a petition stating a number of facts; they certainly do not come forward for the mere design of exciting disorder in any quarter. If the House say they will throw their petition under the table, would not such treatment give the factious some ground of clamor by which to sow dissension? But if, on the contrary, they coolly looked into the petition, and reported thereon, would it not stop the mouths of these people? It certainly would; since they could not then say common justice was refused to the petitioners. Again: having once investigated the subject fully, if petitions of a similar kind should hereafter come forward, it would be reasonably said, this matter has already been taken up and fully decided upon; and, therefore, we will not again go into it. Until this was done, the factious would doubtless have cause of complaint.

Mr. BLOUNT said, several gentlemen who had spoken on this subject seemed to express themselves as if they believed there was no punishment for individuals reducing to slavery persons who had been manumitted. He read an extract from a law, passed in 1779, in North Carolina, by which the punishment of death is awarded against such an offence.

Mr. MACON read the proceedings of the House on the petition respecting the kidnapping of negroes, in order to show that the gentleman from New York (Mr. LIVINGSTON) had misstated the issue of that business. The last report on the subject was that it would be best to leave the regulation of the subject to the Legislatures of the several States. Mr. M. allowed that his reflections upon the whole body of Quakers were too general, and he had no hesitation in retracting them; but he believed a number of them were guilty of the charges brought against them by the gentleman from South Carolina.

Mr. THATCHER said, if, when the motion was first made, he had been against it, from what had fallen from gentlemen on the subject, he should now be in favor of it; for, notwithstanding they opposed the second reading of the petition, they were filing off in squads to read it, and ready to fight for a sight of it. He believed, therefore, they had some reasons for opposing the second reading,

which did not appear. He referred to what had been said by the gentleman from North Carolina, as to the fact stated in the petition, and said that, notwithstanding the laws which he had read, the fact might be true; but that this very doubt about the fact was an additional reason for going into the inquiry.

Gentlemen had said, however good and virtuous the petitioners might be, it ought to have no effect upon the petition; if this were true, he hoped when they were represented as the worst of men, that representation was not meant to influence their decision on the question. Mr. T. could not conceive for what purpose they were carried to Europe, to witness the scenes which had taken place there for the last ten years. Was this, he asked, the state of society? If he thought so, if it had the faintest resemblance of what was taking place there, he would fly from it to the uttermost parts of the earth, and there make his habitation. Mr. T. wished an inquiry to take place; there was a part of the United States in which slavery was tolerated—some of the members from those parts thought it not right; there were other parts of the Union which disclaimed it. These two opposing principles were like two opposite powers in mechanism, which produced rest; but, the more frequently the subject was looked into, the more mitigated would be its effects.

Mr. BAYARD went into a justification of what he had before advanced with respect to its being within the jurisdiction of the House to afford a remedy with respect to the *ex post facto* law complained of, and insisted that, without some such interference, persons might be in a situation in which they could get no redress. Mr. B. concluded by saying, that gentlemen knew little of human nature, who thought to silence these petitioners by contemptuous treatment, and alluded to the indulgence which had been shown them with respect to taking of oaths.

Mr. S. SMITH wished for an explanation on the subject of *ex post facto* law. He thought the Constitution of the United States could have no power over laws passed before it existed. He was of opinion this petition ought to be referred, as it was presented in a respectful form, and by a respectable body of men—a body of men so respectable that their word was equal to the oath of other men. He thought, also, that a fair and candid decision would prevent future similar applications. Because some few men had attempted to delude the servants of gentlemen, it ought not to be the ground of a reflection upon the whole body.

The gentleman from Pennsylvania had said that the manumission law of that State had done no harm to property of this kind; that he denied; he believed it had made many of the slaves in the neighboring States unhappy in their situations, and had given their masters considerable uneasiness.

Mr. VENABLE would not have risen, had it not been that he wished to correct a mistaken notion of disrespect that was attached to ordering a petition to lie upon the table. When a petition was received and read, and no matter found in it upon which the House could act, the proper mode of disposing of it was to order it to lie on the table, where every member could have recourse to it, and could call it up whenever he pleased. This was not disrespectful, and it would give members a better opportunity of becoming acquainted with it than a second reading, which the gentleman from Massachusetts (notwithstanding his attempt at wit on the subject) knew was merely a matter of form, the first words only being repeated. With respect to the society from whence the petition came, he respected them as much as any other society in the United States; but, if they presented a petition upon which the House could not act, he should be for its lying upon the table.

Mr. GORDON defended what he had before asserted with respect to the law organizing the Judiciary system being equal to the redress of any grievance arising from a State law, in opposition to the gentleman from Delaware. He read the law at length.

The question was taken for the second reading of the petition, and carried—53 votes being in the affirmative.

Mr. GALLATIN moved that it be referred to a select committee.

Mr. COIT wished it to be referred to the Committee of the Whole, to whom was referred the petition on the subject of kidnapping negroes, &c.

Mr. RUTLEDGE thought a select committee would be best, as stage-plays, cock-fighting, horse-racing, and other evils, would, of course, be considered.

The question for reference to a select committee was put and carried—59 members being in the affirmative.

Five members being agreed upon to form the committee, the SPEAKER named Messrs. SITGREAVES, NICHOLAS, DANA, SCHUREMAN, and S. SMITH, for the purpose.

The House adjourned.

---

FRIDAY, December 1.

A new member, to wit: JOSEPH HEISTER, returned to serve in this House as a member for the State of Pennsylvania, in the room of George Ege, who has resigned his seat, appeared, produced his credentials, and took his seat in the House.

Several other members, to wit: from Pennsylvania, ANDREW GREGG; from Kentucky, THOMAS T. DAVIS; and from North Carolina, NATHAN BRYAN, and DEMSEY BURGES, appeared and took their seats in the House.

The Clerk then informed the House that he had heard from a member of the Senate that the SPEAKER was indisposed; so much so, that he was not able to communicate his indisposition to the House in writing.

Mr. DENT said, this being the case, he should move that the orders for this day be further postponed till Monday; which motion being agreed

to, the Clerk, on motion, adjourned the House till Monday morning, at 11 o'clock.

MONDAY, December 4.

THOMAS SUMTER, from South Carolina, appeared and took his seat.

Mr. COIT, from the Committee of Elections, reported on the memorial of Robert Rutherford, complaining of the undue election of General MORGAN, that they had examined the proofs adduced, and that they were wholly insufficient to support the allegations contained in his memorial.

Mr. C. moved that the House concur with the report; but, upon the request of Messrs. J. PARKER and T. CLAIBORNE, it was committed to a Committee of the Whole for Thursday.

REMISSION OF DUTIES.

Mr. LIVINGSTON, from the Committee of Commerce and Manufactures, made reports on the petitions of John C. Normand and Henry Sherriot, who prayed for the remission of duties on wine destroyed by fire. The report stated that there was no doubt of the fact being as set forth; but that the House had of late years rejected all such applications, not only as inequitable, but on the ground of its being impossible to guard against imposition, and therefore, referring to former decisions, determine the prayer of the petitioners could not be granted.

Mr. L. also made a report on the petition of Frederick Cyrus, praying to have the management of a mining scheme; stating that as the committee knew of no such plan, and the House had no power to make the appointment, the prayer of the petition could not be granted.

The House concurred in these reports.

PUBLICATION OF DEBATES.

Mr. DWIGHT FOSTER presented the petition of Thomas Carpenter, stating that he was the editor of the *American Senator*, published during the session of Congress ending in March last; that, at the commencement of that session, he presented a memorial to the House, praying its support of his work; that the House had declined supporting it as a body, but receiving individual assurances of support from many of the members, he had been induced to engage in the work; but the event had proved unfavorable to him. He hoped now, therefore, that he should be recompensed, by the House engaging to take three copies for each member of the work he proposed to publish this session, (provided he met with the support he prayed for,) which, computing the session at eighteen weeks, he supposed would not amount to more than $2,250.

Mr. D. FOSTER moved that this petition be referred to a select committee.

Mr. COIT objected to a reference. The House, he said, had so often determined to have nothing to do with the publication of the debates, that he thought it time to have done with the subject. He hoped, therefore, the petition might lie upon the table.

Mr. FOSTER and Mr. THATCHER spoke in favor of the committal; and the motion was put and carried, and a committee of three members appointed to report thereon.

DUTY ON STILLS.

Mr. T. CLAIBORNE presented a petition from sundry citizens of the State of Virginia, complaining of being aggrieved by the act laying a duty upon stills, and praying relief.

Mr. C. was doubtful as to what committee this petition ought to go. He thought it best to go to the Committee of Ways and Means; but, on being informed no such committee was at present in existence, and Mr. HARRISON wishing the subject to go to a select committee, he consented. Mr. NEW thought it would be best to appoint a committee to inquire what amendments were necessary to the act. Mr. J. PARKER was in favor of a Committee of Ways and Means; and Mr. NICHOLAS moved that a Committee of Ways and Means be appointed.

A Committee of Ways and Means was accordingly appointed, and consisted of the following members, viz: Messrs. HARPER, GALLATIN, GRISWOLD, BLOUNT, HOSMER, CRAIK, BRENT, A. FOSTER, SEWALL, MORRIS, DAVIS, SINNICKSON, W. C. CLAIBORNE, BAYARD, CHAMPLIN, and BALDWIN.

The petition was referred to this committee.

TENNESSEE BOUNDARY.

Mr. W. C. CLAIBORNE presented the remonstrance and petition of the Legislature of the State of Tennessee, complaining of the extension of the boundary of the United States into the Cherokee country; of the proclamation of Colonel Butler, requiring all persons settled upon the land included in the boundary, within a very short space, and at an inclement season, to remove therefrom, by which nearly 3,000 persons had been greatly distressed; of the conduct of Mr. Hawkins, &c., and praying relief. Referred to a select committee.

IMPEACHMENT OF WILLIAM BLOUNT.

Mr. SITGREAVES said, he was prepared to make a report from the committee appointed at the last session, to sit during the recess, for the purpose of collecting evidence, and substantiating charges against William Blount, a Senator of the United States, impeached of high crimes and misdemeanors; but as that committee was appointed and received its instructions with closed galleries, he supposed, except the injunction of secrecy were taken off, it would be necessary that the galleries should be closed whilst the report was made; though the committee were of opinion there was not any thing in the report which ought not to be made public. He therefore moved that the report should be received in the usual way.

The SPEAKER read the rule of the House on the subject, and said he did not think any motion necessary, if the committee were of opinion secrecy was not necessary.

Mr. THATCHER thought it was necessary that the injunction of secrecy ought to be taken off before the report was made.

Mr. SITGREAVES made a motion to that effect, which was carried. He then presented the report, which the Clerk proceeded to read. [The report and documents will be found entire in the *Appendix*.]

The committee state soon after their appointment they received a trunk from J. Ross, Esq., containing sundry papers belonging to William Blount, which had been seized by order of the Senate. From these papers they made a selection, and returned the remainder to William Blount. A violent presumption arose from the perusal of the papers, that Nicholas Romayne, of the city of New York, was intimately connected with Mr. Blount; the committee conceived it to be their duty therefore to prevent the escape of N. Romayne, by securing his person and papers, and issued a writ for that purpose, the execution of which they placed in the hands of the Secretary of State, who made Captain W. Eaton messenger on the occasion. On the 12th of July, the messenger returned with Nicholas Romayne and a number of his papers, (such of which as are material are reported.) Having finished his examination, N. Romayne gave security for his appearance before the Senate on the trial of W. Blount.

A letter, signed James Grant, found amongst W. Blount's papers, and the letter from the latter to James Carey, made it necessary to secure their persons and papers; Major T. Lewis was employed to do the business. He was also to bring along with him John Rogers. In the interim, the committee received the examination of James Carey, taken at Tellico Blockhouse. On the 25th September, Major Lewis arrived at Germantown, with Grant, Rogers, and Carey. These persons were examined, and Major Grant gave bond for his appearance before the Senate.

To complete the series of correspondence between Mr. Blount and Mr. Romayne, the letter No. 9 seemed to be wanting. On the 13th of July it was received by the Secretary of State, under an anonymous cover, in a foreign language.

Having heard of Captain Chisholm having sailed from Philadelphia, in a vessel belonging to Mr. William Davy, they sent for Mr. Davy and examined him; his examination led to the examination of George Lesher and others.

The committee mention that the Chevalier Yrujo called upon them and made a communication which implicated a person of the name of Mitchel. They immediately wrote to Major Lewis on the subject; he received their letter, but could not find the person. A second communication was made by the Chevalier on the subject.

After stating a number of other circumstances, the committee conclude their report by regretting that they have not been able to obtain more complete information on the subject, but assure the House that nothing in their power has been wanting to obtain it.

The report being gone through, Mr. SITGREAVES said the reading of the documents referred to would take up much time of the House, and as it was desirable that they should be printed for the use of the members as soon as possible, he should wish the reading might be dispensed with, and that the usual vote of printing might be agreed to.

Mr. GALLATIN hoped the papers might be read, as the report consisted chiefly of a reference to them.

The reading of the documents was then entered upon as follow:

No. 1. A letter from William Blount to Dr. Romayne.
2. Do. from Dr. Romayne to W. Blount.
3. Do. from Dr. Romayne to W. Blount.
4. Do. from W. Blount to Dr. Romayne.
5. Do. from Dr. Romayne to W. Blount.
6. Do. from Dr. Romayne to W. Blount.
7. Do. from W. Blount to Dr. Romayne.
8. Do. from Dr. Romayne to W. Blount.
9. Do. from Dr. Romayne to W. Blount.

Mr. SITGREAVES (who read this part of the papers) mentioned that the above was the letter enclosed to the Secretary of State, anonymously, in a foreign language, signed "*An Eternal Enemy to Foreign Influence.*"

Mr. THATCHER inquired in what language the anonymous letter was written.

Mr. DAWSON thought it necessary to state, lest because this letter was written in the Spanish language, it should give rise to groundless suspicions, that the committee had the strongest proof that it was written by an American gentleman.

10. Do. from Dr. Romayne to W. Blount.
11. Do. from John Chisholm to W. Blount, from Chisholm to Col. McKey, and from Chisholm to John Rogers.
12. Do. from Dr. Romayne to W. Blount.
13. Do. from Dr. Romayne to W. Blount.
14. Do. from W. Blount to James Carey.
15. Do. from W. Blount to John Rogers.
16. Do. from W. Blount to James Carey.
17. Do. from W. Blount to Major Wiley.
18. Do. from Robert Liston to Dr. Romayne.
19. Do. from James Grant to W. Blount.
20. Do. from Dr. Romayne to W. Blount.
21. Do. from Dr. Romayne to W. Blount.
22. Do. from Dr. Romayne to W. Blount.
23. Do. from James Grant to W. Blount.
24. Do. from W. Blount to Dr. Romayne.
25. Do. from W. Blount to Dr. Romayne.
26. Do. from Dr. Romayne to W. Blount.
27. A writing found among the papers of Dr. Romayne, and acknowledged by him to be an unfinished letter to W. Blount.
28. A paper, endorsed by Judge Turner, containing an account of different military posts.
29. W. Blount's circular letter, after his impeachment.
30. The deposition of Dr. Romayne before the committee. The deponent states that he had been acquainted with Mr. Blount since 1782; that he became acquainted with Chisholm whilst in treaty with Mr. Blount in land speculations; sometime after the deponent intended going to London to sell land, but the falling in price of property prevented him; that Governor Blount was to have procured a law passed in Tennessee to enable

aliens to hold land; the deponent spoke of the different letters which had passed between W. Blount and himself on the subject of Louisiana, which the former regretted the English did not possess, and spoke of going to England on the business; he regretted the Floridas did not belong to the United States. It was understood between them that it was most favorable for Louisiana to belong to the Spaniards, but that the English had much better have it than the French; they agreed that it was necessary to sound certain persons in Philadelphia on the subject, as well as in Virginia and the Southern States; spoke of his conversation to Blount about going to England, but that Mr. Blount neglecting to answer his letters, he gave up the project.

After this evidence, follows the cross-examination of the committee. The letters which passed between W. Blount and N. Romayne bear date from February to May, and are chiefly on the project of going to England, on the business of Louisiana. Mr. R. frequently speaks with great confidence of success, and often introduces in his letters the critical situation of the European Powers, and the improbability of peace.

31. Next follows the examination of Mr. William Davy, of this city, which relates to the sailing of Chisholm in the brig John Henderson, which he chartered, and which cleared out for Hamburgh, but was bound for London, on the 20th of March; that his passage was taken and paid for by R. Liston, by means of Mr. Thornton; Mr. D. repeats conversation which took place between them as to his business; that Chisholm was to command a squadron against Pensacola, and a variety of other circumstances. Mr. D. also mentions several interviews with Mr. Liston on the business. He also produced a letter from his brother in London, mentioning Chisholm having endeavored to get money from him; but before he gave him any, he applied to Lord Grenville's office, to know if he had got money from thence, and finding they had supplied him largely, he declined letting him have any.

32. Evidence of George Lesher relates to Chisholm's being at his house with a party of Indians; of his conversation about going to Europe, and of his business there; that, whilst he was at his house, he was arrested for $400, and that he told him he was obliged to sacrifice a note of Mr. Bond's for $500, at a loss of five or six dollars in the 100, to satisfy the demand.

33. The examination of William Bell refutes what is said about sacrificing the note of $500, as he states that he gave Chisholm credit, from time to time, and that the note of $400 was not paid at all.

34. A letter from the Secretary of State to the committee, stating what had passed between him and the British Minister, in which, amongst other things, it is asserted that Mr. Liston gave Mr. Chisholm no money at all; that he only paid his passage to the owner, and gave him an order for £20 on his banker in London.

35. A note from Mr. Liston to the Secretary of State.

36. Lord Grenville's note to Mr. Liston, in which the British Government declines to accede to the proposals made to them respecting the Floridas, &c.

37. Evidence of Elisha B. Hopkins with respect to conversation held with Chisholm.

38. Dr. Charles Buxton's examination relates to conversation between him and Dr. Romayne.

39. John Franklin was examined with respect to Chisholm being at Lester's at the same time with him; spoke of his conversation respecting Louisiana and the Floridas, W. Blount, and the British Minister.

40. James Carey and John Rogers's evidence went to the same effect.

The reading of the papers having continued for more than two hours, and it being three o'clock, Mr. DENT said, as he observed there were yet several more papers to read, he should move the House to adjourn. The motion was carried—39 to 31.

---

TUESDAY, December 5.

Mr. HARPER, from the committee appointed to prepare and report a bill for the relief of Antonia Carmichael, reported a bill, which was twice read, and ordered to be committed to-morrow.

Mr. OTIS presented a petition from Isaac Stevens, late a prisoner at Algiers, which states the hardships the petitioner had experienced; that, during his long absence from family and home, his property had been made away with, his wife had been obliged to go out to service, his children had been dispersed, his own health had been impaired, and that he was now obliged to subsist upon charity. He prays for some aid which may soothe the decline of his life. Referred to the Committee of Commerce and Manufactures.

Mr. W. CLAIBORNE presented the petition of James Grant, of Knoxville, stating, that in pursuance of a process issued by a committee of that House, he and his papers were seized on the 28th of last July; that he was in custody 65 days, at the expiration of which he was discharged, at the distance of 700 miles from his own home, from whence he had been dragged by military force, to the great neglect of his business. He prays to be placed, at least, in as good a situation as he was found. He reckons 20 days for his return home, which, added to 65, makes 85, and hopes he shall be allowed five dollars a day; for, as he has been guilty of no offence, he trusts he shall go unpunished. Referred to the Committee of Claims.

## STAMP DUTIES.

Mr. D. FOSTER observed, that in looking into the laws of last session, he found that the act laying a stamp duty throughout the United States was to take place on the first of next month. As he understood that it would be impossible for the act to take place at that time, as the necessary preparations could not be effected in the interim, he should move that a committee be appointed to inquire whether any and what alterations are necessary to be made in that act.

The SPEAKER submitted to the gentleman whe-

ther this subject did not properly come under the duty of the Committee of Ways and Means.

Mr. FOSTER believed it might, and would therefore alter his motion to, "Resolved, That the Committee of Ways and Means be instructed to inquire whether any," &c.

Mr. MACON had no objection to the motion, except that he thought it unnecessary, as he believed it was the duty of the Committee of Ways and Means to act upon the subject, without any special direction.

Mr. FOSTER said it was desirable that something should be done in the business immediately, as notice must be given in all the papers of any alteration which may be made in the act.

The motion was put and carried.

## PENSIONERS.

Mr. D. FOSTER said, that a bill passed that House in the session ending in March last, but was postponed by the Senate, for placing certain persons on the pension list. He moved that that bill, with the reports on the subject, be referred to the Committee of Claims.

The SPEAKER said the reports might be referred, but the House knew nothing of such a bill being acted upon at a former session.

Mr. FOSTER moved that the reports of the Secretary of War on the subject might be referred. Agreed to.

## IMPEACHMENT OF WILLIAM BLOUNT.

The Clerk now proceeded to read the remainder of the documents referred to in the report of the committee on the subject of W. Blount's conspiracy.

The next paper which came of course was the depositon of James Grant, commonly called Major Grant. His evidence consisted principally of conversation which had passed between him and W. Blount. He stated that he met with him in Washington county, Virginia, on the 28th April; that they spoke on the subject of running the line between the United States and the Indians, and he seemed to wish to avoid any responsibility with respect to the Indian treaty; that W. Blount mentioned his pecuniary embarrassments, but that he said he had a plan on foot which he expected would effectually relieve him. He said Chisholm and the Indian chiefs had been with the British Minister at Philadelphia, and that Chisholm had a plan in the handwriting of the British Minister, which, if it succeeded, W. Blount said he should have it in his power to serve all his friends; that he seemed to place great reliance upon Rogers and Carey, and upon their influence with the Indians. He mentioned that an armament was to be sent from England, which was to be co-operated with on the land side by him at the head of the Indians.

The deponent also speaks of having received letters from Colonel King, about the 15th of June, from W. Blount for Carey, which he delivered, and mentions the conversation which passed between them.

Mr. SITGREAVES took the chair of the Clerk and said, the document was a paper communicated to the committee by the Chevalier de Yrujo, in French. The committee had not, he said, any formal translation of it, but he would read it in English as perfectly as he was able—which he proceeded to do. It was the communication of a citizen, (Mitchell,) who states that there had been enrolled by an English agent in the Western country, 1,000 persons, for the purpose of attacking certain Spanish posts, and to go against Louisiana and the Floridas; that Chisholm had a list of 1,500 Tories who were engaged to take up arms in favor of England; that there were formed on the Lakes 500 regular troops, 700 Canadian militia, and 200 savages, to attack Fort Louis; that Chisholm had provided six pieces of cannon, the same which was procured for citizen Genet; that the rendezvous was to be at Knoxville the 1st of July; and that, after Chisholm had reported the business to the British Minister, he would set out for England, to lay the project before the British Government, and command money and vessels for carrying it into effect. The Chevalier also gave to the committee a letter which Mitchell had received from Chisholm. It was a request that Mitchell and Craig would be in Tennessee in July; with an assurance that they might rely upon everything which he had said.

The next papers were the evidence of John Phillips Ripley and Thomas Odiorne, who were brought forward by the Chevalier de Yrujo.

J. P. Ripley states that he is a citizen of New Hampshire; that he was educated with Captain Eaton at Yale College; that Captain Eaton had told him that several letters were found in the possession of Dr. Romayne, which proved the British Minister to be concerned in the enterprise contemplated by Governor Blount; that these letters offered rewards to any person who would engage in the service, and that they were discovered under some rubbish; that many of Dr. Romayne's papers were destroyed; that Captain Eaton had told him that Colonel Pickering had reprimanded him for having mentioned anything respecting these letters, and had said that Great Britain was now the only friend we had; that he saw a letter which Captain Eaton had written to Colonel Pickering on the subject. On examination by the committee, Ripley asserted that he believed that Great Britain was at the bottom of the conspiracy.

Thomas Odiorne deposed, that he was also at college with Captain Eaton, and that Captain Eaton had told him nearly the same circumstances which J. P. Ripley deposes to have heard from him. He also says, he saw the letter which the captain had written to Colonel Pickering, as an apology for having mentioned anything respecting the letters found in possession of Dr. Romayne.

Next follows the evidence of William Eaton, taken at Springfield, before Judge Lyman. He states that Philip Ripley was his cotemporary at college, and that he had since been acquainted with him at Philadelphia; but that he does not know much about Odiorne. Some time after his return from New York, he recollects to have told Ripley that four or five original letters of William

Blount were found in Dr. Romayne's possession, at the discovery of one of which he felt a good deal embarrassed. The deponent also told the said Ripley that Mr. Pickering was displeased with him for having mentioned anything about these letters, until the matter was laid before the committee; but the deponent denies that he ever told Ripley, or that Mr. Pickering ever said to him, "that Great Britain was now the only friend we had." The deponent believes he might have given it as his opinion, that the British Minister would have encouraged the plan if it had been feasible; that he had delivered every article respecting the conspiracy of Mr. Blount, which had come into his hands, to the committee of inquiry. Captain Eaton also spoke of a French engineer having been into all the seaports of the United States, in order to make plans of, and observations respecting them.

The next paper was a communication from the Chevalier de Yrujo, consisting of an original letter from General Clark, of Georgia, to —— Murphy, Esq., Consul of His Catholic Majesty there, in answer to an application made to him on the subject of the conspiracy, in which he states, "that the peculiar nature of the proposition made to him by the British, prevents him from giving that satisfaction which is required; an application, he says, had been made to him through a channel which bound him to silence; he was asked whether $10,000 would induce him to join the British, but that he had rejected the offer with disdain."

Mr. Sitgreaves said, that all the documents which were of any importance, had now been read; what remained were not worth occupying the time of the House to read them. If it were wished, however, they might be gone through.

The Speaker said, that would be determined on a motion being made for printing.

Mr. Otis moved that the report and documents be printed.

Mr. Dawson said, there were two depositions of James Carey, one before the district judge, and another before the committee; as one only had been read, and they did not wholly agree, he trusted that both would be printed.

Mr. Sitgreaves said, certainly, all the papers will be printed.

Mr. Dawson observed, that Mr. Byers had given evidence, which, though not on oath, he thought entitled to credit, and ought to be printed, as it corroborated the evidence of Carey.

Mr. Sitgreaves said, it had been usual, upon extraordinary and important occasions, to order printed more copies of papers than the usual number; he thought this one of those occasions, and moved that six hundred copies might be printed, as he supposed the additional expense would be inconsiderable.

The motion was agreed to, and the report and documents were ordered to lie on the table.

## DEFERRED DEBT.

Mr. Nicholas said, it appeared to him that when an important object was to be accomplished, and such as the House could form an opinion upon, it was proper to express their sense upon the subject to the committee appointed to consider it, lest they might act, from their own opinion, upon a contrary basis, and afterwards have what they had done reversed by the House. He thought this course necessary with regard to the Deferred Debt. He wished the attention of the House to be now turned to this object, as it would be recollected that this session would probably be the only opportunity they would have of a fair and full discussion of it, as the next session will necessarily be a short one, and the following one will be too near the period at which resources will be wanted, to have the desired effect. This was, therefore, the time for making the proper provision, which was absolutely neeessary, except they were to encroach upon funds destined for other objects. He, therefore, proposed to the House a resolution to the following effect.

"*Resolved*, That the Committee of Ways and Means be instructed to prepare and report a plan for raising a sum which shall be equal to satisfy the demands which will be made upon the Government in the year 1801, on account of the Deferred Debt."

The Speaker was of opinion that it was necessary, if not to move, at least to have the proposed resolution discussed in Committee of the Whole. [He read the rule.]

Mr. Nicholas thought the rule had reference to a specific tax. He could refer to a precedent, where the course recommended by the Speaker was not taken. It was the resolution requiring the Secretary of the Treasury to prepare and report a plan for laying a direct tax.

The Speaker was doubtful whether the resolutions proposing to instruct the Committee of Ways and Means took it out of the rule.

Mr. Coit hoped the resolution would lie upon the table till to-morrow; which was agreed to.

## HENRY HILL.

Mr. Harper called for the order of the day on the report of the Committee of Claims on the petition of Henry Hill, which was agreed to, and the House accordingly went into a Committee of the Whole on the subject, Mr. Dent in the Chair.

This subject has been frequently before the House, in different shapes, and has occupied much of its time. The petitioner, Henry Hill, is the administrator of Mr. Miller, the administrator of Mr. Banks, whose name has been often before the House, particularly in the settlement of the claim of the widow of General Greene. It appears, from an investigation of facts, that the United States, in their account with John Banks, have a double credit for the same sum of $9,768, it being credited to them in the quartermaster's department, and also reserved out of the balance due to John Banks, on his contract account; and, it being an established rule at the Treasury, not to open accounts for a new settlement, which have once been adjusted by the proper officers, the Treasury Department have refused to resettle this account. Mr. Hill prays for this balance. The Committee of Claims are of opinion, that it would

be improper for them to determine who are the actual or equitable representatives of John Banks, so far as respects this balance; the right of the claimants, in case of controversy, may receive a judicial determination. It is sufficient that the balance be placed to the credit of the person to whom it belonged on the 31st of December, 1783, when the sum was retained out of Banks's payment. That committee, therefore, submit the following resolution to the consideration of the House:

"*Resolved*, That the accounting officers of the Treasury cause the sum of $9,768 81, charged to the contract account of John Banks, on the 31st of December, 1783, to be credited to the said John Banks; and that the sum so credited, to be charged to the account of such other person as, in their opinion, shall be justly chargeable therewith."

Mr. HARPER, Mr. D. FOSTER, and Mr. FINDLEY, urged an agreement to this resolution.

Mr. COIT proposed to amend it, by adding a clause to the following effect:

"And that they charge the account of the said John Banks with the money paid by the United States to the executors of General Greene, on account of debts of the said John Banks, or John Banks & Co., bailed or secured by said General Greene."

After considerable discussion, Mr. OTIS moved that the committee rise, in order to have the subject recommitted, that further facts may be stated. This motion produced also considerable debate. At length the committee rose, and being refused to sit again, a motion was made to recommit the report to the Committee of Claims; when Mr. O. moved an instruction to the committee to the following effect:

"To report a statement of facts relative to the demand which the United States may have upon the balance in question, on account of indemnifying the estate of General Greene, as surety for the said Banks."

This instruction to the committee, after some debate, was agreed to.

---

WEDNESDAY, December 6.

Mr. DENT presented a memorial from sundry inhabitants of St. Mary's county, in the State of Maryland, stating, that by the late regulations made in the establishment of the post-roads, they were deprived of the opportunity of receiving newspapers as usual; which, as they have a direct tendency to promote an increase of knowledge, they consider as being deprived of a blessing, and pray for an extension of the road, that the evil they complain of may be remedied. Referred to a select committee.

Mr. D. FOSTER said, he was instructed by the Committee of Claims, to ask leave of the House to be discharged from the further consideration of the petition of Mr. Maury, Consul of the United States at Liverpool, in order that it might be referred to the committee appointed to take into consideration that part of the President's Speech which related to the Consuls of the United States. Agreed to, and the petition referred in the way proposed.

## CONTINENTAL SECURITIES.

Mr. REED presented the petition of Simeon Dunbar, stating that he possesses Continental securities; that he never heard of the act of limitation before the limit was expired, and prays that they may, notwithstanding, be funded.

A motion to refer this petition to the Committee of Claims occasioned some debate upon the propriety of reference of a petition, which acknowledged the claim to be barred by law. It was, however, at length agreed to; when

Mr. WILLIAMS said, he believed there were many just claims undischarged, owing entirely to the ignorance of the persons holding the securities with respect to the law of limitation; for persons living on the frontier of the country who were probably the best entitled to compensation, had no means of becoming acquainted with the laws. He, therefore, proposed the following resolution:

"*Resolved*, That a committee be appointed to inquire into the expediency or inexpediency of designating certain claims to be excepted from the operation of the act of limitation, and that they report by bill or otherwise."

Mr. D. FOSTER said, that a motion of this kind had been made in the last Winter session, and the Committee of Claims, on the 24th of February, had made a lengthy report thereupon, which, for want of time, had not been acted upon, and which was mentioned in the report of unfinished business. He supposed, if the gentleman moved this report to be committed to a Committee of the Whole, his object would be attained.

After a number of desultory observations, this motion was put and carried, and made the order of the day for Friday.

## EVIDENCE IN CONTESTED ELECTIONS.

Mr. HARPER then called for the order of the day on certain resolutions which he had offered to the consideration of the House on the subject of taking evidence in cases of contested elections.

The motion was agreed to, and the House accordingly resolved itself into a Committee of the Whole on that subject—Mr. DENT in the Chair. The resolutions were as follow:

"*Resolved*, That the method of taking evidence to be adduced, in the trial of contested elections, for this House, shall, hereafter be as follows:

"1. The party intending to contest an election shall give notice of such intention to the person returned. If it be an election in the usual course, this notice shall be given at least —— weeks before the time when the said person is to take his seat; if not in the usual course, but to fill a vacancy, then the notice shall be given within —— days after the person appointed to hold the election shall have made known publicly the state of the poll. The notice shall be delivered in writing, at the usual residence of the person returned; and if he be absent, shall be left there open.

"2. That the party intending to take examinations, shall then apply to some justice or judge of the Courts of the United States, or some chancellor, justice or judge of a supreme, superior, or county court, or court of common pleas, of any State, or some mayor or chief magistrate of a town or city, and shall obtain

a notification, under his hand and seal, directed to the opposite party, and requiring him to attend by himself, or his attorney duly authorized, and cross-examine the witnesses. This notification shall state the time and place of examination, and the names of the witnesses; and it shall be served on the opposite party, or his attorney duly authorized, as either may be nearest to such places; provided either is within one hundred miles of it. For attendance, after receiving the notification, one day exclusive of Sundays, shall be allowed for every twenty miles.

"3dly. In all cases where either party shall give notice to the other of his having appointed an attorney for the purpose aforesaid, it shall be necessary to serve the above-mentioned notification on the attorney.

"4thly. Every person deposing, shall make oath or affirmation to testify the whole truth, and shall subscribe the testimony by him or her given; which shall be reduced to writing only by the magistrate taking the deposition, or by the deponent, in his presence. The deposition, so taken, together with a certificate of the notices, and proof of the services of them, shall be sealed up by the magistrate who took it, and transmitted to the Speaker of the House.

"*Resolved*, That the examination of witnesses taken in this manner and no other, shall hereafter be admitted on trial of contested elections.

"*Resolved*, That copies of any papers recorded in any office of records, provided those copies be attested under the hand and seal of the recording officer, shall be admitted at all such trials, in the same manner as the originals would be, if produced. In like manner copies of any other papers of a public nature, and remaining in the possession of a public officer, shall be admitted when attested under the hand and seal of that officer.

"*Resolved*, That —— copies of these resolutions shall be forwarded forthwith to the Executive of every State, with a request that they will cause the managers of every election in their respective States, to be furnished with at least one copy."

Mr. HOSMER moved to amend the first resolution by adding, after the word "election," in the eighth line, "or to canvass the votes." Agreed to.

Mr. SITGREAVES did not understand the object which the mover of these resolutions had in view. He knew not whether he meant to confine the operation of his rule to the present House of Representatives only, or to all future Houses. From the language of the first resolution he judged the latter was his intention. As it was his opinion, therefore, that any attempt of theirs to bind future Houses would be perfectly nugatory, he should move to strike out the words from, "If it be," to "given," (in the first clause.) This resolution will then confine the operation of the rule to the elections which may take place during the fifth Congress. By the Constitution every House was to judge of the elections and returns of its own members. It was not in the power of any House to prescribe rules for a succeeding one, for this reason the rules which governed a preceding House were always revised by the succeeding one. If they were to prescribe rules which were to be binding on future Houses, it could only be done by an act of the whole Legislature, which would certainly be exceptionable, as it would give to the President and Senate a power over the rules for governing their proceedings, which, by the Constitution, they were alone the judges of. He thought his ideas on this subject correct; if they were, he doubted not the motion which he had made would be agreed to.

Mr. HARPER said, if the idea of the gentleman last up was correct, his motion would doubtless be acceded to, though he did not go far enough, because, in that case he should have moved to have struck out the whole clause; because, if the rules proposed were not to have a permanent effect, they would be perfectly nugatory. But he apprehended his friend had not attended to a distinction which he thought a plain one. It was this: the power to establish rules for the taking of evidence, and that of judging of the evidence after it was taken. This House could not say it would admit members under such and such disqualifications, but an agreement to the mode of taking evidence was very different from the qualifications themselves. It was essentially necessary that Legislative and Judicial powers should be kept distinct, yet it was not thought an interference with the Judicial authority for the Legislature to direct the mode of taking evidence in certain cases. Nothing could be more clear than this distinction. It could not be said, therefore, that because the whole Legislature directed the mode of taking evidence in cases of contested election, that the President and Senate interfered with the Constiuttional direction that every House should be the judge of its own rules. He was of opinion that a law was necessary, and a law of a permanent nature, to which he could see no reasonable objection. He allowed that it would be unconstitutional for the President or Senate to interfere with their rules or elections, but when they came to make a law which was to operate upon the whole community, their interference was necessary and proper. If these ideas were sound, and he thought they were, the proposed amendment would be rejected.

Mr. N. SMITH said the motion now before them was founded upon an idea that permanent rules could not be made for taking evidence in cases of contested elections. He had frequently heard it said that rules could not be made to be binding any longer than whilst the House existed which formed them. For himself he never conceived this opinion to be correct. That it was highly important that permanent regulations should be made on the subject in question, every one must admit. It became of importance, therefore, to know whether it had the power of making them. When he spoke of permanent rules he would not be understood to mean that any rules should be longer permanent than until the time came when the House of Representatives should wish to rescind them.

The idea which led to the conclusion of the gentleman from Pennsylvania was this: that every new Congress occasioned a new House of Representatives; that whenever the members were newly elected there was a new House of Representatives. He did not believe this doctrine to be correct. The House of Representatives, in his opinion, always existed; and there was no period

at which it could be said there was not a House of Representatives in being. He never believed it was broken in pieces once in two years; for when the time of one set of members expired, that of another set commenced; so that it was the nature of a corporation, which always existed. He did not think there had been four Houses of Representatives since the commencement of the present Government, but that the whole had been one uninterrupted House. He thought this was the view which the Constitution gave of the subject, as it spoke of it always as a permanent body. In the same way the President and Senate were permanent. If this were not the case, and every election made a new House, there was a time when the Senate was only two-thirds of a Senate (when one-third went out of office.) This idea, therefore, could not be right. There was no difficulty, therefore, in forming permanent rules, since they were made to govern the House and not the individual members. With respect to those things which each branch of Government had the power of doing for itself, each could establish its own rules; but what related to the whole Government must be the act of the whole. The gentleman from Pennsylvania had said that each House had the power of judging of its own elections. This, he apprehended, did not refer to different Houses of Representatives, but to the House of Representatives and the Senate, as each House was always considered by the Constitution as a permanent body. He was, therefore, opposed to the amendment.

Mr. NICHOLAS believed this was a subject in which they should never advance far enough to come to a decision. Very long and very plausible arguments might be adduced on both sides of the question, which would produce different effects on those who heard them; but, he thought the question before them might be acted upon, without coming to a question on that point. He supposed, if any case of contested election came before the House, and the evidence was taken in such a way as to ascertain the truth, they should be at liberty to proceed to the examination of the case; and, therefore, all that was wanting, was to call in the power of the General Legislature to authorize the attendance of witnesses to deliver their testimony. Let that testimony be taken upon established and acknowledged rules, which satisfy every man's mind, and it will carry conviction with it, that it is proper. The necessity of adopting some mode of this kind was evident, as it was a great grievance that persons disputing elections had to come there to learn the mode of doing it, before they could proceed to take evidence. Indeed, it was putting the power of sending members to that House in the hands of returning officers. He had no doubt that the Constitution gave them power to make a law on the subject; if necessary the necessity of the case would show the reasonableness of it; but he did not know that a law was requisite; he thought a rule of the House to the effect he had mentioned, would cure the evil complained of.

Mr. SEWALL believed, that the great difficulty on the subject, arose from in the form which it presented itself, which had introduced the question, whether that House was a perpetual body, or not. He must confess that he differed in opinion altogether from the gentleman from Connecticut, (Mr. N. SMITH,) that this House was a perpetual body. He thought the Constitution had shown, that though there was always a House of Representatives, yet, that every House had only two years duration; but, he believed, in determining the real object of this motion, there was no necessity for coming to a decision on this point.

Mr. S. objected to the first resolution, on account of the notice required to be given, which, in some cases, would prevent an undue election from being disputed, because the subject was not taken up agreeably to the direction of this rule, as to time; so that, whether the proposed regulation was to be effected by a rule or a law, he thought the first resolution ought to be rejected. With respect to the other parts of the resolutions, some regulations were certainly necessary, both as to elections, and as to all other matters of controversy which may come before the House; because, if some mode were adopted for taking evidence, facts might be brought before the House, which could never otherwise come. As it respected elections, they knew it had happened in one instance and might happen in many, that a person had held a seat in that House for a whole session, who was not entitled to it. He saw no difficulty in passsing an act prescribing the mode of taking affidavits to be laid before the two Houses of Congress. He should venture to move that the committee rise, with the intention of discharging it from a further consideration of the subject, and to propose that a committee be appointed to inquire into the expediency or inexpediency of prescribing a mode for taking evidence generally, for the purpose of laying before Congress.

Mr. HARPER said, if the gentleman who had just sat down had no other reason than that which he had assigned for making his motion, he thought, on consideration, he would not himself think it necessary. His whole objection to the resolutions seemed to be, to the notice required to be given. Here was no intention, he said, of precluding evidence after the time specified. The sole object was, that testimony taken in this way, and no other, should be admitted. Persons wishing to have the time extended, might still take the evidence in this way. If there were a doubt on the subject, an additional clause might be introduced to this effect. Whether the mode he had proposed was the best which could be adopted, he could not say. If gentlemen knew a better, he wished them to propose it, and let it be considered; but, surely, because gentlemen think some better mode may be devised, this was not a sufficient reason for discharging the Committee of the Whole from a further consideration of the subject.

Mr. GORDON was in favor of the committee's rising, because he did not think the resolution would have any effect, if carried. He was of opinion with the gentleman from Pennsylvania,

(Mr. Sitgreaves,) that they could not pass a rule to bind a future House, though he thought a law might be passed to do away the inconvenience complained of. These inconveniences arose from there being no law obliging witnesses to give their depositions in the cases mentioned. If such a law were passed, all that was complained of would be done away.

Mr. Harper said, if the House could not pass any law upon the subject to have effect, then it was idle to talk about it. One word upon the committee's rising. Was it proper he asked, after the present subject had been printed before the House two years, merely because gentlemen had not given themselves the trouble to look into it, and not because the thing is improper, but because they have not prepared their objections or amendments, to have it sent to a new committee? He thought not. If gentlemen wished a day or two to consider the subject, he had no objection to give it, but he hoped the Committee of the Whole would not be discharged.

Mr. Sitgreaves supposed that the question being for the committee to rise, it would be improper to go into the merits of the subject. He rose only to give an additional reason why the committee ought to rise. If the House passed anything either in form of a law, or a resolution, the provisions necessary must embrace such a variety of detail as could not be settled in a Committee of the Whole, as they should be entered into with great caution and deliberation. Indeed, the mode of procedure adopted on this occasion, inverted the usual order of things. The detail of business was always settled in select committees, and not in Committees of the Whole.

The motion for the committee's rising was put and carried; and upon leave being asked to sit again, it was refused.

Two motions were then made; one by Mr. Nicholas, for referring the resolutions to a select committee; another by Mr. Sewall, for appointing a committee to inquire into the expediency of passing a law regulating the taking of evidence generally. The former was withdrawn to make way for the latter, but renewed by Mr. Rutledge; and, in order to do away some objections which were urged against this mode of proceeding, Mr. Harper proposed to amend the motion by adding this direction to the committee viz: "to take the subject matter itself under consideration, and report their opinion generally to the House." Agreed to, and a committee of five members appointed.

### THOMAS CARPENTER.

Mr. Harper, from the committee to whom was referred the memorial of Thomas Carpenter, praying for the support of the House to his "American Senator," reported it as the opinion of the committee that no encouragement could, with propriety, be given to the said work, and that the memorialist have leave to withdraw his memorial.

Mr. H. moved that this report be referred to a Committee of the Whole; but, on the motion being objected to as unnecessary, it was withdrawn, and the report was concurred in by the House.

### POST OFFICES, &c.

Mr. Cochran proposed a resolution to the following effect:

*Resolved*, That a committee be appointed to inquire whether any, and what, amendments are necessary in the law establishing post offices and post roads."

Some objections were made to this motion by Mr. Thatcher, on the ground of the law having so lately passed, that it could scarcely be told what would be its operations; but, upon Mr. Cochran's representing that he did not wish to go into a revision of the act generally, but merely to propose the opening of some new roads in a populous part of this State, the motion was agreed to, forty-seven votes being in its favor.

---

Thursday, December 7.

### CONTESTED ELECTION.

Mr. Coit moved for the order of the day, on the report of the Committee of Elections, on the memorial of Robert Rutherford, which being agreed to, the House resolved itself into a Committee of the Whole on the subject, Mr. Dent in the Chair. The report stated that the proofs which had been adduced by the petitioner in support of his allegations against the election of Mr. Morgan, were insufficient.

On motion being made to concur,

Mr. Macon said he did not know whether the petitioner was present or not. It was usual, he said, to place a chair for petitioners in such cases, to give them an opportunity of being heard in support of their memorials. If Mr. Rutherford were present, he hoped the usual course would be taken.

Mr. Coit had no objection to the proposed formality, though he believed the petitioner was not present.

Mr. Macon said, as he was informed the petitioner was not in the House, there was no need of providing him a chair.

The committee rose, and the House concurred in the report.

### AMY DARDIN.

Mr. T. Claiborne said, that during the last Winter, a report had been made by the Committee of Claims, on the petition of Amy Dardin, unfavorable to the petitioner, which, after full discussion, had been disagreed to by the House; and on the 24th of February a motion for appointing a committee to bring in a bill for her relief was made and committed to a Committee of the Whole, but for want of time had not been acted upon. He now wished to bring the matter before the House, and for that purpose moved that a committee be appointed to bring in a bill for the relief of Amy Dardin.

This motion met with opposition. It will, perhaps, be recollected that this, though a strong claim, in point of justice, is directly in the face of the Limitation Act. Messrs. Macon, Sitgreaves, and Harper, wished the matter to go again to the Committee of Claims, as many members now in the House were unacquainted with the merits of

the claim; and the latter gentleman, because he thought the House had been surprised into a decision, contrary to fifty other determinations on similar questions, which ought now to be reversed.

Mr. CLAIBORNE opposed this course, and trusted the House would again be influenced by the justice of the claim, to act as they had heretofore done, by passing a bill for the relief of the petitioner.

Mr. GALLATIN thought it would be best to commit the business to the same Committee of the Whole to which they had yesterday referred a report of the Committee of Claims on the subject of excepting a certain description of claims from the operation of that act.

The business was, however, closed by Mr. CLAIBORNE'S withdrawing his motion for the present.

## JOSHUA ASHBRIDGE.

Mr. SITGREAVES presented the petition of Israel Jones, in behalf of Joshua Ashbridge, praying for a settlement for supplies furnished the United States during the war. Mr. S. said, though this claim appeared to be barred by the Statute of Limitation, yet there was a circumstance attending it which he supposed would operate in its favor. Application is made in due season for settlement, but it is prevented by the want of certain formalities. Referred to the Committee of Claims.

## DEFERRED DEBT.

Mr. NICHOLAS called up for decision the resolution which he lately laid on the table, directing the Committee of Ways and Means to report a plan for raising a sufficient revenue to meet the Deferred Debt, which becomes payable in the year 1801.

The resolution was put and carried—43 to 24.

Mr. LYON said, as this resolution had been agreed to, he would propose another in some respect connected with it. It appeared to him proper, at the time they were directing the Committee of Ways and Means to report a plan for raising revenue, to turn their attention to retrenching unnecessary expenses. He therefore proposed the following motion for the adoption of the House:

"*Resolved*, That the Committee of Ways and Means be instructed to inquire whether any, and, if any, what retrenchments may, with propriety, be made in the public expenditure."

Mr. WILLIAMS thought the best way of disposing of all such resolutions as the present, was to refer them to the Committee of the Whole on the state of the Union, where they might receive full discussion. He meant to have made this observation before the last motion passed. He was by no means opposed to the resolution, but was of opinion this would be the best reference it could have. He suggested the propriety of the resolution lying upon the table till to-morrow. Agreed to.

## ANTONIA CARMICHAEL.

Mr. HARPER called for the order of the day on the bill which had been reported for the relief of Mrs. Carmichael, which being agreed to, the House resolved itself into a Committee of the Whole on the subject, Mr. DENT in the Chair; when, the bill having been read,

Mr. ALLEN moved to introduce a clause for the allowance of interest upon the sum proposed to be granted to the widow, from the time at which the application was made to Government for payment, on the ground of the heirs of Mr. Carmichael having been obliged to mortgage his estates to their full value, for the want of the money which was now allowed to be justly their due; it was only reasonable, therefore, he said, that they should receive an interest equal to that which they had been obliged to pay.

This motion was supported by Messrs. HARPER, S. SMITH, SEWALL, and RUTLEDGE, and opposed by Messrs. VARNUM, J. WILLIAMS, GORDON, COIT, and EDMOND, on the ground of its being unprecedented; as it might lead to applications from persons who had already been differently dealt with; that the claim not being a legal, but an equitable claim, and somewhat of a doubtful nature in the minds of some gentlemen, the petitioner ought to be satisfied with receiving the sum proposed to be allowed, particularly since it was not by any means certain that so large a sum had been expended by her late husband, in his capacity as Chargé des Affaires, and when it was recollected how many just and legal claims of our own citizens were every day abandoned. Mr. WILLIAMS touched at the necessity there was of curtailing the expenses of our diplomatic department; and it was suggested by Mr. GORDON, that if the House were to set up a precedent of this kind, it might give encouragement to persons who had claims upon Government, of a doubtful nature, to hold them back (knowing, if they were allowed at all, they should have an interest allowed also upon their demand,) until a convenient time should present itself, at which, perhaps, it might not be possible to bring forward the objections which might have been produced at an earlier period.

This debate continued for some time, when Mr. MACON objected to the bill as not being conformable to the instructions given to the committee who brought it in. The resolution of the House authorized the officers of the Treasury to settle the account. If the bill, he said, had been thus draughted, and Mr. FRANKLIN, Mr. LAURENS, and others, had been allowed interest, the Treasury Department would also have allowed it in this case. It was not usual for that House to settle accounts, but to authorize the proper department to do it. He therefore moved for the committee to rise. This opinion and motion were supported by Messrs. COIT, EDMOND, VENABLE, and MATTHEWS; and were opposed by Messrs. GALLATIN, HARPER, and CRAIK. Mr. G. maintained that the bill, though not strictly conformable to the letter, was agreeable to the spirit of the resolution of the House; that this case differed from those where

the precise sum due could be ascertained at the Treasury; here there was a discretion to be exercised, as to the amount of the sum to be allowed, and he thought it better to be exercised by the House, than the officers of the Treasury.

Mr. CRAIK believed, if no express sum was agreed upon, no relief would be granted, as the account could not, in that case, be adjusted by the accounting officers of the Treasury.

The motion for the committee to rise, in order to have the bill recommitted, was at length put and carried—43 to 38. Leave was refused to sit again, and the bill was recommitted to the committee who reported it.

A communication was received from the Treasury Department, containing an account of the receipts and expenditures at the Treasury, for the quarter ending the 30th of June and the 30th of September; which were ordered to be printed.

Mr. HARPER moved that this communication be referred to the Committee of Ways and Means; but this reference being stated to be unusual, as the subject was before the Committee of Ways and Means, he withdrew the motion.

---

FRIDAY, December 8.

## RETRENCHMENT.

Mr. THATCHER observed that, yesterday, there had been a resolution laid upon the table by the gentleman from Vermont (Mr. LYON) which he thought ought to be disposed of. It proposed a retrenchment of the unnecessary expenses of Government. Mr. T. said, he had observed that a resolution of this kind was always brought forward in the session preceding an election. He did not wish, however, that the proposition should lie longer on the table. If it were true that the expenses of Government were excessive, they ought immediately to set about retrenching them; and if it were not true, the sooner they told the people so, by rejecting the motion, the better.

The question for agreeing to the resolution was put and negatived—33 to 30.

Just as the SPEAKER was counting the votes, Mr. LYON entered, and said, had he been present when the question was put, he should have called the yeas and nays upon it.

## WINE AND SPIRIT LICENSES.

Mr. COIT moved a resolution to the following effect:

*Resolved*, That the Committee of Ways and Means be instructed to inquire whether any, and, if any, what alterations are proper to be made in the act for laying a tax upon licenses for retailing wine and spirits, and that they report by bill or otherwise.

Mr. COIT said that, as the law stood at present, licenses were taken for a year from the time at which they were granted, be that time when it might, so that they were constantly becoming due. He wished to have this inconvenience remedied, by putting the law upon the same footing with the carriage tax, the licenses under which all became due at one time; as, when a license was taken, it was taken so as to fall due at the time fixed.

The motion was agreed to.

## THE MINT.

Mr. WILLIAMS said, he found in the report of the Committee of Revisal and Unfinished Business, the report of a select committee on a letter from the Secretary of State, enclosing a report of the Director of the Mint, suggesting the expediency of some alteration in its establishment, to render it less expensive to the public; and as he wished to render that establishment less expensive, he moved that the letter and report be referred to a Committee of the whole House. Agreed to, for Wednesday.

## UNIFORM SYSTEM OF BANKRUPTCY.

Mr. HARPER said, that the committee to whom it was referred to report a bill for establishing a uniform system of bankruptcy, conceiving this subject so be of such general concern, embracing so great a variety of interests, and a question in which the mercantile affairs of the community were so deeply involved, that they had wished him to request an augmentation of the committee.

The motion was agreed to, and eleven members were added to the committee, comprising a member from each State.

No business being before the House, it adjourned till Monday.

---

MONDAY, December 11.

Two other members, to wit: JAMES GILLESPIE and JOSEPH MCDOWELL, from the State of North Carolina, appeared and took their seats.

The SPEAKER announced a communication from the Treasury Department, which he delivered to the Clerk to be read. It contained a report and estimate of the appropriations which will be necessary for the service of the year 1798, and also an account of the receipts and expenditures of the year preceding the 1st of October, 1797. Ordered to be printed, aud referred to the Committee of Ways and Means.

Mr. MACON, from the Committee of Revisal and Unfinished Business, reported the laws which will expire before the next meeting of Congress. Referred to a Committee of the Whole.

The SPEAKER communicated a report from the Secretary of the Treasury on the memorial of Robert Hazlehurst and others, merchants of Charleston, South Carolina, complaining of the operation of the act directing all goods and wares imported from abroad to be weighed and gauged by an officer of the custom-house, stating that this direction injured the private property of individuals who had heretofore had this privilege. The Secretary recommended that no law should be passed on the subject, but that the matter in dispute between the custom-house and individuals should be brought to a legal decision. Ordered to lie on the table.

## STAMP DUTIES.

Mr. HARPER, from the Committee of Ways and

Means, reported that that committee had taken into consideration the resolution of the House respecting the stamp act, and had directed him to report in part. The report states that, as the Secretary of the Treasury had found it impossible to provide the necessary machinery, dies, &c., for carrying the act into effect at the time proposed, (the 1st of January next,) he had omitted to give the notice which was directed to be given in each State three months previous to its taking place; that, finding it will not be safe to fix the period at which the duty shall take place earlier than the 1st of July next, they recommend a law to be passed to that effect. They mention that some other alterations had been suggested as necessary, but they thought it best to leave these for future consideration, as it would be proper to pass this act as soon as possible. The report was read a second time, and referred to a Committee of the Whole to-morrow.

## FOREIGN SILVER COIN.

Mr. VENABLE, from the committee to whom it was referred, to inquire whether any, and what, alterations were necessary in the law respecting silver coin, reported it as their opinion that a law should be passed authorizing and requiring collectors of revenue to receive foreign silver coin, other than Spanish dollars and parts thereof, at the rates at which they were received before the 15th day of October last, for two years, and from thence to the end of the next session of Congress; and to suspend so much of the act as relates to foreign gold coin for the like time.

On motion to agree to the report, (as it was said to be in consonance with a circular letter which had been sent to the collectors from the Treasury Department,) it was moved to be postponed, by Mr. SITGREAVES, to Wednesday. Agreed to.

## PROTECTION OF COMMERCE, &c.

Mr. SEWALL, from the committee to whom was referred that part of the Speech of the President of the United States which related to the measures necessary to be taken for the protection of commerce and the defence of the country, stated that that committee had requested him to ask the same leave for them to report by bill or otherwise, which had been given to all the other committees appointed at the same time.

Mr. NICHOLAS thought the nature of this resolution fully justified the deviation which had been observed in the forming of the resolution appointing this committee. It appeared to him better to have the subject in the form of a report than a bill, in order that it might receive full discussion.

Mr. SEWALL said, it was not possible that the committee could bring forward any thing upon which the House would not have full power to act; and if they were allowed to report by bill, it would considerably lessen their labor, which was the principal object of the motion.

Mr. NICHOLAS was not desirous of imposing unnecessary difficulty or trouble upon any committee; but if the business was so important, it was an additional argument for the House not only to examine the subject, but the details. It was the practice of the House to have all important business first in the form of a report, which gave time for discussion and reflection, and he thought an innovation upon the usual order of proceeding in this respect might have a bad effect. He wished, before any project should be brought before them in a bill, they might discuss its principles.

Mr. PINCKNEY said, the leave now asked was no more than had been allowed to all the other committees to take into consideration parts of the President's Speech. He thought, if a bill was reported, every opportunity would be given to obtain information on the subject, as sufficient time might be allowed between the several readings, and they could better explain the nature of the regulations with respect to the duty of collectors at the several ports by a bill than by a report. He hoped, therefore, as much trouble would be saved by this mode of procedure, that the request of the committee would be complied with.

Mr. HARPER said, the reason why the form of this resolution differed from the other was, because it was of a very extensive nature, no less than to take into consideration the measures proper to be taken for the protection of our commerce and the defence of our country, which was supposed would require previous elucidation by a report, before specific measures were brought forward in the form of a bill. He had, however, no objections to comply with the request of the committee, as he believed they might be safely trusted with the discretion required. Indeed, it was not contemplated, he believed, when the committee was appointed, that any thing respecting collectors or collecting of duties, would have come within its purview; but as they had thought otherwise, he hoped the liberty they asked would be granted.

Mr. S. SMITH said, nothing had been said about collecting duties, but of the duty of collectors with respect to the law of 1794.

Mr. GALLATIN would be glad to have further information on this subject. He wished to know whether what was meant to be brought forward respecting the conduct of collectors was mere matter of detail, or whether it involved any new principle; if it were the former, he should not object to the mode proposed; but if not, he should be against deviating from the usual mode of procedure.

Mr. SEWALL said, the purpose which the committee had in view was to determine the question respecting the arming of merchant vessels. Before the last meeting of Congress, it would be recollected that the President of the United States had issued orders to prevent the arming of merchant vessels, except in certain cases. The committee were doubtful whether there existed any authority in the President to issue those orders, the execution of which had been opposed in various parts of the United States. This subject had been under the consideration of the committee, and they thought it more expedient to report in detail the regulations necessary, in the form of a bill, than to report in any other form. If the House wished the business to be done otherwise,

they would, of course, refuse a compliance with the request.

Mr. VENABLE said, from the statements which had been made it appeared that the committee had had two subjects under consideration, one of which had been referred to them, and the other not, as if they wished to blend them together, and to bring in a bill at their discretion. The committee was appointed to report what means would be the best to be taken for the protection of our commerce; but the subject which they had brought before the House was, whether the revenue officers of the United States had performed their duty in respect to an existing law; which was a distinct thing, and entirely out of the reference which had been made to them. If the revenue officers had acted improperly, it was a subject necessary to be inquired into, on information being received through a proper channel. The attention of the committee ought to be confined to the business referred to them, and they should report accordingly. He was opposed to the motion, since it was wholly contrary to the practice of the House to go into details before they had settled the principle upon which they were about to act.

Mr. GALLATIN believed, when this committee was appointed, it was not intended that it should have the power of reporting by bill. The business of the other six committees appointed at the same time, and to whom this power was given, were wholly different from this. [He read the different resolutions.] The principle of the objects upon which these committees were appointed to act had already been more or less settled in the House; but what was the business of this committee? It was no less than to report the measures proper to be taken for the protection of our commerce and the defence of our country. The President, in his Speech, had spoken at large on these subjects. [Mr. GALLATIN read an extract from the Address of the President.] This reference, he said, embraced all the objects which had engaged the attention of Congress during their extraordinary session; it did not only include arming of vessels, but also the raising of armies, building of a navy, erecting of arsenals, &c.; that so far from giving this committee further power, he thought the power already given them was too great, and that the subject should first have been discussed in a Committee of the Whole on the state of the Union. When principles of this importance were to be established, the business should be settled in the House. He should, therefore, be wholly opposed to granting the liberty required.

Mr. RUTLEDGE did not think the committee had exceeded their powers in taking this subject under their consideration. They had nothing to do with the revenue officers; they would, of course, show that the provisions already made respecting the arming of merchant vessels had proved inadequate. Orders, it was well known, had been issued by the President of the United States to prevent the arming of vessels; but, in many instances, these orders had been protested against. The President had said merchants should not arm their vessels; the merchants had said the President had no authority to forbid them. He thought this business should be looked into and adjusted, and he did not see upon what ground gentlemen could charge the committee with bringing forward *projects*. [Mr. NICHOLAS here interrupted Mr. R., and said he had no particular meaning in using the word *project*.] Mr. R. said if there were any *project* in hand he was unacquainted with it. He had not been in the House long enough to know whether the practice of reporting by bill was novel; but he believed it was not.

Mr. SITGREAVES said, the intent of the appointment of select committees was, that they should produce facts and lay them before the House in a collected view; they might properly be called *the pioneers of discussion*. The best mode of doing this, committees themselves must be the best judges of. Some subjects would be best presented in the abstract; others would require to be detailed. Suppose two cases, said he, before a committee—the one a proposition for private, the other for public arming. If the committee should propose the building of more vessels at the public expense, this would be unconnected with any detail; it would be a single question, and would require no light from the committee; but, if the subject was a private armament, a plan would require to be detailed before a judgment could be given upon it, as it would be proper to be permitted or restricted according to circumstances. The committee, said he, on this account, ask to have the power to present the present business in such a view as to give the House the best means of determining on their proposition. The request ought, therefore, to be complied with, since they are the best judges of the proper mode of presenting the subject, as they alone are fully possessed of the facts respecting it.

Mr. N. SMITH was surprised that any gentleman should be opposed to giving the committee leave to report by bill; because, in doing this, they would not possibly do any harm, though they might give themselves unnecessary trouble. The gentleman from Pennsylvania [Mr. GALLATIN] seemed to think the principle could not be discussed when the subject was in the form of a bill; but this was not the case. It was true that the principle of a question was frequently determined before a bill was brought in; but it might just as well be done afterwards, and if the principle were objected to, the committee would, of course, have lost their labor. He thought when a committee were willing to risk this trouble, the House could have no reasonable objection to it. It might be, as had been represented by the gentleman last up, that the principle of a subject could not be judged of without the detail; when a committee foresaw this it was certainly their duty to report in detail.

Mr. THATCHER did not understand the ground upon which this motion was opposed. It was certainly no new practice. The plan for establishing a new militia system had been reported in a bill as an illustration of the report, He hoped the

committee would be allowed to report their detail in a bill.

Mr. J. WILLIAMS was opposed to a report by bill. The powers granted to this committee, he said, were very extensive. He wished to see the principle reported, which would be discussed and adopted, and a bill ordered to be brought in or rejected, as was thought proper. The Committee of Ways and Means had the subject of revenue generally referred to them; they gave their opinion, from time to time, as to the best mode of raising revenue, but they had no general power given them to report by bill. He hoped the same course would be observed by this committee.

Mr. NICHOLAS (having obtained leave to rise the third time) said this question was important, not only as it related to the business before the House, but with respect to their general proceedings. The gentleman from Massachusetts (Mr. THATCHER) had spoke of a bill accompanying a report, in the case of the militia system, as an illustration of it. If this would satisfy the committee, they could do this in the present case. He was surprised that the gentleman from Pennsylvania (Mr. SITGREAVES) should not consider this as an abstract question. At the last session it had been considered as an abstract question, and rejected. And could any gentleman say, that at this time when our connexion with the world is much happier than it was six months ago, this question ought not to be considered abstractedly? What, said he, should we have thought of the committee, if they had asked for leave to bring in a bill to build ships of the line; to erect fortifications; to raise armies, &c.? Would these propositions have been considered as mere matters of form? On the contrary, would not the House have revolted at such a proceeding? They certainly would. They would have thought it proper, first, to have inquired whether our means were adequate to effect these schemes. Yet they were, all at once, asked for this power, by the present proposition. In the last session, the House proceeded very differently, A resolution was laid upon the table, and committed to a Committee of the Whole, and there fully discussed, and solemnly rejected; but they were now inclined to treat the business with more levity. He trusted, however, the House would not consent to this mode of proceeding.

Mr. OTIS said the present motion was opposed on account of its novelty, though he believed the novelty would more properly attach to the opposition. He believed there never had been an instance, whether the subject was of great importance, or otherwise, in which, when a request like the present had been made that it had been refused. Was it then right, because such a proposition was made, to speak of the movers of it, as if they were about to propose the building of a naval force, or the ranging of armies in battle array? He thought not, and insisted upon the propriety of the proposed privilege being allowed, which he believed, so far from being used improperly, would be the means of keeping out of view the abstract question of arming, which was not necessary at present to be touched.

Mr. ISAAC PARKER was in favor of granting the leave asked for, as it appeared to him to have been the practice of the House.

Mr. VARNUM insisted upon it that it had never been the practice of the House to take up great national questions, until the principle had been decided upon in Committee of the Whole. It had been said, that leave had never been refused in a similar case, but he believed that it had never been asked. It was well known there was a great difference of opinion in the House on the subject of arming. The President had again recommended to them all the measures with respect to that business that he had before suggested, and they were about to give the power to a committee to report bills upon all of them. It had been said by a gentleman before him that the President had done wrong in forbidding the arming of vessels.

Mr. RUTLEDGE denied having so expressed himself; he had said that the merchants had said so.

Mr. VARNUM observed it was insinuated that the President had been wrong in issuing the order; and if a bill was brought in on the subject, he supposed the conduct of the President would be impeached by it. He trusted, therefore, that this business would not originate in the form of a bill.

Mr. DANA was ready to give the gentleman last up due credit for his solicitude with respect to the President of the United States; but he could not be ignorant that the law was doubtful as to its construction, and it was proper that this doubt should be removed; and would it, he asked, be any imputation on the conduct of the President to pass a law to say what was the true construction of the former law? Certainly not. Mr. D. referred to what had fallen from Mr. NICHOLAS in objection to the business being introduced by a bill. There was no doubt, but, if that were the case, that gentleman's ingenuity could introduee something to produce a discussion of sufficient length, as it would be recollected, that he had furnished a debate of three weeks, by a single proposition to amend an answer to the President's Address at the last session. He was confident, that as the committee had asked for leave to report by bill, it ought to be allowed, and denied that the present was an abstract question.

Mr. GALLATIN allowed that it had not been the practice of the House to grant the power to report by bill when it was asked; but he knew of no instance where a committee, appointed for general purposes, had asked this leave. They had several standing committees; but they never came forward at the beginning of a session to ask leave to report by bill. He had already said, that he thought this committee improper, and he repeated, that at no time did he recollect business of so important and general a nature being referred to a select committee. The proper reference would have been to the Committee of the Whole on the state of the Union. As this committee had been appointed, he should not now, however, move to have it discharged. If it were wished to report a bill on the specific subject mentioned, if the mo-

tion was so expressed, he should not object to it. In regard to the general proposition, he did not wish to see it at present discussed. He believed the fate of the present negotiation must decide the opinion of the House on this subject. If it terminated as they all hoped, the subject of arming would naturally drop; but if not, and the depredations on our commerce were continued, there would be no difference of opinion about arming our merchant vessels, at least, if not of going further. He wished, therefore, that this subject might not at present come under discussion.

Mr. THATCHER again spoke at considerable length in favor of the motion.

Mr. FINDLEY was opposed to this mode of proceeding. It was cutting off a part of their deliberations on important matters, and he should be sorry to see the ordinary mode of doing business in this respect changed.

Mr. NEW called for the yeas and nays. Agreed to.

Mr. S. SMITH was certain, that if the committee had foreseen that this motion could have produced so long a debate, it would not have been made. They thought it the best way of bringing the business before the House. He was indifferent as to which way it was done. Before the last session, the President had issued orders to prevent the sailing of any armed vessels, except to the East Indies. Congress took up the subject, and it seemed to be admitted, on all sides, that there was a natural right of defence in merchants to prevent their vessels being taken. The subject of the President's order was taken into consideration; and he believed it was generally allowed that the President was not authorized by law to issue this order. This being the general opinion, it was conceived by merchants that they might, as heretofore, arm their vessels in their own defence. Some ships, however, in attempting to clear out, were stopped by the collectors. A new order was issued by the President, which gave a further privilege of arming vessels to the coast of Africa. Injurious consequences had arisen from this. He knew a vessel which sailed from the United States to the coast of Africa, armed, for gold dust and ivory, which was attacked by a British armed vessel; but, instead of being taken, she took the British vessel. The consequence was, the captain was prosecuted for piracy and thrown into jail. This, Mr. S. said, was a breach of neutrality, which called for a law to prevent it. The committee thought they could effect the business in the best manner by a bill, and therefore asked leave to bring it in. Mr. S. was of opinion, that merchants had a right to arm their vessels, and he thought this right was countenanced by the act for prohibiting the exportation of arms, as arms on board of merchant vessels, for the purposes of defence, were excepted from the operation of the act.

Mr. VENABLE had no objection to allow a bill to be brought in upon a particular subject; but could not agree to the leave being general.

Mr. SITGREAVES, Mr. GALLATIN, Mr. OTIS, and Mr. VARNUM, each made a few observations as to this mode of proceeding.

Mr. PINCKNEY said, much had been observed as to precedent. He did not know what had been the practice, but he believed it was within the power of the House to agree to the motion, which he thought desirable. He took notice of and answered the objections to this mode of acting. By bringing in a bill, they should prevent the abstract question from being agitated. In general, he thought, the House should avoid abstract questions, as many errors arose from this mode of acting. Besides, if the question was reported abstractedly, it might not be clearly understood, and in consequence rejected. The gentleman from Pennsylvania had said, he wished the question of arming to be kept out of sight at present, lest it might have an effect upon our negotiations with France. He was as anxious as any man that these should succeed; but he feared that their not agitating this question at this time, might have a greater effect to hinder the success of the negotiation than anything else.

It was generally understood, and it was his opinion, that every citizen had a right to arm his vessels for self-defence; but not to make depredations upon the vessels of foreign Powers. If merchants arm their vessels, therefore, and commit the excesses which have been mentioned, they may have a greater effect upon the negotiation than any regulation which they might enter into.

Mr. SEWALL (having obtained leave) said, he rose rather to explain his proposition, than to support it. It had been so changed, and had such a formidable appearance given to it, that he scarcely knew it for his own. It had been called a proposition which might commit the peace of the nation, though it only asked leave to report a bill. He did not consider all the objections which had been urged against the proposition, as originating in a distrust of the committee; it would grieve him to think so; but from what gentlemen believed to be the intention of the committee. It was said they meant to report a bill to provide an extraordinary army, to build vessels of war, &c. But was it not evident, he said, that the gentlemen who opposed this motion, were the same who opposed every defensive measure on a former occasion? He doubted not it was. Gentlemen who wished to defeat the proposition, said it proposed hostile preparations, whilst those who supported it, believed it to relate to mere domestic regulation. The bill the committee wished to introduce was neither a power to arm, nor a restriction from arming; something between both—something which affects the power of custom-house officers. Surely, then, it was not deserving of all the harsh epithets given to it. The reason for wishing to bring in a bill, Mr. S. again repeated, was the difficulty which the committee found in reporting satisfactorily in any other way.

The question was taken by yeas and nays as follow—45 to 45; the SPEAKER voting in the affirmative, the question was carried:

YEAS—Jonathan Dayton, (Speaker,) John Allen, George Baer, jun., Bailey Bartlett, David Brooks, Stephen Bullock, Christopher G. Champlin, Jas. Cochran, Wm. Craik, S. W. Dana, John Dennis, Wm. Edmond,

Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, William Barry Grove, Robert Goodloe Harper, William Hindman, Hezekiah L. Hosmer, James H. Imlay, Samuel Lyman, James Machir, William Matthews, Daniel Morgan, Lewis R. Morris, Harrison G. Otis, Isaac Parker, Josiah Parker, Thomas Pinckney, John Reed, John Rutledge, junior, James Schureman, Samuel Sewall, William Shepard, Samuel Sitgreaves, Nathaniel Smith, Samuel Smith, George Thatcher, Thomas Tillinghast, John E. Van Alen, and Peleg Wadsworth.

NAYS—Abraham Baldwin, David Bard, Thos. Blount, Richard Brent, Nathan Bryan, Demsey Burges, John Chapman, Thomas Claiborne, William Charles Cole Claiborne, Matthew Clay, John Clopton, Joshua Coit, Thomas T. Davis, John Dawson, George Dent, Lucas Elmendorph, William Findley, Albert Gallatin, James Gillespie, Andrew Gregg, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, Anthony New, John Nicholas, Tompson J. Skinner, William Smith, Richard Sprigg, jun., Richard Stanford, Thomas Sumter, Mark Tompson, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, John Williams, and Robert Williams.

The House then adjourned.

---

TUESDAY, December 12.

Mr. SHEPARD presented the petition of Giles Wolcott, late a captain in the army, praying for recompense for losses sustained in the service.

Mr. LYON moved to have this petition referred to a select committee, as he found the Committee of Claims were determined to reject every claim, however just, if barred by the act of limitation; and as he knew, though this claim was barred, that the petitioner was deservedly entitled to compensation.

This motion not being seconded, Mr. SHEPARD moved to have the petition referred to the Committee of Claims. Agreed to.

## STAMP DUTIES.

Mr. HARPER called for the order of the day, on the bill for postponing the commencement of the act for laying a stamp duty; which being agreed to, the House resolved itself into a Committee of the Whole on this bill, Mr. DENT in the Chair.

The bill having been read,

Mr. LYON moved to expunge the word "June" and insert "January;" but, on the CHAIRMAN informing him it would not be in order, he changed his motion to the inserting of the 31st of December, 1798, instead of the 30th of June, 1798.

Mr. WILLIAMS believed the necessity of a postponement of the commencement of this act was occasioned by the sickness which had lately afflicted this city, as that rendered it impossible to get the necessary preparations for carrying it into effect executed. The object which he supposed the gentleman had in view, would be better attained if he deferred it until the bill was introduced for making the alterations which had been suggested as necessary. A resolution had been sent to the Committee of Ways and Means, directing them to report a plan for raising a sufficient revenue to meet the demands which would be made upon Government in the year 1801. If this plan should include a land tax, he should wish that the stamp duty might not take place, as he voted for it only on the ground of its preventing the necessity of a land tax; but until this was ascertained, he should be in favor of the stamp tax.

[The CHAIRMAN reminded Mr. W. that the question was not whether the stamp act should be repealed, but whether its operation should be suspended for a limited time.]

Mr. W. said, if the amendment proposed were agreed to, he should consider it in the same light as a repeal of the law.

Mr. BROOKS said, the sole object of the bill before them was, to give time to the Secretary of the Treasury to prepare the necessary stamped paper before the act took effect. What were the views of the gentleman who proposed the amendment he could not say. Perhaps he would himself explain why he wished the act to be suspended for a year, which was nearly one-fourth of its whole duration, and would, of course, sacrifice nearly that proportion of the revenue expected from it.

Mr. LYON said, one reason with him was, he had his doubts whether the time proposed for the suspension, would be sufficient for Government to make the necessary preparations. The time which had been given was said to be too short; he wished now to give time enough. The late sickness in this city was alleged as an apology for not having the necessary preparations in readiness. He thought this a poor excuse; because, if the people of this city were sick, the whole country was not so. He had another reason for his motion. He wished the people to have time to get ready to receive a stamp tax. It was a tax every where odious to the people of the United States, and absolute necessity could only reconcile it to them.

The question upon agreeing to this amendment was put and negatived, Mr. LYON only rising in favor of it.

Mr. COIT then moved to strike out, as unnecessry, the second section of the bill, which had a reference to the time for which the law should have existence.

Mr. HARPER wished the section not to be struck out, but amended. The object was to prevent the six months which would be lost by the suspension from being deducted from the existence of the act.

Mr. MACON thought the whole bill might have been comprised in a few words, as in former acts of suspension, by saying that the operation of such an act is suspended till such a time.

The motion for striking out was put, and carried; the committee rose, the House took up and agreed to the amendment, and the bill was ordered to be engrossed for a third reading to-morrow.

## SAMUEL ABBOT.

Mr. MACON moved that the Committee of the Whole be discharged from the further consideration of the report of the Committee of Claims on the petitions of Samuel Abbot, and others. The

Committee of Claims had recommended that provision by law should be made for the relief of these petitioners, whose claims are for arrears of pay, &c., due for services during the war, whose accounts were liquidated, and certificates granted; but they allege that they never received them, by reason of the default of the agents of the regiments to which they belonged. The committee adds, that great caution on the part of the officers of the Treasury will be necessary to prevent abuses. Mr. M. wished, therefore, that this report might be again recommitted, in order that the Committee of Claims might say what the checks were which would prevent imposition, as he could not see any that would be effectual.

Messrs. D. FOSTER and SHEPARD were opposed to the motion, and thought the House ought to interfere in behalf of the petitioners to do them justice, and that it would be doing nothing to recommit the report, until the House had decided whether they would or would not agree to this principle.

The motion for discharging the Committee of the Whole was put and negatived.

## ACTS OF LIMITATION.

Mr. GALLATIN called for the order of the day on the report of the Committee of Claims, to whom it was referred to inquire into and report on the expediency or inexpediency of designating certain claims against the United States to be excepted from the operation of the acts of limitation; which being agreed to, the House accordingly resolved itself into a Committee of the Whole on the subject, Mr. DENT in the Chair. The report was read, as follows:

The Committee of Claims, who were "instructed to inquire into, and report on, the expediency or inexpediency of designating certain claims against the United States, to be excepted from the operation of the acts of limitation," report:

That, in obedience to the orders of the House, they have made all the inquiries which to them appear necessary; that they have attentively and deliberately considered the subject referred to them, and are of opinion that it would not be expedient to designate any species of claims against the United States, which are now affected by the acts of limitation, to be excepted from the operation of those acts.

In considering this subject, a review of the situation of the United States, as respected their finances, during the period when most of the demands originated, was requisite. It was also necessary to ascertain what measures had been adopted by Congress, both under the old and under the present Government, to bring all the demands against the States to a liquidation and settlement.

It will be recollected, that, at the commencement of the war, the United States were destitute of money; and, during a long period of years afterwards, were obliged to rely principally on credit, for carrying on all their important operations.

Having, at that time, no settled National Government, a regular system for conducting public business, especially money transactions, depending on credit, was not to be expected.

Great numbers of individuals were necessarily invested with the powers of binding the public by their contracts. Almost every officer of the Army, whether in the Commissary's Department or otherwise, in different stages of the war, had it in his power to contract debts legally or equitably binding upon the United States. We find Congress, at various times, during the war, endeavoring to make arrangements which should prevent an undue use of the powers vested in individuals, and the dangerous consequences to which the Government was thereby necessarily exposed. The acts of the 5th of March, 1779, and of the 23d of August, 1780, were calculated to limit the public responsibility in such cases. After the peace, and under the old Government, periods were prescribed, within which claims of certain descriptions, and finally all unliquidated claims, were to be exhibited for settlement, or to be forever thereafter barred.

It must be acknowledged by all, that during those periods every provision which could rationally have been expected was made for the accommodation of individuals having claims against the public, to enable them to obtain proper settlements of their demands. The Journals of Congress under the Confederation will abundantly justify this remark.

Commissioners were appointed, with special or general powers, to settle the claims of individuals in all the departments; and, in every instance, the powers given were plenary and explicit. Sufficient time was given for every one to obtain information and pursue his remedy; and ample opportunity was given for all to substantiate their claims, or, at least, to present abstracts of them, which would have prevented their being foreclosed by the acts designed eventually to operate upon them. The cases cannot be numerous, in which the want of opportunity to bring forward claims can be justly pleaded as an excuse for the omission.

By the act of the 17th of March, 1785, all persons having unliquidated claims against the United States were required, within twelve months, to exhibit particular abstracts of such claims, to some of the Commissioners in the State in which they respectively resided, who were sent and empowered to settle accounts against the United States, under the penalty or condition that accounts not so presented, should be thereafter settled only at the Treasury.

By another act of Congress, of the same year, viz: November 2d, 1785, all persons having claims for services performed in the military department, were directed to exhibit the same for liquidation to the Commissioners of Army Accounts, on or before the first day of August, then ensuing. By that act it was expressly resolved, that all claims, under the description above mentioned, which might be exhibited after that period, should be forever thereafter precluded from adjustment and allowance.

And it was provided, by the act of July 23d, 1787, that all persons having unliquidated claims against the United States, pertaining to the late Commissaries', Quartermaster's, Hospital, Clothier's, or Marine Department, should exhibit particular abstracts of such claims to the proper Commissioner appointed to settle the accounts of those departments, within eight months from the date of the said act; and all persons having other unliquidated claims against the United States, were to exhibit particular abstracts thereof to the Comptroller of the Treasury of the United States, within one year from the date thereof; and all accounts not exhibited as aforesaid, were to be precluded from settlement or allowance.

These regulations were adopted by Congress under the old Government. Great care was taken to have

them extensively published, so that every individual who was interested might be informed of their existence and operation.

Under the present Constitution there has not been wanting a disposition to relieve certain individuals whose claims were considered as peculiarly meritorious, which had been affected by the acts above recited.

With this view, in March, 1792, two several acts of Congress were passed, suspending for two years the operation of the resolutions of Congress of November 2d, 1785, and July 27th, 1787, so far as they had barred or might be construed to bar the claims of the widow or orphans of any officer of the late army, to the seven years half pay of such officer; or the claims of any officer, soldier, artificer, sailor, and marine, of the Army of the United States, for personal services rendered to the United States in the military or naval departments.

In consequence of these suspensions, many claims were exhibited, and allowed against the Government. There is reason to apprehend, in some instances, the public were defrauded for want of proper pre-existing checks and evidences of payments being made. This suspension continued for the term of two years, which was till March, 1794. In the mean time, viz: on the 12th of February, 1793, the act "relative to claims against the United States, not barred by any act of limitation, and which had not been already adjusted," was passed by Congress, after a serious and attentive consideration of the subject.

By that law it was provided, "that all claims upon the United States for services or supplies, or for other cause, matter, or thing, furnished or done, previous to the 4th day of March, 1789, whether founded upon certificates, written documents from public officers, or otherwise, which had not already been barred by any act of limitation, and which should not be presented at the Treasury before the first day of May, 1794, should forever after be barred and precluded from settlement or allowance." But this was not to be construed as affecting Loan Office certificates, certificates of final settlements, indents of interest, balances entered in the books of the Register of the Treasury, registered certificates, foreign loans, or certificates issued under the act making provision for the public debt of the United States.

One other act, passed the 3d day of March, 1795, provided that Loan Office certificates, final settlements, and indents of interest, then outstanding, should be presented at the office of the Auditor of the Treasury on or before the first day of January, in the present year, 1797, or be forever after barred or precluded from settlement or allowance.

The summary contains a general view of the principal acts of limitation, by which claims against the public have been affected.

From an attentive consideration of them, and of the circumstances under which they were enacted, the committee are fully impressed with an opinion that it would not be expedient to suspend their operation.

Some remarks extracted from a report heretofore made to Congress, are subjoined by the committee, as pertinent to the subject.

It was essential to the public administration that the extent of just demands upon the Government should be, within a reasonable period, definitely ascertained. It was essential to public safety and to right, in relation to the whole community, that all unsettled claims should be made known within a time when there were yet means of proper investigation, and after which the public responsibility should terminate, and the possibility of charging the Government by collusive and fictitious contracts, should be at an end.

The justice as well as policy of acts of limitation, under such circumstances, cannot be doubted.

The situation of no country ever presented a more clear necessity for, or a more competent justification of, precautions of that nature. And all the reasons for adopting them operate to recommend unusual caution in departing from them, with the additional force of this circumstance, that the subsequent lapse of time has increased the difficulties of a due examination.

The accounts of a considerable number of officers, who had it in their power to bind the public by their contracts, and who were entrusted with large sums of money for fulfilling their engagements, remain unsettled. Some of those persons are dead; others have absconded; the business has been conducted by others with so little order as to put it out of their power to render a proper statement of their transactions. The books and papers of others, who had extensive trusts, have been destroyed, so as to preclude the possibility of settlement. Hence it must appear that the Government would, in a great number of cases, be destitute of the means of repelling unfounded and even satisfied claims, for want of documents and vouchers, which only could have resulted from a due settlement with those officers, and from the possession of their books and papers.

It might be inferred without proof, and it has appeared in the course of business at the Treasury, that it was a practice with certain public officers, on obtaining supplies, to give receipts and certificates for them, and when they made payments, either partially or totally, to take distinct receipts from the parties without either endorsing the payment upon the original vouchers or requiring a surrender of them.

Hence it would often happen that parties could produce satisfactory vouchers of their having performed services and furnished supplies, for which, though satisfaction may have been made, the evidences of it would not be in the possession of the Government. And hence, from relaxations of the limitation acts, there would be great danger that much more injustice would be done to the United States than justice to individuals.

The principles of self-defence, therefore, require and justify an adherence to those acts generally; and there are not any particular species of claims, which, in view of the committee, ought to be exempted from their operation.

Those which have been most frequently referred to by some members of the House, are such claims as include the arrearages of pay and other emoluments to officers and soldiers of the late army, &c.

Pursuant to an order of the House at the first session of the present Congress, a report was made to them, having special reference to this subject. It was considered in Committee of the Whole, and agreed to by the House on the fifth day of February, 1796. To that report and the documents accompanying the same, the committee ask leave to refer the House, and respectfully submit the whole subject to their consideration.

Mr. D. FOSTER said the report itself had stated the reasons of the committee for making it, so fully, that he thought it unnecessary to do more than move that the House concur with it.

Mr. GALLATIN observed that this report went upon two principles: first, that sufficient time had been given for claimants to come in, and that

therefore, it was always the fault of themselves, if their claims were not allowed; the other was, the danger of fraud that would attend the settlement of unliquidated accounts from the want of proper checks. Taking it for granted that the Committee of the Whole would concur in the report, he should make a motion to except a class of claims which did not come within the operation of these objections, to the possessors of which due notice had not been given of their being barred, and which were already liquidated. The description which he alluded to were Loan Office certificates, final settlements, and indents of interest. It was to be observed that on the 12th of February, 1793, an act was passed relative to claims, which required them to be presented at the Treasury before the first of May, 1794, or they would be forever barred, but these descriptions of claims were excepted. Public notice was given of this act, so that the country might become well acquainted with it. But an act had been passed on the third of March, 1795, making further provision for the support of public credit, and the reduction of the public debt, which was a long act, relating to different objects respecting the public debt; but, in the middle of this act there was a section inserted requiring all Loan Office certificates, final settlements, and indents of interest, to be funded within two years. This act was foreign to the subject, and there was nothing in it to lead to a supposition that such an article would be found in it; nor had the law been published in the newspapers, or any means taken to acquaint the holders of this property with it. He could not, therefore, conceive that it was consistent with public credit or good faith to pass a limitation law in such a way. He therefore hoped the law would be suspended so as to give due notice to the holders of this species of paper that it was intended to be barred. He knew there were strong objections against suspending acts of limitations on account of frauds and forgeries; but he did not think these of sufficient weight to prevent justice from being done to this class of public creditors. The provision barring these claims was little known. He himself knew nothing of it until he had occasion to take a general view of all the revenue laws of the United States, when he met with it in the middle of the act he had mentioned. He was himself wholly disinterested in the business, as he did not know an individual who was possessed of a certificate of this kind. How many there were he knew not, or how much danger there might be in the suspension he could not tell; but he was struck with the injustice of thus barring this description of claims. He, therefore, proposed the following resolution for the adoption of the committee:

"*Resolved*, That so much of an act, entitled an making further provision for supporting Public Credit, and for reducing the Public Debt, passed March 3, 1795, as bars from settlement, after a limited time, Loan Office certificates, final settlements, and indents of interest, be suspended for a limited time."

Mr. N. SMITH allowed that the gentleman from Pennsylvania had shown to his satisfaction that it would have been much more proper to have had the law in question in a distinct act, than in the act in which it had been introduced; and he regretted that gentlemen had not been sufficiently awake, when the law passed, to have prevented the evil, as it had passed the House since he was a member of it. But, at this time, it presented to his mind a different question. This species of paper is now dead by law. To pass an act to revive and bring it again into existence, was a very different thing from acting originally right. That gentleman had, however, not noticed the impropriety at that time, which he lamented; but could not consent to its being revived at this day, which would be to encourage a spirit of speculation that would deprive the real holders of the certificates from any benefit, and throw money into the hands of persons no way entitled to it. Here, said he, is a species of paper destroyed by an act of limitation, not by a separate act, but by a clause of an act on a different subject. The consequence would be, that designing, evil speculators who may perhaps have interest enough to procure a repeal of this law, by an application to Congress, will buy up this paper for a mere trifle from persons believing it to have been destroyed by law. The moment this question was agitated the speculation would have a beginning. He did not know that it had already commenced, but before the proposition got to the Senate, he doubted not that hundreds of persons would be purchasing this paper from individuals who believed it to be of no value. He was, therefore, opposed to the resolution.

Mr. BROOKS could not agree with the gentleman who had just sat down. He seconded the motion because he thought it at once clear and reasonable. He was himself no way interested in it. These claims had been as much settled as they could be, and he thought the law for barring them had not been made sufficiently public. Instead of giving light to the people from the house-top, they had placed their light under a bushel. With reference to the danger to be apprehended from impositions, he did not think it great, as the books which were kept at the public offices were calculated to prevent frauds by marginal checks, &c. Indeed, this subject was so plain and obvious, that he doubted not the proposition would be adopted by a large majority of the committee.

Mr. DAYTON (the Speaker) said the gentleman who spoke last had anticipated most of what he had intended to offer on the subject. He was going to remark that this particular description of debt did not fall within the reasoning of the Committee of Claims on the limitation acts, and that the possessors of it could have no expectation of its being barred. In addition to the marginal checks of the office books mentioned by the gentleman from New York, there was also a check-letter in the books and on the certificates, which rendered forgery almost impossible. What brought this particularly to his notice was, three weeks before he came from home, a poor soldier applied to him with one of these certificates, and another one week before he set out, to get something for them. He told them they were barred. They were surprised. They said they were given to them at

the conclusion of the war; that they were to have received their pay from month to month during their service, but that nothing had been given to them till the end of the war, when they received these certificates. They had applied for five or six years together for payment; but growing weary of unsuccessful application, they laid their certificates aside. They hear, at length, they may be funded, but when they apply they are told their application is a few weeks too late. Was it possible, he asked, that a majority of that committee could agree to a report which, without this resolution, went to bar these men of their claims? Their accounts had been settled, their names were on the muster-roll, and every regulation had been attended to; yet, by a law which had been passed, but known to a few only, these certificates were precluded from benefit. He trusted this report would not be sanctioned. If gentlemen were afraid of speculation, the proposed suspension might only be in favor of the real holders of certificates who had themselves served or furnished supplies. He should be satisfied with this.

The gentleman from Connecticut (Mr. SMITH) lamented that the law had been passed in the way which had been mentioned. He joined him in the lamentation, and he hoped that gentleman would join with those who wished to provide relief to these meritorious men—men who were not in a situation to get any information with respect to the law which barred their claim, and who depended upon their daily labor for support.

Mr. ALLEN said, the gentleman last up had given them certain information as to the checks kept in the books of the public offices, with a view, he supposed, of influencing their votes. He wished to know whether in those books there was an account of the sum due to these claimants? [Mr. BROOKS answered there was.] Mr. A. said he should not then be against the resolution, but he should wish to confine the benefit intended to be given to the original holders, and not to give it to speculators. He thought the case of these people hard; but could not subscribe to the idea that because the law had not been published in a certain way, it ought not to be enforced; since no man could be supposed to be ignorant of the law. He moved to add these words to the resolution, "in certain cases."

Mr. DANA said, that when a man was prosecuted for a breach of the law, he could not plead an ignorance of it; but this did not apply to the present case. The law in question was little known; it could not even be found in the index of their laws. He himself did not know there was such a law, until after it had taken effect, and then he had good reason to know it. Last Winter a certificate was given to him to be funded; but owing to his being obliged to stop on the road some time, from the dislocation of a limb, he did not arrive till a few days after the claim was barred by the law in question. If the members, then, of that House were ignorant of the law, how could they expect that persons holding these certificates should be acquainted with it? He had also called at the office of the Commissioner of Loans, where he was directed to the Treasury Department, but received no information at that office that the claim was barred. This being the case, he trusted the committee would not refuse to do an act of acknowledged justice. As to the amount of these claims, they were not ignorant of that; from the accounts of the Secretary of the Treasury, it was $1,124,000. And to prove that there was any danger from forgery, it would be necessary to produce instances of this kind of fraud. The evil of speculation would be prevented by the proposed modification. He trusted, therefore, as it was called for by every principle of justice, the resolution would be acceded to.

Mr. REED was in favor of the amendment, and hoped the resolution would be agreed to. He had presented a petition the other day praying that some provision of this kind might be made. He held in his hand the original acknowledgment of the debt, upon which interest had been paid. The certificate was first sent to him to be funded; but, finding it barred, the owner of it had petitioned for relief.

Mr. COIT hoped the amendment would not prevail, as it would run counter to all former laws on this subject; and he trusted they should not now depart from the principle heretofore adopted. He was, however, in favor of the resolution itself. He was a friend of statutes of limitation; but he would have them fairly made. The law in question could not be sufficiently known.

Mr. T. CLAIBORNE called for the reading of the section of the law which related to this subject. If they were to do anything in the business, he should be for doing complete justice. [The law was read.]

Mr. ALLEN had little respect for persons who had obtained the possession of these certificates by speculation. He wished only to relieve the original holders; but if this were not guarded against, the evils which his colleague (Mr. SMITH) had foretold, would certainly take place. It had been said that there had been no instances of forgery; he mentioned one with which he was well acquainted.

Mr. ELMENDORPH trusted that the gentleman who proposed the amendment would withdraw it, when he was informed that it was the practice to issue Loan Office tickets in the names of others than the real owners. He mentioned one instance, and knew it was a common thing.

Mr. ISAAC PARKER was in favor of the resolution of the gentleman from Pennsylvania; but he would rather not pass it than it should pass with the amendment. He wished not only original holders, but all others, to have the benefit of the proposed suspension. The certificates, he said, were originally negotiable, and he saw no reason for depriving them of that quality. It was true that, in this case, the money might go into the pockets of a set of men who were not very popular in this country; but this could not be avoided. All limitation laws were contrary to justice; but, in all cases where it was expedient to pass them, care ought to be taken that no class of men in

particular should be affected by them. It has been objected to this resolution that if it passed, it would open a door to frauds, and chiefly serve speculators; but it could not be said that it would place the original holders in a worse situation than they are at present, but in a better. He hoped, therefore, the resolution would pass, without the amendment.

Mr. S. SMITH said, this subject had been so frequently agitated in Congress, and the doctrine of *discrimination* so constantly decided against, that he wondered it should, at this period, be renewed. It was fully tried at the time of commencing the funding system. Every person possessing a certificate, before the claim was barred, had the same right to have it funded, and he saw no reason why they should now make a distinction. He was in favor of the resolution, and should have no objection to any modification of it which would tend to prevent speculation.

Mr. BROOKS called the attention of the committee to what had fallen from his colleague, (Mr. ELMENDORPH,) with respect to these certificates being issued to others than the real owners, for this reason—because the public faith was pledged to pay the amount to the bearer. It was impossible, he said, for them to guard against frauds between individuals; and any regulation they could make in this respect, would only be an encouragement to perjury.

Mr. THATCHER said that, during the last and present session, he had certificates sent on to him to be funded, by his constituents, telling him, they heard the country was about to pay its debts. He told them, in answer, that they had said, that, by law, they would pay nothing at all. This his friends thought a hard matter; since they were possessed of acknowledgments of debt, which Government had solemnly promised to pay. This was, however, their situation. He was therefore clearly of opinion, that these people ought to be paid; but there had been a hue and cry, raised by the gentleman from Connecticut, against speculators. He did not think this description of men had done the millionth part of the injury ascribed to them. He believed they were in the situation of a certain other personage; for he was for giving the "Devil his due;" but he thought the old gentleman himself was often highly injured, by having more laid to his charge than he was guilty of. He thought these same speculators had done more good to the public, than Congress had done in passing the law in question. He wished their conduct was fully and fairly examined; he thought it would bear examination. Gentlemen say that, since last January (when these claims were barred) these speculators had been buying up this paper from the holders for a mere trifle. Suppose, said he, this were true, and they had given an original holder 4*s.* in the pound for what he believed to be of no value. Where was the criminality of this? Was he injuring the holder? As well might it be said, that a man who visits another in prison, and gives him meat to eat, does him an injury, because he does it with an expectation that Heaven will reward him. Connecticut, he said, was the last quarter from whence he should have expected such a doctrine. If it were right and just that original holders should receive that which they have had promised them, he thought those who had risked the purchase of them, in the face of a law of the United States, out of mere compassion and benevolence to the holder, were entitled to more. The only ground upon which speculators could build a hope was, that Congress, having passed an injurious law, would one day be brought to a sense of shame for having done so, and do justice. To punish these men, therefore, for entertaining this hope, would be to punish virtue with a vengeance. These odious characters, speculators, it must be allowed, he said, have some good qualities; for, if they have not constantly fed these claimants on Government, they have, at least kept them from starving. He should, therefore, be opposed to the amendment.

The question on the amendment was put and negatived, there being ten votes only in favor of it.

Mr. J. WILLIAMS said, he should vote for the resolution, though he thought it did not go far enough. The holders of these kinds of certificates had been informed, that the act of limitation did not reach them; they therefore supposed their claims would never be barred. This being the case, he thought they should agree to this resolution, and leave the holders at liberty to fund them, since they had evidently been ignorant of the passing of the law respecting them.

Mr. BALDWIN thought some of the arguments on the subject went too far. The truth was, they had not sufficient checks to guard against frauds. They had for twelve or fourteen years been endeavoring to guard against them. If the resolution passed, which, perhaps, it ought, the suspension should be for a short time; for, though the public were able to guard against fraud, individuals would be continually exposed to deceptions, if this property were suffered to be long afloat.

Mr. EDMOND said that, notwithstanding all the observations which had been made on this subject, he could not vote in favor of the resolution before them. He had heard no argument sufficient to induce him to set aside an act of limitation. They were to presume that this law was made after due deliberation. Why, then, repeal it? Because it was said there were certain poor soldiers, and others, possessed of certificates which were barred by this act. It was extremely easy to paint the situation of such persons in glowing colors. But when they had passed an act of limitation, they were not to set it aside for particular cases. This would defeat the idea of limitation. They must, therefore, consider all persons in the same situation; whether a person was an original holder, or had purchased his certificate, was immaterial. The statute had equally barred them. Had circumstances, since the passing of the act, changed? No; the only reason which bore any color was, that the law had not been sufficiently promulged. If there had been a neglect on this head, those who had been guilty of the neglect should redress it. Was it not made as other laws were made, and promulged in the same way? But it is said

to be incorporated in a lengthy act, embracing a number of other articles, and no reference was made to it in the margin; but it was comprised in the laws of a single session, making a small volume, and had been promulged in the same way in which penal acts which affect the lives of individuals were promulged. However the subject might be reasoned upon, it was said that the fact was, that the law was little known. It was said, there were members in the House who were not acquainted with this law. Was this, he asked, an extraordinary thing? No one supposed that every member in the House was acquainted with every law of the United States. The soldier who, probably, could neither read nor write was not supposed to look after the laws which were passed every session; no, the members of the Legislature, when they return home, take the laws with them, and give the information to their neighbors. If they were not thus published, it was owing to a culpable neglect. From all these considerations, he thought the law should be preserved.

Mr. BROOKS said, it was an extraordinary doctrine to say that, though the members of the Legislature were unacquainted with a law, yet, that individuals, who did not look into a book once in seven years, should be perfectly acquainted with it. What would the people of the United States think of this? It had not the semblance of justice.

Mr. MACON said, on the principles of equity, the statutes of limitation might be looked upon as injurious; but as no law had ever been passed with more notoriety than the one in question, he could not have believed, if gentlemen had not themselves declared it, that it should not have been known to them. It was founded upon the only report which the Secretary of the Treasury ever sent to that House unasked for, and it underwent as much debate as any other law of the United States. These claims, Mr. M. said, could stand in no better situation than those of persons who had not been in the way of getting their claims settled. Where both had performed services, both had the same equitable claim: books were the testimony in both cases. If it were necessary, therefore, to take these claims out of the statute, it was equally necessary to repeal all the statutes of limitation at once. Mr. M. mentioned an instance of fraud which took place in Rhode Island, by a small sum being altered to a larger in a certificate, upon which the interest had been several times paid before it was discovered. It was impossible, he said, to guard against frauds; but he knew very well that whenever the claims of a soldier came up, the humanity and philanthropy of the House were called upon to afford relief; but no difference ought to be made in favor of one class of claimants more than another. There had been a number of hard cases which had been decided against, from their being barred, and if they opened the door at all, it should be opened generally.

Mr. GALLATIN said, he should not have offered anything more on the subject, but for what had fallen from the two gentlemen last up. There was an essential difference, he said, between these claims and others; it was this, these were liquidated, the others were unliquidated. In the latter there were open accounts at the Treasury, and if they were not settled in a given time, it was not possible to check them. That time had therefore been limited, but, with respect to liquidated claims, the same order had not been taken. They were accounts settled, which never could be expected to be barred, as the certificate was a sort of negotiable note from the Government. If this had not been the view of the Legislature, why except these claims from the acts of limitation? It was clear, therefore, that they stood on quite different ground from the description of claims alluded to. And let it not be said, added Mr. G., that the holders of the certificates ought to be acquainted with the law which affects these claims. If the United States owe a debt which they do not mean to pay, except presented before a certain day for settlement, it was their duty so to promulgate the law as that it should be generally known. Much had been said on the score of speculation. He thought the great zeal which was now shown against speculators ought to have been brought into action at an earlier period. Ten years ago the idea of discrimination had been discarded, and he thought it too late to introduce it now.

The gentleman from Connecticut (Mr. SMITH) had said, it was the duty of members who were present at the passage of the law of 1795 to have opposed it at the time. If the gentleman alluded to him, he was mistaken, as he was not a member of the House at the time the act passed. Gentlemen who had spoken against speculation had confounded two things together, viz: persons who had purchased these evidences of debt of individuals for a trifle, and those who had received them in a regular way. It would be perfectly unjust to put the latter upon a worse footing than original holders. If it were meant only to affect the former, (if the bill could be so modified,) he should not object to it, though he believed great difficulty would attend the insertion of such a provision. He hoped the measure would be adopted in its present form.

Mr. ALLEN wished the committee would rise, and have leave to sit again. He wanted this matter developed. There seemed something behind which did not appear. It was impossible that a million of dollars of this description of debt could lie in the hands of original holders. This subject had only been introduced this morning, and he thought it was not well understood. He wished to have a little time for consideration. He thought, also, that a new system of morals had been introduced on the occasion, which ought to be examined.

Mr. BROOKS and Mr. THATCHER were opposed to the committee rising.

Mr. MCDOWELL was in favor of it, so that gentlemen who wished to speak on the subject might have an opportunity; and that their feelings, which had been worked upon by highly coloring the sufferings of poor soldiers, might have time to cool. He feared the certificates in question were chiefly in the hands of other persons.

Mr. COIT had no objection to the committee

rising. The sum which had been stated as the amount of the class of claims under consideration was not correct; that sum included a number of claims of a different kind.

Mr. Gallatin was perfectly willing that the committee should rise; but not from the insinuations thrown out by the gentleman from Connecticut, (Mr. Allen,) that the motion was wished to be hurried through the House, or that there was something behind which did not appear. Having declared he did not know a person who had one of these certificates, and not having had any desire for the motion to pass to-day, of course the insinuation could have no foundation as it respected him, though he had introduced the business, and he should be justified in taking no notice of it.

Mr. Allen said, what he meant was, that certain owners of public paper of the United States had determined not to accept of the terms offered by the Government, but to have shilling for shilling, and that this suspension was intended more to relieve persons of this description than poor, original holders.

The question on the committee's rising was put and carried. The committee had leave to sit again.

Mr. Harper, from the committee to whom was recommitted the bill for the relief of the representatives of William Carmichael, deceased, reported a new bill, which was twice read, and committed for to-morrow.

---

Wednesday, December 13.

John Wilkes Kittera, from Pennsylvania, appeared and took his seat in the House.

The bill for suspending the act laying a duty upon stamped vellum, parchment, and paper, until the 30th of June next, was read the third time and passed.

## ACTS OF LIMITATION.

According to order, the unfinished business of yesterday came before the House; when

Mr. Allen moved that the Committee of the Whole be discharged from a further consideration of the report of the Committee of Claims on the expediency or inexpediency of excepting certain claims from the operation of the limitation acts, in order that the report might be referred to the Secretary of the Treasury. His reasons for making this motion were stated to be, that further information might be obtained with respect to the risk there would be in making the proposed exception, and also with relation to the manner in which the law barring the claims proposed to be excepted had been published.

On being informed by the Speaker, that it would not be in order to discharge the Committee of the Whole to refer the report of a select committee to one of the Heads of Department, but that the Committee of the Whole might be discharged, on the further consideration of the report postponed, with a view of calling upon any department for information, Mr. A. adopted the latter mode, and moved that the consideration be postponed till Monday week.

After a few observations from Messrs. Brooks, Gordon, Goodrich, and Gallatin, which were chiefly in favour of the postponement, the motion was agreed to.

## CIRCUIT COURT OF DELAWARE.

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

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

I lay before you the copy of a letter from the Judges of the Supreme Court of the United States, representing the inconvenience arising from altering the time of holding the Circuit Court for the State of Delaware, from April to June; and desiring that the existing law may be altered, by restoring the Spring session of the Circuit Court in Delaware to the twenty-seventh of April.

JOHN ADAMS.

United States, *December* 13, 1797.

The said Message was read, and, together with the letter referred to therein, ordered to lie on the table.

## ANTONIA CARMICHAEL.

Mr. Harper moved the order of the day on the bill for the relief of the representatives of William Carmichael, deceased; which being agreed to, the House resolved itself into a Committee of the Whole on the subject, and the bill having been read,

Mr. Venable moved to strike out the following words in the act: "and also in full for any demand on account of an outfit for him on his appointment as Chargé d'Affairs, on the 20th day of April, 1790." He thought these words a surplusage, and might do mischief in future settlements. It had not been customary for the United States to allow outfits to officers of this grade, and therefore improper to refer to such an allowance. This motion was supported by Messrs. Nicholas, Rutledge, and Elmendorph.

It was opposed by Messrs. Harper, Gallatin, and Pinckney, on the ground that a claim having been made for the allowance of an outfit, it was necessary, in order to prevent that claim from being hereafter renewed, to have a clause of this kind in the act.

It appears, that by an act passed in July, 1790, Chargés d'Affairs, as well as Ministers Plenipotentiary, are now entitled to an outfit of not more than one year's salary; but Mr. Carmichael having left this country in the character of Secretary of Legation to Mr. Jay, in the year 1782, and had the expenses of his voyage and establishment in a foreign country (for which purposes Mr. Pinckney said the outfit was allowed,) it had not been thought right he should be allowed for an outfit. A difficulty occurred in this business, whether Mr. Carmichael should be considered as Chargé d'Affairs from the year 1782, when he entered upon the duties of that character, or from 1790, when he received his new commission. If he had been considered in this character from the latter period only, it was said he would have been entitled to an outfit; but then he would not have been enti-

tled to full pay as Chargé d'Affairs from the time he entered upon the duties of the office, nor to the extraordinary charges which were claimed. The committee reported the bill, therefore, agreeably to the report of the Secretary of State, allowing him full pay and extraordinary expenses, but rejecting the claim for an outfit.

The amendment, after a considerable debate, was put and carried—47 to 35.

Mr. VENABLE then moved to strike out the second section of the bill, which authorized the accounting officers of the Treasury to allow to the representatives of the deceased, at the rate of $4,444 44 annually, from the 20th of May, 1782, to the 20th of April, 1790. He thought the extraordinary expenses which had been agreed to be allowed, of $8,258, would be a sufficient compensation for his extra services as Chargé d'Affairs, without any additional salary, as his salary as Secretary would be paid at the Treasury, without any special act for the purpose.

The motion was supported by Messrs. COIT and WILLIAMS, and opposed by Messrs. HARPER, GALLATIN, S. SMITH, and BROOKS. It was put and negatived, there being only 24 votes in its favor.

Mr. ALLEN renewed the motion which he had made when the report on this subject was under consideration, to allow an interest of six per cent. per annum upon the amount which should appear to be due, from the time at which application was made for payment, until the money was paid.

This motion was immediately negatived without a division.

The committee rose, the House agreed to the amendment, and the bill was ordered to be engrossed for a third reading to-morrow.

## FOREIGN COINS.

The House resolved itself into a Committee of the Whole on the report of a select committee appointed to inquire whether any and what alterations are necessary in the law, entitled "An act for regulating Foreign Coins, and for other purposes."

The report of the committee was read as follows:

"That it appears, from the best information they can obtain, that very little of the silver coin of the United States has circulated at any considerable distance from the Mint, especially in the interior parts of the country."

"That, by the operation of the law which provided that at the expiration of three years after the coinage of gold and silver should commence at the Mint, all foreign coins, except Spanish milled dollars, and the parts of such dollars, should cease to be a legal tender, considerable embarrassments have been produced, and many losses sustained, as a very considerable quantity of foreign silver coins other than Spanish milled dollars, was, at that time, in circulation.

"Your committee also find, that, by the operation of the said act, all foreign gold coin will cease to be a legal tender after the thirty-first day of July next; that a great quantity of it is now in circulation, and must necessarily continue so until that period arrives, as it will be scarcely possible for the Mint, on its present establishment, to coin a sufficient quantity to replace it.

"Your committee are, therefore, of opinion that provision ought to be made by law, authorizing and requiring the collectors of the revenue to receive, in discharge of all demands of the United States, foreign silver coins other than Spanish milled dollars and parts of such dollars, at the rates and under the regulations by which they were receivable before the 15th day of October last; that this regulation should continue for two years, and until the end of the next session of Congress thereafter; and that so much of the said act as relates to the circulation of forign gold coins, be suspended for the like time."

Mr. GALLATIN wished to know from the committee why the distinction had been made between foreign gold and silver coins? why they had not recommended the act to be suspended with respect to silver as well as gold? He could not see any reason why crowns should not be a legal tender for payments in general, as well as to collectors of revenue.

Mr. SITGREAVES rose to propose another question to the committee. His colleague had supposed the distinction which had been made between foreign gold and silver coin, was in favor of the gold, and would limit the circulation of the silver coin. He should rather suppose the distinction was the other way, and he should like to be informed what had induced the committee to recommend a suspension of the laws respecting foreign gold coin. They knew the silver coin circulated by tale, the gold by weight; the value of the latter had actually diminished by various means, such as sweating, plugging, clipping, &c., so that there was no method of ascertaining, with precision, the value of gold coin, without weighing it; and persons not in mercantile habits, and who were not possessed of a pair of scales, were at a loss to know its value. The inference he drew, therefore, was, that the sooner they could get the gold coin out of circulation the better, and the quantity was so small that no great inconvenience would ensue from such a measure. With respect to the silver coin, the provision recommended would, he believed, occasion but little inconvenience. But, instead of suspending the act as it related to gold coin, he thought they ought to accelerate the period of throwing that coin altogether out of circulation.

Mr. VENABLE, (the chairman of the committee,) in answer to the two gentlemen from Pennsylvania, said, that the distinction which the committee had made between foreign gold and silver coin, was founded on this consideration, that the law relative to silver had already been carried into effect, and the consequences which would be produced by the provision recommended, were now felt; and it was supposed that this restriction would be a means of bringing the foreign silver sooner into the Mint; as, if it were not allowed to be a legal tender for any thing but duties, its circulation would, in a great degree, be confined to the seaports, and when the United States got it into possession they would send it to the Mint, and it would be re-issued in our own coin. With respect to gold coin, though there was little of it in circulation near the banks, there was a great deal

of it in remote parts of the country where there were no banks; so much, that it would be impossible to bring it to the Mint to have it reissued, without sustaining great loss, and without being almost totally deprived, in the meantime, of a circulating medium. And though foreign gold coin was subject to the injuries which had been mentioned, our own gold coin was equally subject to them. Few of the coins of the United States, he said, had found their way into the interior of the country; indeed, so rare were they, that when they were met with they were preserved with as much care as if they were curious medals.

Mr. J. WILLIAMS approved of the report. In the northern parts of the State of New York, and the northern and western parts of Vermont, considerable trade was carried on with Canada, from whence they received gold coin in payment; and if the law respecting foreign gold coin was not suspended, there would be no circulating medium in that part of the country, as they had no paper, but all payments were made in dollars, crowns, guineas, and half joes. As to a coin from the Mint of this country, it was with them quite a curiosity.

Mr. NICHOLAS was not satisfied with the reason which his colleague [Mr. VENABLE] had given for not going further into this business. He seemed to think that the law for prohibiting the circulation of foreign coin had already been felt as it respected silver. He believed the first shock had only been experienced. He did not see any advantage to be derived from the regulation proposed. It went to lessen the value of a certain kind of property, in order to enforce it into the Mint of the United States; but, until it could be shown that such a measure would be of some advantage to the community, he did not think that House would be justified in adopting it. It would be said by the people, and with propriety too, that they had established a Mint, but could not work it without defrauding them of their property. He had always thought the establishment useless, and in order to make it otherwise, a plan was now contemplated to rob the people of their property. If the same regulations were to be adopted with respect to gold, which were recommended with respect to silver, the inhabitants of the interior part of the country would be wronged of ten per cent. of their moneyed capitals, as at present the French crown would pass there for no more than a dollar. He knew many who retained this kind of property in their hands because they would not submit to the loss. He saw no reason for prohibiting this kind of coin; he believed it to be as good as any which could be given them in exchange for it; as a proof of this the banks of this city received it at its original value. The same observations would hold good with respect to gold coin. He thought it much better that gold coin should pass according to its weight, than they should pass sanguinary laws to punish persons for reducing its value. He wished, therefore, that the whole law might be suspended, as, if the regulations proposed were adopted, it would injure one party of the people for no other reason than because gentlemen were determined to persevere in what he deemed always an error—the support of a national Mint.

Mr. CHAPMAN said, the arguments of the gentleman last up did not go to the present question, but to whether we should have a Mint or not. Mr. C. said, when he first saw the law for prohibiting the circulation of foreign coin, he thought unfavorably of it; but, from the information he had received on the subject, he now thought differently, and believed, if the plan proposed by the committee was agreed to, it would remove any objections to its operation. He thought the reasons which had been assigned for the regulations were good. With repect to the effect it would have on the Mint, as French crowns were to be received in payment by Government, they would doubtless be recoined; banks would also receive French crowns, or parts thereof, their operations would go on as usual, and the value of this species of coin would not be lessened. The act incorporating the Bank of the United States had declared that the notes of that bank should be received in payment by the officers of the United States for duties, which had given a circulation to that paper more extensive than any other, which would of course have a tendency to lessen the evils complained of. He was well satisfied with this report; but, if any amendment could be made to it, which could make it more acceptable to other gentlemen, and equally favorable to the Mint, he should not object to it.

Mr. NICHOLAS asked whether it would be in order to move to insert a resolution to the report.

The CHAIRMAN answering in the affirmative.

Mr. NICHOLAS said, to agree to the report, as it stood, would be to set one part of the people to speculate upon another; as, in those parts of the Union where little was paid to the custom-house, a French crown would pay for no more than a dollar, and it would be the business of persons living in seaports, to purchase them at a reduced value, which would be giving a different value to coin in different parts of the country, and be an unjust tax upon a large portion of the people.

Mr. HARPER agreed with the gentleman who had just taken his seat, that if the coin of the United States was no better than that which they wished to stop the circulation of, everything which had been done in the establishment of a Mint was wrong. This point had often been discussed. It was agitated when the Mint was first established, and it was decided that the coin to be issued from the Mint would be better than the coin then in circulation; not because a particular piece of gold was of more value to an individual, but because it was better for a nation to have a coin of its own. It was on this ground that the expense of the establishment was justified. Therefore, the gentleman was begging the question upon a subject which had been long decided. He was far from being of the opinion of the gentleman from Virginia, that the proposed regulation would reduce the value of foreign coin ten per cent., for, if a French crown passed for one hundred and ten cents in the seaports, it would soon have the same

value all over the United States; and if the attempt to purchase them at an undervalue were to be tried, it would be found that a competition would produce their real value. But though there might not be much duty paid in some parts of the country, there were everywhere storekeepers who had dealings with the merchants in the seaports, and who would be glad to receive them in payment for their goods. He allowed some little inconvenience might arise in thus endeavoring to promote the circulation of our own coin; but if the business was postponed, the same evil would always occur. He hoped, therefore, that the regulation, with respect to silver coin, recommended by the committee, would be agreed to. As to foreign gold coin, he should wish that to be put upon the same footing, which would bring it into the Mint, and it would be returned into circulation in a new shape. But the committee had reported a fact which, if well founded, was of importance, viz: "that it was scarcely possible for the Mint to recoin this money so fast as it should be brought in." If this were so, they must either not call it in, go on in enlarging the Mint, or have no Mint at all. But he did not take the fact as stated. He believed there was no want of mechanical force in the Mint.

Mr. VENABLE interrupted Mr. H. to say, the committee did not mean that the Mint had not the necessary mechanical force; but that they could not get sufficient bullion for the occasion.

Mr. CHAMPLIN wished to have the liberty of asking the Chair whether the question was not susceptible of division. If it were, he thought it would greatly shorten the debate to divide it.

The CHAIRMAN answered, that the question might be divided.

Mr. HARPER thought of making a motion to that effect. The information which the gentleman from Virginia had given was sufficient. If there had been a physical incapacity in the Mint to have coined a sufficiency of money, there would, indeed, have been a real difficulty; but if bullion only was wanted, the only means to supply it would be to call in the foreign gold coin. He hoped, therefore, that the regulation with respect to silver would be agreed to, and that the gold coin might be put on the same footing.

Mr. VENABLE proposed that the former part of the report should be first agreed to, relative to silver coin.

Mr. GALLATIN understood that the gentleman from Virginia (Mr. NICHOLAS) was in order.

The CHAIRMAN said he had mentioned his intention of moving a resolution, but had not handed it to the Chair.

Mr. NICHOLAS said, that understanding his motion was in order, he should make it. He would first state one fact, which would be sufficient to answer all the reasoning of the gentlemen from South Carolina and Rhode Island, (Mr. HARPER and Mr. CHAMPLIN.) Though, in the large cities, bank notes were equal to every purpose as a circulating medium, in the country, where he lived, they passed at a depreciation only. This resolution was to the following effect:

"*Resolved*, That so much of the act, relative to silver coin, &c., as goes to restrain the circulation of foreign coin, be suspended for a limited time."

Mr. GALLATIN was in favor of this resolution. He did not think the proposition of the committee went far enough. It did not follow, as the gentleman from South Carolina had stated, that because a French crown passed in a seaport for 110 cents, that it would soon pass everywhere for that sum. The moment it was said a French crown should be payable only for certain purposes, that moment it became an article of merchandise, which would rise and fall according to the demand there might be for it. This was the case with all foreign coins, in every country where they did not pass a legal tender. If there were any weight in the argument of the gentleman from South Carolina, that because the collectors would receive crowns at 110 cents, they would always be worth it, it might be carried further, and said, that because this coin has this value in any other country, it cannot depreciate here. It appeared, therefore, that though the provision recommended would remedy the evil, in some degree, it would not remedy it altogether; and that where there was not a demand for this species of coin, it would depreciate in its value. Mr. G. said, it was clear we had not more circulating medium in the country than was necessary for the purposes of commerce, and that, therefore, the withdrawing any part of it would be an evil. It was necessary, therefore, to inquire whether any good would arise from such a measure, to counterbalance the evil. The gentlemen from Rhode Island and South Carolina said, it was necessary to the existence of the Mint. What were the advantages to be derived from the Mint? They were told, that the great object was to have a coin of our own. This observation could not apply to foreign silver coin, because the law declared that Spanish dollars should circulate as usual, which acknowledged that we stood in need of foreign coin for a circulating medium, and that our Mint was insufficient for the purpose. But, in relation to the Mint itself, it was said, the proposed measure would force the foreign coins into the Mint. He wished to know how this could be effected. How could directing the collectors to receive this coin force it into the Mint? Was it supposed, that the moment the banks, or the revenue officers receive crowns, they will carry them to the Mint? How had it happened, that, in receiving seven millions of revenue from the custom-houses, that more of this coin had not heretofore been sent to the Mint? And could it now be supposed that they would be compelled to take this coin to the Mint? In relation to gold coin, the gentleman from South Carolina had said, that the only way of getting it into the Mint was to say it should not be a legal tender. But why thus force the people to take this species of coin to the Mint? It was clear it could not be the interest of Government to have a Mint, if it were not the interest of the people; and if they saw it to be their interest, they would take their foreign coin there without being forced to do it. But, said he, if you suppress all foreign coin, you will do it con-

trary to the will and interest of the people; and if this were the only means by which Government could establish their Mint, he thought the institution would never become a very popular one.

Mr. HARPER interrupted Mr. G. He did not say that this was the only way in which the Mint could be supported. He said it was one effectual method.

Mr. GALLATIN continued his observations. When the Mint was first established, it was said, that in three years from its commencement, there would be such a quantity of our own coin in circulation as would supersede the necessity of foreign gold or silver coin. Experience had shown, however, that the friends of the establishment were mistaken. There was not now a sufficient quantity; but they were told, notwithstanding, that all foreign coin, except Spanish dollars, and parts thereof, should be called in. He hoped not. If, when they came to consider the Mint establishment, it should appear to be necessary to take such a step, he trusted they should take such measures as would be effectual, without putting any class of people to loss. Until the Mint were established upon a footing which should render it equal to the supply of a sufficiency of coin for the use of the country, he hoped they should leave the foreign coins upon their present footing.

On motion, the committee rose, reported progress, and had leave to sit again.

---

THURSDAY, December 14.

A communication was received from the Secretary of the Treasury, on the subject of the loan made for the use of the city of Washington, in the District of Columbia, which was read and ordered to be printed.

The bill for the relief of the representatives of William Carmichael, deceased, was read the third time and passed.

Mr. HARPER called the recollection of the House to the bill which was passed last session by that House for the relief of Major Thomas Lewis, but which was not acted upon by the Senate, owing to its being sent up the last day of the session, and moved that a committee be appointed to bring in a new bill; but, on the chairman of the Committee of Claims informing the House that Major Lewis's petition was at present before them, the motion was withdrawn.

Mr. SEWALL said, there had been an omission in the act regulating the compensation allowed to officers employed in the collection of duties on impost and tonnage, passed last session, which affected a collector in the State of Massachusetts; he therefore moved that a committee be appointed to inquire whether any and what alterations were necessary therein, and that they report by bill or otherwise. Agreed to.

## OUTSTANDING CERTIFICATES.

Mr. ALLEN moved a resolution to the following effect:

*Resolved*, That the Secretary of the Treasury be directed to report to the House an account of the Loan Office certificates, final settlements, and indents of interest not registered, and now outstanding; and, also, such matters as relate to the expediency or inexpediency of extending for a limited time the 14th section of the act for making further provision for public credit, and for the redemption of the public debt.

Mr. GALLATIN called for a division of this question. It was yesterday decided, he said, that it would not be in order to refer the report of a select committee to the Secretary of the Treasury, and he thought it would be equally improper to send for his opinion as to the expediency of extending the act in question. If the gentleman would modify his motion so as to call for whatever information he pleased, he should not object to it.

Mr. BROOKS spoke to the same effect.

Mr. ALLEN did not think his resolution called for the opinion of the Secretary of the Treasury; he meant it to call only for information on the subject.

Separate questions were taken upon the two parts of the resolution, and both were carried without a division.

## FOREIGN COINS.

The House again resolved itself into a Committee of the Whole on the report of the select committee on the subject of foreign coins; when, Mr. NICHOLAS'S proposition for suspending altogether the operation of the act for checking the circulation of foreign gold and silver coin being under consideration—

Mr. SITGREAVES said, he had mentioned yesterday, that there was, in his opinion, an obvious distinction between the cases of gold and silver foreign coins; and, all the reflection he had since given to the subject, had confirmed him in the conviction which he then expressed. He moved, therefore, to amend the resolution under consideration, by adding, after the word "foreign," the word "silver," which would have the effect of confining the suspension of the act in favor of silver, and leave the act of 1794 to operate on gold coin. If, said Mr. S., the design of the Mint had been only to gratify the pride of sovereignty, the object would have been inconsiderable and unworthy the expense of supporting it; but it was established for other and far more important ends. It was, that the Government might have a control over its circulating medium, which was essential, in order to prevent its debasement by alloy and fraud. This debasement was chiefly applied to copper and gold coin, but not so much to silver. He saw no reason, therefore, why foreign silver coin, which had long been current in this country, should be forced out of circulation into the Mint; they were of the same use and value of any which might be reissued; but it was very different with respect to copper and gold coin, which was subject to be debased in so many different ways, and which could not be prevented, until we had a sufficiency of our own coin, which would be under our own direction and control. Let the stoppage of French crowns take place when it might, it would be attended with some inconvenience; yet that period must arrive, if the Mint were to be supported. But he conceived these inconveniences would be felt in a very

small degree with respect to gold coin. The Proclamation of the President of the United States, which notified that foreign coin would cease to be a legal tender after a certain day, made in October, 1796, related to both gold and silver coin; but the notice respecting gold coin, was much farther removed than that of silver; it was not to go out of circulation till July next; whereas the silver coin had already gone out of circulation, except that it were payable at the banks, and to the revenue officers. It was, therefore, much more in the power of persons holding gold coin, to get it out of their hands before the time arrived. The quantity of gold coin in circulation, compared with the whole circulating medium he said, was very small, and therefore but little inconvenience could arise from its circulation being stopped; and on account of the portability of gold coin, it would be much easier transported to the seat of Government. But the most important consideration was, the present mutilated state of foreign gold coin, which rendered it impossible for those who were not well acquainted with the detail of business, to guard against frauds. In the State of Pennsylvania, not one man in five hundred was in possession of a pair of gold scales; and, without them, it was impossible to ascertain whether gold was weight or not; and there were still fewer persons, if they had scales, who knew the real value of gold coin when it was deficient in weight. This great evil in the Middle States, whatever might be the case to the Eastward and Southward, convinced him, that the sooner foreign gold coin was thrown out of circulation, the better. But it was yesterday said, that when our gold coin should get into circulation, it would be equally subject to debasement: and, therefore, that it would be impossible to pass it by tale. He would not say, that, in the course of time, this might not take place; but on the outside, trade and intercourse would be considerably facilitated, by having a proper medium of our own; and when our gold coin should become corrupted, by clipping, &c., it would only have to be returned to the Mint to be recoined. These considerations had induced him to make his motion.

Mr. J. WILLIAMS was against this amendment. The observations of the gentleman were favorable to the cities, but not to the extreme parts of the Union. Suppose it were practicable or necessary to call in the foreign gold coin, where would the Mint find bullion to replace it? The difficulty was, the want of bullion; and if they prohibited the circulation of gold coin, they should prevent its increase. And, even if they had sufficient bullion, he thought the works of the Mint too contracted to coin a sufficiency for all the purposes of the United States, and he did not think it would be right to extend them; since, if a nation were to have its Mint, it should be at the seat of Government, which, in two years, was to be removed from its present situation. As to the present establishment, it had been attended with considerable expense, without affording any benefit, except to this city. Our own gold, the gentleman said, would not for a long time be either clipped or sweated; but when it was, it might be returned to the Mint to be recoined; so that there would be a constant routine of sweating, clipping, and coining. But the gentleman said, it was impossible to prevent imposition in receiving the gold coin now in circulation, as few persons were possessed of gold scales; he was certainly misinformed in this respect, as few persons who were in the habit of receiving any considerable sum of money, were without gold scales, or ignorant of the value of gold. Why, then, compel people to send this coin to the Mint? Was it because they were shortly to be called upon for further sums of money to support the establishment, and gentlemen wished to give it the appearance of usefulness? With whatever view it might be done, he certainly could not agree to it.

Mr. PINCKNEY was in favor of the resolution of the gentleman from Virginia, without the proposed amendment. He was against agreeing to the report of the committee, because it would either produce no effect, or an injurious one. Gentlemen differed in opinion as to the effect; some supposed it would depreciate the coin, others thought it would produce no such effect. To him this was immaterial. If it did not tend to depreciate the coin, it would have no effect to force it into the Mint; therefore, the arguments of gentlemen went too far. And, if it did tend to depreciate the coin, it would have a very injurious effect. He did not say this because he was against the establishment of the Mint; he believed with the gentleman from Pennsylvania (Mr. SITGREAVES) that it might be productive of good; but he did not think this the proper way to support it.

Mr. OTIS rose, with some regret, and a good deal of diffidence, on this question, because his opinion differed from both the gentlemen who had just delivered theirs. He was equally opposed to the amendments of the gentlemen from Pennsylvania and Virginia, and in favor of the original report. He considered both the amendments as having a tendency to undermine the Mint establishment; if that of the gentleman from Virginia were agreed to, that institution would have but a short duration; and whatever credit may be due to the ingenuity of that gentleman, and others who support his motion, for this indirect attempt to destroy it, he thought it behooved gentlemen who wished well to that institution, and considered it as connected with the national prosperity, to pause before they gave a vote which should go to this effect. If the Mint were found to be an inconvenient establishment, and the expense of it greater than the convenience, let a proposition be brought forward, and let the question be fairly met, and not endeavor to effect its overthrow in the way proposed. In order to elucidate his assertion, that this proposition would destroy the Mint, he would inquire how the Mint was to be supported? It could not be supported with sufficient bullion, except by means of the foreign coin now in circulation. Bullion was not imported in large quantities into this country. In looking into a report on the subject, he found the quantity of bullion imported was small. Government had no power to traffic in it,

and our merchants did not often import it; therefore foreign coin was the only aliment with which the Mint could be fed. And if the business of calling in this coin were postponed for two years, no argument would then exist for stopping the circulation which did not now apply; they should then be told that the expense of recoining would exceed the utility of the measure. It had been said that the measures recommended by the report would not have the effect of throwing foreign coin into the Mint, since, though nearly seven millions of revenue were received from the custom-house, little of this coin had been sent there heretofore. This, Mr. O. said, could not be expected when there was no restraint laid upon the banks to do it. Besides, dollars had been in great demand for the London and East India markets, and the banks had found it necessary to keep back their dollars, and pay out their crowns. Hereafter this reason might not exist, and Government might make their deposites on condition that the foreign coin should be sent to the Mint. With respect to the inconveniences which would be felt by the people, he did not think they would be so great as had been represented. And upon whom, he asked, would these difficulties fall? Not upon the poorer classes of the people; they had already experienced the inconvenience; for, if they possessed a few crowns when the proclamation was issued, they had been obliged to part with them, and had suffered by their depreciation. It would then be those people who had bought them up, who would be benefited, provided the act were to be suspended; but if it were not suspended, and the crowns were payable at their full value in the seaports, they never could be depreciated more than one or two per cent. in any other part of the country. He hoped, therefore, the report would be agreed to.

Mr. Nicholas said he never yet voted against the Mint, and he did not know why the gentleman who had just sat down should have deemed him inimical to the establishment, except from the reason of the thing, and because he was not, like himself, a slave to whatever had been established. It was said his proposition was an attack upon the Mint; if it were, he did not want a greater concession to prove the establishment useless. When the law for establishing the Mint was passed, it was expected the coin of the United States would have insinuated itself into circulation, and stopped that of foreign coin. If this had happened, it would have been of small consequence to the people to have had it put out of circulation; but, on the contrary, the quantity of our own coin was found to be small, and that if the circulation of foreign coin be stopped, the country would be distressed for a circulating medium. He therefore wished to suspend the law. Was this to attack the Mint? If the Mint could not exist without imposing upon the people, they acknowledged it could not exist. And where, he asked, would be the advantage, if all the foreign coin in the country were to be transferred into the Mint? It had been allowed by the gentleman from Massachusetts that dollars were an article of export; would not, then, the dollars of our own coining, equally with the Spanish dollars, be sent out of the country? And, in return, our merchants would bring back foreign coin, so that all the coin in the country would become an article of merchandise. If Government could procure bullion on moderate terms, and put sufficient coin into circulation, it would be a different thing; but it would never do to take from the people the coin they now used without having others to supply them with. Mr. N. denied that people could go to custom-houses and exchange their crowns for dollars; crowns would be received there for duty only. And he begged gentlemen to consider what would be the expense of sending this coin to the Mint to be recoined. There would be the carriage and insurance, and it would at least be six months in returning—the interest upon which would be a dead loss.

Mr. S. Smith never conceived the establishment of a Mint in the country would injure the people so much as it appeared it would do, in the view of this business. He did not see how the difficulty was to be removed. If the report of the committee were to be agreed to, crowns would be received by shopkeepers at a dollar; they would bring them down to the seaports and pay them to the merchants at one hundred and ten cents, and the merchants would pay them at the custom-house. But how were the crowns to get from the different collectors into the Mint? Would the United States undertake to bring them there? In most of the cities there were banks, and the money was paid by the collector into the bank, and the Treasury drew upon the bank for the amount. How, then, were the crowns to get into the Mint? If the Treasury had a sufficiency of new coin to replace the foreign coin, the business might be effected, but not otherwise, as all commerce must of course stop, and the price of produce immediately fall, if deprived of a circulating medium. For instance, would the Bank of Baltimore be at the expense of sending their French crowns to the Mint, and wait till they could receive new dollars in exchange? No man would believe this. Banks were always pushed for money, and dare not part with their circulating medium. With respect to crowns, it was not of so much importance as the gold coin; if that were to be called in, he did not know what the banks would do; they could not wait till it was recoined; they were rather borrowers than lenders of money. He knew of no bank out of the city of Philadelphia which could send their foreign coin to the Mint to be recoined, and wait its return. He did not know that they could. The Mint, he said, was slow in its movements. He knew an instance where a bank sent several thousand dollars worth of bullion to be recoined, and they lay out of their property for six or seven months. He supposed it might now be more expeditious; but it would doubtless be too slow for the wants of the banks. Suppose, said he, the plan could be carried into effect, and the circulating medium was wholly our own coin and Spanish dollars, what would be the consequence? It would be this: Our own dollars, being of equal fineness with the Spanish, would be exported in

common with them to the London and East India markets; and since it was known that foreign coin was not current here, merchants would import as little of it as they could avoid, so that our circulating medium would soon be exhausted. He should, therefore, be in favor of the amendment of the gentleman from Virginia.

Mr. SEWALL said, the present question was not whether the circulation of foreign coins should be prohibited altogether, but whether that circulation should be a partial one. Some gentlemen seemed to think nothing ought to be done with respect to gold coin; but all were of opinion it would be necessary to allow at least a partial payment of silver coin; and some of gold coin. For his own part, he was unwilling to postpone the difficulty which must be encountered, and which had already been felt in a great degree, whenever a partial stoppage should be put to the circulation of foreign coin. If the law were to be suspended for two years, as some gentlemen wished, he did not think we should be much better prepared to carry it into effect than at present. He did not think it possible to supply the Mint of the United States with bullion in any other way than by preventing the circulation of foreign coin. We were not in possession of mines abroad, nor did we import much bullion; but our commerce led us to import a considerable quantity of foreign coin, and foreign coin of a greater value in the country from whence it was imported than it was when it arrived here; which was owing to the exportation of coin being forbidden in those countries, and there was no way of importing it but by concealing it. On this account, a four-pistole piece, which in Bilboa was worth sixteen dollars, was here worth no more than fifteen and a quarter; yet a merchant will bring this gold coin at this loss, rather than bring dollars, which, being so much more bulky, would be liable to be discovered, and risk the loss of ship and cargo. If foreign gold coin were out of circulation altogether, he did not think much inconvenience would be experienced; it was not current by tale, the weighing of it was attended with much trouble, and he thought it might very well be dispensed with. And though it would not be received as a legal tender, this would take little from its value; for a person would always be able to pay a pound of gold for what it was really worth, and whilst the Mint was in being, there would always be a ready market for it. With respect to silver it was different. It passed for more than its real value. A crown, or dollar, though diminished in weight, and consequently in value, would pay for a crown or a dollar. If the circulation of foreign silver was altogether stopped, the loss sustained by individuals would be great; but, on the other hand, it was necessary to supply the Mint, and it was proper to stop the circulation of all foreign silver coin, except dollars and parts thereof, which would not be attended with any great inconvenience as crowns and parts thereof bore but a small proportion of the foreign silver in circulation. Indeed, the inconvenience had already taken place. In the part from whence he came, the circulation of crowns had stopped, except as dollars, and they were paid without any great hesitation by the persons who had them at that rate. But he did not think we were wholly prepared to meet this inconvenience. He, therefore, thought it would be right to agree to the report of the committee, which allowed them to be received at the custom-house, which would, in a great measure, remedy the evil arising from their being declared not to be a legal tender in other cases. Gentlemen had observed that the country would be more affected by this regulation than the cities; but, as it had been before stated, if a crown was worth 110 cents in one place, it would not be worth much less in any other. The inconvenience would be of short duration, as the crowns would all flow to those parts where they were received current. This observation had been opposed by a fact that bank bills in the interior of the country pass at a depreciated rate; but he thought that the analogy would not hold. If a person had five crowns, and was obliged to expend one of them, before he had an opportunity of getting the full value for them, he would lose only a few cents; but, in a bank note of five dollars, if he wanted to make use of a dollar, he would suffer a loss upon the whole note. He hoped the report would be agreed to.

Mr. HAVENS thought the report of the committee was somewhat inconsistent, as it proposed crowns, &c., should pass at their full value at the custom-house, yet expecting them to depreciate, and by that means get to the bank. Besides, their not being a legal tender will not depreciate them; for it was not one payment in ten thousand in which it was necessary to make a legal tender; it was seldom that a creditor was compelled to receive a debt; creditors were everywhere ready to receive their money generally before their debtors were ready to pay. Bank notes were not a legal tender in any part of the United States, yet there was no difficulty in passing them. If a creditor were offered current money, he would not care anything about its not being a legal tender; but if a legal tender were required, it would be an easy matter to procure money which was legal for that which was current. The inconvenience which had been complained of, from the depreciation of crowns, arose from the alarm which the proclamation on the subject had occasioned; but when that alarm ceased, which it soon would do, crowns would pay as usual. He was warranted in this supposition by the law respecting copper coin, which forbade any copper coin, except cents and half cents, from being circulated, on pain of being forfeited, besides ten dollars as a penalty; yet, notwithstanding base copper coin was everywhere in circulation. He referred to another law of a similar nature. It is clear, therefore, that coin would not be forced into the Mint, except its value was depreciated, which must be effected, not only by saying it shall not be a legal tender, but by making it penal to offer it in payment. Besides, if it would have the effect to force the foreign coin into the custom-house, it would never get into the Mint. The coin collected at Boston and other distant

distant ports, did not come to Philadelphia; but, suppose the law fixed the matter so, that such coin should come into the Treasury of the United States, it would not be difficult to show that it would be impossible for Government to put it into the Mint to be recoined. He was warranted in this conclusion by the law regulating foreign coin. That act declared, that all foreign gold and silver coin, except Spanish dollars and parts thereof, received by Government, should not be reissued, but sent to the Mint, to be recoined; yet this law had not been complied with. Mr. H. said, he was on a committee, respecting the Mint last year, and he inquired of the Secretary of the Treasury why this law had not gone into effect, and he was given for answer, that the Mint was in such a situation that it could not give any security that the coin sent there would be recoined in any reasonable time. Indeed, from what he said, he inferred that Government wanted the money so much, that it could not be spared to go to the Mint. To agree to the report, would have the appearance of giving support to the Mint; but it would not be really doing any such thing. This was his idea. But if this coin were to go to the Mint, where would be the advantage? He could not see any. He believed, therefore, the best way would be to suspend the operation of the act restraining the circulation of foreign coin, and leave the Mint upon its present footing, until something effectual could be done for its support.

Mr. BALDWIN said, in determining upon the question before them, it was not necessary to examine the principles upon which the Mint was established. Supposing all the principles, and the effects supposed to be produced right, the only thing was, they were expected to have been produced sooner than it was now found they were. He could not agree to the motion of the gentleman from Pennsylvania. He thought they should extend the time of withdrawing foreign coin from circulation for a year or two longer. Nor would he have it supposed, from this wish, that he was hostile to the Mint; he originally voted for it, and was not now convinced it would not prove eventually advantageous to the country. To give further time for the maturing of this subject, was doing no more than they were obliged frequently to do in other matters under this Government. They were scarcely aware how slowly the laws passed over so extensive a country as ours. He believed the law proposing to stop the circulation of certain species of foreign coin had done some good; but he believed it would have a bad effect, if it were to take place in the ensuing Summer. He did not believe that a Mint establishment had ever before been contemplated for so extensive a country as the United States. In most countries where mints were established, there was, he said, a great mercantile centre, which acted like the human body, to circulate the medium of commerce. In this country, the case was different. Some parts of the United States, he said, were almost as much connected with other countries as they were with other parts of our own. In Great Britain for instance, when the coin got debased, it was always transmitted to London to be recoined, and new coin could always be received in its stead. But, said he, we must be contented to move more slowly. In some instances, where mints had been established, there was not so much bank paper in circulation as in this country, which had been a means of retarding our progress. He was not, however, for giving up the object, because their expectations had been, in some degree, deceived. He did not think the Mint could ever be supported by foreign coin alone; it would be necessary to be supplied with bullion also. Gentlemen had said, the effects of our coin had not been felt at all. They had certainly been felt considerably in some parts. Some valuable plate had, of late, been brought to the Mint from foreign countries, more, perhaps, than would be brought in future. But he hoped further time would be given before foreign coin was attempted to be withdrawn from circulation.

Mr. R. WILLIAMS was in favor of postponing the operation of the law, though he could not see so distinctly as other gentlemen the difference between the report of the committee and the proposition of the gentleman from Virginia. The committee say French crowns, &c., shall be received for revenue, but shall not be a common tender. If the report had made them a tender for all payments under the Federal Government, he thought the report would have been of equal extent with the amendment; as he supposed Congress had not the power of saying what should, or should not, be a tender in the several States. He thought he was warranted in this assertion by the Constitution, in the eighth section of the first article of which it was said, "Congress shall have the power to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;" and, in the tenth section of the same article, where it speaks of what the individual States shall not do, it says, "no State shall coin money, emit bills of credit, make anything but gold and silver coin a tender in payment of debts." From these two passages of the Constitution, it was evident that the individual States might make a tender of what coin they pleased, provided they did it according to the value fixed upon it by Congress. So that the difficulty would not be so great as had been imagined, if the law was not postponed, though he thought it ought to be, as it had not been sufficiently notified. Another reason with him for wishing for a postponement was, that, if further time were given, the different States would make their tender laws conformable to those of the United States; if not, they would keep up their present laws, and there would be a clashing between them. He professed himself a friend of the Mint establishment, as he supposed the principles upon which it was founded were laudable and proper; but he was against carrying any law into effect which would injure the people of the United States.

Mr. GALLATIN said, he felt no kind of aversion to the Mint establishment itself; he wished to see it well supported with bullion, and of importance to the United States; but he felt some aversion to

the expenses of the establishment, without any benefit being produced from it. So far as this went, the gentleman from Massachusetts (Mr. OTIS) might apply his observation to him of "being an enemy to the Mint;" yet he thought that gentleman was mistaken in thinking the present question was so closely connected with the existence of the Mint. He believed, if there were means of making the Mint establishment beneficial, they were not those proposed by that gentleman. There were two subjects before the committee; the one to suspend the act altogether, the other to leave it to operate on gold coin only. He believed a single view of the quantity of gold coin issued from the Mint since its establishment, would show the latter to be an improper measure. The whole amount of gold coined at the Mint on the 30th of September, 1796, was only the value of one hundred and forty-nine thousand four hundred and forty-five dollars.

When the laws relative to the suspension of the circulation of foreign coins were passed, it was on the idea that, at the time the provisions were to take effect, there would be a sufficiency of our own coin to supply its place. It was clear this was not the case; and he did not see how a person could be charged with enmity to the Mint, because he was disposed to allow further time for its operations. It could not be expected, he said, under present circumstances, that much foreign coin should be brought to the Mint, until it were depreciated; therefore, unless the amendment of his colleague went to depreciate it, they could not suppose it would go to the Mint. He drew this conclusion from what had already taken place; for out of ten thousand ounces of gold which had been received at the Mint, not more than one thousand three hundred were in coin. Except, therefore, foreign coin was reduced to the value of bullion, it would not go to the Mint, and it would certainly be unjust to reduce it whilst it remained in the hands of the people. In relation to foreign silver coin, a difference of opinion existed whether the law should be wholly or partially suspended as it related to it. In the first place it might be observed, that the proportion which French crowns bore to the whole amount of foreign silver coin in circulation was very small, and therefore no great advantage could be derived to the United States from throwing them out of circulation. But, said he, suppose all the French crowns in the United States were now in the Mint, and were to be recoined into dollars, where would be the advantage? He did not understand that the object of the Mint was merely to put a certain impression upon money, but that we might preserve a proper control over our circulating medium, so as to keep it pure. Suppose the proportion of French crowns to dollars were as ten to one, would not the effect be, that nine-tenths of our circulating medium would still be in foreign coin? Where, then, would be the advantage? If the French crowns were debased, there would be some reason for calling them in, but not otherwise. It might be said, it would give employment to the Mint; but it would be employment without advantage, which could not be desired. But it had been shown by the gentleman from Maryland, that, if the French crowns were in the banks, it would be impossible to get them to the Mint, from the expense of transportation, and the loss which would be occasioned by the absence of the coin from their coffers. There was, in his opinion, a much easier way of replenishing the Mint, without encountering any of the difficulties which would attend the forcing out of circulation foreign coin; it was by making an appropriation of one hundred thousand dollars for the purchase of bullion, and this was the only way in which it could be effectually done. But this was not all; suppose all the foreign coin in circulation recoined into dollars, what would be the effect? They would be exported by our merchants equally with Spanish dollars; whereas, whilst the silver remained in crowns, they were suffered to remain. Mr. G. said he had already observed, he was opposed to the Mint only, if no advantages could be derived from it; and if, after going into the business as far as possible, it was found the establishment could not be of any use, it certainly would be better to get rid of it. But whatever his opinion on this subject might be, it was unconnected with the present question. The report of the committee on the subject of the Mint, recommended an appropriation of money, which was certainly the cheapest way of supporting it. When that report came under consideration, the question would arise whether the establishment was useful, or whether it should be abandoned. He hoped the amendment of his colleague would be rejected, and that of the gentleman from Virginia agreed to.

Mr. OTIS rose in reply, in the course of which he denied that our own dollars would be more subject to exportation than French crowns.

Mr. BROOKS wished the committee might rise, in order to give time for consideration.

The question for rising was put and negatived—47 to 33.

Mr. MACON said, it seemed to be the object of the friends of the Mint to force the foreign coin into the banks, and from thence into the Mint; but they seemed to have lost sight of those parts of the country where there were no banks. There was no bank, he said, from Alexandria to Charleston, which embraced at least one-fifth part of the whole Union, yet nothing was said about this part of the country. Unless the law was postponed, great inconveniences would be experienced in those parts of the country, as there were more crowns in circulation than had been supposed. As to what coin had been issued from the Mint, it was a mere trifle; it was scarcely equal to the expenses of Government, in the civil and military departments, for six months.

The question on the amendment proposed by Mr. SITGREAVES being put, it was negatived without a division.

Mr. NICHOLAS's amendment then recurring for consideration—

Mr. VARNUM thought it would be the best to move to suspend the operation of the second sec-

tion of the act, as he had some doubts as to the propriety of the expression used in the resolution.

Mr. NICHOLAS acquiesced; and the question being put, it was carried without a division.

The committee then rose, the House agreed to the amendment, and a bill was ordered to be reported.

---

FRIDAY, December 15.

A new member, to wit: PELEG SPRAGUE, from New Hampshire, in place of Jeremiah Smith, resigned, appeared, produced his credentials, was qualified, and took his seat.

Mr. WADSWORTH, from the committee to whom was referred that part of the President's Speech which relates to the postponing of the meeting of Congress, in certain cases, reported a bill, which was twice read, and committed for Monday.

Mr. HARPER, from the committee to whom was referred certain resolutions relative to the mode of taking evidence in cases of contested elections, made a report recommending a law to be passed on the subject; which was twice read and committed for Monday.

The SPEAKER having read over the orders of the day, and no subject being called, Mr. DENT moved that the House adjourn, and the House adjourned to Monday.

---

MONDAY, December 18.

On motion of Mr. HARPER, the House resolved itself into a Committee of the Whole on certain resolutions which were lately reported, prescribing the mode of taking evidence in cases of contested elections. They were agreed to both in Committee of the Whole, and in the House, without debate, and a bill directed to be brought in accordingly.

Mr. VENABLE, from the committee to whom was referred the resolution for suspending the second section of the act for regulating foreign coin, and for other purposes, reported a bill, which was twice read and committed for to-morrow.

## MEETING OF CONGRESS.

Mr. WADSWORTH moved the order of the day on the bill authorizing the President of the United States to postpone the meeting of Congress in certain cases. The House accordingly went into a Committee of the Whole on the subject, and, after making a verbal amendment, the committee rose, and the House agreed to it; when

Mr. GALLATIN moved a provision to the following effect:

"*Provided*, That the day to which the meeting shall be postponed shall not exceed thirty days from the day to which Congress stood adjourned."

Mr. HARPER could not see any good effect which this amendment was calculated to produce. If the gentleman were of opinion that it would not be safe to trust the President of the United States with the power of postponing the meeting of Congress, in case of contagious sickness, or other calamity, the safest way would be to reject the bill; but the present motion, he thought, showed great hostility, and the highest disrespect to the President of the United States.

Mr. GALLATIN said, it was very extraordinary that, upon an amendment to a bill vesting a power in the President of the United States, which was not given to him by the Constitution, because he did not wish to invest him with the power, without limitation, he should be charged with a want of confidence and a want of respect. He supposed, that so far as related to confidence, they were bound to give the President just so much as the Constitution required, and no more. Confidence beyond this he did not very well understand. As to the motion's containing a want of respect to the President, that charge was still less applicable. Respect, he said, could only be personal, and could, of course, only apply to the present President; whereas the bill under consideration did not relate to him only, but to all the future Presidents of the United States. How the argument of disrespect to men not yet in existence could apply, he was at a loss to know. But, he said, it was no uncommon thing, whenever gentlemen differed in opinion on any subject touching another branch of the Government, however harmless that opinion might be, to be charged with a want of confidence and respect towards it. He should, however, never be deterred from acting as he thought right by such arguments.

Mr. G. referred to that part of the Constitution where it is said that "neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting;" and also to that where power is given to the President "to convene both Houses, or either of them, on extraordinary occasions; and, in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he may think proper." It was clear, therefore, that the two Houses had the exclusive power to adjourn to whatever time they pleased, only that in case of disagreement the President had the power to adjourn them; but this bill went to vest the power in the President of fixing another period of meeting than that agreed upon by the two Houses. This, he said, was a delicate subject, and he thought they ought not, upon so slight a view as the present bill had received, to part with a power, without some limit, which the Constitution had placed in their hands. What was the ground, he asked, upon which the bill was founded? The President had suggested, in his Speech, the propriety of giving him the power, in case of similar returns of contagious sickness, to postpone the meeting of Congress. It had been suggested that in the month of November the President had had doubts whether he should convene Congress in another place, in conformity to the power vested in him for that purpose; but that if he had had the power to have convened them a few days later, he would have done it. The limited power which he proposed to give would enable the President, in any future emergency, to do this; and if, from contagious sickness, invasion,

or any other cause, a longer postponement should appear to be necessary, he thought it would be better that Congress should be convened at some other place, than that such a postponement should take place. He did not think the President asked for more than this; and, so far from being disrespectful, he thought it the only way in which the bill could be agreed to.

Mr. HARPER admitted that if no other case were contemplated by this bill than the one lately experienced, the proposed limit might be admitted as harmless, as, by the Constitution, Congress must have been in session about the beginning of December, and thirty days would not have elapsed from the second Monday in November to the period fixed by the Constitution for the meeting of Congress. He trusted, however, they should not pass a law without an object. Suppose, said he, Congress stood adjourned to the first of July or first of August, and a contagious disorder should break out, or an enemy invade the city, a few days before either of these periods, might it not be desirable that the President should have the power of postponing the meeting for longer than thirty days? If such a disorder were to break out in June, could it be supposed that it would subside in July, when it was clear to every one that nothing but frost will put an end to the contagion? This amendment, therefore, where it could be acted upon at all, would be mischievous, and in other cases perfectly nugatory. As to respect and confidence, he did not mean that they should be induced by them to do an improper thing. But if it were proper to place the power in question in the hands of the President, he would not have it so placed as to be nugatory and foolish. The gentleman had found out that respect could only be personal, though all mankind had agreed that respect might be paid to officers separate from persons. He never supposed that the law would be particularly disrespectful to the present President, but it seemed to show too great a jealousy of the Executive Department. The gentleman seemed to think the difficulty would be removed by the President's having the power to convene Congress at a different place, but he did not consider what expense and trouble would attend a removal of all the machinery of Government. He could not suppose that if the proposed power were placed in the hands of the President, that he would postpone Congress for a longer period at any time than was necessary. His own credit would be a sufficient guard against this. The gentleman from Pennsylvania himself could scarcely believe that it would not.

Mr. SWANWICK said, that when Congress adjourned to any other day than that fixed by the Constitution, they had doubtless some reason for doing so. If this were the case, why should they put it in the power of the President to frustrate their views? But the expense of removing the Government had been objected against. This could not be allowed to be so great an evil as the parting with the power which had been vested in them of fixing their own time of meeting. He thought the motion of his colleague to limit the postponement to thirty days would be quite sufficient, if such power was necessary at all, though he thought that of convening Congress at any other place was sufficient to guard against the contingencies which had been mentioned.

Mr. NICHOLAS believed gentlemen could not figure to themselves a case where, if a postponement were proper, thirty days would not be a sufficient time. The Constitution said they should meet once a year, but that the two Houses should have power to adjourn themselves to any time they thought proper; and if they agreed to meet in July or August, as the gentleman from South Carolina had supposed, was it proper that the President of the United States should have the power of preventing them? He would agree that in all likelihood his respect for his own character and his responsibility would, in general, prevent him from making an improper use of this power; yet it still was a power vested in the Legislature, and it should be recollected that in placing the different powers of the Government, there had always been a jealousy over the Executive. He could well suppose that cases might exist where the wishes of a President to do right might be counteracted by interest. It was possible that the President and Legislature might have different views, and it might be extremely important to him, to effect his purposes, to have the power of postponing the meeting of Congress. If these different cases were within the view of the framers of the Constitution when they arranged the several powers of the Government, they ought to be touched with a delicate hand. The law before them was meant to operate principally against any future contagious sickness. To give the power of postponing Congress for five or six months, would be an improper power. Nothing that he had seen of the present Government could lead him to suppose that such a situation of things as that which he had mentioned should ever take place, by a disagreement in the different branches; but he believed the distribution of powers had been made with a view to these differences. He, therefore, hoped the power would be limited.

Mr. THATCHER did not know that the House could be engaged on a subject of less importance than the present amendment; for if they looked back upon all the adjournments which had taken place since the commencement of the Government, there had been only one or two cases in which the amendment could have operated; and it was not probable that in fifty years to come there would be another. He supposed a number of cases in which the amendment would either have no effect or a bad one. He hoped, therefore, it would be disagreed to.

Mr. WADSWORTH could see no good effect which the amendment could produce, as the time was already limited by the Constitutional day; and thinking it unnecessary he should be opposed to it.

The question upon the amendment was put, and negatived—45 to 44.

The question now being on engrossing the bill for a third reading,

Mr. N. SMITH said he did not at present see the propriety of passing this bill. Perhaps gentlemen in favor of it could satisfactorily explain its principles. They had not been explained, and, until they were, he should not be willing to vote for it. The Constitution, he said, provided that there should be one session in a year, commencing the first Monday in December. The bill before them provided that whenever an earlier period of meeting should be fixed by law, that the President should have the power to postpone the meeting, provided that the postponement did not go beyond the Constitutional day. Now he supposed there could not be a meeting of Congress before the Constitutional day except by an express law. If this were the case, it followed that whenever the Legislature should pass a law for an earlier meeting, they could at the same time provide for any difficulty which might arise. The President might be authorized to delay the meeting, in case of necessity, to the Constitutional day or any other. But why pass a general law to provide for the inconveniences which may possibly grow out of some future law? He had heard of Legislatures providing for difficulties arising from laws which they had passed, but never for such as might be supposed would grow out of future laws, the passage of which was wholly uncertain.

As well might they sit down and provide for inconveniences which may grow out of a law laying a land tax, since that law may pass, and some gentlemen may wish and expect it will pass. He thought, however, it would be time enough to provide for the difficulties arising under it after it was passed. He might be told that the law, notwithstanding the objection he had brought against it, would do no harm; but this was not a sufficient reason for him to vote for it: before he did this, he must believe it would do good.

The question on engrossing was put and negatived—58 to 32. Of course the bill was lost.

## EDWARD ST. LOE LIVERMORE.

Mr. A. FOSTER called for the order of the day on the report of the Committee of Claims on the petition of Edward St. Loe Livermore, which being agreed to, the House went into a Committee of the Whole on the subject.

It appears that from the singular situation of the Judge of the district of New Hampshire, on the third of April, 1794, Congress were induced to pass an act, whereby the duties enjoined the district Judges, by the act, "to regulate the claims to invalid pensions," were transferred, as far as related to the district of New Hampshire, to the Attorney of the said district, whose duty it was thereby made to perform the same.

The object of this petition is to obtain compensation for the discharge of the said duties, and as duties have been required and performed under the laws of the United States, by the petitioner, the committee conceived he was entitled to a reasonable compensation, and submitted a resolution to the House, authorizing the accounting officers of the Treasury to settle his account.

This report occasioned some debate. It was supported as reasonable by Messrs. D. and A. FOSTER, GORDON, and BROOKS, and opposed by Messrs. NICHOLAS and COIT, on the ground, that no expense was ever contemplated to be incurred by the business in question, and that if they allowed a compensation in this case, they might expect application from all the officers of the United States, whenever any new duty was laid upon them by laws subsequent to their appointment.

The report was negatived—43 to 31, and the House concurred in the votes.

## FOREIGN COINS.

Mr. SITGREAVES said, the House had made a subject the order of the day for to-morrow, upon which he did not think they had sufficient information; he meant the bill relative to foreign coins. The last report which had been received from the Director of the Mint was in 1796, and all the calculations which had been made in the course of the late debate were founded upon that report, and not upon the present actual state of that establishment. He should, therefore, propose a resolution to the following effect:

"*Resolved,* That the Director of the Mint be directed to report to this House a statement of all the bullion deposited in the Mint since his last report, and an account of gold and silver coin issued from the Mint in the same period; distinguishing in the statement of deposites, the foreign coin from the bullion."

Mr. NICHOLAS had no objection to this motion, if it were not meant to postpone the consideration of the bill which the gentleman had alluded to; as any postponement of that business would have the effect, which some gentlemen had said was already produced, of doing all the mischief which the act, if not repealed, was calculated to produce. He could see no effect which this report could produce as to the bill in question.

Mr. SITGREAVES said, the gentleman from Virginia misapprehended his intention, if he supposed he meant to delay for a single moment the business he alluded to. If he had any such intentions, he would have taken a direct mode of effecting his purpose: he left it to others to pursue their ends by indirect means. He wished only to correct the statements which had been made on the subject, collected from an old report; which might be done and sent to the House by to-morrow morning.

The resolution, as above, was adopted.

## SIXTH ARTICLE BRITISH TREATY.

On motion of Mr. SITGREAVES, the resolution referring that part of the President's Speech which has a reference to a provision for the expenses of carrying into effect the sixth article of the treaty with Great Britain, to a committee, was referred to the Committee of Ways and Means.

---

TUESDAY, December 19.

## THE MINT.

The SPEAKER informed the House, that he had received a letter from the Director of the Mint, enclosing a report, in pursuance to the order of

the House passed yesterday. This report states that it is not deemed prudent to take into the Mint more bullion than can be worked in one mass, when it comes from any of the banks of the city, from whence it can be had in a very short time when wanted; that deposites are now waiting till such as are in hand are finished; that it is expected the banks of this city and of New York will make deposites for about $300,000, in French crowns, but that these deposites are kept back until prior ones are paid off; that when there is sufficient bullion in the Mint to keep one press striking, this will be done at the rate of from $18,000 to $20,000 weekly. The gold coin increases in amount according to its additional value. It is stated that the gold bullion deposited in the Mint since the 29th November, 1796, (the time at which the last report was made,) to the 18th instant, was 5,997 oz. 15 dwt. 9. gr., value $106,626 95. The quantity of silver bullion deposited, during the same period, has been 42.151 oz. 8 gr., value $48,635 76. The quantity of silver coin issued since the last report, is stated to have been $12,546, 3,918 half dollars, 252 quarter dollars, 25,261 dimes, 44,527 half dimes; amounting in the whole to $19,320 45. That there were nearly ready for delivery in the Mint $34,000 in silver coins. It is also stated that the quantity of gold coin issued, during the same period, has been 9,177 eagles, 6,406 half eagles, 1,756 quarter eagles; equal to the value of $128,190.

Mr. T. CLAIBORNE moved the usual order for printing this report.

Mr. NICHOLAS had no objection to the report being printed, that it might be taken into consideration when the subject of the Mint should come before the House; but hoped it would be suffered to lie on the table until the bill, with which some gentlemen had supposed it to be connected, should be passed, in order that it might be referred to whilst on the table by those who wished it; as he trusted they should not delay the consideration of the bill relative to foreign coin until this report should be printed.

Mr. THATCHER could not see the use of printing the report, after the subject to which it alluded was disposed of. This would be like executing a man and then trying him. The printing of these papers, he supposed, could not delay the business more than twenty-four hours, or forty-eight at most. He thought, therefore, it would be much better that they should be printed, than that the Clerk should be frequently called upon to read them, or that the members should collect themselves in clubs, as on a former occasion, [meaning the Quaker's petition,] to read them in different parts of the House.

The motion for printing was put and carried.

## EVIDENCE IN CONTESTED ELECTIONS.

Mr. HARPER, from the committee appointed to prepare and report a bill prescribing the mode of taking evidence in cases of contested elections, and to compel the attendance of witnesses, reported a bill accordingly; which was twice read, and committed for Monday.

## LICENSES ON STILLS.

Mr. HARPER called for the order of the day on the report of the Committee of Ways and Means, on the petition of William Tomlinson and others, citizens of the State of Virginia; which being agreed to, the House resolved itself into a Committee of the Whole accordingly.

The petition states that, in consequence of the construction put by the Treasury Department on the acts for laying duties on spirits distilled within the United States and on stills, persons desirous of obtaining licenses for distilling, pursuant to the act of the 3d of March, 1797, on that subject, are required to make their election as to the length of time to which the license shall extend, and the time of its commencement in the month of June, the time fixed by law for making entry of stills. From hence they allege that great inconveniences result to distillers, inasmuch as it is impossible to foresee, so early as June, what quantity of fruit or grain the year will afford; and, consequently, for the owners of stills to judge when, and for what length of time they ought to take out their licenses.

This construction, the committee find, has been adopted by the Treasury Department, and they conceive that it has been properly adopted; but though they conceive the construction put on the act of May, 1797, by the Treasury Department, to be strictly legal, they are, nevertheless, of opinion that, for the reason set forth by the petitioners, it must, in its effect, prove highly inconvenient and detrimental both to individuals and the public. And they have the satisfaction to find that the Secretary of the Treasury, with whom they thought it proper to confer on the subject, agrees with them in opinion as to the expediency of altering the law so as to permit owners of stills, having duly entered them, to make their election, both as to the time and the extent of their licenses, at whatever period may suit them best. In pursuance of these ideas, the committee beg leave to present, for the consideration of the House, the following resolution:

"*Resolved*, That it is expedient so to amend the several acts respecting duties on spirits distilled within the United States and on stills, as to permit owners of stills, duly entered, to make their election at any time of the year, both as to the time of taking out licenses pursuant to the said acts, or any of them, and as to the period to which such licenses shall extend; and that the committee have leave to bring in a bill accordingly."

Mr. GALLATIN proposed an amendment to the report. Besides the duty paid on licenses taken out for a shorter time than a year, there was a duty of fifty-four cents per gallon paid by those who chose to enter by the year. This duty was no other than a license by the year, though not so called. The proposed resolution would not reach licenses by the year, though he thought it ought, as persons taking out a license for a year were as much at a loss to know, in the month of June, whether their crops would enable them to distil for so long a time as to make it their inter-

est to do so, as those who took licenses out for a shorter period. The consequence was, that, in the part of the country from whence he came, scarcely any person ventured to take out a license for the year, but ran the risk of taking out a license for a shorter period. This was inconvenient, as it probably left their stills for several months unemployed, and had an effect to injure the revenue. He hoped, therefore, the report would be extended to yearly licenses, as well as to those for a shorter period.

Mr. HARPER seconded this amendment. He said it would have been introduced into the report if the committee had thought themselves at liberty to do so; but as the petition referred to them did not complain of this part of the act, they did not think themselves authorized to touch it.

The motion was agreed to, the committee rose, the House agreed to the amendment, and a bill was directed to be brought in accordingly.

## ANNA WELSH.

Mr. COIT called for the order of the day on the report of the Committee of Claims on the petition of Anna Welsh; which motion being agreed to, the House resolved itself into a Committee of the Whole on the subject.

The petitioner asks for an allowance of the seven years' half pay promised to the widows and orphans of certain officers killed in the service of the United States during the late war. It appears that Mrs. Welsh's husband was a captain of marines; that he served on the expedition to Penobscot, and was there slain; but the resolutions of Congress promising seven years' half pay to the officers who fell in the service, did not extend to the widows of officers of the Navy; the petitioner, as executrix to the last will and testament of her brother, George Hurlbut, deceased, further asks for an allowance of the commutation and land warrants, to which she apprehends she is entitled, on the principle that her brother continued in service till the end of the war. That gentleman was a captain in Sheldon's light dragoons; he was wounded by the enemy, in the performance of his duty, at Tarrytown, in the Summer of 1781, and languished of his wounds until the 8th of May, 1783, when he died. By the act of Congress of the 21st of October, 1780, half-pay for life was promised to the officers of the Army who should continue in the service to the end of the war. This was afterwards, on the 22d March, 1783, commuted for five years' full pay. If Captain Hurlbut lived to the end of the war, he was entitled to commutation, and, in his right, the petitioner, as executrix of his will and legatee, would be entitled, otherwise not. The question, then, arising is, when did the war end? or, in other words, was there an end of the war before the 8th of May, 1783, the day of Captain Hurlbut's death? On the solution of this question rests the claim of the petitioner for commutation, it being placed on the ground of contract only. The provisional articles of peace between the United States and Great Britain were signed November 30, 1782, and the treaty between France and Great Britain, on which the efficacy of those articles was conditioned, upon the 20th of January, 1783.

The first information Congress appeared to have had of them, was on the 24th March, 1783, when the armed vessels cruising under commissions from the United States were recalled. On the 11th April, 1783, a cessation of hostilities was ordered by proclamation of Congress. On the 23d of April, Congress, by their resolution of that date, declared their opinion that "the time of the men engaged to serve during the war, does not expire until the ratification of the definitive treaty of peace."

By the acts of May 26, June 11, August 9, and September 26, 1783, Congress directed parts of the Army to be furloughed, and, by their proclamation on the 18th October in the same year, they discharged absolutely, after the 3d of November then ensuing, such part of the Federal Armies as had been furloughed by the several acts aforesaid. On the 25th of November New York was evacuated by the British troops. The definitive treaty of peace was, in fact, signed on the 3d September, 1783, but not received by Congress till about the middle of January, 1784. In the settlements made for pay, &c., by the commissioners of Congress with the officers and men engaged to serve during the war, and furloughed as aforesaid, the 3d day of November, the day when the troops were discharged by proclamation, has been regarded as the end of the war, and they have been settled with, and paid to that accordingly.

The committee state, had they found no resolution of Congress which seemed to have determined the question when the war ended, they might have been induced to fix on a period antecedent to the death of Captain Hurlburt, and consequently have been of opinion that the petitioner was entitled to relief; but as Congress seem to have fixed on a later period, by their resolution of the 23d April, and by continuing in service the troops engaged to serve during the war, and paying the officers and men till the 3d of November, 1783, as they were liable till that time to be called into service, and, in case of disobedience, would have been subjected to the penalties of the Rules and Articles of War; and as the House of Representatives under the present Government rejected a petition for commutation, founded on principles exactly similar with the present, by the administrator to the estate of Major Torrey, who died in September, 1783, the committee conceive they are not at liberty to contradict authority and precedent, so respectable: They therefore report, that the prayer of the petition of the said Anna Welsh ought not to be granted.

Mr. D. FOSTER said, the case was so fully stated in the report, that he believed it would be unnecessary to say anything more than that Mrs. Welsh had obtained the land warrant to which she was entitled, from the War Office.

This report was opposed by Messrs. COIT, BROOKS, and DAYTON, who insisted upon the widow being entitled to her claim of commutation on account of the services of her brother, as the

war must be considered as terminated when the preliminaries of peace were signed, which was previous to his death, and if contrary decisions had been made, it was time they were reversed. In confirmation of what was asserted of the deserts of Captain Hurlbut, a letter and certificate of General Washington were produced, which spoke of him in the highest possible terms.

The report was supported, on the ground of precedent, by Messrs. DWIGHT FOSTER, MACON, and NICHOLAS.

It was finally negatived, there being only 21 votes for it.

Mr. COIT then moved a resolution to the following effect, which, after a few observations, was agreed to.

*Resolved*, That provision ought to be made by law for allowing to the legal representatives of George Hurlbut, a captain in the service of the United States, the commutation to which he is entitled.

The committee rose, and the House agreed to the resolution, and ordered a bill to be brought in accordingly.

## NORTH AND VESEY.

On motion of Mr. PINCKNEY, the House went into a Committee of the Whole, on the bill for the relief of North and Vesey, of Charleston; when, Mr. COIT moving to amend the bill, by having the allowance to be made ascertained by the proper officers, instead of saying what it would be, Mr. SWANWICK called for the reading of the petition, as he believed there was annexed to it a certificate from the collector of the port, of the quantity of sugar consumed; but the Clerk not being able readily to find the petition, a motion was made for the committee to rise and report progress; which being agreed to, the committee had leave to sit again.

---

WEDNESDAY, December 20.

Mr. MACON was persuaded that it would be of advantage to the revenue, as well as agreeable to citizens in the habit of distilling, if persons were allowed to take out licenses for a single week. He therefore proposed a resolution directing the Committee of Ways and Means to report on the expediency of such a measure, by bill or otherwise. Agreed to.

The House resolved itself into a Committee of the Whole, on the bill for the relief of North and Vesey, of Charleston; and, the petition having been read, the amendment proposed yesterday by Mr. COIT, to leave it to the collector of the port to ascertain the quantity of sugar destroyed, was agreed to—48 to 12; the committee rose, the House concurred, and the bill was ordered to be engrossed for a third reading to-morrow.

Mr. D. FOSTER reported a bill for the relief of the representatives of Captain George Hurlbut; which was twice read, and committed for to-morrow.

## INVALID PENSIONERS.

Mr. HARPER moved a resolution to the following effect:

*Resolved*, That a committee be appointed to inquire whether any, and, if any, what amendments are necessary to be made in the act relative to invalid pensioners, and to report by bill or otherwise.

Mr. H. said, it must be recollected that frequent application had been made to the House by persons who had been wounded in the war, for pension, who would have been duly entitled to it, and to whom the House wished to have granted it, had not their claims been barred by the law of the 28th of February, 1795, with which the petitioners were generally unacquainted. Some of these cases had appeared to be so hard that, in one or two instances, the House had been induced to dispense with the law. He thought, therefore, it was proper that the law should be reconsidered.

Mr. J. PARKER seconded the motion. He knew of several instances where persons were justly entitled to pensions, who had never heard of the act of 1795, until their claims were rejected; whilst others, perhaps less dependent, were in possession of pensions. He hoped they should not longer deny the justice which was due to the veteran wounded soldier.

Mr. MACON believed that, as all subjects of this kind were constantly referred to the Committee of Claims, they were, of course, better acquainted with the business than any other committee would be likely to be, he therefore moved to have this resolution referred to that committee.

This motion was supported by Messrs. COIT and NICHOLAS, and opposed by Messrs. S. SMITH, PARKER, HARPER, BROOKS, and SWANWICK. It was however, finally carried, there being 51 votes in favor of it.

## FOREIGN COINS.

Mr. NICHOLAS called for the order of the day on the bill suspending the second section of the act regulating foreign coins; which motion being agreed to, the House went into a Committee of the Whole on the subject.

Mr. SITGREAVES wished to propose an amendment to the bill, so as to make it conformable to the report of the select committee; but as he believed it would be difficult to incorporate such an amendment into the bill, without recommitting it, he should move for the committee to rise, with a view of afterwards moving a recommittal of the bill. He would not recur to the arguments used on a former occasion, in support of his motion. He wished to give the foreign coin in question a partial currency, which should give it a natural current towards the Mint. A number of calculations had been made on this subject, when formerly under discussion, drawn from an old report from the Mint, which were very inapplicable to the present state of that establishment.

By the report of 1796, it appeared that a greater proportion of silver than of gold coin had been issued; but by this report the gold coin was nearly double since that time. It appeared also by the report of 1796 that the proportion of coins deposited, compared with ingots and other bullion, was very small; whereas, by the present report, it would appear that three-fourths of the whole amount of

the deposites in gold had been made in coin, and two-thirds of the silver. This report would also show that the gentleman from Maryland (Mr. S. SMITH) was not correct in his remark when he said no bank in the United States would part with their foreign coin for the purpose of recoining, as not only three-fourths of the gold deposited had been in coin, but it was almost exclusively from the Bank of the United States. A great proportion of the silver coin deposited had also come from the banks; and the Director informed them that in the banks of New York and this city there were the value of $300,000 in crowns, ready to be sent into the Mint. These statements furnished great reason for doubting the justness of the inferences drawn by gentlemen in the former debate, and gave additional weight to all the arguments in support of the report of the select committee. It appeared by the reports that there had been issued from the Mint of the United States coins to the value of $774,000. He had never seen any estimate of the whole amount of the circulating medium which would be necessary in this country for all its commercial concerns, nor did he know upon what data such an estimate ought to be made; but when they saw the amount of the coin issued, and recollected the immense quantity of Spanish dollars in circulation, as well as bank paper, bottomed upon actual specie in the coffers of the banks, there could be little doubt that there was a sufficient quantity of circulating medium for all the purposes of commerce, though the act of 1793 were now to go fully into operation, without even the partial suspension recommended by the select committee. The only evil which would result would be the loss which might be sustained by the holders of this species of coin; but even if the law were suspended for two years, as proposed, the same evil would, in a great degree, then recur. Gentlemen greatly miscalculated, he said, when they supposed that in the mean time the foreign coin would by degrees be brought into the Mint. Indeed, they say it cannot be spared from different parts of the country; and if so, it cannot be expected to come into the Mint, without a legitimate force to bring it there. A partial suspension would produce this effect; and whilst this coin was received by the collectors, as usual, it could not diminish greatly in its value. Indeed, he was of opinion that it would be best to keep the law as it stood, and leave any regulation which might be necessary to the Executive of the United States, who had already ordered it to be received in the way proposed by the select committee, and who would be the best judge of the regulations from time to time necessary. With respect to the foreign gold coin, as the law prohibiting that as a tender did not take place for some months, the holders of it might get it out of their hands before its value was diminished; and as to silver, he believed the injury was already done. If the act of 1793 were therefore suspended, it would give the crowns a new value, and at the end of two years the same objection would be again urged, and the Mint in the mean time would be without support. He thought it was proper, on this occasion, that those who wished to suspend the law, should come out with respect to the Mint. He thought it best to go to the whole subject now, and let the act of 1793 stand or fall with the Mint. He moved that the committee rise for the purpose he had mentioned.

Mr. S. SMITH was not much surprised at what had fallen from the gentleman from Pennsylvania, as he was desirous of carrying his point. It would be a very convenient thing, at this time, for the city of Philadelphia to get as much of the money of the United States as possible into it. It would do away that scarcity of money so heavily complained of. But he did not think the gentleman had succeeded in his attempt to correct the statement formerly made by him. He did not say that the banks of this city might not send coin to the Mint, but that no bank at a distance, for instance at New York or Baltimore, would do it, as they always stood in need of their coin for the supply of their customers. And he was warranted in this opinion by the report before them, as not a single bank out of Philadelphia had deposited a shilling in the Mint. And what, he asked, had the banks in Philadelphia done? He had merely doubted whether they would be able to spare their coin to send to the Mint; and he found himself warranted in the doubt by the report. It was true the Bank of the United States had sent a considerable quantity of coin to the Mint. This was a different thing from banks in general. They had always from 100 to $300,000 of Government deposites, ready for the exigencies of Government; and he thought it judicious of the Secretary of the Treasury always to have such a sum of money at command; but they might surely spare a part of this money to be recoined. With respect to the silver, when they found the French crowns called out of circulation, they deposited them in the Mint, because they might as well be in the Mint as to lie dead in their vaults. Not one of the other banks had deposited one shilling in gold; but the banks of North America and Pennsylvania had sent in some silver, because it was as well there as in their coffers. But what has been the consequence of this stoppage of foreign coin? It has brought French crowns from all parts of the Union to the banks of Philadelphia. This was, as he before observed, a convenient thing for Philadelphia, but not for those who wished to carry on trade in other parts of the Union. The gentleman had said that the Executive had given orders for French crowns to be received by our collectors at one hundred and ten cents; but how, he asked, were they to be got to Philadelphia? Were they to be transported at the public expense? If they were, and he knew of no other way, it would not amount to a trifling sum. But would it not be doing an essential injury to the citizens to take away from them their cash, without sending any other in its place? It certainly would. If it were to be called in, new coin should be previously issued to take its place. If what he advanced bore hard upon the Mint of the United States, he could not help it; he thought the Mint founded in folly. This was not the

opinion of the gentleman from Pennsylvania; it might be the interest of his State to support the Mint, but he did not think it was the interest of the Union. Mr. S. conceived another consequence, if the law respecting gold coin was not suspended. Merchants were as desirous of exporting gold coin as silver, and there was as great a difficulty in procuring it when it was wanted; but if its circulation were to be stopped, instead of holding it back, the banks would push it upon every body, and it would be mostly exported. And how, he asked, was it to be got back? Nobody had said any thing on the subject but the gentleman from Massachusetts, (Mr. SEWALL.) He said that doubloons, or four-pistole pieces, were imported at a loss of three-fourths of a dollar, and that these would continue to be imported. He did not know but small fishing vessels might be in the habit of thus dealing; but merchants, in any extensive business, made remittances to London, where doubloons were at their full value, and drew bills upon London, or sent the doubloons to the French West Indies, where they were worth the full sixteen dollars, and got articles in return which afforded a good profit. They were in the habit of importing gold from Lisbon, when the exchange was against them; but there was a profit upon this gold of six grains upon a half joe. This was one of the inducements for importing gold; but it would be no longer an inducement, if they were to be no longer payable. Gold would therefore be no longer imported. If the Mint were to be supported, the plan of making an appropriation for the purchase of bullion was the only one which was at all feasible. He should of course be against the committee's rising to recommit the bill.

Mr. SITGREAVES wished to set the gentleman last up right as to matter of fact. He had said, no deposites had been made from a distance; but, if he attended to the report of the Director, he would find that he expected about $300,000 from the banks of this city and New York; and he was informed that $250,000 thereof were to come from New York as soon as the Mint was ready to receive them, and a guard was provided.

Mr. S. SMITH said, he supposed these were crowns whose circulation was stopped.

Mr. SWANWICK observed that it sometimes happened that Legislatures passed improper laws. When they did so, they generally tended to correct themselves. What was the fact respecting the law in question? A law had been passed declaring that French crowns should not be a lawful tender after a certain period. That period was passed; but the Secretary of the Treasury, in contradiction of it, had directed the officers of the customs to receive them as usual. Was not this an acknowledgment that the law was improper and inconvenient? It would be well, he said, to take a view of the situation of our commerce, with respect to the circulating medium. The main object in the institution of the Bank of the United States was to give a general currency to its paper, that it might take the place of coin in a great degree; but they had been told by the gentleman from Virginia, (Mr. NICHOLAS,) that, though these notes were a lawful tender in all payments to the United States, they were not current in the interior of the country. The chief circulating medium of the country was, notwithstanding this, paper. Merchants, in paying their duties, generally gave a check on their banker; therefore, though our revenue produce seven millions a year, but a small part of that sum is paid in cash. What, then, was the use of foreign coin? It was not wanted so much for a circulating medium at home, as for exportation. Much of it was sent to the East Indies and to Great Britain; and, though some gentlemen had said a gold coin of the United States was so scarce an article in the interior of the country, that when it was met with it was hoarded as a pocket-piece, he had been lately informed by a gentleman from London that he had seen a large quantity of our eagles in a goldsmith's shop there, for the purpose of melting down: so rapidly, said he, do our eagles *take their flight.* Foreign coin being therefore necessary to pay the commercial balance due from us to foreign countries, it would certainly be imprudent to call it in. Mr. S. was opposed to the power being vested in the Executive to regulate the business of making foreign coin payable, or not payable, at his pleasure. If the Mint establishment were to be supported, it must be done, he said, out of the revenue received: a small sum would do it. But why force individuals to bring their crowns into the Mint? What advantage would there be in it? Could any one say this new money would stay at home? They could not; and, therefore, where he could see no advantage, he was not for putting any class of people to inconvenience. It were best, he believed, to let the business of foreign coin remain without restraint.

Mr. SEWALL said, the reasonings of some gentlemen upon this subject were so different from his, that he was almost led to doubt the conviction of his own mind. The gentleman from Maryland had referred to what he had said on a former occasion respecting four-pistole pieces, and observed that a few small fishing vessels might carry on their trade in the way mentioned, but that merchants in larger concerns did not. It was true, the fact he alluded to was the way in which vessels that went with fish from the port from which he came did their business at Bilboa. The gentleman said the business could be better done in London. He certainly must have been ignorant of the subject, or he must have known, that, in the present state of warfare amongst the European Powers, remittances from Bilboa to London could not be made; and when they were made, it was at a loss of from 15 to 25 per cent. He believed the dollar of Spain was worth 40*d.* sterling, but it had been down as low as 28*d.*, and was mostly at 36*d.*; whereas the loss sustained on the importation of gold was less than five per cent.; so that it was much better to receive gold than make remittances from Spain to London. Sometimes, however, the traders agree to lose from 15 to 25 per cent. by drawing on London, when they have an article which will afford an extraordinary profit. Taking the subject at large, he did not think so many difficulties would attend the suffering of

the law to take effect as had been predicted. At present, he said, we gave a sanction to foreign coin which was not given in any other country. The question was not whether they should say foreign coin should not be received at all, but whether, by our law, a man shall be obliged to receive it; which would be giving full credit to the coin of a foreign Goverment, over which we have no control, and which may, of course, contain more alloy than it ought. At present, he said, our collectors received French crowns: banks would do the same. Gentlemen said this showed the inexpediency of the law. He thought it showed the inexpediency of disputing about the matter; and if there would be no inconvenience attending the law going into effect, it would certainly be more honorable to Government that our citizens should not be forced to receive foreign coin in payment. If the business were left in the way the Executive had put it, the foreign coin, without producing any inconvenience, would take its course towards the Bank of the United States; for money did not need to be hauled along, it flowed like water through the country. Gentlemen had said that copper circulated in direct contradiction to the law; and, so far as it was necessary, the foreign coins in question would have a currency; but it was not necessary to force them into payment. He believed the new coin of the French Republic contained more alloy, and was of less value than those of the Monarchy; yet gentlemen would have all received. He hoped the motion would be agreed to, as he saw no good in postponing the business for two years.

Mr. NICHOLAS said the observations on this subject had generally admitted that there would be a loss attendant on the calling in of the foreign coin in question; but the gentleman last up had endeavored to prove that it was the intention of gentlemen, in favor of suspending the act, to force foreign coin to be received. It was astonishing that the gentleman could so far impose upon himself as to believe it possible to impose such an opinion upon the House. The laws had heretofore said they should be received; they did not wish to add to them. He believed they were not now to decide whether they would have our own impression upon all the money in circulation, but whether they should be justified in taking money out of the hands of citizens at a less value than that for which they received it. They had been told that the suspension of this act would be an intrenchment upon the Mint law; that it would strike at the existence of the Mint; and that if the business were postponed, the same objection would arise at the end of the time to which the laws were suspended. The crisis now arrived, he said, was never in view when the law was passed; the Mint law had not been carried into effect; it directed that all foreign coin which came into the Treasury should be sent to the Mint and recoined. What would have been the consequence of this? If it were ever possible to fill the country with our own coin, it would now have been filled. But, instead of this law being complied with, not a shilling had been sent to the Mint from the Treasury. The consequence was, a coin of the United States could not be seen, at least in the interior of the country. He averred he never did see an eagle pass in any current commercial transaction. He believed it impossible to keep a circulation of this kind for any length of time; for the balance of foreign trade being against us, it must go to pay that balance. Mr. N. said he had attended to the report which they had received on this subject, and to the observations of the gentleman from Pennsylvania that it ought to produce a different result in the committee. He had nothing but the gentleman's word for it. So far as he could understand the report, he did not find this Mint operative, or able to do the work which gentlemen wished to give it. That it had done last year less than ever, and if it gets the $300,000 which are expected, upon the highest calculation of what it can do, (and not what it has done,) it will require seventeen weeks to recoin them. What would be the effect, then, if all the foreign coin were to come in? The banks would, of course, have the preference, and the other must wait until the Mint was ready to receive it, without benefit to the owners. Was this reasonable? And were gentlemen to be indulged in their plaything at the expense of the people? Mr. N. said gentlemen forced the Mint into discussion. They say it is necessary for its existence that this law should be in force. They were constantly told that all the mischief which could arise from the stoppage of the silver coin had already taken place. His knowledge was the reverse. When he left home, the circulation had stopped, but persons holding crowns declined parting with them at a loss, relying on something being done for their relief. As to what the Executive had done, in ordering French crowns to be received at the custom-houses, it would afford no adequate remedy. It was perhaps a very proper step for the Executive to take, though he did not know by what authority it was done; yet gentlemen wished to have the sole regulation of the business. He was far from being of this opinion. But, say gentlemen, if this suspension were to take place for two years, the same inconvenience would return. This, Mr. N. said, would depend upon circumstances. If gentlemen were determined to support the Mint, there were other ways of doing it, without taxing any particular part of the people. If not, it might be put down altogether. It was not tied about their necks like a millstone to sink them. He trusted if it were found an useless and unprofitable establishment, that it would be relinquished. One result, Mr. N. said, he drew from the Director's report, which was that, whilst there were to the amount of $300,000 in French crowns in this city and New York, the quantity in circulation could not be so inconsiderable as some gentlemen seemed to insinuate. It confirmed his opinion that the amount throughout the United States was a serious one. He hoped the committee would not rise for the purpose proposed.

Mr. VENABLE said it would be remembered that the gentleman from Pennsylvania, (Mr. SIT-

GREAVES,) was on a former day opposed to the report of the committee, though he now wished to favor it, notwithstanding his arguments were against it. He himself was one of the committee, and should have been satisfied with the report. Mr. V. thought the gentleman had used a curious sort of argument. He had said he had no data upon which to calculate what would be a sufficient circulating medium for this country; yet he was certain there must now be sufficient coin to prevent any inconvenience from the stoppage of foreign coin. He did not think it safe to act upon such arguments as these. He said he was not much acquainted with commerce; but some gentlemen had gone upon ideas which were very different from those impressed upon his mind. The gentleman from Massachusetts had said that the only way to support the Mint was to depreciate the foreign coin; but this could not last long, for if it were depreciated, that depreciation would put a stop to its importation. Before he saw the report, Mr. V. said he supposed the operations of the Mint had been greater than they proved to be. He was now satisfied that nothing would do but a suspension of the law relative to foreign coin, as the Mint could not supply the circulation. In three years the Mint had coined $700,000. They were now indeed promised $300,000 from the banks. If, therefore, the Mint increased in its operations, the country would be in a better state for dispensing with the circulation of foreign coin two years hence than it was at present. Had the Mint answered the expectations formed of it when the Mint law passed, there would not now have been any occasion for the proposed suspension. It was said that as the officers of the Customs and the banks received French crowns, there could not be much loss upon them; but the banks receiving them was a voluntary act, and they might depreciate or appreciate them at their own pleasure. This was not the situation in which the country ought to be with respect to the circulating medium. The people wished to have the business regulated by law, that they might have some certainty in their money transactions.

Mr. S. SMITH said the gentleman from Massachusetts had charged him with ignorance in the observations he had made with respect to the mode of transacting business between this country and Bilboa; and though he was ready to confess he might, in some respects, be deemed ignorant on many subjects which came before that House, yet he did not think the term applicable on the present occasion. The gentleman had asserted that there was no way of importing coin from that country but by smuggling; but the true way of importing coin was to pay eight per cent. for the danger, five per cent. premium, and to sustain a further loss of five per cent., making in the whole eighteen per cent. The gentleman had stated that at present it was impossible to make remittances by way of London, and that when they were made, they were attended with a charge of from fifteen to twenty per cent. The gentleman had also stated the Spanish dollar to be as low as twenty-eight pence, but this was owing to a paper currency in Spain, which had reduced the price from forty-eight to twenty-eight. The extent of loss, at this time, of remittances of that kind, was from ten to twelve and a half per cent. And so far from the gentleman being correct in saying that no remittances could at this time be made, it was the common course of business—as, though it could not be made directly to London, it was done through Hamburg, in the same way as remittances from Holland to London were made through Bremen. With respect to the report before them, the Director said they could coin from $18,000 to $20,000 per week. Let us see, said he, what has been done. The last deposite was $29,000, from the Bank of North America, made there three weeks ago, and yet it was not finished. This varies from the report of the Director. Supposing, however, that the Mint is capable of coining $15,000 a week, it would take a year and a quarter to coin a million of dollars.

Mr. SITGREAVES said, that the gentleman from Virginia (Mr. NICHOLAS) had insinuated that his motion ought not to be carried, because he was, on a former occasion, opposed to the report, though now in favor of it. He did not oppose it altogether, but only as it related to gold coin; he then tried the opinion of the committee with respect to gold coin; he wished now to try it with respect to silver, and to see whether they were not of opinion that the measures recommended by the Executive would not prove sufficient to answer every purpose. He had also noticed what he had said with respect to the circulating medium of the country. Because he had said he did not know the amount of the circulating medium, yet from the amount coined, and the dollars and paper in circulation, he believed no inconvenience could be sustained from the stoppage of French crowns, he had called it an extraordinary argument. It was not one of those things upon which any certainty could be had. He might with as much propriety say it was sufficient, as that gentleman should say the contrary. It was their opinion. But the gentleman remarked, that the sum now said to be ready to be deposited in the Mint, was nearly half the amount of what had hitherto been coined. This was a fact, Mr. S. said, which ought to be a strong inducement with them to take the course he advocated; for, said he, what is the reason so little has hitherto been done? Did it not appear from the report of the Director of the Mint that it was owing to errors in the law which prevented deposites from being made? And had not these representations been uniformly disregarded? It had, therefore, been for want of bullion alone that the Mint had not done more work. The former Director had told them that the Mint was equal to the coining the value of three millions of dollars of gold and silver coin in a year; the present Director told them from $18,000 to $20,000 a week in silver, which was about a million a year, and gold in proportion. Hence it was clear that the capacity of the Mint was equal to the issuing of three millions a year; so that it was not incapacity, but error, which prevented a sufficiency of coin from coming from the Mint.

The act for stopping foreign coin had already, in some degree, as they learnt from the report before them, corrected the error.

Gentlemen had suggested another mode of supporting the Mint by appropriation. He had heard nobody deny that this would not be proper; but he wished the law to remain in aid of any appropriation which might be made.

Mr. S. concluded with remarking, that he had inquired of one of the bank directors the reason why so great a proportion of gold coin had been sent to the Mint? and he told him it was owing to the gold being in so mutilated a state that they could not put it off to their customers.

Mr. GALLATIN said, after what had fallen from the gentleman from Virginia, (Mr. NICHOLAS,) he did not expect to have heard the arguments made use of by his colleague; after it had been stated that the law of 1793, which required the Secretary of the Treasury to send to the Mint all the foreign coin which came into his hand had not been complied with, he was astonished he should talk to them of the errors of the system as to deposites. It was said there were good reasons for this breach of the law. He did not doubt this, because they knew the law had not been carried into effect. The reason why it had not, was not now under discussion; but let it not be said that it was owing to a great part of the revenue being paid in paper, because it was known that cash was always demandable for that paper. He did not mean to throw blame upon the department in the business, any farther than this: that, as it was their duty to carry the laws into effect, when they found it inconvenient to do so, they ought to state the inconvenience, in order that the law might be reconsidered. It was complained of that no appropriation had been made for the purchase of bullion; there would have been no necessity for this, had the law been carried into effect, as all the money in the Treasury was appropriated for the purpose by the law directing it to be recoined.

The gentleman from Massachusetts (Mr. SEWALL) complained that the law, making foreign coin legal tender, forced the people of the United States to receive a foreign coin which might not be of sufficient purity, and upon which they might suffer a loss. Mr. G. said, the gentleman was mistaken as to fact, as no loss of this kind could be sustained, until the President issued a proclamation, declaring that a certain coin was of less value than it ought to be. The present question was not, as that gentleman had stated it, whether they should give currency to foreign coin or not; but it was whether they should take foreign coin out of circulation before they got their own into circulation. The law consisted of two parts: the one was, directing that all money which came into the Treasury should be recoined; the other, that at a certain period foreign coin should be called out of circulation. But the first part not having been carried into effect, it was highly reasonable the operation of the second should be suspended. Mr. G. did not think the report of the Director of the Mint made any change in question. If any inference could be drawn from it, it was that the banks having sent a considerable quantity of foreign coin to be recoined, they may probably continue to do so, though the act be suspended. With respect to the deposites promised from the banks of New York and this city, he did not think they were of any consequence in the business, as they did not affect the main argument. He said it should be the interest of the holders of French crowns to take them to the Mint, or not; if it were their interest, they would do it without any "legitimate force," as his colleague had termed it; if not, they ought not to do it at a loss. He should, therefore, vote against the committee's rising for the purpose mentioned.

Mr. SEWALL thought it incumbent upon him, before the question was taken, to state that he did not apply the term "ignorance" to the gentleman from Maryland, generally, but merely as to the particular circumstance of which he spoke; nor should he have used the phrase, if another had occurred to him. Mr. S. also took some notice of what had been said by Mr. GALLATIN, respecting the proclamation of the President being necessary, before any loss could be sustained by foreign coin containing too much alloy; but a proclamation of this kind would occasion as great difficulty, as suffering the law in question to continue in effect.

The question for the committee's rising, in order to recommit the bill, was put and negatived, there being only 27 votes in its favor.

The question was then carried without division for rising and reporting the bill.

The House having resumed, Mr. SITGREAVES called for the yeas and nays on the question of the bill's going to to a third reading. Agreed to.

Mr. CHAMPLIN said, as he intended to vote against this bill, and as several gentlemen opposed to it had taken very different grounds of opposition, he rose with a view of merely stating the grounds upon which he should give his vote. He was as sensible as any member of the House of the evils and inconveniences resulting from a certain part of the act relative to the Mint; and if they could not be remedied in any other way than the one contemplated by the bill now proposed, he should certainly assent to it. But he was convinced that the provision contained in this bill to remedy those evils was both improper and unnecessary: improper, as it would operate to the ruin of the Mint; and unnecessary, as the select committee, to whom this subject was referred, originally reported a proposition which, if adopted, would put an end to all the difficulties consequent upon the operation of the act in question, as it now stood. He hoped, therefore, that the bill would be negatived, and the original report of the select committee be again resorted to and adopted.

The question being put upon the bill's going to a third reading, the yeas and nays were taken, and stood 68 to 25, as follow:

YEAS—Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Nathan Bryan, Stephen Bullock, Demsey Burges, John Chapman, Thomas Claiborne, William Charles Cole Claiborne, Matthew Clay, John Clopton, James Cochran, Joshua Coit, Thomas

T. Davis, John Dawson, George Dent, William Edmond, Lucas Elmendorph, Thomas Evans, William Findley, Jonathan Freeman, Albert Gallatin, James Gillespie, Chauncey Goodrich, Andrew Gregg, Roger Griswold, William Barry Grove, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Hezekiah L. Hosmer, Walter Jones, John Wilkes Kittera, Edward Livingston, Matthew Locke, Samuel Lyman, Jas. Machir, Nathaniel Macon, Blair McClenachan, Joseph McDowell, Daniel Morgan, Anthony New, John Nicholas, Josiah Parker, Thomas Pinckney, John Reed, John Rutledge, jun., William Shepard, Tompson J. Skinner, Samuel Smith, William Smith, Peleg Sprague, Richard Sprigg, jun., Richard Stanford, Thomas Sumter, John Swanwick, Thomas Tillinghast, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, John Williams, and Robert Williams.

NAYS—George Baer, jun., Bailey Bartlett, David Brooks, Christopher G. Champlin, William Craik, John Dennis, Abiel Foster, Dwight Foster, Henry Glen, William Gordon, William Hindman, James H. Imlay, William Matthews, Lewis R. Morris, Harrison G. Otis, Isaac Parker, Samuel Sewall, Thos. Sinnickson, Samuel Sitgreaves, Nathaniel Smith, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, and Peleg Wadsworth.

The bill was accordingly ordered to be engrossed for a third reading to-morrow.

## TENNESSEE LAND TITLES.

Mr. PINCKNEY, from the committee to whom was referred the remonstrance and petition of the Legislature of the State of Tennessee, made a report recommending that a sum of money should be granted by Congress, and placed in the hands of the President of the United States, for the relief of such citizens of Tennessee as have titles to land by virtue of the cession act of North Carolina, and who have been deprived of them by the carrying into effect the late treaty with the Indian claim, or in such other manner as the President of the United States shall think proper, for the relief of the said citizens.

This report was twice read, and committed for Monday.

---

THURSDAY, December 24.

Mr. ALLEN proposed a resolution to the following effect; which was agreed to:

*Resolved*, That a committee be appointed to inquire whether any, and, if any, what alterations are necessary to be made in the act establishing the Judiciary Department, and that they report by bill or otherwise.

## AMY DARDIN.

Mr. T. CLAIBORNE moved that the report of the Committee of Claims, on the petition of Amy Dardin, be referred to a Committee of the Whole.

The SPEAKER said, that the report having been negatived at a former session, and a bill brought in for her relief, but not decided upon, the proper motion would be, to appoint a committee to bring in a bill.

Mr. CLAIBORNE made that motion, which Mr. COIT moved to be referred to the Committee of Claims, in order that they might report the facts relative to the case, which were not generally known.

Mr. CLAIBORNE objected to this; and

Mr. BALDWIN suggesting the propriety of committing it to the same Committee of the Whole, to whom were referred the subject of considering the expediency of excepting certain claims from the operation of the limitation acts, this course was adopted.

The bill for the relief of North and Vesey, of Charleston, was read the third time and passed; as was also

The bill for suspending the second section of the act for regulating foreign coins, and for other purposes.

Two and three years were proposed for filling the blank for the duration of the suspension; the latter, moved by Mr. GALLATIN, was carried.

The SPEAKER informed the House that he had received a communication from the Treasury Department, enclosing the accounts of the Treasurer for the quarter ending the 30th of September; which was ordered to be printed.

## CAPTAIN HURLBUT.

Mr. COIT called for the order of the day, on the bill for the relief of Capt. Hurlbut; which being acceded to, the House went into a Committee of the Whole on the subject, and reported the bill without amendment. The House took it up, when

Mr. NICHOLAS hoped the bill would not be engrossed, but recommitted to a select committee, in order that a bill might be reported on the subject generally, as, if relief were to be offered at all, he hoped it would not be confined to one case.

Mr. WILLIAMS seconded the motion.

Mr. COIT said, as there was no probability that there could be many cases of this kind, he saw no reason for passing a general law on the subject. He had only heard of one other case.

Mr. NICHOLAS said, that though gentlemen might amongst themselves have concluded that the Revolutionary war ended in January, 1783, yet he believed the representatives of persons who served during all the actual war till the year 1781, and died before 1783, would suppose they had ground for making application, except the House came to some express declaration on the subject. For his part, he saw no difference between the case of a man who died at one time or the other; he thought the war continued so long as the enemy's armies remained in the country.

Mr. BROOKS was in favor of the motion; for though there might be but few instances of this kind; he wished them all to be put upon the same footing. The enemy evacuated New York, he said, on the 25th of November; he was present at the time; but the Army had been generally discharged on the 3d of November. He supposed a variety of considerations had induced Congress to determine the war as closed at the time they had fixed.

Mr. GORDON was in favor of the motion. The gentleman from Connecticut had founded the claim of Captain Hurlbut on his contract, and

had therfore had recourse to fixing the period of the termination of the war at a different time than that fixed by Congress. When they were about to declare the determination of a former Congress wrong, he thought they should do it expressly, and not by implication; and he trusted the gentleman from Connecticut was not afraid of being called upon to do justice in other cases, which stood upon the same ground with the present.

Mr. A. FOSTER said, this construction of the termination of the war would embrace more cases than was imagined; he supposed it would extend to soldiers as well as officers, who died after that period.

Mr. NICHOLAS's motion was put, and carried.

Mr. VARNUM moved to amend the motion, by including soldiers who died after the signing the preliminary articles of peace, as entitled to the gratuity of eight dollars, which was allowed to those who served to the close of the war. Agreed to.

## LOUIS LE GUEN.

Mr. COIT moved for the order of the day on the report of the Committee of Commerce and Manufactures on the petition of Pierre Joseph Flamend, in behalf of Louis Le Guen; which being agreed to, the House resolved itself into a Committee of the Whole on the subject.

The petitioner states that, on the 16th of September, 1795, William Macarty, Esq., the Consul of the United States at the Isle of France, there shipped on board the brigantine Mary, Captain Robertson, of Philadelphia, twelve casks of indigo, consigned to George Latimer, Esq., of Philadelphia, owner of the said brigantine, who was desired to deliver the same to the shipper's orders; that the said indigo arrived here in January, 1796; was duly entered at the custom-house, and the duties paid by George Latimer, Esq., who stored the same, waiting for orders to whom to deliver the same; and that these orders were delayed by accidents of the sea, from arriving till within the last fortnight, when Louis Le Guen received the same, and applied for the indigo to Mr. Latimer, who delivered the same, and confirmed on oath all the facts, above stated, as far as they relate to him; but by the delay of the arrival of the letters of advice and bills of lading, the time had elapsed in which the indigo might be exported and entitled to drawback; wherefore the petitioner prays for an extension of the time to export the said indigo, with the usual allowance of drawback on exportation. The Committee of Commerce and Manufactures were of opinion that, as the loss of time arose only by the distance of the Isle of France, and accidents to letters, and not by any fault in the petitioner; and as there was no probability of any precedent of this kind frequently occurring, they thought it but just and reasonable the prayer of the petitioner should be granted; and therefore recommend the House to come to the following resolution:

*Resolved*, That a committee be appointed to bring in a bill in pursuance of the prayer of the petitioner.

Mr. SWANWICK moved that the committee concur with the report.

This motion called forth considerable debate. It was opposed by Messrs. COIT, GALLATIN, J. WILLIAMS, ALLEN, GORDON, and EDMOND, on the ground of its proving a dangerous precedent, as many cases might occur that would induce merchants to keep their goods past the twelve months allowed by law, before they exported them; that no accident had occurred in the business; that Mr. Le Guen, at the time of shipping the goods, knew the risk he would run of losing the drawback; that he chose between two evils, and rather than risk the sending advices in the same vessel with his goods, (which would have proved them to be French property,) he chose the lesser evil of risking the loss of the drawback; that if persons chose to run those risks, the Government had nothing to do with it, and it ought to have no operation upon our laws; but if subjects of the belligerent Powers chose to put their property on board our vessels, under the American mantle, they ought not to expect the additional advantage of a suspension of our laws in their favor. Mr. ALLEN, in particular, cast a severe censure upon our Consul in the Isle of France for having connived at this deception; and that to grant the prayer of the petition would be a scandalous partiality in favor of one of the belligerent Powers.

The motion was supported by Messrs. SWANWICK, LIVINGSTON, S. SMITH, J. PARKER, PINCKNEY, and BROOKS, on the ground that there had been no omission on the part of Mr. Le Guen; that it had been owing to the accidents of the sea, that advice was not received in due time; that it was never intended that goods not consumed in this country should pay the duty; that in England, whose practices in this respect we have copied, a business of this kind would have been rectified by their board of trade, without bringing the matter before the Legislature: that it would have been a mark of great folly to have sent any papers by the vessels which conveyed the property, which would have proved it to have been French, knowing as the party did, that French property on board our vessels was liable to be taken by the English; that so far from there being any moral turpitude in thus carrying the property of persons, subjects of any of the belligerent Powers, it was a very profitable branch of our trade, and that the Consul at the Isle of France was perfectly justifiable in consigning the goods as he had done.

Mr. PINCKNEY was of a different opinion as to the conduct of the Consul. He thought it decidedly wrong that he should have had anything to do in the business, though he justified our thus carrying the property of the subjects of the belligerent Powers; that no American vessel would receive property on board belonging to any belligerent Power, which should be entered as such; that in allowing the prayer of the petition, Government would show no more partiality to any belligerent Power than was shown daily in allowing foreigners a drawback on goods exported; and that to deny the prayer of the petition would

be such a dereliction of justice, as it was trusted that the House would never consent to.

The committee rose without taking a vote on the subject, and had leave to sit again.

---

FRIDAY, December 22.

A bill from the Senate for the relief of William Imlay, Commissioner of Loans for the State of Connecticut, was twice read and referred to the Committee of Claims.

## GENERAL KOSCIUSKO.

Mr. DAWSON wished to call the attention of the House to a subject, which, he doubted not, would interest the feelings of every member. The subject he alluded to was the situation of General Kosciusko. It was a fact well known to every man in this country, it was a fact known to the world, that this brave man entered into the service of the United States, at an early period of our Revolutionary war. When this service was ended, he received from the Government a certificate of what was due to him. He returned to Poland, his native country; there, animated by the same spirit which had led him to take a part in our struggle for independence, he endeavored to overthrow the existing tyranny, and to introduce in its place liberty and independence. For some time his attempt seemed likely to be crowned with success; but, on the fatal 10th of October, 1794, overpowered by numbers, he was defeated and taken prisoner. Covered with wounds and with glory, he was conducted to the prison of Petersburg. When he was released from thence, he immediately set out to this country, here to spend the remainder of his life. He was now within this city; but, from the wounds he had received in his arduous but unsuccessful conflict, he was unable to walk, or to attend to any business. The unfortunate day on which he was taken prisoner, he lost his all, and with it the certificate of the services rendered to the United States. He was unable, therefore, to obtain a settlement of his account at the Treasury. To set aside all difficulty in the matter, Mr. D. proposed to offer a resolution to the consideration of the House; and as it was justice only which he sought for this brave man, he doubted not that a spirit of justice would insure its adoption. It was to the following effect:

"*Resolved*, That a committee be appointed to inquire and report whether any, and, if any, what provisions are necessary, to obtain payment of the claim of Gen. Kosciusko on the United States."

Mr. J. PARKER seconded the motion. He hoped the resolution would be agreed to, and that immediate attention would be paid to the unfortunate gentleman, as he believed, except he made use of the grant made to him by the Emperor of Russia, which, he believed, he was disinclined to do, for considering his predecessor as the chief cause of his own misfortunes, and those of his country, he did not wish to be under obligations to him. The certificate given to the General on his departure from hence, was for $12,800, upon which he had received only one year's interest. He hoped, therefore, as he had the misfortune to lose his certificate, at the time he was taken prisoner, that the House would take such measures as should enable him to receive the amount of his certificate, with the interest due thereon.

Mr. COIT moved that the resolution should be committed to the Committee of Claims, but afterwards changed his motion so as to make that committee the committee to inquire and report, instead of a select committee. He professed to have no other object in these motions than that this claim should take the same course with other claims.

The motion was supported by Messrs. ALLEN, J. WILLIAMS, MACON, and EDMOND. It was opposed by Messrs. J. PARKER, LIVINGSTON, GALLATIN, BROOKS, NICHOLAS, HARPER, SHEPERD, OTIS, PINCKNEY, SWANWICK, S. SMITH, T. CLAIBORNE, and McDOWELL.

The motion for a reference to the Committee of Claims was lost—59 to 33.

Mr. PINCKNEY said, that as this claim was different from most others which came before that House, and having himself had something to do in the business, he would state to the House what he knew of it. Previous to General Kosciusko's return to Poland, whilst he was in Germany, he applied to the Polish Ambassador in London, by letter, requesting him to make application to the American Minister there for payment of a part of the money due to him from the United States. The mode of transacting this business was this: The interest arising from the certificate granted to the General, was made payable in Paris; but from the change which took place in the French Government, the General did not know how to receive it there, which was the reason of his making application, through the Polish Minister to him (Mr. P.) in London. Mr. P. wrote to the American Minister in Paris for an order on the bankers of the United States in Holland, but having in the meantime received a letter from Gen. Kosciusko, requesting the money to be sent for him to Ratisbon or Leipsic, he (Mr. P.) sent an order to Amsterdam, requesting the bankers there to transmit the money either to Ratisbon or Leipsic, as the exchange should be most advantageous. In the interim General Kosciusko returned to Poland, and he supposed he then had no time to attend to this business. He never heard any more upon the subject until he saw the General in Philadelphia, when he found this money had not been received by him; so that he supposed it yet lay in the hands of the Leipsic or Ratisbon banker.

Finding this to be the case, Mr. P. immediately wrote to the banker at Amsterdam, requesting him to redraw the money, and to transmit it here for the General's use. But, as he might, in the meantime, stand in need of it, it might be proper in the United States to anticipate its return, by settling the acount with the General. He hoped in whatever way this business was effected, it would be in such a way as not to wound the

feelings of a man who had deserved so well of this country.

On a suggestion of Mr. Sitgreaves, instead of appointing a committee, the Secretary of the Treasury was directed to make a report what "Legislative provision was necessary, &c."

This motion was carried by 49 to 40; but whatever difference of opinion there was in the House, as to the mode of doing the business, there seemed to be but one sentiment, as to the propriety of complying with the spirit of the resolution.

### COUNT DE GRASSE.

Mr. Livingston said, it would be seen by the report of the unfinished business, that a bill passed that House in February last, for the relief and protection of American seamen, but not being acted upon by the Senate, he found it would be necessary to bring forward the business anew in the House of Representatives. He should, therefore, move that a committee be appointed to bring in a bill for this purpose on Tuesday next. Whilst he was up, Mr. L. said he should present a petition from the daughters of the late Count de Grasse. The petitioners state their funds as exhausted, principally by paying debts contracted before the grant of Congress, and not having yet received any returns from the estate left them in Port-de-Paix, they pray for the further assistance of Congress, until they can get possession of their patrimony. After the report of a committee on their former application, Mr. L. moved that this petition be referred to a select committee.

Mr. Coit moved to have it referred to the Committee of Claims. This motion was negatived—there being only 22 votes in favor of it; the motion for a reference to a select committee was then carried without a division. A committee of five was appointed.

### LOUIS LE GUEN.

The order of the day being called for on the report of the Committee of Commerce and Manufactures on the petition of Louis Le Guen, the House went into a committee on that subject; and, after some observations from Mr. Coit against the report, and by Mr. Swanwick in favor of it, the question was taken, and the report in favor of the petitioner negatived—there being only 22 members for it.

The House being resumed, on the motion being put for a concurrence with the Committee of the Whole in their disagreement to the report, Mr. J. Parker called for the yeas and nays upon the question; but as one-fifth of the members present did not rise in favor of the motion, (which is necessary according to the rules of the House,) it was lost. The motion to concur was then carried—58 votes being in favor of it.

---

### Tuesday, December 26.

Mr. Livingston, agreeably to the notice he had formerly given, moved that a committee be appointed to bring in a bill for the relief and protection of American seamen; which was agreed to.

A report from the Committee of Claims, directed to consider the bill for the relief of William Imlay, sent from the Senate, was made, recommending an agreement to the same; the report, being read a second time, was referred, together with the petition and bill, to a Committee of the Whole on Thursday next.

### EVIDENCE IN CONTESTED ELECTIONS.

On motion of Mr. Harper, the House resolved itself into a Committee of the Whole, Mr. John Wilkes Kittera in the Chair, on the bill directing the mode of taking evidence in the cases of contested elections; and, after some time spent in considering the same, during which the bill received sundry amendments—among others was a clause to limit the duration of the law till the end of the first session of the sixth Congress. This clause was moved by Mr. Havens, and seconded by Mr. Sitgreaves; it was opposed by Mr. Harper as destructive to the object of the bill. Mr. Nicholas saw no injury that could result from it, but believed it to be the only mode of reconciling a majority to the bill—

At length the committee rose and reported progress.

### PROTECTION OF COMMERCE.

Mr. Sewall reported, from the committee appointed on that part of the President's Speech relating to the protection of commerce, that it was proper to regulate the arming of merchant ships by a Legislative provision instead of an Executive one; this report was accompanied by circulars from the former Secretary of War, and the present Secretary of the Treasury, treating on the same subject; and by a bill, as a supplement to the act of June, 1794, providing punishment for fitting out ships of war or naval armaments.

These papers were ordered to be printed, and the bill having been read a second time, and agreed to be referred to a Committee of the Whole, a motion was made by Mr. Nicholas to make it the order of the day for the first Monday in February next; other days were named, viz: Monday and Thursday next.

The question was taken on the most distant day and carried—40 members rising in favor of it, and 37 against it.

Mr. Shepard said he had voted for the most distant day under a mistake, as he conceived the motion to be for the first Monday in January; he wished the vote might be reconsidered.

The Speaker informed that such a motion must be seconded by a member who voted in the majority, or it could not be put.

Mr. Morgan, who had voted on the same side with Mr. Shepard, and wished to give the latter an opportunity of voting according to his intention, seconded the motion.

Mr. Pinckney said, if the question were to be reconsidered, he should wish to hear the reasons why gentlemen wished the subject to be so long postponed. He thought the provisions in this bill were much better than those which at present regulated the arming of vessels; he wished, therefore, that the business might not be so long deferred.

Mr. OTIS hoped the vote would be reconsidered. He thought a much less time would be sufficient for gentlemen to investigate this subject. He wished that the business might be coolly examined, and that such measures might be adopted, with respect to the arming of our merchant vessels, as the good of the country required; and not, when a subject of as great magnitude as any which might be discussed during the session, was brought before the House, that the consideration of it should be postponed, by a silent vote, for four weeks. He thought such a measure very extraordinary, and pregnant with humility and disgrace to the country, at a time when our suffering commerce called aloud for protection. Whether they would protect it or not, is a question which should be fairly considered and determined upon; but, when a proposition was brought forward, which had a view to this subject, by what latent fear, he asked, were gentlemen palsied, that such a measure should be thus procrastinated? He invoked the Genius of the Country to rescue the Union from the disgrace which hung over it; that at a time when the commerce of the country, which had so greatly contributed to its prosperity, lay prostrate, and a bill was reported which had in view its protection, a motion should be agreed to to postpone the consideration of it for four or five weeks. He hoped gentlemen would not persist in thus acting; he wished as long a time to be given as was necessary for considering the subject, but not that it should be laid behind the curtain, on account of any fears which gentlemen were unwilling to disclose.

Mr. HARPER trusted his friend from Massachusetts, when he informed the House he should be against reconsidering the question, would not impute his conduct to *fear*. He voted for making this subject the order of the day for the first Monday in February, not because he felt any *fear*, but he did it, and he should do it again, because the bill brought into view a subject, for the discussion of which they were not prepared. Why not prepared? Because, at the last session, they had negatived, contrary to his opinion of what ought to to have been done, the defensive measures then proposed; for he then thought. and continued to think, that it would have been well to have followed up pacific steps by energetic measures of defence. He did all he could to induce the House to be of this opinion, but he was not successful; and as it had been resolved to leave the state of things as they found them, he meant to adhere to this resolution until he heard from our negotiators. Whenever the time should come for this country to take measures of defence, he trusted his friend from Massachusetts would not find him behind hand; if there was a necessity for repelling force by force, he believed there would not be much difference of opinion in the House on the subject, at least he should be found ready so to determine. But he thought it would be well to postpone the further consideration of this bill till the period proposed. If intelligence, in the meantime, were received from our negotiators, they could call it up sooner by a vote of the House. Mr. H. said, when he gave his vote, he understood the time to be the first Monday in January; but he was well satisfied to let the business stand as it was.

Mr. RUTLEDGE did not think the reasons which his colleague had given for his vote were so weighty as those upon which he generally acted. He represented this as a hostile measure. For his part, he did not view it in that light, but merely as a measure of precaution. He believed the merchants had a right to arm, and he believed they would arm; and he thought it right for Congress to say they should arm, only under certain restrictions; and he did not think that a majority of that House, from hearing the bill once read, could be prepared to say the restrictions therein contained were improper or incompetent, and that the bill was incapable of being modified in such a way as to effect the end proposed. All that was asked for was discussion. If, when it came to be examined, the bill could not be so modified as to answer the purpose—or, if it should be thought that war would be the probable consequence of its adoption, then let it be rejected. But why, exclaimed Mr. R., in the name of civility, of politeness, of prudence, may it not be admitted to a discussion? He had not long had a seat in that House, but it was the first time he had seen a subject so disposed of by a silent vote. His colleague had said the subject, notwithstanding the postponement, could at any time be called up by a vote of the House; he also knew that if an earlier day were fixed upon, it would always be postponed, and this was a much more usual course of acting. The delay was proposed, it was said, that we might, in the meantime, hear from our commissioners. He thought so long a delay unnecessary on this account. He expected to hear from them daily and hourly. The first easterly wind might waft their despatches to hand. Besides, if they went on to mature the business, and the negotiation should terminate in such a way as to prevent the necessity of defensive measures, no mischief would have been done; but if the negotiation should have a different termination, and they did not go on with this business, so much time would have been lost. He had little doubt, from the very prompt mode of negotiation practised in France, that the issue of our negotiation would be long unknown; he wished, however, their usual promptness might not take place, and that we might not receive quite so early intelligence. But, exclaimed Mr. R., is this a declaration of war? No; though it might appear to be so, from the strong *fears* of some gentlemen. If the proposition were to go to war to-morrow, those *fears* could not be stronger; though, in reality, the question was no more than to arm merchant vessels against pirates; a measure quite as safe as arming persons for their defence, when going into a back country, against Indians or others who might attack them. The House had been told some days ago, by a gentleman from Maryland. (Mr. S. SMITH,) whose opinions on commercial subjects had always great weight, that some of his constituents had insist-

ed upon their right to arm, that they had armed, and they heard the consequence. It was the wish of the friends of this bill to prevent these consequences in future. He hoped, therefore, the question would be reconsidered.

Mr. BROOKS thought the day mentioned too distant. It was five full weeks from yesterday. He perfectly agreed in sentiment with the gentleman who had just sat down, and would not, therefore, repeat what he had said. He was sorry to find any alarm raised upon reading a bill, purporting to be a supplement to a former act, as to the manner of arming private vessels against lawless bucaniers. Why postpone the consideration of this subject, until we hear from our negotiators; since, if a peace in Europe were to take place to-morrow, some such measure would be necessary, as our seas would continue to be infested with these marauders? He was under no apprehensions of a hasty decision on this subject. If the question was whether the bill should pass, there might be some ground for alarm; but to be alarmed in the present stage of the business, appeared as if they were afraid of doing anything which would have a tendency to involve the country in war; but he would not, from this fear, postpone a business with which no foreign nation had anything to do. He was, therefore, for reconsidering the question.

Mr. MCDOWELL was not a little surprised to hear gentlemen so warm on the present question, attributing *fear* to others, and bestowing all patriotism upon themselves. He did not know how it could have happened that *fear* could have so immediately got possession of a majority of the House on this occasion; nor did he know how the gentleman from Massachusetts (Mr. OTIS) had come by the information that *fear* was the impelling motive. Had he been as anxious to be heard, and as capable of speaking, as that gentleman, he probably should not have given a silent vote on the occasion; but he would inform that gentleman that many who voted in the majority on this occasion, were incapable of acting from *fear*. This question had been discussed at the last session; it was then determined not to authorize any arming which should endanger the peace of the country. Negotiators had been appointed; this negotiation was now pending, and taking up a subject of this sort might have an unfavorable effect upon it. It was, therefore, clear to him that they had better postpone the discussion, until they heard from France, which he did not expect to do so soon as the gentleman from South Carolina (Mr. RUTLEDGE) expected.

Mr. ISAAC PARKER said it was not the usual course of business to postpone the discussion of a bill to a distant day, except it were with a view of defeating it. A question then arose, what could be the reason of this postponement? The gentleman from North Carolina, last up, had condescended to answer this question, by saying that it was from the wish not to affect our present negotiation. This certainly could not be the case; and he thought, on the contrary, that this was the best possible time for taking up this or any other step which had relation to the defence of our country. If they were not to pass a law for the defence of our citizens because a negotiation was pending with a foreign country, the honor and independence of the country were gone, and they might as well cease to make laws at all. The pending negotiation would be successful or unsuccessful. If successful, a law of this kind would be necessary, as it was not intended for the protection of our commerce against any particular nation, but as a system of defence against the pirates of all nations. But suppose the negotiation prove unsuccessful; when we know this, said he, it will be too late to take the measure proposed; and our commerce will be wholly unprotected, and exposed to the depredations of the French or any other country. He hoped, therefore, the question would be reconsidered.

Mr. HARTLEY was not for precipitating a measure of so much importance as this was; but he thought the proposed postponement too distant. He agreed with the gentleman last up, that they had a right to make the proposed regulation, without having respect to any foreign nation. The commercial interests of this country seemed to call for some measure of this kind. He hoped, therefore, the question would be reconsidered, and that they should make the bill the order of the day for the second Monday in January.

Mr. NICHOLAS said it was easy to discover, by the manner in which gentlemen took up this business, that there was more in it than they were ready to acknowledge. He understood it to be neither more nor less than the question which was argued at the last session, and then negatived. If he were not mistaken in this, it was for him to invoke the genius of America—to call down the guardian angel of peace—to invoke its aid against the designs which gentlemen seemed to have on the present occasion. It was his opinion that a business of this sort, moved at the present day, was ten times as objectionable, and had an appearance ten times as suspicious, as when formerly rejected. Were he not justified, then, in wishing this question not to be agitated, when our situation was no way more suited to such a measure than when formerly discussed? To go into a measure of this kind, at this time, would reflect upon the instability of our councils, and be disgraceful to them. What was to be inferred, he asked, from a desire to go into the business of arming at present? He hoped, and trusted, and believed, that there was no disposition in that House to throw obstacles in the way of the negotiation, so as to defeat it; if he could conceive any such intention to exist, he should think such a measure as was now proposed calculated to produce the effect. To discuss this subject, and authorize the arming of our vessels, would be to set adrift the passions of society, and the consequences could not fail to be mischievous. The details of the bill confirmed him in this opinion; the regulations were mere cobwebs, and would, by no means, be equal to the preventing of abuses. It would be placing the peace of the country in the hands of every man who owned a ship. If, then, there were nothing

new in our situation, nothing which made a change of policy necessary, why go into this subject? Did not gentlemen recollect that heat which had been produced by the discussion on a former occasion? If they did, why did they wish to anticipate the question? It could only tend to destroy that harmony which would be so desirable in case of this country being obliged to have recourse to the *dernier resort*. But they had been told, that if some regulations were not entered into, great mischief might be expected from merchants arming without restriction, and a single instance of abuse had been mentioned. This was all, he believed, which could be produced, and he did not think, therefore, the peace of the country would be much hazarded from this source. He could see no evil that could arise from letting the business remain upon its present footing for a month or two longer. He believed the necessity spoken of for going into this measure as merely *ideal*, and that it would have no effect but that of inflaming the minds of the people for war. As to what had fallen from the gentleman from Massachusetts, (Mr. OTIS,) in his appeal to the Genius of the Country, &c., he considered it merely as a touch of the *mock heroic*. He thought the milder Genii should only be resorted to. The only Genius which he wished to appeal to, was the Genius of Peace. We were not, he said, ripe for war. Our plans had hitherto been pacific, and he did not wish at present to change them. He hoped, therefore, the vote taken would not be revoked.

Mr. SEWALL was in favor of reconsidering the question; not that he wished to have the business crowded upon the House. He had no objection to a fortnight, or longer, being given. Gentlemen, in their observations on this subject, had recurred to the proceedings of last Congress, which had nothing to do with the present question; and argued as if there were a law forbidding merchants to arm their vessels; whereas there was no such thing, because he never could consider Executive directions as law. It was true the President of the United States had forbidden the arming of vessels, except for the East India and African trade; but there were no regulations to prevent impositions in this respect, and nothing was more easy than for vessels to clear out for these places, and go to others; and if they did so, they were subject at present to no forfeiture. It was proper, therefore, that Congress should come to some determination on the subject, and say whether merchants had a right to arm or not, and under what restrictions; as, at present, the whole burden was improperly thrown upon the President. Whilst the business remained upon its present footing, circumstances might arise which would be very unpleasant. For instance, if a merchant were to sue a Collector for carrying into effect the orders of the Executive, it would be impossible for any Judge to found a decision upon those orders.

Nothing, Mr. S. said, could be gathered from the proceedings of last Congress, as the present bill was intended merely to regulate a right which the merchants already possessed, of arming their vessels, so as to prevent hostile aggressions. There was nothing in this measure which could give offence to our masters, even if we were colonies of France or of Great Britain. All that was intended was a defence against pirates, whom no country would own; for, if a restitution was asked for on account of losses sustained by them, it would be said by France or Great Britain, "we know them not; you ought to defend yourselves against them." As to the observation of the gentleman from Virginia, that our merchants would continue to acquiesce in the present state of things, it might be so; but he thought they had a just claim upon the United States. He believed they were generally unwilling to arm, except under the regulations of the United States; but they ought not to take advantage of this acquiescence, and say to them, without concern, "you would go to sea, and run your risks as usual." Under these disadvantages he did did not think they should. As to our present situation with respect to France, he did not think it ought to be alluded to, as the proposed regulations, as had before been observed, were not intended to operate against them, or any other nation, but against the piracies committed by order of Victor Hugues, or any other marauder, who may set up his authority in that part of the world. So desirous were the merchants of having a defence against this description of vessels, that since they could not carry out real guns, they have lately resorted to the carrying of wooden guns, that they might at least have the appearance of defence upon their vessels. He thought, to be obliged to have recourse to this practice, was derogatory to the honor of the nation.

Mr. DANA said, it was not very liberal to ascribe to the committee, who reported this bill, motives which they themselves did not avow. If he did not mistake the gentleman from Virginia, (Mr. NICHOLAS,) he had said that this bill was calculated to mislead the passions of our citizens, and prepare them for war. The committee had not stated any thing of this kind; they had stated an evil to exist, and proposed a remedy. The depredations which had been committed upon our commerce by pirates, unauthorized by any Government, were notorious; and that we had a right to defend ourselves against them, was admitted on all hands; but there was a necessity for the interference of Congress in the business, and, for this purpose, the present bill was reported. The measures proposed had been spoken of as measures of hostility; they were no such thing; he would not adopt any measures now that he would not adopt in a state of profound peace, and the present bill was no more than a part of our general system for the regulation of the conduct of our merchants. Mr. D. alluded to the orders which had been issued by the late and present President in relation to the subject of arming, and showed the necessity there was for an interference of Congress. He did not think this question was decided at the last session. But it was said that this subject would interfere with the negotiations now carrying on with the French Republic. What were the principles laid down by France with respect to this country?

They say "they will respect treaties when it is their interest to do so." He, therefore, supposed it would be as much for the interest of France to be at peace with us if our vessels were armed, as if they were not. There was another principle—they will "respect our rights when we know how to make them respected." Could this regulation, therefore, weaken that respect? He thought not. To postpone the question, from such a motive, would be humiliating. It would be saying we dare not take any measures of defence against the marauders on our coast, lest we should give offence to a foreign Power. He hoped they should not be thus influenced.

Mr. THATCHER said, he did not rise to invoke the Genius of America, or any other Genius. He did not believe in any genii. He wished to call the attention of the House to the question, which he thought they had forgotten; for, he believed any one coming into the House, in the course of the debate, might have guessed for forty years and not found it out. The question was, whether the former vote should be reconsidered. It was immaterial whether a passion for France, or any other strong passion, had overruled reason, and influenced the vote. It was sufficient that two or three persons had stated themselves as mistaken in their vote, to wish the question to be reconsidered. If this was the question, he did not see what they had to do with the war in Europe, or with the negotiations carrying on with France; but as it had been the practice to abandon the question, and raise other subjects, he would take the liberty of following the example which had been set, by remarking upon what had been said. [The SPEAKER signified to Mr. T. that, in doing so, he would be out of order, and having expressed his intentions, the deviation could not be admitted.] Mr. T., however, continued to make some observations on what had fallen from the gentleman from North Carolina, (Mr. McDOWELL,) as to the proposed measure having effect upon the negotiators. This he showed to be next to impossible, as we were expecting to hear from our negotiators every day, and they could not hear of the proceedings of Congress on this subject for two months to come. The question, said he, is to arm against rovers and pirates, and surely gentlemen would not say that the *Terrible* Republic were a set of rovers and pirates; but they must say so, if they said this bill was against them. He believed France respected itself too much to say this was intended against her. The gentleman from Virginia (Mr. NICHOLAS) had said, there was no change in the situation of things since last session; but he believed there was this change, as it respected commerce: we were now more assured than ever, that the chief of the depredations committed upon our commerce were committed by unauthorized marauders. Mr. T. concluded by reading an extract from the President's Speech, as conveying his sentiments with respect to the disadjusted affairs of Europe, the general want of morality and religion, and the consequent uncertainty of permanent peace.

Mr. BALDWIN said, if the original question had now been, whether the consideration of this subject should be postponed for three or four weeks, he should have felt himself indifferent as to the issue. But it was with regret he saw the question brought back for consideration. The gentleman last up had spoken of three gentlemen having been mistaken, and wishing to change their votes. He heard of but one—the gentleman who seconded the motion—and he did it only that the mover might have an opportunity of voting as he wished. He did not think, therefore, that this was a sufficient ground for a reconsideration of the vote which had been taken. When the House voted upon a question without argument, it must be supposed they voted from conviction. A motion for the reconsidering of a subject was not a favorite motion; since a repetition of such motions would make it next to impossible to proceed with the public business. The question of arming or not arming, he said, would yet come before them in a variety of shapes, before the bill could be matured, so that there was no necessity of arresting it in its present stage. He himself expected that when the first Monday in February was moved, some of the committee, who reported the bill, would have proposed a shorter time; but, when they did not, he supposed they thus argued: "We have considered the subject for four or five weeks; we will give other gentlemen the same time." And he believed, if they so judged, it was the best course which could be taken; for the longer the time given for considering and maturing the subject, the greater probability there would be of coming to a speedy and proper decision.

Mr. J. WILLIAMS was in favor of reconsidering the vote. The act of 1794, he said, had been differently construed, and the sooner Congress determined the true construction the better. To put off the subject for five weeks would occasion considerable loss to the merchants, as they did not know what events might arise. If the subject was not acted upon till the first Monday in February, it would be the first of March before the act was passed, and the first of April before it could be known at the extreme parts of the Union. He himself was undetermined whether it was right to authorize merchants to arm or not, but he did not wish the question so long postponed, he wished to have it discussed.

Mr. N. SMITH said, as the reasons which influenced his vote had not been stated by any other member, he would take the liberty of stating them. He should vote against the reconsideration, though he agreed with gentlemen who were in favor of the bill. He thought the measure a perfectly neutral one, and such as no foreign nation had a right to take umbrage at; but those gentlemen must agree with him, that it was not likely the measure should be silently adopted, or without a lengthy and full discussion. It was idle to say that, because the measure was only intended to operate against pirates, there was no occasion to introduce any foreign nation into the discussion. It was certain that, whenever the subject was discussed, our situation with respect to foreign Pow-

ers would certainly form a part of the debate, and this it was he dreaded. He believed it might do much mischief. He therefore differed with those gentlemen who wished to get into the discussion, and who did not seem to want an immediate decision; he should have no objection to the decision, but he wished, for the present, to avoid the discussion. Before the session closed, he should think it necessary to decide upon a measure of this kind; but he wished to see further before the business was entered upon; he was, therefore, against reconsidering the question.

Mr. OTIS replied to some remarks which had been made upon what fell from him, and justified what he had before said, and the warmth which he felt on the occasion, as natural. He concluded by observing, that it was necessary to cheer the spirits of the people by a measure of this kind; to raise the expectations of the merchants, and not to drive commerce, which came mourning into that House, to despair; but, if their hands were to be tied, and no protection was to be given to trade, the merchants should be informed of their determination as soon as possible; and told that, though they draw from them millions of dollars a year in support of the revenue, yet they will not attend to their grievances until within a few weeks of the close of the session, when, perhaps, sufficient time will not remain to carry any measure which may be proposed, into a law.

Mr. PINCKNEY said, as he was not a member of the House during the last session, he hoped he should be excused in wishing to enter into an earlier discussion of this question than other gentlemen seemed to wish. But though he was not in the House at the last session, he had observed the proceedings of it; and though some of the motions for arming were negatived, there were others of a defensive nature agreed to; such as the holding in readiness 80,000 militia, the appropriation for repairing the forts and harbors, &c., which were not thought, at the time, to be at all offensive to any foreign nation; and he was of opinion with those gentlemen who believed that a law authorizing our merchants to arm their vessels, could not afford any foreign nation just cause of offence.

He was not surprised that his colleague (Mr. HARPER) should be of a different opinion, because he did not think so favorably of that nation, as many other gentlemen did; but he was surprised to hear gentlemen who thought more favorably of that nation, consider the measure as operating wholly against them. Surely means of self-defence could not be means of offence. Nor could gentlemen say that the French nation was the only nation which committed offences upon our trade. He had heard it said that another nation had lately captured an equal, if not a greater number of our vessels, than they had done. Besides, as the measure was intended more against unlawful plunderers, than regular seizures, he could not conceive how it could be supposed to give offence to any particular nation, or affect any existing negotiation. The only point to be determined, then, was when the bill should be committed. He thought the gentleman from Virginia (Mr. NICHOLAS) had carried his idea too far, when he said, because this country was not prepared for war, they ought not to discuss this question. He thought there were certain times when every free nation ought to be prepared for war. He meant when the measure of injuries had arrived at such a pitch that it could not be longer borne. In such a case, a nation ought to meet the calamities of war, rather than to submit to further oppressions. If the proposed measure, therefore, put us in a better state for war, it was a recommendation of it, as strength and not weakness was the best preservative against war; as, if a people were prepared for war, nations would be careful how they insulted them.

He wished, therefore, to put this country into that situation as soon as possible. To postpone the question so long a time as had been proposed would be a very unusual measure. It would look like a wish to get rid of it altogether. Whatever might be the issue of the negotiation, he said, we ought to put ourselves in some posture of defence for our trade; for, whether there were peace or war in Europe, there could be no objection to the arming of our merchantmen in the way proposed. He hoped, therefore, the discussion would not be postponed longer than the second Monday in January.

Mr. ALLEN observed, that it had been asserted that there had been no change in our political situation since the last session. There was one, he said. It could not then be determined whether the decree of March the 2d was really genuine, or whether the letter of Merlin to our Consul was really authorized by the Government of that country. Now the facts could not be doubted. Mr. A. said, it had been intimated that the friends of this measure would be glad to frustrate the negotiation with France. He did not believe any such intention was harbored in the House. The postponement proposed, instead of being four weeks, as it had been called, he said, would be forty-one days.

Mr. HARPER again explained the reasons of his vote. He differed from the gentleman last up, with respect to the reality of the papers he mentioned. He believed they were last session generally believed to be genuine.

Mr. S. SMITH said, had he been present when the former vote was taken, he should have been opposed to the discussion being postponed to so distant a day; but as the House had come to a decision on the subject, he should vote against the question's being reconsidered. He did not consider the bill before them as giving the merchants the privilege to arm their vessels, but as restricting vessels armed from doing mischief.

He insisted upon it, that merchants had a right to arm by law, notwithstanding the Proclamation of the President, which, he was bold to say, he considered as illegal.

The question for a reconsideration of the former vote, (which was carried, 40 to 37,) was negatived—44 to 38.

So the question was left, and this business is the order of the day for the first Monday in February next.

Wednesday, December 27.

Samuel Jordan Cabell, from the State of Virginia, appeared and took his seat.

Mr. Corr from the committee appointed to prepare and report a bill for the relief of such officers and soldiers as served during the war, and died between March and November, 1783, made a report; which was twice read, and committed for Monday.

On motion, the House again resolved itself into a Committee of the Whole, Mr. Kittera in the Chair, on the bill prescribing the mode of taking evidences in cases of contested elections; and, after a desultory debate, and agreeing to several amendments, the committee rose, and reported the bill with the amendments. The House took them up, and, after agreeing to them, and making some others, the bill was recommitted to the select committee who reported it.

## TENCH COXE.

The Speaker informed the House that he had received a letter which he was requested to lay before the House; he accordingly handed it to the Clerk to be read.

The letter is as follows:

Walnut Street, *December* 26.

Sir: Though I am not certain of obtaining the object of the respectful request which I have the honor to submit to the House of Representatives, yet I am unable to resist the weighty considerations which impel me to the measure.

The President has thought proper to inform me that my services as Commissioner of the Revenue are no longer required. He has exercised a power committed to him by law, and I am therefore no longer in the public service of the United States.

Whatever may be my sensibilities and impressions in regard to the proceedings of the nature of an investigation and hearing which the case demanded, I have no desire to present myself to the House on the ground of complaint.

It is, however, my earnest wish that some arrangement may be found practicable by which my official conduct may undergo a thorough scrutiny.

Should it be found on consideration, that a form of procedure is proper and practicable, which will bring into view all the transactions of the several years during which I administered my late office of Commissioner of the Revenue, in the Department of the Treasury of the United States, I beg leave to assure the House, that I shall be prepared to enter immediately upon such measures as the form and nature of the business shall be thought by them to require.

With great respect, I have the honor to be, sir, your most obedient servant,

TENCH COXE.

To the Speaker *of the House of Representatives.*

The letter was ordered to lie on the table.

## COUNT DE GRASSE.

Mr. Livingston, from the committee to whom was referred the petition of the daughters of the late Count de Grasse, made a report, which stated that the sum heretofore allowed by Congress was intended only as a temporary provision, until the events of the war should permit them to take possession of an estate in St. Domingo; that the facts formerly stated showed that the most important services were rendered to the United States by their father, from motives the most honorable, under the greatest responsibility, and at a risk the most hazardous that could be encountered by an officer of rank and reputation; that, with a recollection of these services, it would consist neither with the honor nor justice of the United States to refuse an adequate provision for the orphan children of the man who rendered them. The committee, therefore, recommend that a certain sum should be granted to each of them, annually, for their lives. The report was twice read, and committed for Monday.

Mr. L. also reported a bill for the relief of refugees from the British provinces of Canada and Nova Scotia; which was twice read, and committed for Tuesday.

---

Thursday, December 28.

## GEN. KOSCIUSKO.

The Speaker laid before the House a letter and report from the Secretary of the Treasury, in pursuance of a resolution of the House of the 23d instant, relative to the claim of General Kosciusko. The report states, that the accounts of the General were settled at the Treasury in 1784, when a certificate was issued to him for $12,280 49, bearing an interest of six per cent. from the 1st of January, 1784, which was stipulated by a resolution in February following, in common with the interest due to all the foreign officers, to be paid annually at Paris; that in May, 1792, moneys were granted by Congress to discharge the principal and interest of these debts, at which time it was supposed that all the officers had received their interest to the 1st of January, 1789; but it now appears by the banker's account at Paris, that no interest had been received by General Kosciusko for four years, viz: from 1785 to 1788. Sufficient funds to pay the interest from 1789 to 1792, were, in 1792, placed in Amsterdam, subject to the disposal of our Minister at Paris; that by his direction a bill for the amount was remitted to Mr. Pinckney in London; but, pursuant to the direction of General Kosciusko, Mr. Pinckney wrote to the banker at Amsterdam to remit the amount to Leipsic or Dresden. That in September, 1792, a notification was published, that provision had been made for paying the principal of the debt due to foreign officers, on application at the Treasury, after the 15th of October following, and that the interest upon their demands would cease after the last day of December in that year. That though the certificate issued to the General is stated by him to have been lost or destroyed, yet the powers of the officers of the Treasury are competent to the payment of $12,280 54, the principal, and $2,947 33 interest, for the years from 1785 to 1788, on receiving a bond of indemnification from the General; but that they cannot advance the interest supposed to have been remitted to Leipsic or Dresden, though payment will be immediately made for any sum which may be hereafter re-

drawn, and credited to the United States at Amsterdam; nor is it in the power of the Treasury to allow any interest on said principal since the 1st January, 1793.

On motion of Mr. DAWSON, this report was referred to a Committee of the Whole for Monday.

## LAND TITLES IN TENNESSEE.

Mr. W. CLAIBORNE moved for the order of the day on the report upon the remonstrance and petition of the Legislature of Tennessee.

Mr. COIT hoped the subject might be deferred till to-morrow, as there was a fact referred to in the report which he wished to have some information upon.

Upon the question being put, the motion was, however, carried, and the House accordingly resolved itself into a Committee of the Whole on the subject, when the following report of the committee was read:

"That, on investigating the causes of complaint contained in the said remonstrance and petition, it appears that, according to the boundary line between the Cherokee tribe of Indians and the inhabitants of the said State, which was extended by the Commissioners of the United States pursuant to the Treaty of Holston, in the course of the last Summer, the settlements and habitations of a considerable number of the citizens of the said State, which heretofore were supposed to be on lands to which the Indian claim was, by that treaty, extinguished, appear to be within the Indian territory. That these inhabitants had been induced to believe that the lands which they occupied were not within the Indian boundary, in consequence of the late Governor of the Southwestern Territory having, in pursuance of directions from the Executive of the United States, caused a temporary line to be extended by Commissioners appointed for the purpose, by which line the settlements above mentioned were included within the land assigned to the territory southwest of the Ohio (now the State of Tennessee.)

The committee likewise find that there are divers other citizens of the said State who occupy lands unquestionably within the Indian territory, as designated by the said treaty; which lands they possess by virtue of titles derived from the State of North Carolina previous to the cession of that territory, by the said State, to the General Government; one condition of which cession was, that "all entries made by, or grants to all and every person or persons whatsoever, agreeably to law, and within the limits thereby intended to be ceded to the United States, should have the same force and effect as if such cession had not been made; and that all and every right of occupancy and pre-emption, and every other right reserved by any act or acts to persons settled on and occupying lands within the limits of the lands thereby intended to be ceded as aforesaid, should continue to be in full force, in the same manner as if the cession had not been made, and as conditions upon which the said lands are ceded to the United States.

The committee also are informed, that, by the operation of the law passed on the 19th day of May, 1796, for regulating the intercourse with the Indian tribes—which law has been carried into execution since the extension of the last line—those citizens of the State of Tennessee have been compelled to abandon their habitations, and with their wives and their children, were, by the latest accounts from that country, encamped in the woods within the Tennessee line.

The commiteee therefore, in consideration of the premises, recommend, for the adoption of the House, the following resolution:

*Resolved*, That the sum of —— dollars be appropriated for the relief of such citizens of the State of Tennessee as have rights to lands within the said State, by virtue of the cession out of the State of North Carolina, and have made actual settlements thereon, and who have been deprived of the possession of the said lands by the operation of the act for regulating the intercourse with the Indian tribes: the said sum to be subject to the order of the President of the United States, to be expended under his direction, either in extinguishing the Indian claim to the above-described lands, in case he shall deem it expedient to hold a treaty for that purpose; or to be disposed of in such other manner as he shall deem best calculated to afford the persons herein described a temporary relief.

Mr. COIT said, the fact upon which he wanted information was respecting the temporary line which was said to have been run. He wished to know what evidence the committee had before them on this subject.

Mr. PINCKNEY (the chairman of the select committee) said, that the testimony which they had received on this subject was from the member from that district, which was corroborated by that of a member of the Senate from that State, who said he had his information from the Governor of the Southwestern Territory himself. This circumstance was not particularly noticed in the application made to the Secretary of War; only general information was called for, and he was silent as to this point.

Mr. COIT thought official information ought to have been had.

Mr. W. CLAIBORNE said, he had applied to the Secretary of War on this subject, and received for answer from him, that his general report to the committee of the Senate contained all the information proper to be communicated. When, therefore, he found this information was not contained in the report, he supposed it was such as he did think proper to communicate. The fact, he said, was well known in the State of Tennessee, and it was a generally-received opinion that the line had been extended by direction of the President. He himself was in habits of intimacy with the Commissioners, and he had more than once heard the fact from them. He believed gentlemen from North Carolina and Virginia were also acquainted with it. He did not, however, believe this fact essential. If it were a truth that there were citizens in the State of Tennessee who had been forced to abandon possessions fairly obtained from the State of North Carolina, it was sufficient to warrant any measure which should be calculated to afford them immediate and adequate relief.

Mr. PINCKNEY was in hopes the testimony upon which the committee had acted, would have proved satisfactory to the gentleman from Connecticut, but he seemed to think they ought to have had official documents. If that gentleman had attended to the report of the Secretary of War,

he would have seen that any further application by them for information would have been improper, as the Secretary there declares the business to be "of a nature exclusively Executive," and that he there gave as much information on the subject as he thought necessary. If the evidence upon which the committee had acted was not sufficient, the House would of course call for such other as they might think proper.

Mr. MACON had no objection to any other information being obtained. It might be, however, that the information communicated by the member of the Senate was official, as one of those gentlemen had been an official character.

Mr. PINCKNEY said the member of the Senate whom he had alluded to, was Mr. JACKSON.

Mr. BLOUNT had no doubt but the information required might be obtained from the Secretary of War; and if the committee were to rise, he should make a motion to that effect. He had himself been told that the line in question was run by the commissioners themselves; and he had been shown, by a gentleman who attended the running of it, the direction it took. How it happened that the Secretary of War had not mentioned it, he was at a loss to know.

Mr. DAYTON (the Speaker) moved that the committee rise, in order to obtain the information required. It appeared to him that they had been premature in going into a Committee of the Whole. He recollected something of the line of experiment being run, and of the Indians being dissatisfied with it. He understood, also, that in consequence of the dissatisfaction of the Indians, there was an additional allowance made to them. Of this, however, he was not very certain.

Mr. N. SMITH hoped the committee would rise, in order that the information wanted might be obtained from the Secretary of War. He did not believe that the line of experiment was run by the Executive, because he did not think the Executive would direct any other line to be run than such as was prescribed by treaty. At the same time, he would not be understood to discredit the information given. Gentlemen did not say they knew the fact themselves, but that it was generally *understood* to be so. There were many things said to be *understood* in that quarter, with respect to which the people ought to be undeceived. He believed this to be one of those things. He did not believe the Secretary of War had declined giving information as to this point, because it interfered with Executive business, as it was merely to know whether a certain thing had been done by Executive authority or not. There were many things in the remonstrance and petition, with which the Executive conceived the Legislature had nothing to do; but, as to the point in question, there could be no objection to giving the information required.

Mr. HARPER had no objection to the committee's rising for this information, though he did not want it, because, he thought there was sufficient reason for adopting the resolution. The fact of the people's being in the distressed situation mentioned in the report, was a good reason for agreeing to it, though it should appear that the Executive did not give orders for the running of the temporary line.

Mr. PINCKNEY had no objection to the motion, though he did not think it necessary. It was clear the line was run by order of the Governor of the Southwestern Territory, and whether he had orders from the Executive to do it, was to him immaterial, as the people who were in possession of the land, supposed, of course, that the Governor was authorized to do what he did.

Mr. NICHOLAS did not think it material, in the present question, whether or not the Governor had authority of the United States for what he did. It could not be expected that the people should call upon the Governor to show the authority by which he acted. It was the same thing to the people, whether he was or was not duly authorized.

Mr. MCDOWELL did not think the information required would be of any use. There could be no doubt the line of experiment was run by order of the Governor, agreeably to the directions of the Executive. It was also well known that *Double-head*, and a party of Indians, came down to Philadelphia, to make their complaints with respect to it, and that five thousand dollars had been given to them by way of satisfaction. The persons who were now driven into the woods, and suffering the inclemencies of the season, had settled upon the land from which they were driven, under express titles from the State of North Carolina, previous to the period of running this line. The only question was, whether the people had a right to settle where they had done, and whether the United States had a right to remove them. He believed the distresses of these people called for immediate relief, and that justice and policy required that it should be granted.

Mr. N. SMITH thought it was of importance to know whether a fact, which had been reported by the committee, was well founded or not; and that it would be very wrong to send out to to the world as true, a thing which was not true. But it also appeared to him an important fact in the investigation of this subject. If the people had any claim upon the United States, it was in consequence of the United States having led them into a mistake; but if others had led them into it, it was to them they ought to look for redress. He would agree that, whatever the Governor of the Southwestern Territory had done in the line of his duty, the United States were bound by it; but the running of this line, except he were ordered to do it, was not a part of his duty, and they were not, therefore, bound by it.

Mr. S. said, he rose principally to correct an assertion which had been made, that these persons had a claim upon the United States, from having titles to their lands from the State of North Carolina. It would be found that they did not claim protection on this ground. There were two descriptions of claims; one from persons who had a grant from North Carolina; the other from persons who went on to a spot of ground, because they believed it to be the property of the United

States, from a certain temporary line which had been run, and who were now, when the permanent line was run, obliged to remove. The latter had no real claim to the land they occupied.

Mr. GOODRICH was in favor of the committee rising, that the wished-for information might be obtained. Great respect was, doubtless, due to the testimony of the gentlemen from Tennessee; but, if it should appear that no orders had been given by the Executive for the running of the temporary line, it would show that an officer of the Government had proclaimed that for a fact, which was not so. He therefore thought the fact ought to be ascertained.

Mr. W. CLAIBORNE said, he had just seen a Senator who had been to the War Department, and who had informed him that he had seen the letter of the Secretary of War to the Governor of the Southwestern Territory, directing him to run the line of experiment, and also the Governor's answer, wherein he spoke of the business having been done. He gave this information, in order to do away the suspicions which gentlemen seemed to have of the truth of the testimony which had been given to the select committee on this subject.

The motion for the committee's rising was put and carried—it rose and had leave to sit again.

Mr. BLOUNT then proposed a resolution for the adoption of the House, calling upon the Secretary of War for such information as he may be possessed of relative to the running of the temporary line; which was agreed to.

---

FRIDAY, December 29.

The bill for the relief of North and Vesey, of Charleston, was received from the Senate, with amendments; which were read, and referred to the Committee on Commerce and Manufactures.

## COMFORT SANDS AND OTHERS.

On motion of Mr. D. FOSTER, the House resolved itself into a Committee of the Whole on the report of the Committee of Claims on the petition of Comfort Sands and others; and, all the papers relative to the subject having been read by the Clerk, the following resolution, reported by the Committee of Claims was agreed to, without debate, viz:

"*Resolved*, That the accounting officers of the Treasury be, and they are hereby, authorized and empowered, upon application of the parties, to examine and decide upon the validity of a certain award or report, made by Isaac Roosevelt, William Malcolm, Elbridge Gerry, and Henry Remsen, (four of the referees nominated for the purpose,) between the United States and Comfort Sands and others, his copartners, (contractors for furnishing supplies to the troops during the late war,) and that in making their decision upon the said award or report, the said officers of the Treasury shall be governed by principles similar to those which would prevail in a controversy concerning it at law; and if, in the opinion of the accounting officers aforesaid, the said award or report ought to be binding and obligatory against the United States, then, and in such case, but not otherwise, the said Comfort Sands and others, his said copartners, shall be entitled to have their said claim against the United States, as on the said award, allowed and settled at the Treasury in the usual manner, and shall be paid the amount of the claim, so to be allowed, out of any moneys which may be in the Treasury, not otherwise appropriated."

The committee rose, reported the resolution, and the House took it up; when

Mr. NICHOLAS objected to agreeing to the report.

Mr. GALLATIN moved that the subject be recommitted for a report of facts on the subject.

The state of this long contested question appears to be as follows:

The petitioners, some time in the year 1782, contracted with the Superintendent of the Finances for the supply of rations for the use of the garrison of West Point, and its dependencies; and also for the use of the main army; that, beforethe expiration of the term of their contract, it was deemed proper and necessary by the said superintendant, that the business of supply should be withdrawn from them, and placed in other hands; a claim indemnified for damages and losses, alleged to have been sustained, was made on the part of the contractors; in consequence of which, several resolutions were passed by Congress, that four of the referees appointed by, and in pursuance of, the said resolutions, in the year 1787, made an award or report expressive of their decision or opinion, that the United States ought to pay to the said contractors the sum of $40,297 90; that the award or report was, by Congress, referred for examination to a committee, who reported in favor of its being confirmed, but that report was afterwards committed to another committee, who never, as far as can be traced, made any report; neither has there been any decision of Congress on the subject; that the reasons which induced the reference to a second committee do not appear; that application having been made to the accounting officers of the Treasury, for a determination of the said award, it has been concluded that they were not competent to the same, without the special authority of the Legislature.

The principal arguments used by Messrs. GALLATIN and NICHOLAS were, that this claim was altogether novel, being grounded upon damages sustained, and not upon actual supplies furnished; that no allowance of this kind had ever been made before; that if once they were to establish a principle that wherever damages had been sustained in money transactions with Government, recompense should be made, they would open a wide door for business, as there was scarcely any person, who had dealings with Government during the war, that would not be able to make a claim of this kind from the then embarrassed state of the Treasury; that the claim being of a novel kind, its merits ought to be well examined before it was allowed; that there was nothing in the claim which would render it admissible, were it not for the report or award; that this award, in their opinion, was intended as nothing more than an inquiry as to facts, which was to be laid before Congress, and decided upon by them; that, there-

fore, the report before them was improper, as it referred business to the accounting officers of the Treasury, to which they were incompetent, and which ought to be settled in that House. But this was very different from awards made between individuals where both parties pledged themselves to abide the consequences. Nor was there an instance to be produced in which Congress had thus authorized an award. That though one of the resolutions, entered into by them, authorized the referees "to decide certain controversies between the United States and the contractors, yet it concluded with "and report their opinion thereupon;" that the conduct of Congress itself showed that this reference was not meant as a final award; that if it had, instead of referring the report first to one committee, and then to another, they would have at once appropriated the money, and not committed it for further inquiry. But, allowing that the award could be considered in the same light as an award between individuals, still it would be proper to examine the ground upon which the award was founded.

Messrs. J. PARKER and FINDLEY were in favor of the motion for a recommittal, in order that the House might be in full possession of facts in a business which had been agitated ever since they were in Congress, and which had always been considered as a very doubtful case.

The report was supported by Messrs. HARPER, SPRAGUE, BROOKS, COIT, J. WILLIAMS, BAYARD, LIVINGSTON, GOODRICH, OTIS, and GORDON, on these grounds, viz: That the course pursued in this case was similar to that which is usual in the submission of controversies between individuals to arbitration; that there was a mutual election and consent in the appointment of the persons who were to make the investigation; that they expressly denominate referees; that they acted under oath; that the proper officer, representing the Government, was empowered to employ counsel, if necessary; that the referees are authorized by the first resolution to determine what damages, if any, were sustained by the contractors, and, by this last resolution, their duty or business is designated to be to "decide certain controversies" between the United States and the contractors; that these characteristics, and the general spirit of the transaction, appear to denote that the report of the referees in the case ought to be considered as equivalent to an award between individuals possessing the same validity, and equally open to exceptions; that, as to the provision made by the several resolutions, that the referees should report their opinion to Congress, this, it is conceived, could only have been intended to reserve to Congress a right of reviewing the award on the same principles, *bona fide*, as would prevail in a court of justice; that the observations of gentlemen opposed to this claim were such as might have been properly urged, when the question for appointing arbitrators was before the old Congress, but that they were very ill-timed now; and that the argument of the case having been a very long time before Congress, was a strong reason for agreeing to the report, that justice might at length be done to the claimants.

The question for recommitting the report was put and negatived—48 to 29.

The report was then agreed to without a division, and the Committee of Claims ordered to bring in a bill accordingly.

Mr. D. FOSTER moved that when the House adjourn, it adjourn to Monday.

Mr. HARPER proposed Tuesday.

The question on the most distant day was taken and negatived—42 to 31, and then the first motion was agreed to without a division.

### COMMISSIONER OF THE REVENUE.

Mr. J. WILLIAMS said that at the time the office of Commissioner of the Revenue was appointed, he doubted not it might be necessary; but at present he thought the business of that office might be very well done in the Treasury Department, and if it could, it would occasion a considerable saving in the expenses of Government, as he found his salary was $2,400; that $2,700 had been allowed for clerks, $250 for messenger, &c., $400 for stationery, besides office rent, &c., making in the whole upwards of $6,000. He, therefore, proposed a resolution to the following effect:

"*Resolved*, That the Committee of Revisal and Unfinished Business be directed to inquire and report whether any, and, if any, what alterations are necessary in the act making alterations in the Treasury and War Departments, so far as it respects the office of Commissioner of the Revenue, and report their opinion as to the expediency or inexpediency of abolishing the office of Commissioner of the Revenue."

Ordered to lie on the table.

### CIRCUIT COURT IN DELAWARE.

Mr. BAYARD moved that the letter of the Judges, sent to the House by the President of the United States, requesting an alteration in the time of holding the Circuit Courts in the State of Delaware, be referred to a select committee; which, being agreed to, he presented remonstrances from the Chancellor and sundry citizens of the State of Delaware, against the above suggested alteration; which were referred to the same committee.

---

MONDAY, January 1, 1798.

### AMENDMENT TO THE CONSTITUTION.

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

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

In compliance with the desire of the two Houses of Congress, expressed in their resolution of the second day of March, one thousand seven hundred and ninety-seven, that some speedy and effectual means might be adopted of obtaining information from the States of Connecticut, New Jersey, Pennsylvania, Maryland, Virginia, Kentucky, Tennessee, and South Carolina, whether they have ratified the amendment proposed by Congress to the Constitution, concerning the suability of States; and, if they have, to obtain the proper evidences: measures have been taken, and information and evidences

obtained, the particulars of which will appear in the report from the Secretary of State, made by my direction, on the twenty-eighth day of this month, and now presented to the two Houses for their consideration.

JOHN ADAMS.

UNITED STATES, *December* 30, 1797.

Mr. J. WILLIAMS, from the committee appointed to report, by bill or otherwise, whether any, and what, amendments are necessary to the act for establishing an uniform militia throughout the United States, reported a bill to provide for organizing, arming, and disciplining the militia of the United States; which was twice read, and committed for Monday next.

Mr. D. FOSTER, from the Committee of Claims, reported a bill for the relief of Comfort Sands, and others; which was twice read, and committed for Friday.

## DEBT OF THE UNITED STATES.

Mr. VAN ALEN thought the Government, for some time past, had been at a greater expense than was necessary in paying, by means of the Commissioners of Loans, the interest upon the domestic debt of the United States. He thought the business might be equally as well done, at a much less expense, by either contracting with the banks in the different States, or authorizing the collectors of the revenue to pay it. In order to bring the subject under the view of the House, he proposed a resolution to the following effect:

"*Resolved*, That a committee be appointed to inquire whether any, and, if any, what, alterations are necessary in the act making provision for the debt of the United States."

Agreed to, and a committee of three appointed.

## APPROPRIATIONS FOR 1798.

Mr. HARPER, from the Committee of Ways and Means, to whom was referred the estimate of the Secretary of the Treasury, of the 8th ultimo, of what would be necessary for the services of the year 1798, made a report in part—which stated that former appropriations had proved deficient, and that if a partial appropriation was not made before the regular appropriations were gone into, the public service might suffer. The deficiencies were stated to be in the Quartermaster's and Indian Departments, &c., in the subsistence of the Army, and also in the appropriations for the naval service. They proposed, however, to defer any appropriation for the latter object, until they received statements on the subject from the proper department. The report also stated that the Secretary of the Treasury had informed the committee that two awards had been made, under the 6th article of the British Treaty, against the United States, amounting to $24,921, which became payable in October last, but which had not yet been paid for want of funds; and that other awards have been, or are soon expected to be, made, for upwards of $27,000. The committee, therefore, propose that the House grant $100,000 for the deficiencies in the appropriations, (exclusive of the deficiency of the naval service,) and $52,000 to meet the awards under the British Treaty.

## UNIFORM BANKRUPTCY.

Mr. HARPER, from the committee to whom was referred a resolution proposing the appointment of a committee to prepare and report a bill for establishing an uniform system of bankruptcy, made a report containing the reasons which induced the committee to believe it expedient for the House to adopt the resolution.

The report having been read a second time, and Mr. H. moving it to be committed:

Mr. COIT said, he believed there was some mistake in this business, as—though he was of the committee appointed to consider the subject—he had never heard of this report before, and he did not believe it had been submitted to the committee.

Mr. HARPER said it had not,

Mr. NICHOLAS wished, then, the report might be recommitted. He was not himself much in favor of committees detailing the reasons upon which they acted, as he thought it served to swell their Journal and Printers' bill, without use; but if reasons were to be detailed, he wished they might be the reasons of the committee, and not of the chairman. He was one of the committee, and had heard nothing of this report before he had now heard it read.

Mr. HARPER did not know why the gentleman from Virginia had so strong an objection to reasons being given for conduct; if he did not choose to guide his conduct by reason, why object to other gentlemen being indulged with this privilege? As to the manner of making reports by committees, he believed it was usual, when the principle of a report was settled, to leave the manner of making it to the chairman. But the gentleman's objections, he suspected, were not to the reasons for the report, but to the report itself, to which they were altogether opposed. For his part, he could see no ground of objection to the report; when the committee determined to recommend the adoption of the resolution, he thought it was more proper and more respectful to the House to report the reasons upon which their opinion was founded, than merely to give an opinion without support. And were these reasons, he asked, never to be presented, except every gentleman on a committee agreed to them? If those gentlemen upon the committee who were in favor of the report would say the reasons now assigned were not such as they approved, he also would vote for a recommittal; but, if they were satisfied with them, he could see no reason for recommitting the report because it did not satisfy gentlemen opposed to the business altogether.

Mr. NICHOLAS said, if he had objected to this report because it did not contain his own reasons, the gentleman from South Carolina would have had some ground for what he had advanced. But this was not the case. He objected to it because it contained the gentleman's own reasons, and not those of the committee; and though, as the gentleman had stated, he was opposed to the report, yet he had a right to expect to be consulted respecting any reasons which were reported by that committee. He was not a little surprised that

the gentleman should insist upon his right to assign reasons for that House, when he must recollect upon how many occasions his reasons had failed of producing conviction; he was sure it was not the intention of the committee to give the gentleman power to pledge them to anything he might choose to write; and he thought it was time to stop this mode of reporting. The House expected committees would report facts—they did not expect their detailed reasons. This had always been the course of business; and if it were to be departed from, and reasons were to be given, they ought to be those of the committee, and not those of the chairman only.

Mr. Coit said, he was as willing as any gentleman to submit to the opinion of a majority, but he was as unwilling as any man to submit to any act which was not the act of a majority. He thought the gentleman was mistaken, when he said it was the practice of committees to authorize their chairmen to make their reports, when once they had agreed to the principle of them. The gentleman, it was true, was much more in the habit of being at the head of committees than he, and was more likely to be acquainted with the usual course of this kind of business; but, if it were the practice, he thought it extremely improper. If, indeed, the report had simply been that the committee were of opinion a bill ought to be reported, no objection could have been made to the chairman's having so reported; but when lengthy reasons were to be given, though they might be very agreeable to the gentleman himself, they might not be so to the committee. It was true that he was opposed to the report itself, but this was not the ground upon which he now acted.

Mr. Gallatin said he was not a member of this committee, and therefore wholly disinterested in the business. The report seemed to be objected to on two grounds; the one, because reasons for the report were given at all; and the other because they were the reasons of the chairman himself and not of the committee. The first did not strike him as being forcible. He thought it ought to be left to the discretion of a committee whether they will report the reasons for their determination or not. With respect to the latter objection, he agreed altogether with the gentlemen from Virginia and Connecticut, and so far from its being the custom for a chairman to report for a committee what reasons he may think proper, he believed he was entirely mistaken. He never knew an instance of the report of a committee being presented to the House before it was first laid before the committee itself; for though gentlemen be in a minority they ought certainly to be consulted with respect to any reasons which may be stated as influencing the committee, otherwise the reasons of the majority may be placed in the strongest light, and those of the minority cast into the shade. Therefore, if anything more than a simple resolution were reported, the report should always be laid before the committee before it be presented to the House.

Mr. Thatcher was proceeding to make some observations on the subject; when

Mr. Harper said—seeing the business was likely to run into a debate—he would withdraw the report.

Which, upon Mr. Nicholas's withdrawing his motion for a recommitment, was allowed.

---

Tuesday, January 2.

John Fowler, from the State of Kentucky, appeared and took his seat.

Mr. Harper, from the Committee of Ways and Means, reported a bill for amending the several acts for laying a duty upon spirits distilled within the United States, and upon stills; which was twice read, and committed for to-morrow.

Mr. D. Foster, from the Committee of Claims, made a report on the petition of Sarah Alexander, widow of Gen. Stirling, praying for certain lands which she claims as due to her late husband; the report was against the petitioner, and was referred to the same Committee of the Whole to whom was referred the bill for the relief of the Representatives of certain deceased officers and soldiers.

GENERAL KOSCIUSKO.

Mr. Dawson moved the order of the day on the report of the Secretary of the Treasury on the claim of Gen. Kosciusko; which motion being acceded to, the House resolved itself into a Committee of the Whole, Mr. Kittera in the Chair, and the report having been read,

Mr. Dawson said, when he had the honor of presenting this business to the House, he hoped the proposition he then submitted would have been agreed to in that way, which, in his opinion, would have been most honorable to the United States, and most agreeable to the person concerned. In this hope he had been disappointed; but, though they differed as to the mode of doing the business, there was but one opinion as to the business itself. He had now a resolution to submit to the consideration of the House, which he trusted would meet with no opposition. It would be found, by the report of the Secretary of the Treasury, that the accounting officers were ready to pay to General Kosciusko $12,280 principal, and $2,947 interest, from 1785 to 1788. To recover those two sums, therefore, there would have been no occasion for application to that House. It also states, that a bill had been remitted to our Minister at London, for the interest from 1789 to 1792, but which money was afterwards, by direction of the General, ordered to be remitted to Leipsic or Dresden; but it did not appear that this order had been complied with. It was clear, however, it was never received by him, nor had he given any person a right to receive it. He hoped, therefore, as the money lay at Amsterdam, Leipsic or Dresden, and could at any time be got by the United States, there would be no objection to pay the General that sum at this time. It was further stated in the report, that in September, 1792, a notification was published, informing all the foreign officers that provision was made at the Treasury for the payment of the principal of their debts, and that the interest thereon would

therefore cease after the last day of December in that year. Upon examination he did not find that this arrangement was founded upon any law; it was, therefore, a regulation agreed upon by the Treasury Department, and ought not to operate to the injury of persons who were ignorant of it. It was well known, that, from the peculiar situation of General Kosciusko at the time, that he could not hear of it; and the truth was, he never did hear of it until he arrived in this city. He hoped, therefore, there would be no objection to the payment of the amount of the certificates, with interest to the present time. To effect this purpose, he proposed the following resolution:

"*Resolved*, That it is the opinion of this committee, that the Secretary of the Treasury be authorized and directed to pay to General Kosciusko, the interest of six per cent. per annum, on $12,280 54, the amount of the certificate received by him from the United States, and now lost, from the 1st of January, 1789, to the 31st day of December, 1797."

This resolution was opposed by Messrs. MACON, COIT, and J. WILLIAMS. They were opposed to interest being paid up to the present time, and wished, if any provision were made for paying interest beyond the time fixed by the notification of the Treasury, that the regulation should be a general one, and extend to all other foreign officers. They were also against paying the interest, which had been transmitted to Paris for General Kosciusko's use, and which, by his direction, was afterwards remitted to Leipsic or Dresden, as it most probably lay there, and would be paid to his order without their interference.

The motion was advocated by Messrs. VENABLE, PINCKNEY, J. PARKER, HARPER, GALLATIN, and T. CLAIBORNE, and was finally agreed to without a division.

The committee rose, the House took it up, agreed to it, and referred it to a select committee to report a bill accordingly.

## APPROPRIATIONS FOR 1798.

Mr. HARPER called for the order of the day on the report of the Committee of Ways and Means, to whom was referred a letter and report of the Secretary of the Treasury, accompanied with estimates of the sums necessary to be appropriated for the service of the year 1798; which motion being acceded to, the House resolved itself into a Committee of the Whole on the subject, and the following report was read:

"It appears from the letter of the Secretary of the Treasury that the former appropriations for several objects have proved deficient, and that before a general estimate of deficiencies can be prepared and acted upon by the House, the public service may be in danger of suffering, unless aided by a partial appropriation on account. These deficiencies occur in the following appropriations, which were made by the acts of March 3d, 1797, viz: First, of $300,000 for the Quartermaster's and Indian Departments, the defensive protection of the frontiers, bounties, and all contingencies of the War Department. Secondly, of $292,678 for the subsistence of the army; for which two objects the Secretary of the Treasury supposes that a partial appropriation of $200,000 on account will be sufficient.

"Partial appropriations of this nature have been customary, and the committee perceive no objection to that now requested.

"It also appears, by the above mentioned letter, that there is a deficiency in the former appropriations for the naval service, for which a partial appropriation, on account, may also be necessary; but the committee deem it proper to be furnished with the particular statements respecting this deficiency, before they report on this head. These statements will probably be received in a few days.

"The Secretary of the Treasury further states that two awards, under the seventh article of the Treaty of Amity, Commerce, and Navigation, with Great Britain, have been made in favor of British subjects whose property was captured within the jurisdiction of the United States, or by vessels fitted out there. These two awards amount to $24,921 81, and became payable in October last, but have not been paid for want of an appropriation. Other awards may soon be made, and indeed may have actually taken place; for the punctual discharge of which it is proper to provide. For this object the Secretary supposes that a further sum of $27,078 19 will be sufficient, making in the whole an amount of $52,000, which the committee are of opinion that it will be expedient to appropriate for the discharge of these awards. They therefore submit the following resolutions, viz:

"*Resolved*, That the sum of one hundred thousand dollars be appropriated, on account, for the expenses during the year 1798, of the Quartermaster and Indian Departments, defensive protection of the frontiers, bounties, and contingent expenses, of the War Department; and a like sum, on account, for the subsistence, during the said year, of the officers, non-commissioned officers, and privates, of the Army of the United States.

"*Resolved*, That the sum of fifty-two thousand dollars be appropriated for the payment of awards made, and to be made, under the seventh article of the Treaty of Amity, Commerce, and Navigation, between the United States and Great Britain, in favor of British subjects whose property has been captured within the jurisdiction of the United States, or by vessels armed or fitted out therein.'

Mr. HARPER said that since he made the report which had just been read, he had adverted to the rules of the House, and found that it was necessary that all appropriations for money should be first proposed in a Committee of the Whole. He wished the Chairman, therefore, to read the resolutions as blank, and he would afterwards move to fill them up with the sums with which they were at present filled.

This was done, and both the resolutions were agreed to, without debate. The House rose, agreed to them, and they were referred to the Committee of Ways and Means, to report a bill accordingly.

## COUNT DE GRASSE.

Mr. LIVINGSTON called for the order of the day on the report of the committee on the petition of the daughters of Count de Grasse, which being agreed to, the House resolved itself into a Committee of the Whole, and the report on this, and that on their former petition having been read, the resolution reported, which proposed to allow to each of the daughters —— dollars annually, for life, came under consideration.

Mr. L. moved to fill the blank with $500.

Mr. WILLIAMS thought the resolution ought to have been agreed to before the blank was filled up. He intended to vote against the resolution itself. It was true that Count de Grasse was of great service to this country; and it was also true that the House had already acknowledged those services by the grant formerly made to his daughters. If they were to grant what was now asked for, he supposed they should be applied to again and again. There might be daughters of other foreign officers whose estates were gone, as well as these, and if they were to grant pensions for life to these petitioners, they must also do it to them, if they applied for it. And were there not, he asked, daughters of our own meritorious officers who were become, as it were, a town charge? Were they to take up these cases also? He was sorry for the situation of the petitioners; but whilst the daughters of our own officers were probably suffering for want of the pay justly due for their fathers' services, he could not agree to a second appropriation for them. He wished Government to be just before it was generous. They should be careful how they extended their charity, and be well convinced that the objects of it were deserving. Industry, frugality, and economy, should be looked after as well as charity. Nobody knew how the money which had been granted had been expended. He recollected when the widow of Colonel Butler (who died in the service) applied to the House for relief, it was denied her. He wished the House to be uniform in its grants. The acts of limitation had cut off the claims of many of our valuable officers and soldiers, and whilst they were unsatisfied, he thought they ought not to be too lavish in their grants to foreigners. He admitted the Count de Grasse had done service to our cause; but he was under the command of another country, who, he believed, was not influenced altogether by our interest; they had an interest of their own; they wished to separate this country from Great Britain. Upon the whole, having once relieved the petitioners, he thought they ought to be satisfied until we had attended to the wants of our own citizens.

The question was put and negatived—45 to 32.

Mr. DAYTON (the Speaker) proposed to fill the blank with $400.

This motion was negatived, there only being 33 votes in favor of it.

Mr. ISAAC PARKER moved $300.

Mr. NICHOLAS said he was at a loss to know how to act in this question. He thought the select committee had gone to work in the most objectionable mode. The application was for temporary relief; but the committee, without any reason which he could see, proposed a pension for life. Why this was done, he could not tell; there was nothing in the circumstances which made it necessary, and therefore he thought it a wanton act in the committee so to report. He wished to reject the proposition in this shape; nor was he prepared to say he should agree to it in any other. He thought they were outstepping the bounds of their authority, in thus disposing of the public money.

Mr. HARPER moved to strike out the words "during life," and insert, "until they shall receive possession of their property." He owned he felt the weight of the objections of the gentleman who had just sat down on this point; all that could be desired was, that these young ladies should receive a maintenance until they became possessed of their paternal estate. He could not admit, however, of the doctrine laid down from another quarter. In the first place, was it a just principle, because we could not reward all who served us, that we should reward none? That because acts of limitations had barred the claims of many of our citizens, all others who had claims upon our justice or benevolence should be rejected? He hoped this sentiment would not be agreed to; and if any person who had served the United States were entitled to remuneration, he challenged any gentleman to point out one who had a greater claim upon us than the family of Count de Grasse. No individual had ever had it in his power to render to the United States so singular a service as this man. Mr. H. here took an animated view of the conduct of the Count in remaining with his fleet in this country, at a very critical period of the war, beyond the time allowed him, which produced one of the most brilliant events of the war, the capture of Yorktown and a British army, and which he did at the risk of everything which is dear to a soldier, his commission and honor.

Let, said Mr. H., the trifling pittance proposed to be given to Count de Grasse's daughters, be compared with the expense which a protraction of the war for two years would have cost, which was the lowest computation which could be made of the service? Laying aside the loss of lives and misery, which must have been the certain consequences, the expense alone could not be estimated at less than twenty millions of dollars! Yet they were haggling about 50 or $100 for the distressed daughters of this man! And when they were about to put bread into their mouths, gentlemen objected to it because they did not know how the former grant had been expended. Would it comport with propriety or delicacy, Mr. H. asked, to heighten what the petitioners must feel under their misfortunes by instituting an inquiry of this kind? Should they require their daily accounts, and say, here was a dollar misspent, and there a dollar might have been saved? If there were any gentleman who wished this, he did not envy him his feelings. He was, however, ready to answer the inquiry. They had incurred a debt in their passage to this country: they were turned out of a convent, their father dead, and their brother an exile, they were left to seek their bread in a foreign country. They obtained credit on their estate in St. Domingo for their passage, and until they received the grant of Congress, they subsisted upon this credit. Strangers as they were, unacquainted with the language and customs of the country, was it too much to suppose that they had expended in four years, in paying their debts and in their subsistence, the $4,000 which had been granted to them? He thought not. He believed every economy had been used;

and the fact was, they were now in want, and were indebted to private benevolence for support. Mr. H. trusted, that as they had, on a former occasion, granted them a sum of money for subsistence, they should not, whilst their necessities continued, withhold from them what was proper for their decent support. He wished the amendment he had proposed to be adopted, as when they became possessed of their paternal estate, they would be enabled to pay back what they had received from Congress.

Mr. SEWALL suggested to the gentleman who had just sat down, whether it would not be better to amend the resolution by inserting the following words instead of what he had offered, viz: "during their necessary residence respectively within the United States."

Mr. HARPER consented.

Mr. HARTLEY did not like either of the amendments, as they were indefinite. He did not know who was to judge of the necessity of the residence, and it would be difficult to ascertain when they became possessed of their estate. He would rather grant the petitioners something for life, or for a certain period. On a former occasion they made an allowance to Baron Steuben for life, after he had been, in a great degree, requitted for his services. Mr. H. dwelt upon the importance of the service rendered by Count de Grasse, in extending his stay beyond his orders, and contrasted it with the conduct of d'Estaing, who refused to comply with a like request; the consequences of which produced mischievous effects to the United States. He hoped, therefore, an allowance would be agreed to for five or seven years.

Mr. BROOKS believed the committee differed more as to the manner of doing the business than on the question itself. He thought there were few members in the House who would refuse aid to the petitioners in one way or the other. Mr. B. moved to insert five years, or to leave the time a blank for which the grant should be made. He moved the latter.

Mr. RUTLEDGE seconded the motion. He was as much disposed as any gentleman to give relief to the petitioners, and he liked the present shape of the resolution much better than any other which had been presented. He did not wish the allowance to be for life, nor whilst their residence should be deemed necessary. He looked upon the services of the Count de Grasse as of great consequence to this country, and that the situation of his daughters called for relief. But he could not subscribe to the doctrine of his colleague, that he had rendered more important services in the war than any other man. To assert this, he thought, was not doing justice to our own citizens. He believed he could mention a dozen men who had rendered as important services as he; but in mentioning one he might give offence to others, equally deserving, and he did not wish to hurt the feelings of any of our brave fellow-citizens. Nor did he admit that the services of the Count were voluntary; the report showed that they were very earnestly solicited. He was, however, in favor of providing for the young ladies. He thought the services of the father were such as claimed the attention of the House to their situation.

Mr. SEWALL liked his own proposition better than the substitute; but as he wished to afford relief to the petitioners in some way, he would withdraw his motion to make room for it.

Mr. WILLIAMS offered some remarks upon what had fallen from the gentleman from South Carolina [Mr. HARPER] with respect to his tender feelings; and concluded with observing, if it were a loan only which was wanted, the proposition should be so expressed.

Mr. BAYARD did not understand that what the gentleman from South Carolina [Mr. HARPER] had said went to disparage the services of any officer of the United States. He thought the warmth and enthusiasm with which that gentleman plead the cause of the memorialists was highly honorable to him. He did not understand the services of the Count de Grasse to stand upon the same footing with those of our own citizens; for, though their services were not sufficiently compensated, yet they received something, but he or his family never received anything by way of compensation, except what had been allowed to his daughters. If, therefore, he were to be put upon the same footing with our own citizens, his family would be entitled to make a larger demand than any allowance they were proposing to make them.

Mr. LIVINGSTON apprehended it was very immaterial whether the resolution was agreed to in a limited way, or for life; in either case, he had a strong conviction on his mind that the justice and humanity of the country would never suffer these ladies to want whilst they remained in it. Mr. L. severely censured what had fallen from his colleague [Mr. WILLIAMS] and charged him with a want of feeling to all claims, though he objected to this, because the demands of our own citizens were unattended to. He added, that his constituents would not thank him for this penuriousness. Some gentlemen had objected to the proposition from Constitutional scruples, thinking the Constitution did not authorize them to extend a grant to this case. These gentlemen were entitled to more respect. He paid due deference to their opinions; but he felicitated himself that these objections had no weight with him. He acted from those warm principles of benevolence which he hoped always to preserve. When the Constitution of the United States was framed, it was intended for the general good; and in this was included the power to reward services which have a claim upon our justice and humanity: for though these services might not be reduced to a demand in pounds, shillings, and pence, yet if they were such as required attention from national generosity and national justice, they ought to be heard, and such were the services, all must allow, of Count de Grasse.

Mr. L. urged the importance of these services to the United States, and asked whether the House would deny the poor pittance proposed to be given, when these were considered. He deprecated the idea of granting anything to the

petitioners on the ground of *charity*. The resolution did not propose this. It proposed a grant in consideration of important services. This ground was honorable, that pitiful. He should be ashamed to ask charity for the petitioners; he asked *justice:* he believed they were not disposed to ask *charity*. Mr. L. concluded by justifying the committee in making the report they had made, as the only one which, in their opinion, would be equal to the adequate relief of the petitioners.

Mr. HARPER rose to justify himself against a charge of disparaging the merits of our own brave officers. He did not expect, when it was well known that no man had ever shown a greater regard for this class of citizens than he had done, that such a sentiment should for a moment have been harbored by any gentleman in that House. But he did say, and would again say, that no single individual had it in his power to do so important an act for the United States, as the Count de Grasse had done, though he knew there were thousands, and tens of thousands of our citizens, who would be ready to do it, if they were placed in the same situation.

Mr. WILLIAMS answered the remarks of his colleague, (Mr. LIVINGSTON,) and denied that he had ever been backward in attending to the claims of his fellow-citizens; he had always been ready to do them full justice. As to his constituents not thanking him for objecting to this claim, he thought they would be better satisfied with his conduct than if he were to commence a system of *pensions*.

Mr. SHEPARD did not think any gentleman would have objected to the proposed allowance. No one officer, he said, ever did such important services for the United States as the Count de Grasse; and he was certain that no officer in the army would feel hurt at what had fallen from the gentleman from South Carolina on the subject. They would be glad to hear of our own officers and soldiers being fully compensated; but if this could not be done, they would be glad to find foreigners more fortunate. He hoped the resolution would pass; if not, they should appear odious, not only to their own country, but to every other.

After a few words from Mr. HARTLEY and Mr. T. CLAIBORNE, in favor of the resolution, the question was put and carried, without a division.

The committee rose, the House took up the resolution, (the time and sum both being blank,) and agreed to it, 57 votes being in its favor. It was referred to the select committe to bring in a bill.

## CITIZENS ENTERING FOREIGN SERVICE.

Mr. HARPER said, that at the last session there was a bill brought forward for prohibiting citizens of the United States from entering into the military or naval service of any foreign Prince or State, which was agreed to in that House, but finally postponed. As the same reason existed for the bill now as existed then, he wished to have it again brought before the House, and for that purpose proposed a resolution for the appointment of a committee to report such a bill.

WEDNESDAY, January 3.

Mr. THATCHER presented a petition from John Breadley and other deputy postmasters, in the State of Massachusetts, stating that when they received their authority, and gave bonds for the due performance of their office, it was understood that they were not to be accountable for the loss of bank notes, or other valuble papers which passed through their offices, but that a legal decision had lately taken place which had determined that the post offices were liable for all such losses; which determination, it was apprehended, would subject them to be speculated upon by designing persons, who might allege they had sent notes, &c., by the post, which never had been sent. They pray, therefore, that when the Post Office law shall come under consideration, a clause may be inserted in it declaratory of the law in this respect.

Referred to the Committee on Post Offices and Post Roads.

Mr. HARPER, from the Committee of Ways and Means, to whom was referred a resolution on the expediency of admitting licences for distilling spirits to be taken for a week, reported it as the opinion of that committee that the proposition ought not to be adopted. The report was twice read, and referred to the same Committee of the Whole to whom was referred the bill relative to the duty on spirits.

Mr. DAWSON reported a bill to provide for the payment of the interest of a certificate given by the United States to General Kosciusko, which was twice read and committed for to-morrow.

## UNIFORM BANKRUPTCY.

Mr. HARPER, from the committee appointed to consider the subject of a bankrupt law, was directed by the committee to present the report, which he laid before the House the day before yesterday. It was in the following words:

"The committee to whom was referred the following resolution, '*Resolved*, That a committee be appointed to prepare and report a bill for establishing an uniform system of bankruptcy throughout the United States,' having taken the matter into consideration, beg leave to submit the following report:

"In so complicated, and, as respects this country, so new a subject, as a system of bankruptcy, it must be expected that many difficulties will occur, that many objections will arise, and that many doubts will be entertained, as to the possibility, and even as to the advantages, of such an establishment. Such doubts and difficulties have presented themselves forcibly to the committee, even in this preliminary stage of the business; but, without undertaking to decide how far it may be practicable to surmount them, they conceive that the attempt ought to be made. They are of opinion that this institution is greatly desired by the mercantile part of the community, on which it is calculated more peculiarly to operate; and they can see no reason to doubt of its beneficial effects in the support of mercantile credit, the prevention of fraud, the restraint of imprudent and destructive speculation, and the relief of honest industry, reduced to distress by the vicissitudes of trade, provided it can be adopted under such modifications as may obviate the objections, and prevent the abuses, whereto it is supposed to be liable.

"Whether this can be accomplished is, in the opinion of the committee, to be ascertained only by the introduction and full discussion of a bill, where every provision may be brought into view, and all those details presented by which the benefits of such an institution are to be resulted, and its inconveniences avoided. When the difficulties attending this measure shall have been fairly encountered, should they be found insurmountable, the public, it is presumed, having the reasons of the decision fully before them, will acquiesce in it with more cheerfulness. The States, too, in that case, knowing that Congress have considered the subject, and found it impracticable, on a scale so extensive as the whole Union, will no longer be prevented, by expectations from that quarter, from attempting local establishments for themselves.

"The committee are, therefore, of opinion that it is expedient to adopt the aforesaid resolution."

The report having been read, Mr. HARPER moved that it have a second reading for the purpose of being concurred in; which motion being carried, 43 to 27, and the House having concurred in the report, a committee of five members was appointed to report a bill accordingly.

## APPROPRIATIONS FOR 1798.

Mr. HARPER, from the committee of Ways and Means, reported a bill for making certain, partial appropriations for the service of the year 1798, and for other purposes; which was twice read, and ordered to be committed to a Committee of the Whole to-day.

On motion, the House immediately resolved itself into a Committee of the Whole on this bill, Mr. KITTERA in the Chair; when, the bill having been read,

Mr. VARNUM wished to be informed as to the captures which had been made from the British, within the waters of the United States. He thought there could not be many of this description.

Mr. HARPER said, if the gentleman would turn to the letter of the Secretary of the Treasury on this subject, he would find that two awards of this description had already been made, amounting to $24,921, and that others were expected to be made, or might now be made, which would require the remainder of the sum proposed to be granted. The number of vessels which came under this article he never understood to be great; he never heard of more than four or five.

Mr. VARNUM did not feel willing to appropriate a larger sum than was necessary to meet the awards already made. It would be time enough to appropriate for other awards when they were made.

Mr. HARPER read an extract from the letter of the Secretary of the Treasury on this subject. The vessels already awarded for were, he said, the Jane, and the Lovely Lass; the remainder of the sum was by estimate. When the other awards would be made was uncertain; they might be already made, or they might not be made for a few weeks; but, whenever they were determined, it was proper there should be money in the Treasury to meet the demand; and, if it were not wanted, it would of course go to the surplus fund.

The committee rose and reported the bill. The House took it up; when

Mr. VARNUM moved to strike out the sum of $32,000, in order to insert $24,921, the amount of the awards made.

Mr. LYON seconded the motion.

Mr. COIT said, that the mode proposed by the bill was the orderly course of doing business, which was, to have money in the Treasury to meet demands against the Government as they became due. With respect to the $24,921 already due, the ordinary mode had been departed from, as the awards were made in October last, but were not paid for want of money. He presumed gentlemen did not wish to introduce a new system in the money transactions of Government; if not, they would agree to the bill as reported.

Mr. BAYARD said, if they meant to preserve the good faith of the nation, it was necessary to make the appropriation proposed by the bill. To show this, Mr. B. read an extract from the British Treaty, in which it was stipulated that "the amount of the awards should be paid at the time and places specified." But if money were not appropriated for the purpose, this could not be done.

Mr. VARNUM replied that, if it should be necessary to appropriate this money during the present session, it was not necessary to prepare it in this bill. He wished it to appear in the general appropriation bill.

Mr. KITTERA said, that the same reasoning would apply in respect to the $100,000 proposed to supply the deficiencies in former appropriations; as, though that sum was wanted for the service of the year 1798, it was not all wanted immediately, though it might be necessary before the general appropriation could be made.

Mr. LYON said, that if he had the same information with respect to the $100,000 which he had relative to the other sums, he should be equally opposed to it. He hoped the $24,921 would be agreed to, and that they should not have much more money to pay on this account.

The motion for striking out was put, and negatived, there being only 23 votes in favor of it.

The bill was ordered to be engrossed for a third reading to-morrow.

## DUTIES ON DISTILLED SPIRITS.

Mr. HARPER moved the order of the day on the bill to amend the several acts for laying a duty on spirits distilled within the United States, and on stills; which motion being agreed to, the House resolved itself into a Committee of the Whole on the subject, Mr. KITTERA in the Chair. The bill having been read,

Mr. MACON said, that the report of the Committee of Ways and Means, on the proposition for allowing distillers to take licenses for a week, having been referred to that committee, if it were taken up at all, this was the proper time. He should, therefore, propose an additional section to the bill, to embrace this object.

Mr. M. accordingly presented a section to allow of weekly licenses.

This motion produced a considerable debate

It was opposed by Messrs. SEWALL, GRISWOLD, GALLATIN, GORDON, and BROOKS, on the ground that the duty now paid upon spirits distilled from fruit (which description of distillers this regulation was avowedly intended to accommodate) was not equal to that paid by distillers of grain, as the duty on spirits distilled from fruit was not more than two and a half cents per gallon, whilst that on spirits distilled from grain paid seven cents; and, if the amendments were agreed to, this inequality would be increased—for persons who took a license for a week, by preparing their materials beforehand, and working night and day, would finish their business within that time, which otherwise would have required a fortnight; by which means the duty would be reduced from six cents per gallon, on the capacity of their stills, to four; that it would increase the temptation to fraud, as that temptation was strong, or the contrary, in proportion to the length of time for which a license was taken; as a person taking a license for a fortnight, by working his still one day past the time specified in his license would gain half a cent a gallon on the capacity of his still, whilst he who took out a license for six months would only gain half that sum. If licenses for a week were allowed, the temptation would therefore be increased; that such a regulation would greatly augment the duties of excise officers, without rendering any material advantages to individuals—since, if the owner of a still of fifty gallons took out a license for a fortnight, when a week might have served, he would only pay a dollar more than he would have paid for a week; that when this scale of duties was made, reference was had to the situation of persons who would be obliged to take out a license for a fortnight, though they might not have fruit to employ a still more than a few days, and a rate proportionably low adopted; that the same reasons which were urged for allowing licenses for a week might be urged for allowing one for two days; that, though there might be some inconveniences experienced by the distillers of fruit, (as it was not doubted there might be in other parts of the law,) yet, as it was only just got into operation, it would not be right to enter into the proposed regulation, but defer it to the period when it would most probably be necessary to go into a review of the whole law.

The motion was supported by Messrs. MACON, HARRISON, HARPER, J. PARKER, NICHOLAS, VENABLE, R. WILLIAMS, NEW, DENNIS, T. CLAIBORNE, and CLAY. It was asserted that the law as it now stood excluded four out of five of the owners of orchards in the Southern States from distilling their early fruit at all; that their peaches ripened hastily, and as hastily rotted, if not made use of. Persons who had only fruit to employ their stills for three or four days, sooner than take a license for a fortnight, suffered their fruit to rot; and to allow licenses for a week would produce a considerable augmentation of the revenue, since those persons only would take such a license, who, if that privilege were not allowed, would not take out a license at all, or such as had occasion to distil a few days longer after their two weeks' license was expired. It was unjust to require a man, who had only a small orchard, and occasion to use a still but a few days, to pay a much higher duty upon his brandy than his more opulent neighbor. It was not so inconsiderable an object as gentlemen supposed, since it had not reference to one license only—farmers in the Southern States having occasion to take out separate licenses for their early, their middle, and their latter fruits; and this regulation would not open a door to fraud, as was supposed. It was an undeserved imputation upon the characters of persons concerned in this business, to suppose they could be tempted to defraud the revenue for the sake of half a cent per gallon upon what they could distil in a day. The penalties consequent upon fraud, if the virtue of the persons concerned could not be relied upon, were sufficient to guard against them; and, if they were not, it could not be expected, as some gentlemen seemed to suppose, that the excise officers should overlook the conduct of every distiller. If they were to be so inspected and scourged, an attempt to defraud the revenue could scarcely be blamed; and, except it were the intention of gentlemen to crush this domestic manufacture, no reasonable objection could be urged against the proposition. The objections which had been urged proved the ignorance of gentlemen in respect to this branch of business; for, though the excise officers would have some trouble in issuing licenses, it was believed they would be well satisfied to encounter it, since their profits were in proportion to the quantity of spirits distilled; and though this law had been but a short time in being, the last season, having been a scarce fruit season, had given a good opportunity of trying it. As the application for this amendment was seconded by the whole of the Southern country, it was entitled to respect, and ought not to be branded with being a fraudulent design upon the revenue.

In the course of the debate, Mr. GALLATIN called upon gentlemen acquainted with the subject, to say what was the quantity of spirits which could be distilled from peaches in a week by a still of the capacity of thirty, forty, or fifty gallons, with a view to show that this species of spirits paid less at present than spirits distilled from grain.

Mr. CLAY answered this inquiry, by saying, that a still of fifty gallons would distil from five to seven gallons of brandy a day. If the weather was wet, and the peaches rotted quickly, not more than five; but when the weather was dry, and the peaches sound, seven gallons might be produced.

The question on the amendment was at length put and carried—45 to 37.

Mr. DENNIS said, he wished to try another principle in this bill. The law at present required an annual entry of stills, whether they were used or not, which occasioned persons frequently to ride twenty or thirty miles to make the entry, when they had no intention to make use of their still; and not unfrequently, from not meeting with the officers at home, this journey was taken two or three times over. Indeed, he believed, more pen-

alties had been incurred on account of this regulation than any other, and he looked upon it as a useless regulation. When a still was once entered, he thought it was sufficient, and no future entry ought to be required, except when a still was about to be made use of, or when it was transferred into other hads. Mr. D. proposed a section to this effect; but, after some objections to the introduction of so important a provision into this bill, (which, before it could be decided upon would require considerable discussion,) by Messrs. HARTLEY, GALLATIN and HARPER, he agreed to withdraw it for the present.

It having been agreed to fill the blank of the sum per gallon to be paid on the capacity of a still, when a license was taken for a week, with *four cents*, the committee rose; the House took up the amendments, agreed to them, and the bill was ordered to be engrossed for a third reading to-morrow.

---

THURSDAY, January 4.

Mr. HARPER reported a bill prescribing the mode of taking evidence in cases of contested elections, and to compel the attendance of witnesses; which was twice read, and committed for Monday.

A message was received from the Senate, communicating a bill for allowing compensation to the Doorkeeper of the Senate, and his assistant, for the last session of Congress. This bill was twice read, and committed for to-morrow.

The bill for making certain partial appropriations for the service of the year 1798; was read the third time and passed.

Also, the bill to amend the several acts for laying a duty on spirits distilled within the United States, and on stills.

Mr. J. WILLIAMS called up for decision the resolution which he laid upon the table the other day, proposing the appointment of a committee to consider whether the office of Commissioner of the Revenue might not now be dispensed with. The resolution was agreed to, and a committee appointed.

Mr. DAWSON moved the order of the day on the bill providing for the payment of the interest on a certificate due to General Kosciusko; which being agreed to, the House went into a Committee of the Whole on the subject; and, after reading the bill, rose and reported it. It was ordered to be read a third time to-morrow.

Mr. HARPER called up for decision a resolution which he laid upon the table the day before yesterday, proposing the appointment of a committee to bring in a bill to prohibit citizens of the United States from entering into the military or naval service of any foreign Prince or State.

The resolution was carried—46 to 22, and a committee of three appointed.

Mr. LIVINGSTON reported a bill authorizing the payment of certain sums of money to the daughters of the late Count de Grasse; which was twice read, and committed for to morrow.

Mr. SPRIGG said, that by a law of Congress passed in 1789, the regulation of pilots was left to individual States. Much inconvenience had arisen on this account from the clashing laws of different States, particularly from those of Virginia and Maryland, which caused considerable embarrassment in the Chesapeake and Potomac. To remove this evil, or at least to call the attention of the House to this subject, he proposed a resolution to the following effect:

"*Resolved*, That the Committee of Commerce and Manufactures be instructed to inquire into the expediency or inexpediency of making further provision in the law for the regulation of pilots, and that they report by bill or otherwise."

The resolution was agreed to.

WILLIAM BELL.

Mr. LIVINGSTON, from the Committee on Commerce and Manufactures, made a report on the petition of William Bell, at present imprisoned in this city for the nonpayment of a custom-house bond. The committee report unfavorably in this case. They had some doubts as to the law passed in 1796, for the relief of persons confined for debt, whether it were intended to operate in favor of persons imprisoned at the suit of the United States. They accordingly addressed the Attorney General upon the subject, who was of opinion it did. Some legal decisions having, as the committee understood, been differently made, they thought it best, at present, not to recommend any explanatory law, but to decline affording any relief to the petitioner, and wait the issue of a determination of the Supreme Court; as, if that decision should be in favor of this class of debtors, there would be no occasion for the interference of the Legislature; if not, an explanatory act might afterwards be passed.

After a few observations from Messrs. LIVINGSTON, MACON, and NICHOLAS, the report was committed for Monday.

THE MINT.

Mr. HARPER moved that the Committee of the Whole be discharged from a further consideration of the letter from the Secretary of State, enclosing a report of the Director of the Mint, suggesting the expediency of some alterations in its establishment, to render it less expensive to the public, and more accommodating to depositors, in order that it might be referred to the Committee of Ways and Means. As he supposed it was intended to appropriate a sum of money for the purpose of purchasing bullion, it was proper the subject should go to that committee.

Mr. NICHOLAS wished, before anything was done in the matter, to know the issue of the bill at present pending relative to foreign coin. If it should be disagreed to, and the circulation of foreign coin were to be stopped, he supposed there would be no necessity for appropriating money for the purchase of bullion.

Mr. HARPER thought that, notwithstanding the bill which the gentleman alluded to, was not yet decided upon, he saw no reason why the course he proposed should not be taken, since the Committee of Ways and Means could in the mean time be

turning its attention to the subject, without reporting upon it, until the bill now in its passage, was decided upon.

Mr. GALLATIN did not think it proper that this subject should go to the Committee of Ways and Means at present. The House ought first to decide whether they will make an appropriation for this object. If they so determined, the resolution would, of course, be referred to the Committee of Ways and Means. It was proper, also, that an inquiry should be made, (which, he understood, it was the intention of a gentleman to bring forward,) why the Treasury Department had not carried the former law into execution, which required all foreign coin, except Spanish dollars and parts thereof, which came into their hands, to be recoined before it was reissued. Mr. G. said, there would be the same propriety in sending a proposition for raising of an army to the Committee of Ways and Means, as there would be in sending the letter and report in question.

Mr. HARPER knew the House must determine whether any appropriation should be made for the object in question; but it was for the Committee of Ways and Means to say, how the business could best be done, and whether there was money enough in the Treasury for the purpose, or whether a tax would be necessary to effect it. But, if the subject were discussed before any report was had from the Committee of Ways and Means, it would be used as a strong argument against the measure, that there would be need of additional taxes to meet the appropriation.

Mr. J. WILLIAMS wished, before they took any step in this matter, to know the fate of the bill in the Senate, with respect to foreign coin.

This motion was put and negatived, without a division.

Mr. HAVENS submitted a resolution to the following effect:

"*Resolved*, That the Secretary of the Treasury be directed to lay before this House such information as it is in his power to give respecting the execution of the third section of the act to regulate foreign coin, and for other purposes, passed February 9, 1793, and which directs that all foreign gold and silver coin, except Spanish dollars and parts thereof, which shall be received in payment by the United States, after the coining of gold and silver coin shall begin at the Mint of the United States, shall, previous to its being reissued into circulation, be coined anew; and if this part of the law has not been executed, to explain the causes which prevent its execution."

Some objections were made to this resolution.

A motion was made by Mr. KITTERA to amend it, by striking out all which follows "February 9, 1793;" but, after a few desultory remarks upon this motion, it was superseded by one made by Mr. GORDON to postpone the question till to-morrow; which was carried.

## CANADIAN REFUGEES.

On motion of Mr. J. WILLIAMS, the House resolved itself into a Committee of the Whole on the bill for the relief of Nova Scotia and Canadian refugees. The bill was read, and several amendments introduced into it; the principal of which were, one to reduce the age of persons entitled to land from eighteen to fourteen years at the time of their entering the territory of the United States; the other, to extend the allowance to female as well as male refugees, who were of that age at the time of their emigration. At length the committee rose, and asked leave to sit again; but leave was refused by the House, and the bill was recommitted, in order to make it conformable to the amendments.

---

FRIDAY, January 5.

The bill for the payment of interest on a certificate due to General Kosciusko, was read the third time and passed.

## EXPERIMENTAL LINES.

The SPEAKER laid before the House a letter and report from the Secretary of War, in pursuance of a resolution of the House of the 28th ult., relative to the running of the line of experiment from Clinch river to the Chilhowee mountain, by order of the Governor of the Territory of the United States south of the Ohio; which was read.

Mr. N. SMITH moved the usual order of printing.

Mr. W. CLAIBORNE hoped the motion would not be agreed to, as it would unnecessarily protract the business. Though the report was very long, most of it was irrelevant to the inquiry which had been made, which only was to know whether the line of experiment was run by the authority of the United States. This fact, he said, must appear at once evident, and the House was as well prepared to discuss the subject as they could be when their report was printed. He hoped, therefore, further delay would not take place with respect to the situation of these distressed and injured people—a situation which must be lamented by all who could feel for deep distress.

After a few other observations, (and being informed by the Clerk, on inquiry, that the report might be printed by Monday,) the motion was agreed to, and the report was referred to the Committee of the Whole, to whom was referred the remonstrance and petition of the State of Tennessee.

## INCREASE OF CLERKS.

A Message was received from the President of the United States, enclosing a report from the Secretary of War, of the 30th December, stating that the five clerks at present employed in the War Office, to whom were paid the following annual salaries, viz: $1,200, $900, two $770, and one $400, were insufficient to do the present business, and wishing a larger appropriation, to enable him to increase the number. Referred to the Committee of Revisal and Unfinished Business.

## FOREIGN COINS.

Mr. HAVENS called up the resolution which he yesterday laid upon the table, respecting the execution of the act relative to foreign coins; which motion being agreed to,

Mr. KITTERA renewed his motion for striking

out all the words following the date; which was carried—46 to 39.

The motion being on agreeing to the resolution as amended,

Mr. OTIS said, since the latter part of the resolution had been agreed to be stricken out, he had no great objection to it; but he wished to know the object of the gentleman in bringing it forward. It appeared to him calculated to have no effect, except to cast a reflection upon the Treasury Department.

Mr. HAVENS said, the object which he had in view was to show that one of the most important clauses of the law in question had not been executed. That law directed, that as soon as the Mint commenced its operations, all the foreign coins received at the Treasury should pass through the Mint. No doubt could be had that the law had not been executed in this respect, and he had no doubt that it could not be executed; and if it could not, the House ought to repeal it. There were other parts of the law which were not executed, and therefore it ought to be revised and amended. Mr. H. denied having any intention of reflecting upon the Treasury Department; his only object was to obtain information.

Mr. RUTLEDGE looked upon the measure as harmless, but unnecessary, and therefore he should oppose it. He believed it had been shown, in a former debate, that the Treasury had been straitened for money; that it could not comply with the terms of the act, except the Secretary had suffered the creditors of Government to wait for their money until it could be recoined, which, in his opinion, he wisely determined not to do.

Mr. VENABLE said he was upon the committee appointed to report upon the subject of foreign coin. At that time, he found it necessary to make some inquiry of the Secretary of the Treasury, how it had happened that the law in question had not been carried into effect. The reasons given, were those assigned by the gentleman who had just sat down. He believed there was another reason. The money received in all the out-ports was not sent to the Treasury in cash, but in notes. Very little cash, he believed, came into the Treasury. It was true, the paper received would command cash from the banks; and if it could have been got in time from the Mint, it might have been so obtained and sent there. If official information on this point were wished, it could certainly be got; but he thought if anything was done, it would be better to revise the business generally.

Mr. NICHOLAS said, there was a proposition committed to a Committee of the whole House for providing for what was intended to have been produced by means of this law. It was supposed that this law would have produced bullion enough, and that the quantity of coin issued from the Mint would have reduced the circulation of foreign coins to a mere trifle. The House had been told it had not been convenient for the Secretary of the Treasury to send foreign coin to the Mint; but it was not known to a certainty why this had not been done—whether it was from the tardiness of the Mint, or from the inability of the Treasury. No one could say whether this law could be carried into effect in future. The only way in which this could be ascertained was by the inquiry proposed.

Mr. GALLATIN believed, if the gentlemen who objected to this resolution would recur to the situation of this business, they would withdraw their opposition. The report of the committee appointed on the subject of the Mint last year, not having been acted upon, had been referred to a Committee of the Whole this session, and might any day be called up for consideration. That report proposed the passage of a resolution appropriating —— dollars for the purchase of bullion. This resolution was predicated upon a supposition that the act in question had not and could not be carried into effect. But the reason assigned for this supposition was now removed, as it was founded upon the ground of the President not having issued his proclamation to determine the time when the coining at the Mint should begin. That proclamation had now been issued, and he wished to know whether there was yet a necessity for an appropriation; he wished to know how far the law had been executed, what had prevented its execution, and whether in future it could be executed. If it were found, by the information which should be received, that hereafter all the foreign coin which comes into the Treasury may be sent into the Mint, there would be no necessity for an appropriation; but if this regulation could not be carried into effect, the law ought to be repealed, and an appropriation made.

Mr. OTIS said, the reasons which had been given in favor of adopting this resolution were, in his opinion, reasons against it. Though he believed the law never could be literally executed, he believed it had been virtually executed. It was allowed, that before the report of last session, there was sufficient reason for not carrying the law into effect; and since that time, it appeared by the Mint report, that upwards of $50,000 had been sent to the Mint from the Bank of the United States, which he supposed was a larger proportion of the cash received by the Treasury in crowns, and, of course, proved that the act had been executed since that time. He believed the law could not be literally executed, because the notes of the Bank of the United States were made a tender for all money due the Government; and it was well known that all money transactions, particularly where there were banks, were mostly carried on in notes. It might be said, these notes were representatives of specie, and that specie might be got for them; but if Government were always to call upon the Bank of the United States for specie for their notes, where would be the use of making them a legal tender? But if the bank were to be called upon for specie, when they knew it were intended to send crowns to the Mint, they would make payment in dollars. Upon the whole, as there seemed to be some contrariety between this law and the bank law making the paper of the United States a lawful tender, it would be best to refer the business to a select committee to have it properly digested, and not single out this particular, so as to cast a reflection upon the Treasury Department.

Mr. NICHOLAS said he had before declared he had no intention of casting a censure upon the Treasury Department. The gentleman asserted that the law had been virtually executed, for two reasons: first, because the revenues being chiefly paid in bank paper, it had nothing to operate upon. This was a strange way of executing the law. The gentleman would admit, if one arrangement in a law interfered with another, it must want revisal. If the manner of conducting business at the bank put it out of the power of the Treasury to execute the law, it might be necessary to enter into some stipulation as to the proportion of French crowns which they should refund to the Government, in consideration of the deposites which were made with them. The gentleman's other argument was a very extraordinary one, that, because the Bank of the United States had sent the value of $50,000 in French crowns to the Mint on its own account, the law had been virtually executed. But, even supposing these crowns could be considered as coming from the Treasury, he wished to know what would be the future operation of the law, which information the resolution was calculated to produce.

Mr. KITTERA said the latter part of the resolution having been done away, which to him was very objectionable, he should not oppose the remainder. If any gentleman wished for information from any Department of the Government to enable him to legislate upon a question, he should never be against it. He believed their laws would be more consistent, if more frequent calls were made.

The motion was put and carried without a division.

## COUNT DE GRASSE.

Mr. LIVINGSTON called for the order of the day on the bill for granting an annuity to the daughters of the late Count de Grasse; which being agreed to, the House resolved itself into a Committee of the Whole on the subject, Mr. DENT in the Chair; and, after a number of desultory observations, the blanks were filled up, viz: the time for which the annuities should continue was fixed at five years, and the sum per annum to be allowed at $500 each. The first question was determined by a considerable majority, there being 57 votes in favor of it; the latter was carried—46 to 38.

The committee then rose and reported the amendments. They were all agreed to without a division, except the sum to be allowed per annum. When that question was put,

Mr. J. WILLIAMS hoped it would not be agreed to. When the subject was before under discussion, the question on $500 and $400 had been negatived. $500 a year for the four daughters for five years, he said, would be $10,000. He thought this a very serious sum. He again adverted to the situation of many of our own citizens, and called for the yeas and nays upon the question.

Mr. HARPER asked whether, if, when the Count de Grasse was solicited to remain with the fleet under his command in the Chesapeake, at his own risk and responsibility, he had asked as a condition that on some future day $10,000 should be granted to his daughters, would it not have been complied with, if it had been ten times that sum? And ought his descendants to be more hardly dealt with because their father had the generosity and magnanimity not to make the demand? He trusted not.

After some observations in favor of concurring with the Committee of the Whole in their vote, by Messrs. THATCHER, BROOKS, LIVINGSTON, and GORDON; and against it by Messrs. VARNUM, MCDOWELL, and MACON—the former of whom said that the clergy, in his part of the country, had not more than three hundred and thirty dollars a year; and the latter gentleman produced three cases of our own citizens who had lost their lives in the service of the United States, whose families had been much more hardly dealt with, viz: the family of a Lieutenant Colonel, who had four hundred and fifty dollars a year granted them; that of a Major, three hundred dollars a year; and that of the Marshal of Georgia, whose family had a grant of two thousand dollars—the yeas and nays were taken, as follows:

YEAS—John Allen, David Bard, James A. Bayard, David Brooks, John Chapman, James Cochran, John Dawson, John Dennis, Thomas Evans, Abiel Foster, Albert Gallatin, William Gordon, William B. Grove, Robert Goodloe Harper, Carter B. Harrison, Thomas Hartley, Joseph Heister, William Hindman, Hezekiah L. Hosmer, James H. Imlay, Walter Jones, John Wilkes Kittera, Edward Livingston, James Machir, Blair McClenachan, Daniel Morgan, Lewis R. Morris, Isaac Parker, Thomas Pinckney, John Rutledge, jr., Samuel Sewall, William Shepard, Thomas Sinnickson, Tompson J. Skinner, Nathaniel Smith, George Thatcher, Richard Thomas, John E. Van Alen, Philip Van Cortlandt, and Peleg Wadsworth—40.

NAYS—George Baer, jr., Abraham Baldwin, Bailey Bartlett, Thomas Blount, Stephen Bullock, Demsey Burges, Samuel J. Cabell, Thomas Claiborne, William Charles Cole Claiborne, Matthew Clay, John Clopton, Joshua Coit, Samuel W. Dana, George Dent, Jonathan Freeman, James Gillespie, Chauncey Goodrich, Andrew Gregg, Roger Griswold, John A. Hanna, Jonathan N. Havens, David Holmes, Matthew Locke, Samuel Lyman, Matthew Lyon, Nathaniel Macon, Joseph McDowell, Anthony New, Harrison G. Otis, John Reed, James Schureman, William Smith, Peleg Sprague, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Thomas Tillinghast, Abram Trigg, John Trigg, Joseph B. Varnum, Abraham Venable, John Williams, and Robert Williams—43.

The question for allowing five hundred dollars a year being negatived, four hundred was proposed and carried—46 to 34.

The question being on the bill being engrossed for a third reading, Mr. BLOUNT called for the yeas and nays upon it. It was carried—55 to 25, as follows:

YEAS—John Allen, David Bard, Bailey Bartlett, James A. Bayard, David Brooks, John Chapman, Thomas Claiborne, James Cochran, John Dawson, John Dennis, Thomas Evans, Abiel Foster, Jonathan Freeman, Albert Gallatin, Chauncey Goodrich, William Gordon, Roger Griswold, William Barry Grove, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison,

Thomas Hartley, Joseph Heister, William Hindman, David Holmes, Hezekiah L. Hosmer, James H. Imlay, Walter Jones, John Wilkes Kittera, Edward Livingston, Samuel Lyman, James Machir, Blair McClenachan, Joseph Mc Dowell, Daniel Morgan, Lewis R. Morris, Harrison G. Otis, Isaac Parker, Thomas Pinckney, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Tompson J. Skinner, Nathaniel Smith, Peleg Sprague, George Thatcher, Richard Thomas, Thomas Tillinghast, John E. Van Alen, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Peleg Wadsworth.

NAYS—George Baer, jr., Thomas Blount, Stephen Bullock, Demsey Burges, Samuel J. Cabell, William Charles Cole Claiborne, Matthew Clay, John Clopton, Joshua Coit, Samuel W. Dana, George Dent, James Gillespie, Andrew Gregg, Jonathan N. Havens, Matthew Lyon, Nathaniel Macon, Anthony New, William Smith, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Abram Trigg, John Trigg, John Williams, and Robert Williams.

---

MONDAY, January 8.

## AMENDMENT OF THE CONSTITUTION.

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

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

I have now an opportunity of transmitting to Congress a report of the Secretary of State, with a copy of an Act of the Legislature of the State of Kentucky, consenting to the ratification of the amendment of the Constitution of the United States, proposed by Congress in their resolution of the second day of December, 1793, relative to the suability of States. This amendment having been adopted by three-fourths of the several States, may now be declared to be a part of the Constitution of the United States.

JOHN ADAMS.

UNITED STATES, *January* 8, 1798.

The bill authorizing the payment of certain sums of money to the daughters of the late Count de Grasse, was read a third time and passed—41 to 24.

Mr. LIVINGSTON reported a bill in addition to the act for the relief and protection of American seamen; which was twice read and committed for Wednesday.

## IMPEACHMENT OF WILLIAM BLOUNT.

Mr. McDOWELL wished to call the attention of the House to a subject which he thought it was time to take under consideration—he meant the subject of William Blount's impeachment. A report had been made several weeks ago, which had laid upon the table without any order being taken upon it. The conduct of Mr. Blount, as well as of the British Minister, and others implicated with him, had much agitated the public mind. He had anxiously waited in expectation of the committee coming forward with articles of impeachment, which the House had pledged itself to exhibit to the Senate; but, as they did not seem disposed to enter upon the business, he wished to call upon them by a resolution. He proposed the following:

"*Resolved,* That the committee appointed to prepare articles of impeachment against William Blount, a Senator of the United States, impeached of high crimes and misdemeanors by this House, with authority to sit during the recess of Congress, be directed to report said articles."

Mr. HARPER hoped this resolution would lie upon the table. The chairman of the committee, (Mr. SITGREAVES,) it was well known, had obtained leave of absence for ten days. When he returned, the report, he believed, would shortly be made.

Mr. DAWSON could not object to this resolution. No one was more anxious than he to have the business brought forward. One of the committee (Mr. HARPER) had given the true reason of the delay. Before the chairman obtained leave of absence, he himself had frequently applied to him to call the committee together; but a variety of other business had prevented him from doing so. At this time another member of the committee (Mr. BAYARD) was absent. Only three members of the committee were in the House; the House must, therefore, either add fresh members to the committee, or wait the return of those who were absent.

Mr. McDOWELL was aware of the absence of the chairman of the committee, and had waited till the period for which he had asked leave was expired, before he brought forward this motion; but having been informed that he had been frequently applied to to bring forward the report, and as he had delayed to do so, he thought it proper to take this step in order to hasten the business.

Mr. N. SMITH was surprised that, after the gentleman, who moved this resolution, had consented to the leave of absence for the chairman of the committee, he should have brought forward his motion. If he had intended to bring forward this proposition he ought to have refused him leave of absence.

Mr. McDOWELL said, he had no other view in making his motion than of bringing the subject before the House; but if the gentleman from Connecticut would examine the Journal, he would find that five or six days had passed since the period was expired for which leave had been obtained for the chairman of the committee; and if gentlemen chose to absent themselves from their duty, it was no reason why the public business should be delayed.

Mr. THATCHER called for the reading of the Journal, by which it appeared that Mr. SITGREAVES obtained leave of absence on the 26th ultimo for ten days.

The resolution was ordered to lie on the table.

## RELIEF OF OFFICERS AND SOLDIERS.

Mr. CORT moved the order of the day on the bill for the relief of the legal representatives of certain deceased officers and soldiers; which being agreed to, the House went into a Committee of the Whole on the subject, when the bill was read as follows:

"*Be it enacted, &c.,* That the representatives of such officers and soldiers of the Army of the United States

as died after the twenty-fourth day of March, in the year one thousand seven hundred and eighty-three, and before the third day of November in the same year, shall be entitled to all the emoluments to which the said officers and soldiers would respectively have been entitled if they had lived to the end of the war between the United States and Great Britain; and that the accounting officers of the Treasury be, and they are hereby, authorized and directed to allow the claims of such representatives, on application and proof made within the term of —— years from the passing of this act."

Mr. BLOUNT said he never could see any reason why the representatives of soldiers who died in the service, should not have the same commutation of lands as those who were slain by the enemy, since the loss was the same to their surviving friends. He had before attempted to introduce this principle into our laws, and though he had been unsuccessful, he wished again to take the sense of the Committee of the Whole upon it, and proposed an amendment to that effect.

The motion was opposed, as being in itself of a questionable nature, but more particularly as being unconnected with the present bill, which, it was said, went merely to determine the time at which the war ought to be considered at an end. The motion was at length negatived, there being only 7 votes for it.

Mr. PINCKNEY moved to strike out the 24th of March, and to insert the 11th of April, the day on which hostilities ceased, and which he considered as the proper termination of the war. He could not see with what reason the 3d of November had been fixed upon; it was indeed the day upon which Congress discharged the Army, but it could not be considered as the day on which the war terminated.

Mr. LIVINGSTON called for a division of the question; first to agree to strike out, and then to insert.

Mr. DWIGHT FOSTER seconded this motion. He was not convinced that it was necessary to interfere in this business at all, as he was not certain whether more injury would not be done to the community, than would overbalance any benefit which might accrue to individuals by the proposed measure. This bill, he believed, was intended to relieve two individuals whose petitions had been before them. He presumed there might be several others in the same situation. The case of Mrs. Alexander, whose husband (Major General Stirling) died in 1783, had lately been before the House. The provisional articles of peace were signed in November preceding. The accounts of the officers and soldiers of the Army were settled up the 3d of November, 1783; but there were a number of cases of persons dying and leaving widows and orphans, between the period of signing the provisional articles and that period, who had received, agreeably to the provision in such cases, seven years' half pay. But, if this bill were adopted, these widows and orphans might, many of them, again come forward and claim a commutation of land. He did not suppose it was the intention of the House to invite all these accounts for a fresh settlement; if it were, he should wish an earlier period to be fixed upon than that proposed.

Mr. EVANS proposed to strike out all the bill after the enacting clause, which he considered as somewhat contradictory, in order to introduce words which went expressly to declare the period of the termination of the war.

Mr. GALLATIN was opposed to this motion. He considered the war as terminating either on the day on which the provisional articles were signed, or the day on which the definitive treaty was executed. The preliminary articles were signed on the 20th of January, 1783; but if the committee inserted this day, it would not answer the purpose of the petitioners, who prayed for commutation, as that was not provided until the 22d of March, 1783, and of course officers dying before that time could not be entitled to it, but to half pension. What day, then, should be fixed? It would be improper to fix any time, he said, as the conclusion of the war; the committee might agree upon any period for the compensation of our citizens. But did nothing else, he asked, depend upon Congress fixing a period at which the war ended? Such a determination would very materially affect the provisions of the treaty of 1783. It was not our interest to determine the war ended at an earlier period than had been acted upon. He thought the 24th of March the best time that could be fixed upon, in relation to our own Army, as it was the day on which Congress received the first intimation that peace existed.

Mr. ALLEN moved that the committee rise, and ask leave to sit again, in order to obtain further information on this subject.

Mr. VARNUM was opposed to this motion; he thought the question might as well be decided now as hereafter. He did not think it prudent, when Congress had decided any important question, to agitate it anew, except there was some good reason for it. Congress had determined the war to close on the 3d of November. He thought the war could not be considered as closed until the definitive treaty was signed. He should, therefore, be against the bill altogether, as he thought Congress might as well fix upon any other day for the termination of the war as the 24th of March or the 11th of April. He did not know but there would be as much justice to include persons who died after the provisional articles were signed, or indeed all who died in the service, as to include the persons proposed to be covered by this bill.

Mr. MACON seconded the motion; because when leave was asked to sit again, the sense of the House could be taken whether leave would be granted for a further consideration of the business. The end of the war had been determined by a competent authority; by that authority which had enlisted the soldiers and commissioned the officers. This day was the third of November. If this bill passed, it would prove an opening wedge to all the old settlements. The petition upon which this business was brought forward, he allowed, was a hard case; but after a decision had been acted upon for fourteen years, he did not

think it would be proper for them to say Congress had been mistaken in this important matter.

After a few observations from Messrs. COIT, DAYTON, and OTIS, against the motion (in the course of which it was asserted that Congress never made any declaration as to the termination of the war, but that the 3d of November was merely the day on which the army was disbanded) and a few words from Mr. LIVINGSTON in favor of it, the question for the committee's rising was carried—there being 47 votes for it. And the motion for leave to sit again was carried 42 to 30.

## LIMITATION ACTS, &c.

A report was received from the Secretary of the Treasury, on the subject of excepting certain claims from the operation of the limitation acts, in consequence of a resolution of the House of the 14th ult., which was referred to the Committee of the Whole on the subject.

Another report was also received from the same department, including statements of goods, wares, and merchandise, imported into the United States, for two years, from the 1st of October, 1794, in pursuance of a resolution of the House of the 3d of March last.

## WHARF OWNERS, &c.

Mr. LIVINGSTON, from the Committee of Commerce and Manufactures, made a report on the petitions of the wharf-holders, &c., of Charleston, stating that the committee had found that the practice of wharf-owners employing persons to weigh goods, had been a great inconvenience both to the importing merchant and revenue officer; that in their opinion the claim of the wharf-holders was unreasonable in itself, and subversive of regularity, but as sufficient means were taken to prevent any further interruption of business, they suppose no interference of the Legislature was necessary.

The consideration of the report was postponed till to-morrow.

---

TUESDAY, January 9.

Mr. LIVINGSTON, from the Committee of Commerce and Manufactures, to whom was committed the amendments of the Senate to the bill for the relief of North and Vesey, reported it, as the opinion of the committee, that they ought to be agreed to, and the report was concurred in.

Mr. D. FOSTER, from the Committee of Claims, reported a bill directing the Secretary of War to place certain persons on the pension list, which was twice read and committed for to-morrow.

Mr. DENNIS proposed the following resolution for the adoption of the House:

"*Resolved*, That the Committee of Ways and Means be directed to inquire whether any, and, if any, what alterations are necessary in the several acts imposing a duty on spirits distilled within the United States, and on stills, so far as relates to the entry of stills, and that they be authorized to report by bill or otherwise."

## TENNESSEE LAND TITLES.

Mr. W. CLAIBORNE called for the order of the day on the report on the petition and remonstrance of the Legislature of Tennessee, which being agreed to, the House resolved itself into a Committee of the Whole on the subject, Mr. DENT in the Chair, and the report having been read, the following resolution was under consideration:

"*Resolved*, That the sum of ——— dollars be appropriated for the relief of such citizens of the State of Tennessee as have rights to lands within the said State, by virtue of the cession out of the State of North Carolina, and have made actual settlements thereon, and who have been deprived of the possession of the said lands by the operation of the act for regulating the intercourse with the Indian tribes. The said sum to be subject to the order of the President of the United States, to be expended under his direction, either in extinguishing the Indian claim to the above described lands, in case he shall deem it expedient to hold a treaty for that purpose, or to be disposed of in such other manner as he shall deem best calculated to afford the persons herein described a temporary relief."

Mr. W. CLAIBORNE moved to strike out all the words of the resolution after the word "for," in second line, and to insert "the extinction of the Indian claim to all or any part of the land within the limits of the State of Tennessee, in case the President of the United States shall think it expedient to hold a treaty for that purpose."

Mr. VENABLE hoped this motion would not be agreed to, and that the mover of it would not persist in it, as it might hazard the relief proposed to be given to the distressed citizens of Tennessee. He did not believe the House would consent to appropriate so large a sum as would be necessary to accomplish the object contemplated by his amendment. He was disposed to afford relief to the persons whose cases had been presented to the House, as he thought they had been hardly and unjustly used; but he was not disposed to go further at present.

Mr. McDOWELL seconded the motion, because, if it were necessary to hold a treaty with the Indians at all, the expense might not probably be much increased by extending it to other objects. He wished, therefore, that the Commissioners employed to negotiate a treaty should have it in their power, if they found the Indians disposed to enter upon the business, to treat with respect to other lands in which many citizens of Tennessee, of North and South Carolina, and other States, were deeply interested; whose lands, which many of them had earned by their hard services in the war, lay in that State, and the United States had stepped in, by the late treaty, and said they could not enjoy them. He was clear, from the articles of Confederation, and from the laws of the United States, that these people were entitled to justice, as well as those who had been driven by violence from the possession of their property.

Mr. RUTLEDGE was of opinion, that, unconnected with the situation of the unhappy people who had been driven from their possessions, he thought this motion perfectly proper. He formed this

opinion from a reference to the Journals of the House. He had been induced, from applications made to him by citizens holding lands in that country, to examine into this subject. In looking over the acts of North Carolina, 1783, he found that State opened a land office, for the redemption of certain claims for military and other services, by grants of land in their territory southwest of the Ohio. Afterwards, when North Carolina became one of the United States, she made a grant of this territory to the United States, upon certain conditions, one of which was, that the grants already made should not be altered or impaired; and yet, by the Treaty of Holston, the United States had, in violation of this contract, guarantied this land to the Cherokee Indians. If this were not a correct statement, he begged to be corrected; and if it were, it was a direct violation of the treaty with North Carolina. In private life, there would be a remedy at law for such a departure from contract; but, in this case, there was no remedy but by appealing to the justice of the Legislature of the Union. This appeal had been made, and he hoped it would not be in vain. The people of Tennessee say, either restore us to the situation in which we were, or return to us our money, with interest. What has been the proceedings of Congress on this business? The House of Representatives had formerly agreed that the certificates of the persons entitled to these lands should be funded, and interest allowed upon them; and that hereafter, when a treaty should be made with the Indians, they might receive their lands, on repaying their money. Another House of Representatives came to a similar resolution, but the Senate not concurring, the business fell to the ground.

But the gentleman from Virginia said this was an improper time to go into the business. He did not think so. If a treaty were to be held, he thought it ought to be extended to all the owners of land in this situation, as well as to that held by actual settlers. The difference of expense to the United States would be a mere *bagatelle;* besides, Government would be repaid with usurious interest by the sale of the land which would be obtained by a general treaty; whereas, if this were not the case, the expense of treaty would be lost. And if this course were not taken, the persons who had a property in this land would never fail to call upon Congress until their complaints were redressed.

Mr. OTIS was not disposed to go into the merits of the claims which had been advocated by his friend from South Carolina. He was one of the committee who made the report, and had no objection to its being now agreed to, though he thought it would be more advisable to postpone the business for a few days, as he was informed that the President of the United States had nominated Commissioners for the holding of a treaty with the Indians for the extinguishment of the Indian claim to the lands in question, which nomination was before the Senate, and would probably be agreed to; and when the House was acquainted with the powers given to these Commissioners, they would know better how to act in the business. Besides, he thought it improper to do anything which should appear like an interference with business that belonged to the Executive Department. He thought, therefore, the original report ought to be agreed to, or that the committee should rise, and ask leave to sit again.

Mr. MACON was glad to hear that the President had nominated Commissioners for holding a treaty with the Indians on this subject, and he hoped the committee would proceed to appropriate money to enable him to effect the business. This, he said, would be no new thing, and it would be going hand in hand with the President, and enable him the sooner to carry his benevolent views into operation. In 1793, Congress appropriated a sum of money for treating with the Northwestern Indians, before they had any intimation from the President on the subject. He thought the amendment proposed preferable to the resolution reported, as it left the President to treat as he thought proper in the business.

Mr. NICHOLAS did not see much difference between the resolutions. The one reported was advisory, as well as the amendment. The first, indeed, went on to say the President might afford temporary relief to the persons who had been removed from their lands; but if it were thought improper, as he thought it was, to recommend a temporary relief to be given to these persons, who had been driven from their property, it was right to omit that part of it. He said, to object to the amendment, as being an interference with the Executive authority, was an unauthorized refinement. It was not asked, nor expected, that money should be distributed amongst these people by way of charity; they were deprived of their property, and they claimed a restoration of it. If the proposed resolution were agreed to, the President would still be at perfect liberty to act as he pleased. Indeed, the President having appointed Commissioners for holding a treaty, it would be acting in conformity with him thus to act.

Mr. N. concluded by reminding the House of the consequences which might arise from neglecting to attend to the just claims of persons who were so far removed from the seat of Government, and who had it in their power to do serious mischief to the United States.

The CHAIRMAN said, on recurring to the rules of the House, he found the amendment proposed was not in order, as it was a substitute for the original motion. The question was, therefore, upon the resolution as reported.

Mr. GOODRICH hoped the committee would rise, in order that the report might be recommitted. The resolution reported had in view the temporary relief of the sufferings of the people who had been driven from their lands, and to empower the President of the United States, at his discretion, to extinguish the Indian title. But the member from Tennessee, who must be supposed to be best acquainted with the interests of his constituents, had now brought forward a more extensive proposition, which embraced the idea of an extinguishment of the Indian title to all the land of

Tennessee. He did not think the committee were ready to adopt so general a proposition, without further information. Besides, he thought the ground of this business was materially changed by the President's having named Commissioners to hold a treaty with the Indians; it would be best, therefore, to wait for a communication from the President on the subject, before the committee proceeded further. He would not have made this motion, if he had thought it would have occasioned a delay injurious to the petitioners; but, as the gentleman from Tennessee himself had given up the idea of affording temporary relief, he trusted a delay of a few days could have no bad effects.

Mr. W. CLAIBORNE hoped the committee would not rise. The Chairman having decided his amendment to be out of order, the reason for making the motion no longer existed, as there was no new proposition before the House; the proposition which was now before the committee had been pending five weeks—a proposition which, he was persuaded, every member in the House must be well acquainted with, since not to think so would be to think them indifferent to the claims of their fellow-citizens, whom they represented equally with himself, who came there by their suffrages. If his amendment had not been declared out of order, he should have delivered some sentiments upon it, which would have shown that he did not intend to bring the subject before the House by surprise, but that he was actuated by the most honorable motives—by a wish to do justice, not only to the persons whose distressed situation had been laid before the committee, but to all those citizens of North Carolina, Tennessee, and other parts of the United States, who had a legal right to land which, by the Treaty of Holston, had been ceded to the Indians. But, by the decision of the Chairman, he was prevented from doing this, and obliged to confine his observations to the motion for the committee to rise. He trusted this motion would be disagreed to. The necessities of the people calling for relief, were pressing. For months past distress had reigned on the frontier of Tennessee, and several hundred families, who, before an armed force drove them off, were in the peaceful possession of their land, and enjoying in happy sufficiency the fruits of their own industry, have been forced at this inclement season to seek an asylum wherever they could find it; some had been so fortunate as to get into houses, but the greater part had been obliged to take shelter in the woods, with their wives and little ones.

Where was humanity, if that House were disposed to procrastinate a decision? He should say that virtue had lost its customary feeling, if it were not interested in behalf of these citizens. The committee had heard, from a respectable quarter, that the President of the United States had taken up this business. He hoped the information was correct; if so, it redounded to the honor of our Chief Magistrate, and showed that he felt for the distresses of these citizens; and since he proposed to negotiate a treaty with the Indians, the sooner an appropriation was made the sooner would the grievances complained of be removed. He hoped, therefore, the gentleman would withdraw his motion. With respect to his proposition, which had been declared out of order, he could, if he should see proper, bring it forward separately.

The debate on the question for the committee to rise, occupied the whole of the remainder of the sitting; but, as the merits of the question were, according to order, precluded by it from discussion, (though they were not always kept out of sight,) we do not think it necessary to go into a detail of the arguments which were used for and against the motion. The advocates of the question were Messrs. N. SMITH, BROOKS, R. WILLIAMS, I. PARKER, and OTIS; against it, Messrs. VENABLE, MCDOWELL, NICHOLAS, GALLATIN, MACON, J. WILLIAMS, HARPER, and RUTLEDGE. At length the motion was carried without a division; and on leave being asked to sit again, after some debate, it was also granted without a division.

---

WEDNESDAY, January 10.

Mr. MACON, desirous of accommodating gentlemen who wished a delay, and in order to obtain greater unanimity upon it, moved that the unfinished business of yesterday, relative to the petition and remonstrance of the State of Tennessee, be postponed till Friday. Agreed to.

Mr. MCDOWELL gave notice that he should, to-morrow, call up for decision the resolution which he laid upon the table the day before yesterday, calling for a report of the articles of impeachment to be exhibited against W. Blount.

Mr. LIVINGSTON, from the committee to whom was recommitted the bill for the relief of the refugees from Canada and Nova Scotia, reported a new bill; which was twice read, and committed for Friday.

Mr. D. FOSTER, in pursuance of the order of the House of yesterday, after agreeing to the report of the Committee of Claims in favor of John Frank, who was captured by the Indians a few hours after being discharged from the service of the United States, reported a bill allowing him the same compensation as if he had been captured whilst he was in the service of the United States; which was twice read, and committed for to-day.

The House went into a committee on this bill, reported it without amendment, and ordered it to be engrossed for a third reading to-morrow.

Mr. HARPER said, that it was found that the provisions of the act passed on the 8th of May, 1792, for regulating the process in the courts of the United States, and for providing compensations for the officers of the said courts, and for jurors and witnesses, were inadequate, particularly as they related to the compensation of the marshals; he therefore moved a resolution for the appointment of a committee to inquire and report by bill or otherwise what alterations are necessary in the said act. Agreed to.

APPROPRIATIONS FOR 1798.

Mr. HARPER, from the Committee of Ways and Means, made an additional report on the subject

of appropriations, and proposed a resolution to the following effect:

"*Resolved*, That there be appropriated on account towards defraying the expense of finishing the frigates United States, Constitution, and Constellation, the sum of —— dollars."

Read a second time, and committed for to-morrow.

## EVIDENCE IN CONTESTED ELECTIONS.

Mr. HARPER called for the order of the day on the bill for prescribing a mode of taking evidence in cases of contested elections, and for compelling the attendance of witnesses; which being agreed to, the House resolved itself into a Committee of the Whole on the subject, Mr. DENT in the Chair, and, after agreeing to several amendments, the commmittee rose, and the House having concurred in them, the bill was ordered to be engrossed for a third reading to-morrow.

## COMPENSATION OF DOORKEEPERS.

Mr. D. FOSTER moved the order of the day on the bill from the Senate for allowing a compensation to the Doorkeeper of the Senate and his assistant during the late session of Congress; which being agreed to, the House went into a Committee of the Whole on the subject, when an amendment was proposed by Mr. HARPER, to allow the Sergeant-at-Arms of the House of Representatives an additional compensation of $260 for his two last years' service, which it was alleged would only bring his compensation to the same which was allowed to the Doorkeeper of that House. Some objections, however, being offered against this amendment, in order to afford time for an inquiry into the fact of the difference spoken of between the allowances made to the Doorkeeper and Sergeant-at-Arms, the committee rose, and had leave to sit again.

---

THURSDAY, January 11.

The bill for the relief of John Frank, and the bill for prescribing the mode of taking evidences in cases of contested elections, and to compel the attendance of witnesses, were read the third time, and passed.

A report was received from the Secretary of the Treasury, in pursuance of the resolution of the House of the 5th instant, calling upon him for an account of the execution of the Mint law. He states, that receipts and payments on account of Government were made at the Bank of the United States; that moneys received at a distance were paid in bills; that the bank directors had a common interest in all the specie deposited, but that they were always willing to co-operate in the wishes of the Government, and would have at any time advanced a reasonable quantity of foreign coin for the Mint; but in the years 1795 and 1796, the amount of foreign coin other than Spanish was very inconsiderable, and if it had been otherwise, the situation of the Treasury at that time would not admit of suffering very considerable sums to lie at the Mint; but that since the Proclamation of the President of the United States was issued, the quantity of French crowns had very much increased at the banks, and that in future, according to the present regulations, there would be no doubt but the Mint would be supplied with a sufficient quantity of bullion from these sources. Referred to the Committee of the Whole to whom was referred the report on the subject of the Mint.

Mr. MACON, from the Committee on Revisal and Unfinished Business, moved that the expiring laws relative to the suspension of the duty on snuff and tobacco, foreign intercourse, and to the collection of internal duties, be referred to the Committee of Ways and Means. Agreed to.

On motion of Mr. GALLATIN, the act respecting the regulation of the compensation of clerks was referred to the same committee.

Mr. TILLINGHAST presented a resolution of the Legislature of Rhode Island, directing the Representatives in Congress from that State, to use their efforts to obtain a repeal of the stamp act, and to get passed an act to provide a uniform system of weights and measures throughout the United States. The resolve having been read, in conformity to the latter part of it, Mr. T. moved a resolution for the appointment of a committee to report a plan for fixing a standard of weights and measures; which was ordered to lie on the table.

Mr. GOODRICH presented a petition from certain paper-makers of Connecticut, praying for a higher duty to be laid on paper imported, as an encouragement to the manufacture of paper in this country. Referred to the Committee of Commerce and Manufactures.

On motion of Mr. DWIGHT FOSTER, the unfinished business of yesterday was postponed, in order to take up the bill directing certain persons to be placed upon the pension list. The House went into a committee on this subject, and, after agreeing to two or three amendments, rose; the House concurred in them, and the bill was ordered to be read a third time to-morrow.

Mr. COCHRAN proposed the following resolution:

"*Resolved*, That the Committee on Commerce and Manufactures be directed to inquire into the propriety of allowing a drawback on goods exported to the British provinces, in Canada, by way of the Lakes, and report their opinion thereon."

Mr. LIVINGSTON proposed the following:

*Resolved*, That a committee be appointed to inquire into the expenditures of the moneys heretofore appropriated for the Naval Armament, and report their opinion thereon to the House."

*Ordered*, To lie on the table.

## IMPEACHMENT OF WM. BLOUNT.

Mr. MCDOWELL rose to call up, agreeably to notice, the resolution which he laid upon the table on Monday, calling upon the committee appointed on the subject of William Blount's impeachment, to report the articles of impeachment.

Mr. NICHOLAS said, he wished as much as the

gentleman from North Carolina, to bring forward the subject in question; but, as it was probable the chairman of that committee who, of course, was better acquainted with the subject than any other member, would return in a day or two, he thought it would be best to wait until that time.

Mr. HARPER said, he was authorized to say the chairman of that committee, would be in his place on Monday morning. He had been detained by the court, which was now sitting at Easton.

Mr. McDOWELL said, his wish was to bring forward the subject as soon as possible. As it had been said the chairman would return on Monday, he should withdraw his motion.

## NAVAL APPROPRIATION.

Mr. HARPER moved that the unfinished business should be further postponed to take up the report of the Committee of Ways and Means, which was referred to a Committee of the Whole, proposing a partial appropriation for the Naval Department; which being agreed to, the House resolved itself into a Committee of the Whole on that subject; when, the resolution having been read,

Mr. HARPER said, he found a different phraseology had been used on former occasions; he therefore moved that the word "finishing" be struck out, and that the words "of completing and equipping" be inserted in their place. Carried.

Mr. J. WILLIAMS wished the committee to lay before the House any statements which they might have on this subject.

Mr. HARPER said, the Committee of Ways and Means had not, as yet, received a complete estimate from the proper department. They had a statement of the sum remaining unexpended of the former appropriation, amounting to $20,501, and that which was supposed as likely to be wanted for all the frigates was estimated at $151,298; but, at present, he did not mean to propose a large appropriation. The estimates of what would be necessary were preparing and would shortly be laid before the House; but, as the Secretary of the Treasury had stated that a certain sum was necessary to be appropriated immediately, he proposed to fill the blank with $20,000, which, he supposed, would be sufficient, until the estimates which were preparing were laid before the House.

Mr. J. WILLIAMS said, when he called for the estimates, he expected to have learnt how the former appropriation had been expended, and to have received a statement of what was yet to be done, that some judgment might have been formed as to the sum necessary to be appropriated. The Committee of Ways and Means might have ground upon which to form an opinion; but, he thought, whatever documents they might be possessed of ought to be laid before the House, that they might also form an opinion upon the subject.

Mr. NICHOLAS begged that, if any estimates had been received from the Secretary of the Treasury, they might be laid upon the table for the information of the House.

Mr. GALLATIN said, there was no information from the Secretary of the Treasury before the Committee of Ways and Means. It was possible the chairman might have received some communication on the subject.

Mr. HARPER observed, that the gentleman who had just sat down was not quite correct, as, when the Committee of Ways and Means agreed to the resolution now under consideration, the five papers which he then held in his hand were before them, and they were convinced that the facts were as there stated. To withhold the proposed appropriation, would be to suspend the business of completing the frigates. Mr. H. read the heads of the statements, and then gave them in at the Clerk's table, where they were again read. It appears, from these, that the sums wanting are as follow:

| | |
|---|---|
| For completing the frigate Constitution | $26,275 |
| Do. do. Constellation | 22,319 |
| Do. do. United States | 23,557 |
| For military stores for all the frigates - | 75,759 |
| For arms and accoutrements for the marines - - - - - | 3,376 |
| | 151,286 |
| Remaining of the last appropriations - | 20,501 |
| Yet wanting - - | 130,785 |

Mr. NICHOLAS said, if there were any debts outstanding, it would be proper to make an appropriation to pay them; but, by the papers which had been read, it did not appear that there was any immediate necessity for an appropriation, and as this was the case, he should not consent to any appropriation until the account called for at the last session was laid before the House; nor should he be in favor of any further appropriation until some opinion was passed as to the mismanagement of this business. He said mismanagement, because, in three several instances, the House had been told that the sum appropriated at each would be sufficient to complete and put the vessels to sea. This strange proceeding, he thought, furnished the clearest evidence that the management had been wrong, and they might as well throw the money of the public into the sea at once, as appropriate it to an object to which there seemed to be no end. Not seeing any immediate occasion for the money, he, therefore, moved for the committee to rise, in order to give time for the receipt of the estimates in question.

Mr. GALLATIN said, when he was up before, he had declared that no statement had come before the Committee of Ways and Means from the Treasury Department; in which assertion he was correct. The only papers laid before that committee were five papers furnished, he supposed, by the naval constructor. That committee had no estimate before them from which they could draw any just conclusion. He agreed with the gentleman from South Carolina, that one fact appeared, viz: that more money would be wanted. This was gathered from the letter of the Secretary of the Treasury; but beyond that they had

nothing upon which to act. The question was, therefore, whether the committee ought now to make an appropriation, or wait until the proper estimate was received. If the papers alluded to were examined, it would be found there was no date to any of them, except to one, which was dated Boston, November 30. It could not be ascertained, therefore, whether or not the $151,000 were wanting beyond the money last appropriated. Indeed, it was altogether impossible to form any correct idea from these papers, of the sum wanted, or whether it was immediately necessary to make an appropriation. These papers might be correct, but they were not official. But there was another paper which might be relied upon, stating that, on the first of January, there was a balance remaining of the last appropriation of $20,591, and that no money had been expended since. This paper was not laid before the Committee of Ways and Means; if it had been he doubted not the same conclusion would have been drawn from it that was now drawn, viz: that no inconvenience could be sustained by postponing the appropriation for a week or two, until the proper estimates should be laid before the House. Mr. G. concluded by saying, that he agreed with the gentleman from Virginia, that there appeared on the face of the laws on this subject a suspicion that there had been some mismanagement in the expenditure of the money which had been appropriated. From what cause this had arisen—whether from our inexperience in the business, or from a culpable misapplication of the money, he could not say, but it was proper to stop and look into what had been done, before they went on to appropriate more money.

Mr. HARPER replied, that, whether the money which had been appropriated to this object, had been properly or improperly expended, was not now the question. The expense of these vessels had always been an argument with certain gentlemen against completing them. With respect to what had fallen from the gentleman from Pennsylvania, (Mr. GALLATIN,) he admitted all that was necessary to show the propriety of the present appropriation, since he admitted that there was sufficient evidence before the committee to show that more money was wanted to finish the frigates. He thought it was, therefore, quibbling to object to it, because certain estimates were not before them. When the Secretary of the Treasury told the House more money would be wanted, was it supposed that he overlooked the balance in hand? But how, it might be asked, when this balance remained in hand on the 1st of January, could the appropriation in question be immediately wanted? Because, he answered, bills might have been incurred which it was necessary to pay. The whole question, he said, resolved itself into this, Whether the completion of the vessels should be suspended until an inquiry could be made into the expenditure of the money already appropriated? He did not wonder to hear that this was the wish of gentlemen who had always thought it their duty to oppose the building of the frigates; but he should think it extraordinary, indeed, if that part of the House who wished the vessels to be finished, should concur in that opinion. Mr. H. was ready to acknowledge that these vessels had cost by far too much money. He did not know from what cause this had happened; he believed it had been partly from the novelty of the undertaking; from the materials having been selected from the most durable and costly; from the detached situation of the vessels; and from a variety of other causes. But, from whatever causes the extraordinary expense had arisen, gentlemen were prepared to meet the inquiry; but, in the meantime, he trusted the business would be suffered to proceed. Out of $150,000, which were estimated as necessary to complete the vessels, only $20,000 were asked, which, he trusted, there would be no further objection to appropriate.

Mr. LIVINGSTON said, he was one of those who had constantly voted for such a Navy as he thought the protection of the commerce of the country required, and the nation could afford; but the continual disappointment which he had experienced on this score, and the excessive expense which had been incurred, had considerably lessened his zeal. The question was, whether the committee would now make an appropriation on account, or wait until they received an estimate from the proper departments; and, believing as he did, that the balance of the last appropriation now in hand was sufficient for any immediate demand, he should be in favor of the committee's rising. Indeed, he believed the facility with which the House had gone into appropriations of this kind, had encouraged the lavish expenditure of the money; and, after the committee shall have risen, if no other member did it, he should propose the appointment of a committee to inquire into the expenditure of the money which had been appropriated to this object. How the money had been expended was a secret to that House, but it was a secret which ought to be laid open. Great obloquy had been thrown upon the persons through whose hands this money had passed; if they were not deserving of it, the obloquy ought to be removed; if it were deserved, it ought to be fixed. He believed, if it were seen that this money would not be appropriated until the estimate in question was received, the House would not be long without it.

Mr. SEWALL was surprised to hear the gentleman last up speak of the facility with which money had been voted for the frigates; he believed gentlemen who had been witness to the manner in which the appropriations for this object had been made, would not say they had been made with *facility*. He had only been present at one of these questions, but he knew of no question which had been treated as this had been treated. A vote was passed the other day, without debate, for an appropriation on account of the Military Establishment. How far this establishment was a favorite with the House, in preference to the Naval Establishment, he could not tell. Facility in granting this money might, upon the gentleman's doctrine, be an inducement to unnecessary expense in the Military Establishment.

Indeed, in order to prevent a lavish expenditure of money, it would be necessary to go into a warm debate upon every subject of expense which came before the House. Mr. S. believed this appropriation stood upon the same ground with that for the Military Establishment. The Secretary of the Treasury had recommended both, but had given no estimate for either. Yet gentlemen insist upon having an estimate before they agree to the appropriation in question. Did gentlemen mean to say, that if the money had not been expended agreeably to their wishes, that the United States were to lose all the money hitherto expended upon the frigates—that they were to be thrown away, or burnt? If their argument meant anything, it meant that. He would take it for granted, that, upon an examination of the accounts, the money had been improperly expended; that the officers had dealt unfairly; that the money had been *thrown into the sea*, as the gentleman from Virginia was pleased to suppose; he did not suppose, that, even in this case, gentlemen would wish all that had been expended to be thrown away. Gentlemen were now contending against a small appropriation on account: but if the appropriations were not made, might not Government suffer very considerable loss by the work standing still, from a refusal of the workmen to labor without pay? But, if the money were appropriated, it would remain in the Treasury if it were not wanted, therefore no injury could arise to the United States from the appropriation; but considerable loss might be sustained by the want of money to carry on the work. ' Mr. S. concluded by saying, he considered a Naval Armament as necessary to the dignity and national character of the United States. He wished, therefore, that every necessary appropriation should be made, at the same time that an inquiry should be instituted into the past expenditure. It was astonishing to him how so much money could have been expended in this business, and that so many errors could have been made in the estimates which had from time to time been made; but, when it was considered that the business of building armed vessels of this kind was wholly new to us, and that the prices of the various articles made use of had been greatly augmented, it was not so strange that mistakes had occurred. But whatever these might have been, or whatever blame may have been incurred, as it was still necessary to complete the work, he trusted the appropriation would be agreed to.

Mr. NICHOLAS said, gentlemen seemed to take it for granted that the question, whether the frigates should be finished, was before the committee. For the sake of the frigates, he thought they ought not so to consider it. If the committee were satisfied, from experience, that this business had been carried on at an enormous expense, was it not necessary to look into the matter? Were Congress to support the dignity of the country by giving away the people's money—not, perhaps, for their use, but for some other purpose? Every man must be astonished at the expenses which had been incurred, and was it not proper to inquire how this had happened? Gentlemen say, if the money were not wanted, it would be in the Treasury, and no disadvantage be sustained. But this was as much as to say, that everything should be given which was asked for by any of the departments. If they were all concurring in the same object of finishing the frigates, the mode proposed would be the shortest.

The gentleman from New York was right when he said the money for this object had been granted with facility; for, though there had been a contest about the usefulness of the frigates, there had been none about the estimates themselves. If the House had been told last Winter, that $600,000 had been wanting to complete the frigates, instead of $200,000, he believed it would have astonished every one, and an inquiry would have been instituted into this subject; but this had not been done, the House had been drawn on from time to time, and from time to time deceived in the business; for all that had been said about inexperience, high price of articles, &c., had no weight. Mr. N. concluded by declaring he was not acting as an enemy of the frigates, but as a friend of the public, whose money, in this instance, had been squandered beyond all example.

Mr. RUTLEDGE said, the reason given by gentlemen for postponing this subject was, that the appropriations already made had been enormous; but he would just ask them one question—suppose the money heretofore appropriated had been misspent, would they now refuse to appropriate a further sum? All that was wanted, he said, to complete the frigates, was $36,000, and only $20,000 were now asked for. But gentlemen say no, we will first institute an inquiry into the expenditure of the money already appropriated. He had no objection to this inquiry, but he would in the meantime appropriate the money.

Mr. J. WILLIAMS replied to the inquiry of the gentleman who had just sat down, that though past sums had been misspent, he would consent to appropriate more, but not to be spent in the same way. Mr. W. went over the various sums which had been from time to time called for, and concluded by saying that he would not consent to vote for more, until he saw how what had been appropriated had been expended, or except he knew the business was at a stand for want of money.

Mr. SEWALL read the letter of the Secretary of the Treasury, wherein he says an appropriation on account of the Naval Department will be necessary.

Mr. GALLATIN said, when he was up before, he had stated that it had never been the practice of the House to grant money unless an estimate was laid before them to show that it was necessary. This had been called a quibble by one gentleman, and another had quoted an instance wherein the House had acted differently. But the gentleman from Massachusetts (Mr. SEWALL) was mistaken in this respect. It was true that the Secretary of the Treasury did ask for an appropriation for the deficiencies in the Military Establishment; but it was not true that the House granted

it. The House had agreed to an appropriation. For what? For the deficiencies? No. They have agreed for an appropriation towards the expenses of 1798, for which they have an estimate before them. Until the Secretary of the Treasury laid an estimate before the House, except the necessity was very urgent indeed, (which he did not believe in the present case it was,) he should decline any appropriation. As an individual he was ready to acknowledge he was against building the frigates; but did gentlemen suppose that he was weak enough to believe that by making an opposition to a partial appropriation, he could defeat that object, against a large majority of the House? No. He believed there would be a very considerable majority ready to vote for any sum which might be wanted for the frigates, though he might vote differently. But he thought there was another object worth contending for, which was, not to vote money because an officer of a department calls for it, however much that officer may be entitled to the confidence of the House.

If this practice was once gone into, it would create endless mischief. Mr. G. said, the different conclusions which gentlemen had drawn on the subject, were sufficient to show that the committee were not prepared to come to a vote on the question, as one gentleman declared that $130,000 were wanting to complete the frigates, and another insisted that only $36,000 were necessary! For his part he did not know, but from what the Secretary of the Treasury had said, that any money at all was wanting for that purpose. When the estimate was laid before the House, he should not object to a partial appropriation before the inquiry was gone into; but at present he could not consent to it.

Mr. Harper said, as several gentlemen, who had expressed their intention of voting for this appropriation, when the estimates should be laid before the House, though now they objected to it, and as no great inconvenience, he trusted, would arise from the delay of three or four days, he would join in voting for the committee to rise.

Mr. Sewall produced a statement of the Secretary of War, lately made to the House, wherein he states that there is a deficiency of $36,000 for the completion of the frigates. He thought this sufficient ground for the appropriation, and regretted that the gentleman from South Carolina had concluded to vote for the committee's rising. Mr. S. referred to what had fallen from Mr. Gallatin, and said the only difference between the two cases of Naval and Military Establishments was, that we did not build frigates *by the year*.

Mr. Pinckney said, if he thought voting for this appropriation would preclude an inquiry into past expenditures, and by that means to put the business upon a better footing in future, he should by no means vote for it. But he did not believe this. However, if gentlemen wished the subject to lie over for two or three days, he had no objection; but if it were their intention to postpone an appropriation until an inquiry into former expenses were gone into, he should have serious objections to it. It had been admitted on all hands that the frigates had been an expensive business; but a further delay would make them more so. He thought the Treasury might be safely trusted with this money, and the inquiry could, in the mean time, be going on.

The question for the committee to rise was put and carried—45 to 35.

---

Friday, January 12.

Mr. Cochran called up the resolution which he laid yesterday upon the table, for directing the Committee of Commerce and Manufactures to inquire into the expediency of allowing a drawback on goods exported to Canada, by way of the Lakes, which was agreed to, and a committee appointed.

Mr. Macon, from the Committee of Revisal and Unfinished Business, moved that that part of their report which related to the expiring of an act declaring the concurrence of Congress to the appointment of an health officer by the State of Maryland, be referred to the Committee of Commerce and Manufactures.

Mr. Harrison presented a petition from a number of citizens and freeholders of the counties of Southampton, Sussex, and Prince George, in Virginia, praying a repeal of the stamp act, and for certain alterations in the law laying a duty on spirits and on stills. Mr. H. observed, that as the House had anticipated the wishes of his constituents, in relation to the spirit tax, by the bill which had lately passed, there would be an impropriety in referring that part of the petition; but so much of it as related to the stamp act, he moved to refer to the Committee of Ways and Means. Agreed to.

The bill directing the Secretary of War to place certain persons on the pension list, was read the third time and passed.

Mr. Evans said that the Attorney General was put to a very great expense in paying the postage of packets and letters which passed to and from him in his official capacity. This had been particularly felt in the packets and letters which he had received in relation to the fifth article of the British Treaty, which had amounted to several hundred dollars. To relieve this officer from this inconvenience, Mr. E. proposed a resolution to the following effect:

"*Resolved*, That all the letters and packets to or from the Attorney General of the United States, shall be conveyed, free of postage, under like restrictions with letters or packets passing to and from the other Heads of Department."

Referred to the Committee on Post Offices and Post Roads.

The amendment of the Senate to the bill authorizing the payment of interest on a certificate due to General Kosciusko, was taken up. This amendment went to strike out that part of the interest which had been directed by the General to be remitted from Amsterdam to Leipsic or Dresden. After some discussion, this amendment was disagreed to—46 to 41.

Mr. TILLINGHAST called up his resolution respecting the fixing of an uniform plan of weights and measures, which was agreed to, and a committee of seven members appointed.

### RELIEF TO OFFICERS AND SOLDIERS.

A motion for postponing the unfinished business of yesterday having been made and carried, the House resolved itself into a Committee of the Whole on the bill for the relief of the representatives of certain deceased officers and soldiers, Mr. DENT in the Chair, which, after considerable discussion—which chiefly turned upon the propriety or impropriety of changing the period which had heretofore been considered as terminating the war, in the course of which different periods were proposed—was agreed to with one amendment, determining that such officers and soldiers as lived till the 24th of March, 1783, should be entitled to the same allowance as if they had lived till the 3d of November, in the same year, (the time at which Congress disbanded the Army.) The committee rose, and the House concurred in the amendment; but, upon the question's being put for the bill's passing to a third reading, it was negatived, there being only 26 votes in favor of it. Of course the bill was lost.

### COMPENSATION TO DOORKEEPERS.

On motion, of Mr. HARPER, the House again went into a Committee of the Whole on the bill from the Senate allowing a compensation to the Doorkeeper of the Senate and his assistant during the extraordinary session; when the amendment proposing to add to the bill a provision in favor of a compensation to the Sergeant-at-Arms of the House of Representatives of $260, being under consideration, Mr. H. moved to amend the amendment by striking out 260, and inserting $252, which he proved, from a statement which he read, would bring his allowance to the same amount which had been paid to the Doorkeeper, calculating from the commencement of the year 1794. This motion was opposed on the ground that four dollars a day, (which was the allowance made by law,) during his attendance upon duty, was sufficient pay for the Sergeant-at-Arms; that the Doorkeeper's allowance was a salary of $500 per annum, for an annual attendance, to which, on account of extraordinary services, or from the dearness of living, some temporary grants had been made, the chief of which (and which principally produced the difference spoken of) was $250 allowed to the present Doorkeeper in 1794, when assistant to Mr. Dally, on account of his having done nearly the whole of the duty during that session. The amendment was on one hand urged as an improper tack to the bill from the Senate, and on the other it was advocated as necessary to put an end to what was thought to be an improper practice, viz: the granting of additional allowances to Doorkeepers and others on the last day of a session, upon a simple resolution of the House, without enacting a law for the purpose. The amendment was finally negatived, there being only 23 votes for it. The bill was then agreed to, and ordered to be read a third time on Monday.

Mr. TILLINGHAST gave notice, that on Monday, he should bring forward a resolution for the appointment of a committee to bring in a bill for the repeal of the law imposing a duty upon stamped vellum, parchment, and paper.

---

MONDAY, January 15.

LEMUEL BENTON, from the State of South Carolina, appeared and took his seat.

The bill from the Senate to compensate their Doorkeeper and his assistant, was read the third time and passed.

The SPEAKER laid before the House a communication from the Treasury Department, enclosing the accounts of the Treasurer of the receipts and expenditures of the United States for the quarter ending on the 30th of December last, which were ordered to be printed.

Mr. HARPER, from the Committee of Ways and Means, to whom was referred the estimates necessary for the service of the year 1798, reported a bill providing for the expenses of the civil department of Government for the year 1798, which was twice read and referred to a Committee of the Whole for Wednesday.

Mr. H. also reported, from the same committee, a bill providing for the means of intercourse between the United States and foreign nations, which was committed for Thursday.

### REPEAL OF THE STAMP ACT.

Mr. TILLINGHAST, agreeably to the notice he gave on Friday last, proposed a resolution for the adoption of the House, to the following effect:

*Resolved*, That a committee be appointed to bring in a bill for the purpose of repealing the act of Congress, passed the last session, levying a duty on stamped vellum, parchment, and paper.

Mr. J. WILLIAMS wished this resolution might be so altered as to go to the Committee of Ways and Means, who, having the subject of revenue generally under consideration, were, of course, the best judges as to the propriety of repealing the act in question. But, before the resolution was referred, he wished to amend it by adding, "also the act laying an additional duty on salt imported into the United States." His reason for wishing the resolution to be thus amended was, that when the stamp act had been agreed to, a proposition (which had before been rejected) was brought forward, towards the close of the session, when many of the members were gone home, for laying an additional duty on salt, which it was said was necessary to stand against the stamp tax, which would fall principally upon the commercial and moneyed part of our citizens. If, therefore, a repeal of the stamp act, which chiefly affected those interests, was to come under consideration, he wished the salt tax, which principally affected the agricultural interest, also to be considered, and that both should be referred to the Committee of Ways and Means together, that

they might report upon the whole subject at the same time.

The SPEAKER declared the motion for a reference to be first in order.

Mr. HARPER hoped the resolution would not be agreed to, as he held a report in his hand on the petition from Virginia, praying for a repeal of the stamp act, which, of course, involved the subject of the resolution.

Mr. RUTLEDGE trusted the resolution would not be agreed to. He believed it was of more importance than it seemed to be considered by the House; as it did not propose to appoint a committee to inquire into the expediency of repealing the law in question, but for the special purpose of reporting a bill for the repeal of the law. Had the former mode been adopted, he should not have objected to it.

The SPEAKER observed that the motion was to refer the resolution to the Committee of Ways and Means, who would of course report upon the expediency of the measure proposed.

Mr. DENT proposed to postpone the further consideration of the resolution until to-morrow, when it could be referred to the same Committee of the Whole, to whom were referred the report which the chairman of the Committee of Ways and Means had said he was prepared to make on this subject, and then both applications would come under consideration at the same time.

After some little consideration on the subject, which went chiefly to show, that, as the petition from Virginia was to the same purpose with this resolution, the report of the Committee of Ways and Means upon it must be the same which would be made upon this resolution if referred to them, this motion was carried.

Mr. HARPER, from the Committee of Ways and Means, made the report (which had been alluded to) on the petition of certain freeholders of Somerset, Sussex, and Prince George, in Virginia, praying for a repeal of the stamp act. The report stated, that, in the opinion of the Committee of Ways and Means, it would be inexpedient to repeal the said act, and that therefore the petitioners have leave to withdraw their petition. This report was referred to a Committee of the Whole, and made the order for Monday next.

## EXPENDITURE FOR NAVAL SERVICE.

Mr. LIVINGSTON called up for consideration and decision the resolution which he laid upon the table a few days ago, for the appointment of a committee of inquiry into the expenditure of money which had been appropriated for the naval service.

The House having agreed to take up this business—

Mr. HARPER said, he believed that the appointment of such a committee was very unusual, without having some ground stated to the House for the proceeding. A vote of this kind would imply a censure upon the conduct of our public officers, which certainly ought not to be done hastily, or without first having, at least, some ground of suspicion laid before them upon which to act. The House had not yet received the statements which had been called for relative to this business; they were directed to be laid before the House in the last week in January, and might, therefore, be soon expected.

[Several gentlemen said it was the first, and not the last week in January, in which the accounts had been ordered to be laid before the House.]

Mr. H. said the delay, he supposed, had been occasioned by the officers having been obliged to remove from the city during the fever. He had, however, been informed that these statements would be ready in a few days. And would it not be extraordinary, he asked, if, before they received these statements, they were to appoint a committee of inquiry? He thought it would. He believed the officers of this department of Government were very desirous of the inquiry taking place; but this was not a sufficient reason for the House to proceed in the business without having first some ground to suppose the money had been misapplied, and this he believed could not be ascertained until the expected statements were before the House. When these were looked into, it was possible the House might be satisfied with respect to the expenditure of the money, and it would, therefore, be improper to appoint a committee to inquire into a matter which might so shortly appear satisfactory. If, on the other hand, these accounts should not be satisfactory, he would readily concur in the appointment of a committee of inquiry.

Mr. J. WILLIAMS said, the gentleman from South Carolina ought to recollect that the inquiry was produced by a further appropriation being called for. It might be best to defer the inquiry until the accounts which had been called for were laid before the House; and he should have been satisfied with the business taking that course, if a further appropriation had not been called for in the meantime. But when they are called upon to appropriate a further sum of money for any object, it was natural to inquire what was become of that already voted; and the only way of doing this was to appoint a committee who would look into all the different statements which had from time to time been laid before the House, and those which might shortly be communicated, and state their opinion thereon to the House. He thought those gentlemen who were most friendly to the frigates ought not to oppose the appointment of a committee; because, if it should appear that the money had been justly expended, there would be little objection to a further appropriation.

Mr. LIVINGSTON said, from the full discussion of this subject, which, though incidentally produced, had taken place on a former occasion, he did not think it would either have been becoming or necessary to have again stated the reasons which gave rise to this resolution, especially as he felt an aversion to say anything which might be unnecessary, or which might tire those who heard him. Mr. L. said, that he had before observed that the patience of the House had been worn out by the repeated applications which had

been made for money for this object; that the expense had exceeded all belief; that the most extended imagination could not have conceived an amount like that which Congress had from time to time been blindly led to appropriate. But the proposition was objected to, because it would cast an odium upon our officers. This he was perfectly indifferent about. Whatever might be the private opinion he had of the characters of these officers, however incapable he might believe them of doing wrong, or of acting corruptly, yet, when his duty called upon him to make an inquiry into the expenditure of public money, he was deaf to all considerations of a private nature. But, in this case, he did not see the necessity for this remark. The House had been told (he believed by the gentleman from South Carolina himself) that the extraordinary expense had been occasioned by our inexperience in business of this kind, by the high price of labor, materials, &c. If this were the case, the result of the inquiry would be honorable to those concerned, and highly satisfactory to the House. It was a proceeding which our public officers ought to wish for; nay, gentlemen say they do wish for it.

But, Mr. L. said, it had been alleged, that the statements ordered a year ago to be laid before the House during the first week in this month, should be waited for before any inquiry took place. He would reply, if these officers had not, in the meantime, called upon the House for a fresh supply of money, this inquiry would not have been thought of. Besides, the accounts asked for last year would not give the satisfaction required. The request only extended to all the expenditures previous to the 1st of January, 1797. The House would wish to know what had been expended since, and they had no reason to expect further information than was asked for. Mr. L. said every member who was present at the time must remember that whenever the House had been applied to for further appropriations, they had been told that the frigates would be ready for sea at such and such a time; and that they would then bear our flag triumphantly over the ocean. And yet, though the House had been four or five times deceived by these representations, they were told there were no ground for inquiry. For his part, he should consider himself as neglecting his duty were he not to call for this inquiry immediately; for, if the House were to wait a week for the statements called for, they might wait another for their being printed; they might then be found to be deficient, fresh statements might be necessary, and the session might expire without effecting the wished-for inquiry. He thought all parts of the House ought to favor the inquiry; for, he believed, if it should appear that frigates could not be built for less than $500,000 a piece, the project of a navy ought to be given up; but if, on the other hand, difficulties and expenses had occurred in the commencement of this business, which would not return, and that frigates may in future be built for half the sum, (which was his opinion,) there would be some encouragement to proceed in the business.

Mr. SEWALL was sorry that the gentleman from South Carolina (Mr. HARPER) had given the occasion, and that the gentleman last up had so eagerly seized it, to thwart any measures which might be necessary for the general defence, by ridiculing the resources of the country. The present, he said, was a time of danger and apprehension, and thus to talk of the resources of the United States added to the apprehension and the danger. The gentleman from South Carolina had said, that to pass this resolution would be to pass an odium upon our public officers. He did not think so. He thought an inquiry of this kind at all times proper where there was any doubt as to the expenditure of money. He agreed with the gentleman from New York, that the inquiry (if it had a favorable issue, which he did not doubt) would forward the design of providing a navy; as it would appear that the extraordinary expenses had been such as it would not be necessary to incur in future. He was, therefore, sorry to hear the gentleman from New York first up (Mr. WILLIAMS) say he should be disinclined to vote any further appropriation until he saw how the last had been expended. However improvidently the money already appropriated had been expended, yet, in order to secure what had been voted, and to keep the work in progress, they ought to vote a further sum, as soon as wanted, whether the statement called for were received or not.

Mr. LIVINGSTON desired to know wherein he had attempted to ridicule the resources of this country? The gentleman from Massachusetts must excuse him when he asserted he had never made a more hasty or unfounded charge. If he had either ridiculed the resources, or thwarted any measures for the general defence of the United States, it must have arisen from a weak judgment, and not from any intention of doing so. But he was certain nothing which had fallen from him could be so construed.

Mr. SEWALL acquitted the gentleman from New York of any intention of lowering the appearance of the resources of this country; but he appealed to the House whether he had not spoken of this fleet with a degree of ridicule, when he represented it as governing the ocean. It appeared so to him at least.

Mr. HARPER again insisted upon the impropriety of going into this measure, from reasons similar to those which he had already given.

Mr. GALLATIN said, that the ground taken by the gentleman from South Carolina (Mr. HARPER) would prevent any inquiry whatever; for he stated that the House ought not to pass the present resolution because certain statements had not been received, and because to pass it would be to imply a censure on our officers. So that on this ground no inquiry could be gone into without statements, as the House could not obtain statements without passing a resolution, that resolution would be construed into a censure, and therefore ought not to be passed. This Mr. G. thought a very improper doctrine. It would never be in the power of the House to decide upon the propriety of statements by barely having them laid

upon the table. The proper mode was to appoint a committee to inquire into the subject, and an appointment of this kind never ought to be construed into a censure upon any one.

He agreed with the gentleman from Massachusetts, that the proposed inquiry might favor the extension of the Navy establishment, if the extraordinary expense should appear to have been temporary and unavoidable; but he owned this was not his only object in wishing for the inquiry. He could not help drawing conclusions from the information which he received; and the conclusions which he had drawn from this information was, that either the officers who had made the different statements with respect to the expense of finishing the frigates, which had been laid before the House, had either deceived them, or the expenditure of the money had been mismanaged. He might be mistaken, as this was only conjecture. He wished the inquiry to take place, therefore, that this suspicion which he entertained, might be removed or confirmed.

Mr. G. stated the different estimates which had been made to the House. In 1794, he said, they were told that $688,000 would be sufficient to build six frigates. In 1796, they were informed there had been a mistake in the matter, but that with $80,000 more three would be finished. In January, 1797, the House was again called upon for $172,000; in July, in the same year, for $200,000, and now for $150,000 more. Such calculations, he thought, wholly unaccountable.

Mr. G. concluded by saying, that he agreed with the gentleman from Massachusetts that it was wrong to ridicule the resources of the United States; but that gentleman must agree with him, that it was of importance that the public should be well informed as to the expenditure of public money, that a judgment might be formed whether our resources were properly applied, or whether they were employed upon objects which could never be of any real utility to the country, or upon objects which might tend to weaken, rather than to strengthen us.

This inquiry, he expected, would, in some degree, give a decision to this question, as it would show whether the great expense which had been incurred, was unavoidable in a business of this kind, or whether it had been owing to temporary causes only. It could not be wrong, Mr. G. said, at any time to explain to the people of the United States what their resources are; this could do no harm, but good; it was of the first importance that, in this respect, as well as others, the truth should appear. He hoped, therefore, the resolution would be agreed to.

Mr. DANA was in favor of the inquiry, for some of the reasons which had been assigned by the gentleman who was last up; and he should not have spoken upon the subject, had he not thought the remarks which had fallen from the gentlemen from New York and Pennsylvania upon our public officers deserving of notice. He did not know that it was necessary for the gentleman from Pennsylvania to mention his suspicions that our officers had deceived the House of Representatives in their statements, which he acknowledged was founded only upon conjecture. He had observed several other insinuations which must be painful to our officers. He could have wished that no objection had been made to this inquiry though, perhaps, it might have a good effect, since it had given gentlemen an opportunity of speaking their own eulogy, which would, doubtless, more than compensate any pain which their suspicion might give to deserving officers.

Mr. VENABLE wished something to be said in this resolution as to the time which had been consumed in building the frigates, as well as to the expense incurred. He therefore moved to amend the resolution, by adding "also the causes which have produced the delay in finishing the same."

The motion was agreed to, without a division, and a committee of five appointed.

## CANADIAN REFUGEES.

On motion of Mr. WILLIAMS, the House again resolved itself into a Committee of the Whole on the bill for the relief of the refugees from Canada and Nova Scotia. The bill underwent several amendments, the chief of which was, the striking out the clause which provided for all persons, whether male or female, who were fourteen years of age when they emigrated, and substituting in its place, "all heads of families, and other male persons above the age of 21 years," and "all persons who were members of families when they came into the United States, but who afterwards entered into their service." The quantity of land apportioned to the first class of persons, viz: those who lost and suffered most, was not to exceed two thousand acres; to those of the last, three hundred acres. The bill was finally agreed to, and passed to a third reading, which it is to have to-morrow.

A message was received from the Senate informing the House that they insisted upon their amendment to the bill for paying the interest due to General Kosciusko.

The House took up the last bill, and insisted upon their disagreement to the Senate's amendment. A committee of conference was appointed.

---

TUESDAY, January 16.

Mr. GRISWOLD, from the committee to whom was referred the memorial of John Spafford and others, who wished to be allowed to purchase land of the United States on different terms from those prescribed by law, reported against the object of the petition, declaring it to be their opinion, that the Government could not dispose of land in any other mode than such as was by law directed, and that individual applications for the purchase of land could not be admitted. The House concurred in the report.

The bill for the relief of British refugees from Canada and Nova Scotia, was read the third time and passed.

Mr. GREGG proposed a resolution to the following effect:

"*Resolved*, That the Committee of Claims be di-

rected to inquire into the expediency of extending the act passed in June, 1794, entitled an act in addition to an act for making further provision for the protection of the frontiers of the United States, so far as it relates to the affording of relief to the widows and children of officers and soldiers who were killed in an action with the Indians Northwest of the Ohio, and report their opinion thereon."

The resolution was agreed to.

EXPENSE OF INDIAN TREATIES.

Mr. MACON wished to propose a resolution for the adoption of the House, for the purpose of having it referred to the same Committee of the Whole to whom was referred the report on the petition and remonstrance of the State of Tennessee. It was to the following effect:

"*Resolved*, That the sum of —— dollars ought to be appropriated for the purpose of defraying the expense which may be incurred in forming any treaty or treaties which the President of the United States may deem it expedient to hold with the Indians claiming lands within the State of Tennessee."

Mr. MACON said, he was induced to make this motion at this time, because, when a similar proposition was offered in the Committee of the Whole, it was deemed to be out of order. But it as was now well known that the President had appointed Commissioners for holding a treaty, he believed it would be best to make an appropriation in the usual way, to enable him to carry it into effect.

The motion was agreed to.

IMPEACHMENT OF WM. BLOUNT.

Mr. MCDOWELL rose to call up the resolution which he had laid upon the table a week ago, respecting the impeachment of William Blount, and which had been deferred, from the assurance which had been made to the House that the chairman of the committee appointed on that subject, would be in his place yesterday. Finding that this was not the case, he renewed his motion.

Mr. HARPER said that he understood, at the time he said so, that the chairman of the committee would be in his place yesterday. He, yesterday, however, saw a gentleman from Easton, who had conversed with that gentleman on Saturday, and he informed him he should set out from home on Monday morning; so that he expected him in town this day.

Mr. BAYARD could not discover the motive of the gentleman from North Carolina in pressing so closely this business; for his part he could see no public good which could be derived from accelerating it in the manner proposed. When the business was first brought forward, he was kept from the House by indisposition, and therefore had not an opportunity of speaking to it. It was well known that the business of drawing the articles of impeachment belonged to the chairman. That they were not drawn earlier, he believed was owing to the peculiar situation of the person to be impeached. He was held to bail by the Senate under the penal sum of $2,000; and it was well understood that when the articles of impeachment should be exhibited against him in the Senate, he would not appear; and, except he did appear at that time, it would be impossible for the House to proceed with the impeachment. This view of the subject had created a lukewarmness in the committee. Had they been impressed with the idea that the business could have been prosecuted with success, he believed the articles of impeachment would have been produced at an earlier period of the session; but, as they considered the further proceeding in the business as a mere matter of form, they had been the less anxious about it. Under this view of the subject, and as the chairman would most likely return in a day or two, he submitted to the gentleman from North Carolina and to the House, whether it would be proper to press the business at this time.

Mr. NICHOLAS hoped the reason which had been assigned by the gentleman from Delaware would be sufficient to induce the mover of the proposition not to press its decision; but he was surprised to hear the reasons which had been assigned for not bringing forward the articles of impeachment sooner. It seemed that that gentleman supposed that the measures which had been taken by the House, and upon which the select committee had been appointed to act during the recess of Congress, was a mere matter of form, and would come to nothing. He believed it was a novel thing for a committee to contravene the views of the House in their appointment, and to determine the non-importance of the business entrusted to them. He believed the practice to be as singular as the doctrine was unfounded; for, if it were possible to impeach Mr. Blount at all, it could be done whether he was present or not; but, as the chairman was shortly expected, he hoped the business would not at present be proceeded with.

Mr. MCDOWELL would not agree to any further delay. It was not his wish to precipitate any business through the House; but he thought it was high time that the articles of impeachment, directed to be reported, were before them. He spoke of the promptness with which the House had acted at the commencement of this business. No sooner, he said, was Mr. Blount's letter laid before them than he was impeached, and a committee appointed to sit during the recess, with power to send for persons and papers. That committee had made a report, but no further step had yet been taken. What were the motives of the committee he could not tell; they perhaps thought they had done their duty. It was said the chairman would be in the House to-morrow; if so, the committee would have his assistance; if not, they might have a member added to their committee, if they wished it. He thought the House were bound to the country to proceed with the business, and that they were incurring censure every hour which they neglected it. He wished the sense of the House to be taken upon his motion.

Mr. T. CLAIBORNE said the House would not have appointed a committee to sit during the recess of Congress, if they had not conceived the business upon which they were employed was very important. It was to inquire whether there were no other persons implicated in the charge

which was brought against W. Blount. The House supposed, if he were culpable, he was not alone so, but there were more egregious offenders than he; and when he gave his consent for the committee to sit during the recess, it was with a view of their inquiring who those persons were. The report which had been made to the House implicated several persons, as concerned with W. Blount, and he wished it to appear whether the stain which was thus thrown upon their characters ought to be fixed or removed; and as there were persons upon the committee equally capable with the chairman to make the desired report, he hoped it would be no longer delayed.

Mr. DAWSON rose to remark upon what fell from his colleague, (Mr. NICHOLAS.) He supposed the gentleman from Delaware only gave it as his opinion, or that of some members of his committee, that Mr. Blount could not be impeached in his absence. The subject was a novel one, and he had not fully made up his opinion upon it; but his present impressions were, that an impeachment which did not go to affect the life or limbs of a man might be carried on in his absence. The contrary, he believed, was the opinion of the chairman and of the gentleman from Delaware, but not of the committee.

Mr. R. WILLIAMS said if there were no reason to expect the chairman of the committee soon, he should be in favor of taking up the business at present; but, when they were assured he would return in a day or two, he thought no ill consequence could arise from the short delay. The House had decided that the impeachment should be proceeded with, and he did not suppose that the object of the House was to be frustrated by any ineffectual measures of the Senate to secure the person of Mr. Blount. As to the business being hastened from a desire of proceeding against any other person, he saw no reason for this; as the documents were before the House, such a proceeding might as well be had now as when the articles of impeachment were reported.

Mr. NICHOLAS moved to postpone the decision of this question till Thursday. If the chairman did not return in the mean time, he supposed there would be no objection to the appointment of another member in his place.

This motion was agreed to.

## TENNESSEE LAND TITLES.

On motion of Mr. W. CLAIBORNE, the House again resolved itself into a Committee of the Whole on the report of a select committee on the petition and remonstrance of the Legislature of the State of Tennessee. The resolution reported having been read,

Mr. MACON moved to postpone the consideration of the resolution reported, in order to take up the one which he had brought forward this morning, and which had been referred to this committee, as being more conformable to the usual mode of appropriating to enable the President to effect any treaty intended to be held.

This motion occasioned a very warm debate, in the course of which several disputes took place on the subject of order. Indeed, several members (amongst whom was the SPEAKER) thought the debate altogether out of order, as they considered the last resolution proposed as a substitute for the former, to admit of which is contrary to a standing rule of the House. The Chairman, however, having declared the motion for postponement to be in order, the debate upon it was continued for about two hours, when the question was taken and negatived—44 to 41. The advocates for the postponement were Messrs. MACON, W. CLAIBORNE, GALLATIN, RUTLEDGE, and R. WILLIAMS; those opposed to it were Messrs. N. SMITH, BROOKS, J. PARKER, HARPER, J. WILLIAMS, and THATCHER. The committee rose, and had leave to sit again.

## PROTECTION OF COMMERCE.

Mr. SEWALL, from the committee appointed to take into consideration that part of the President's Speech which relates to the protection of commerce and the defence of the country, made a further report. The committee state that further appropriations are necessary for the completion of the frigates; for an account of which they refer to the documents from the proper departments, which accompany their report. They also state that only two of the revenue cutters are fit to be armed and equipped in the manner directed by Congress, viz: one on the Virginia station, and one in the Delaware; that the former only had been armed for want of being able to procure the necessary cannon. The committee report four resolutions for the adoption of the House.

The first, for the sum of —— dollars, for completing and equipping for sea the three frigates.

The second, for the sum of —— dollars, for the pay and subsistence, for the term of one year, of the officers and crew on board the said frigates, and —— dollars for ammunition, &c.

The third, to authorize the President to procure, whenever in his opinion the situation of the country shall require it, not exceeding —— vessels, suitable to be employed for the protection of our sea coasts, and to cause the same to be armed and equipped on the same terms as are directed for the naval armament; and that there be appropriated not exceeding —— dollars for the purpose.

The fourth, proposes to authorize the President to establish, in the same eligible situation, a foundry, to be employed in the casting of cannon for the use of Government, and that —— dollars be appropriated for the purchase of a necessary building and materials, and to defray other expenses attending the establishment.

The documents from the War Department accompanying this report, agree with the estimates produced the other day, when the subject of an appropriation for the frigates was under consideration, as far as they relate to the finishing of the frigates, except that the balance remaining unexpended of the last appropriation, then stated at $20,501, is now stated at $35,454. This difference reduces the estimate to $115,833. In addition to this sum there is also an estimate for the pay and subsistence of the officers and crew for a year,

&c., which brings the total sum wanted to $396,212.

This report was committed for Monday next.

---

WEDNESDAY, January 17.

## COMMISSIONER OF THE REVENUE.

Mr. MACON, from the Committee of Revisal and Unfinished Business, made a report on the motion, referred to them on the 4th instant, respecting the abolition of the office of Commissioner of the Revenue, which stated it as their opinion that it would be inexpedient to abolish that office.

The report having been read a second time,

Mr. MACON moved that the House concur; but Mr. J. WILLIAMS moving that it be committed, the sense of the House was taken upon the question, and it was negatived.

Mr. MACON then renewed his motion to concur. He said that the committee were unanimous in their opinion that this office was necessary. It was the duty of the Commissioner of the Revenue to superintend the duties collected from impost and tonnage, and from internal revenue. He had also to examine all the accounts settled by the Auditor. The light-houses, beacons, and public pier, were under his direction. He had also to assist in preparing statements for the two Houses of Congress, and a good deal of other miscellaneous business, as the Secretary of the Treasury had the power of giving him such business as he thought proper. He had also to correspond with all the supervisors of the different States on the subject of internal revenue, which correspondence was very considerable. He did not think there would be any economy in putting more business upon any department than it would well perform; and if this office were abolished, the business of it must be done by another. It might be said that by adding the clerks employed in this office to another of the Treasury offices, the business might be as well done; but he conceived the expense thus saved, which could not be more than seven hundred dollars a year, as a principal clerk must be employed, would be equal to the loss of responsibility which the public had in the Commissioner of the Revenue. Mr. M. thought to object to an office of this sort was straining at a gnat. He was as great a friend of curtailing the expenses of Government, as any member; but there were other expenses which carried off the money of Government, and which ought to be lessened. This office he believed to be necessary.

Mr. FINDLEY hoped the report would be agreed to. The original intention of this office was to be a check upon the other officers of the Treasury Department. He did not wish it, therefore, to be abolished; but, at another time he trusted that the business of it would be revived. If the House were disposed to take away all checks of this kind, they might go on and abolish the office of Comptroller General and others. He was not disposed to give up these checks.

Mr. J. WILLIAMS was of opinion that all the business done by that officer might be done by an additional clerk in the Comptroller's office. He did not think the responsibility of this office was so great as represented, as he was under the direction of the Secretary of the Treasury. By such a regulation, he believed one-third of the expense now incurred would be saved; and though other gentlemen might not think a saving of three or four thousand dollars a year an object, he was of a different opinion.

The report was concurred in.

## TREATY WITH THE CHEROKEES.

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

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

The situation of affairs between the United States and the Cherokee Indians having evinced the expediency of a treaty with that nation, for the promotion of justice to them, as well as of the interests and convenience of our citizens, I have nominated, and, by and with the advice and consent of the Senate, appointed Commissioners to hold conferences, and conclude a treaty, as early as the season of the year and the convenience of the parties will admit.

As we know very well, by experience, such negotiations cannot be carried on without considerable expenses, I recommend to your consideration the propriety of making an appropriation, at this time, for defraying such as may be necessary for holding and concluding a treaty.

That you may form your judgments with greater facility, I shall direct the proper officer to lay before you an estimate of such articles and expenses as may be thought indispensable.

JOHN ADAMS.

UNITED STATES, *January* 17, 1798.

Mr. N. SMITH moved that this Message be referred to the Committee of Ways and Means.

Mr. HARPER did not see the propriety of this reference; he thought it would be best to go to the Committee of the Whole, who had the report of the select committee upon the petition and remonstrance of the Legislature of Tennessee under consideration.

Mr. N. SMITH could see no reason why a different course should be observed with respect to this business, than was observed with respect to any other which related to appropriations; and the usual way was to refer all such subjects to the Committee of Ways and Means. The present, he said, was mere Executive business. The President of the United States had communicated to the House his intention of holding a treaty, and requested an appropriation. It was, therefore, a proper subject to be acted upon by the Committee of Ways and Means; and when it was so referred, he should move to discharge the Committee of the Whole from the further consideration of the business which related to this treaty. The House had already spent considerable time upon it to no purpose, merely because it was improper for them to have entered upon it at all.

Mr. J. WILLIAMS believed it was usual for all Messages from the President of the United States to be referred to the Committee of the Whole on the state of the Union. He wished this Message to take that course, and when the promised esti

mates were received, they could be referred to the same committee.

Mr. T. CLAIBORNE approved of the course recommended by the gentleman from South Carolina.

Mr. THATCHER thought no reference was necessary until the estimates were received.

Mr. NICHOLAS did not understand what the gentleman from Connecticut meant by saying that this was wholly Executive business. He did not believe, because the President had told the House that he was about to hold a treaty, that the money must be granted, and that the House had no choice whether they would appropriate it or not. From what had already been said upon the subject, he doubted not there was a pretty general disposition to grant the money; but it was not proper that the Message should be sent to the Committee of Ways and Means, as if an appropriation was a thing of course; to do this, would be to act at the *command* of the President of the United States; whereas that House could only act upon the full exercise of its discretion. He therefore moved that the Message be referred to the Committee of the Whole, which had already this subject under consideration.

Mr. HARPER was of opinion with the gentleman from Connecticut to a certain extent. If the expense to be appropriated for was of a nature that might be dispensed with, or not, it might be proper to send the Message to the Committee of Ways and Means for their report thereon as to its expediency; but the present was an expense that could not be avoided, and he did not see what the Committee of Ways and Means could do upon the subject.

Mr. GALLATIN believed the gentleman from Connecticut had not considered this subjeet with his usual correctness. That gentleman had said that the Message before them ought to go to the Committee of Ways and Means, and that an appropriation should follow as a thing of course. It must be known that this was contrary to the practice of that House, or of any former Legislature of the United States. On the contrary, it was usual, first to anthorize an expense, and in the next place to appropriate; and in no case had the business been reversed. If the Message were referred to the Committee of Ways and Means, all they could do, would be to bring it back to the House, and ask for an authority for the expense. He believed the gentleman from Connecticut had been led into this mistake by considering the Message announcing the intention of the President to hold a treaty as a treaty made; and had that been the case, according to that gentleman's known opinion, he would consider the House as bound to make the necessary appropriation; but he desired him to recollect that no treaty was yet made; and, therefore, that that doctrine could not apply in the present case. The Message might, indeed, be referred to a select committee, that an opinion might be reported whether the expense ought to be authorized; but, as the subject had already been before the House, and there was a difference of opinion as to the mode of effecting the business, there seemed to be but one sentiment, that something ought to be done. He thought it best to refer the Message to the Committee of the Whole, where he supposed there would be no objection to the granting of a sum of money for the purpose in view.

Mr. N. SMITH did not know that it was a matter of much importance whether the Message was referred to the Committee of the Whole, or the Committee of Ways and Means; but he was not yet convinced that it ought not to go to the Committee of Ways and Means in preference to the Committee of the Whole. The gentleman from South Carolina (Mr. HARPER) did not know that there was anything that the Committee of Ways and Means could do in the business. He thought there were many facts which it was necessary to inquire into; such as, what would be the probable expense of the Commissioners, of convening the Indians, &c.—matters of fact which might be readily ascertained by that committee, but which could not be determined in the Committee of the Whole. That this was the ordinary course of doing business could not be denied. The President had informed the House he was about to hold a treaty, (whether with a foreign Power, or with the Indians, was of no consequence,) and that certain sums of money would be necessary; and he believed no gentleman could point out an instance where this had been done, that the Message had not been referred to the Committee of Ways and Means, to make an estimate of the expense which would be probably incurred. But the gentleman from Pennsylvania had said it was first necessary to pass a law to authorize the expense; but, if he could prove that the expense was already authorized, that gentleman must allow that the Message ought now to go to the Committee of Ways and Means. Was it a fact, Mr. S. asked, that a law was necessary to authorize an expense which the Executive saw necessary to incur? He said not. The Constitution had authorized it; for the Constitution had given to the President the power of holding treaties. For the Executive, therefore, to appoint Commissioners for the holding of a treaty was a sufficient authority for the expense, without any law. Was there a single treaty which had been held between this country and foreign nations, or between this country and Indian tribes, which had been previously authorized by law? There was not: the Constitution had placed this authority in the Executive, without the concurrence of that House. To suppose the contrary, would be to suspose that the President had been acting without law in appointing Commissioners to hold a treaty. The truth was, however, that he had as much power to do what he had done, as he had power to do anything, and that that House had nothing to do but appropriate the money.

Mr. RUTLEDGE did not believe it was necessary or proper for that House to authorize the President to hold a treaty; but if it were necessary for him to hold a treaty, the concurrence of that House was necessary to enable him to do it, as it could not be done without money. It was requisite, therefore, to pass a bill, not to authorize the Pre-

sident to hold a treaty, but to enable him to do it. It was best, therefore, for the communication first to go to the Committee of the Whole, and afterwards to the Committee of Ways and Means, in order for them to say where the money could be got. There was something in this case which pointed out this mode as peculiarly proper, as there seemed to be a disposition in the House, if the treaty should not succeed agreeably to the wishes of the President, to afford temporary relief to the persons now suffering from being driven from their land. The gentleman from Connecticut had said, that the Committee of Ways and Means could report an estimate of the probable expense which would be incurred in holding the treaty; but if he attended to the Message of the President, he would find that this estimate was to be laid before the House by the proper department, so that there was no necessity of a reference to any committee for that purpose.

The motion for a reference to the Committee of the Whole was carried, without a division.

The unfinished business of yesterday, relative to the Tennessee claimants, being next in order,

Mr. W. CLAIBORNE moved that it be postponed till Monday next. Agreed to.

## WILLIAM ALEXANDER.

On motion of Mr. GREGG, the House went into a Committee of the Whole on the report of the Committee of Claims on the petititon of William Alexander, surveyor of Army lands. After reading a number of papers relative to the subject, the report, which went to authorize the Treasury to settle the accounts of the petitioner, was agreed to, the committee rose, the House concurred, and a bill was directed to be brought in accordingly.

## GENERAL KOSCIUSKO.

Mr. PINCKNEY, from the committee appointed to confer with the Senate on the disagreement between the two Houses on the bill for the payment of interest to General Kosciusko, reported, that finding the business could be settled in a manner equally advantageous to the General, by agreeing to the amendment of the Senate, as by the mode originally proposed, the committee recommended it to the House to recede from their disagreement to the Senate's amendment.

The recommendation was concurred in by the House.

The House then took up and agreed to the Senate's amendment to the bill prescribing the mode of taking evidence in cases of contested elections.

## CIVIL APPROPRIATIONS FOR 1798.

On motion of Mr. HARPER, the House resolved itself into a Committee of the Whole on the report of the Committee of Ways and Means for providing for the expenses of the civil department for the year 1798, and the blanks being filled (except in a few cases, in which they were left in blank) according to the estimate which had been laid before the House, the committee rose, the House concurred, and the bill was ordered to be reported accordingly.

## REPRINTING JOURNALS.

Mr. SITGREAVES wished to call the attention of the House to a subject which he thought worthy of notice. Several of the Journals of the old Congress, held under the Confederation, were now out of print, and had become so scarce that gentlemen elected to serve in Congress, and who were entitled to them, were not able to obtain them. These volumes, he said, contained many ordinances and resolves which were still the laws of the land, and copies of which ought to be multiplied. The same observations would apply to many reports of Heads of Departments and committees, made under the present Government, the only copies of which were to be found in the Clerk's office, or in the libraries of members who had been careful in preserving them. He thought it of importance, therefore, that copies of these should be multiplied and preserved. For both these purposes, he proposed a resolution to the following effect, which was agreed to, and a committee of three appointed:

"*Resolved*, That a committee be appointed to consider and report upon the expediency of reprinting, at the public expense, such volumes of the Journals of Congress, under the old Confederation, and such reports of the Heads of Departments and committees of both Houses of Congress, as are out of print, or are thought to be necessary to the due understanding of the acts of Government."

Mr. SITGREAVES said, it was of equal importance to guard against this evil in future. This might be done by altering the present mode of keeping the Journals of the House. Every member, he said, must now see that the Journals were, in a great degree, useless records, which contained no sort of valuable information, except to members, and to them only during the session; but, for substantial information, they were absolutely useless, and not worth the expense of printing. He, therefore, moved the following, which was agreed to.

"*Resolved*, That the same committee be instructed to consider and report upon the expediency of altering the form of keeping the Journals of this House."

Mr. S. observed, there was another subject worthy of some consideration, which was in some degree connected with these. It was this: There were two Messages from the President of the United States relative to the ratification of the amendments to the Constitution, which were now become a part of the Constitution, upon which no order had been taken. It was proper that some notification should be made of these amendments having become the law of the land. Which was the best mode of doing this, he did not know; but, in order that something should be done in the business, he moved that they be referred to a select committee; which was agreed to.

## IMPEACHMENT OF WILLIAM BLOUNT.

Mr. SITGREAVES said, he understood, from what he had seen in the newspapers, and from what he had heard since his return, that considerable impatience had been shown in a part of the House, in his absence, for the report of articles of impeachment against William Blount. He suppos-

ed it was not necessary he should now go into a statement of the reasons which had led to the delay—though, if it were necessary, he doubted not he could explain the subject to the full conviction of every member. He only rose, however, to say that, in the course of two or three days, he should make the report.

---

THURSDAY, January 18.

The SPEAKER laid before the House a communication from the Secretary of War, enclosing an estimate of the appropriations necessary for holding a treaty with the Cherokee Indians, which was in substance as follows:

| | |
|---|---|
| For three commissioners, ninety days, at eight dollars per day - - - | $2,160 |
| Incidental expenses of do. - - | 360 |
| Secretary, at four dollars per day - | 360 |
| Rations of two thousand Indians - - | 15,000 |
| Presents to the Indians - - - | 5,000 |
| Stores for the commissioners - - | 2,000 |
| Incidental expenses - - - | 1,200 |
| | 25,880 |

This statement was referred to the Committee of the Whole to whom was referred the former Message of the Presdent on this subject.

Mr. TILLINGHAST called up his resolution respecting a repeal of the stamp act, which was referred to the same Committee of the Whole to whom was referred the report of the Committee of Ways and Means on this subject.

Mr. SITGREAVES, from the committee appointed on the subject of W. Blount's conspiracy, made a supplementary report, containing the deposition of Abraham Holden, of New York, which seemed to imply that I. P. Ripley (whose evidence related to what he had heard Captain Eaton say) had been supplied with money by the Spanish Minister, whilst he lived in New York, when he was in needy circumstances. He told the deponent that he had received two hundred dollars from him, and was to have more. The report was ordered to be printed.

Mr. FINDLEY presented the petition of Clement Biddle, of this city, in behalf of sundry Europeans, possessed of certificates of the debt of the United States, which were barred by the section of the act making provision for the public debt, which he prays may be excepted from its operation, as the persons holding the claims had no knowledge of the law. Referred to the Committee of the Whole to whom was referred the subject of considering the propriety of excepting certain claims from the operation of the limitation acts.

## PERSONS IMPRISONED FOR DEBT.

The following Message, with the papers to which they refer, was received from the PRESIDENT OF THE UNITED STATES:

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

A representation has been made to me, by the Judge of the Pennsylvania district of the United States, of certain inconveniences and disagreeable circumstances, which have occurred in the execution of the law passed on the 28th day of May, 1786, entitled "An act for the relief of persons imprisoned for debt," as well as of certain doubts which have been raised concerning its construction; this representation, together with a report of the Attorney General on the same subject, I now transmit to Congress, for their consideration, that if any amendments or explanations of that law may be thought advisable, they may be adopted.

JOHN ADAMS.

UNITED STATES, *January* 18, 1798.

This Message, with the papers accompanying it, was referred to the same Committee of the Whole to whom was referred the report on the petition of William Bell.

## FOREIGN INTERCOURSE.

On motion of Mr. HARPER, the House resolved itself a Committee of the Whole on the bill providing the means of intercourse between the United States and foreign nations, Mr. DENT in the Chair. The bill was read as follows

SEC. 1. *Be it enacted, &c.*, That the President of the United States shall be, and he hereby is, authorized to draw from the Treasury of the United States a sum not exceeding $——— annually, to be paid out of the moneys arising from the duties on imports and tonnage, for the support of such persons as he shall commission to serve the United States in foreign parts, and for the expense incident to the business in which they may be employed: *Provided*, That, exclusive of an outfit, which shall in no case exceed the amount of one year's full salary to the Minister Plenipotentiary, or Chargé des Affaires, to whom the same may be allowed, the President shall not allow to any Minister a greater sum than $——— per annum, as a compensation for all his personal services and expenses; nor a greater sum for the same than $4,500 per annum to a Chargé des Affaires; nor a greater sum for the same than $1,350 per annum to the Secretary of any Minister.

SEC. 2. That in all cases where any sum or sums of money have issued, or shall hereafter issue, from the Treasury, for the purposes of intercourse or treaty, with foreign nations, in pursuance of any law, the President shall be, and he is hereby, authorized to cause the same to be duly settled annually with the accounting officers of the Treasury, in manner following, that is to say—by causing the same to be accounted for, specifically, in all instances, wherein the expenditure thereof may, in his judgment, be made public, and by making a certificate or certificates of the amount of such expenditures as he may think it advisable not to specify; and every such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended.

SEC. 3. That for defraying the expenses of intercourse between the United States and foreign nations, during the year one thousand seven hundred and ninety-eight, there be further appropriated, in addition to the aforesaid sum of $———, and out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $———.

SEC. 4. That the act passed on the first day of July, in the year one thousand seven hundred and ninety, entitled "An act providing the means of intercourse between the United States and foreign nations," and the act passed on the ninth day of February, in the year one thousand seven hundred and ninety-three, en-

titled "An act to continue in force for a limited time, and amend the act, entitled 'An act providing the means of intercourse between the United States and foreign nations,'" shall be, and they hereby are, repealed.

SEC. 5. That this act shall be and remain in force for and during the term of two years, and from thence until the end of the next session of Congress thereafter, and no longer.

Mr. NICHOLAS inquired with what sums the blanks in the bill were to be filled.

Mr. HARPER said he proposed to fill the first with $40,000, and the last with $28,650.

Mr. NICHOLAS conceived this to be a good time for the House to attempt to bring back the establishment of the diplomatic corps to the footing on which it was settled at the commencement of the Government, and continued down till the year 1796; and to prevent in future the probable increase which he apprehended from the recent examples, he thought it necessary to take a view of this subject, not only from the increase of expense, but from a variety of other considerations. It is not the manner in which a Government is constituted which makes its operations easy and certain. But the execution of the powers of the Government itself is more to be considered than the nature of its formation; for I do believe there is a tendency in all Governments like ours to produce a union and consolidation of all its parts into the Executive department; and that the limitation and connexion of the parts with each other, as settled in the Constitution, would be destroyed by the influence I have mentioned, unless there is a constant operation on the part of the Legislature to resist this overwhelming power. I think we have the most convincing proofs that a representative Government can be made the most oppressive and burdensome, and yet preserve all the forms which are given to it by a Constitution; and the Legislature shall appear to act upon its own discretion, whilst that discretion shall have ceased to exist. Where the Executive has an influence over the Legislature, and the Government is a representative one, the Executive is capable of carrying its views into effect in a manner superior to what can be accomplished even in the most despotic monarchy; the mischief will be carried further in the former case than in the latter, because the people will be more inclined to submit to the decisions of a Government of its own choosing than to one which rules them by hereditary right; monarchs cannot carry their oppressions so far, without resistance, as republics. Under this general view of the subject, he conceived it to be the duty of a Legislature to guard cautiously its own independence, and to limit, as far as consistent with the general welfare, the influence of Executive patronage. With respect to our own Government, although he did not insist that the evil had already taken place, he conceived it to be a duty they owed to themselves and their constituents, as well to secure liberty as to perpetuate the Constitution itself, that the President, who had the power of making appointments, should be kept from extending this power beyond what the nature and wants of the Government absolutely required; and he thought, unless better reasons were assigned than any which had heretofore been offered, that the Legislature ought to reduce the diplomatic establishment to what it had heretofore been. This arrangement, besides having the beneficial influence he had mentioned, would also tend to retrench the expenses of the Government, now become an article of considerable importance.

He would, in order to elucidate his argument, suppose that that kind of Executive patronage he had mentioned had now extended its influence into the Legislature, and that in consequence of a thirst for office majorities were formed in both branches of Congress devoted to the views of the Executive, by which the Executive could hold on with the Legislature a regular and concurrent course to effect any object however hostile to the public good that the President might think proper to pursue; where, he asked, would be the check? in what branch of the Government would you look for it? Was it to the Senate? The majority of that House under this supposition could effect no check. Will you look to the House of Representatives? The majority are humble expectants of offices; here then, also, you are disappointed! Where, then, will you find anything capable of controlling this overbearing influence? It must be in small and feeble minorities, who, by their opposition and attention to the interests of the people against arbitrary power, may rouse the people to a sense of their danger, and force the public sentiment to be respected; this he conceived would be the only check. But this check, he believed, could only with great difficulty and inconvenience be brought into action. It would be difficult, because the people would be inclined to approve the proceeding of a majority on the fundamental principle of Republicanism; because, on account of the vast extension of our country, the individuals of a minority could not be generally known, and without being known, their motives for opposition could not be justly appreciated; nor without being known could they attract the attention of those who form the representation.

It appears, also, to be proper to guard against Executive patronage on account of the small numbers of the Representatives; if the offices are increased in only a small degree, they become so many additional temptations, and the chance of an appointment increases in a two-fold ratio to the increase of the number.

He conceived that this extension of influence of one branch of the Government over another was strictly guarded by the Constitution, which was framed on the principle of checks and balances—of departments acting and controlling each other; but he was sorry to see the idea of patronage drawn into a closer compass than it had formerly been, as it increased the evil. He was sorry for it, because it tended to manifest a circumstance which had been sought to be concealed. Every insinuation that there was a division between the Government and the people

had been repelled as an insidious and malignant design; but the Administration, by acting on a new principle, which he was too well assured was the fact, had established the idea that there was a division between it and a considerable portion of the people. The evidence of this fact had been long shown, and he feared the operation of circumstances of this nature on the public mind.

He said he had clear and satisfactory proof that no man was hereafter to be admitted into the Administration, or other departments of the Government, unless he was willing to sacrifice all independent political opinions and bend at the shrine of Executive wisdom. He believed the Administration did not hesitate to make the open avowal, that no person should be initiated into the mystery of their affairs unless he would give a test of his belief in Executive infallibility. If this was the case, and he believed it was, it became another cogent reason why the Legislature should show itself attentive to limit a patronage which was to be exercised in this way, and which cut off from the Administration at one stroke all those who did not join in their confession of faith; but this reason was strengthened when we draw into our view the appointments that have been made of foreign Ministers taken out of the Legislative body itself. It does present a most formidable aspect to the liberties of this country, when we see the most lucrative offices, the most tempting and most honorable—offices with the greatest attraction—filled by draughts from the Legislative body, and there, too, of one particular class, and that class the believers of the new doctrine, a thing entirely unknown to the principles upon which the Constitution is formed; he repeated that it was a subject of alarm, and ought to excite attention, that the diplomatic corps was filled by draughts from Congress.

He gave it as his opinion on our foreign intercourse, that the United States would be benefited by having no Ministers at all. He did not think that we could be benefited by any sort of compact these foreign agents could form for us, for we only bound ourselves by any treaty we entered into, as we are totally incapable of enforcing the execution of the stipulations made by other nations by any offensive measures. It might be thought necessary to make commercial arrangements with some European Powers; but, he asked, if they had the force to make a foreign country conform to its engagements? No gentleman would say that they had; therefore such regulations only tended to entangle ourselves, without rendering commerce any efficient aid. He would, therefore, leave our commerce to seek its own markets totally disembarrassed. All the protection we could furnish it with, consisted in officers of another grade than those mentioned in this bill: Consuls who should reside in the seaports, and not Ministers Plenipotentiary residing in the interior.

He did not intend by the motion he was about to make, that the whole diplomatic establishment should be destroyed at this time, but merely to reduce it to what it had been before the late increase. With this view he proposed to alter the bill so as to direct that there should be appropriated $9,000 for a Minister Plenipotentiary at London, and $9,000 more for another near the French Republic, and that the President be left at liberty to reduce the Ministers Plenipotentiary at Berlin, Madrid, and Lisbon, to Ministers resident, which would diminish their salaries one-half—a resident Minister being of a lower grade has only $4,500 per annum. He then went into a detail of the proceedings of the first Congress, in order to show that it was admitted on all sides by that body, that the Constitution vested the power of specifying and limiting the salaries of foreign Ministers and Consuls; he read the speeches of Mr. LAWRENCE, Mr. SHERMAN, Mr. W. SMITH of South Carolina, Mr. SEDGWICK, Mr. HUNTINGTON, and several others, from the Congressional Register, by which it appeared, that there was but one opinion on their powers under the Constitution; and showed from hence, that the only reason why the House did not undertake to enumerate and fix the salaries of foreign Ministers in detail, arose merely from the want of information as to the places where they should be fixed, and the sum necessary to cover their expenses. As his construction corresponded with that of the gentlemen who fixed the principles upon which the Government was put in motion, he was encouraged to expect his motion would succeed, seeing that the House had now had sufficient experience to enable them to say what were the regulations proper to be made.

He also showed that he was supported in his construction by the President himself in his late application to extend the appropriation to cover the appointment to Berlin, which would not have been requisite had the House not possessed a discretionary power on the subject. He concluded by professing it to be his intention to let the appropriation continue to the Ministers at Berlin, Spain, and Portugal, until they had either completed the business in hand, or till the President had given them notice that the Legislature did not mean to support them in the manner they had heretofore been maintained. He deemed it proper to curtail the expenses of this department as soon as possible, but not sooner than convenient. He commented upon the necessity of having a Minister Plenipotentiary at Berlin, by saying we had little or no commercial intercourse with that nation, and if the Executive had sent one there on such pretence, it would perhaps become soon necessary to send Ministers Plenipotentiary to two or three other northern Courts, though we have but a very inconsiderable commerce with them; yet, inconsiderable as it was, it was more than we had with Prussia. If the House were to retrench at this time it would manifest their intention to resist any further demands, and put an end to a growing evil.

Mr. HARPER supposed it would be remembered by all those gentlemen who had attended to the business of Congress for several years past, that the doctrine of the gentleman from Virginia was by no means new. The subject of foreign inter-

course was never taken up, without that gentleman, or some other who agreed with him in sentiment, advancing these opinions; they never failed to speak of the danger to be apprehended from Executive influence, from its power to appoint foreign Ministers; that foreign intercourse was unnecessary; that our public affairs abroad were not to be attended to, and that commerce ought to be given up, or left to shift for itself. Nor was this a doctrine confined to this country, or this age. Whenever a set of gentlemen in any country found their views opposed by the measures of Government, they became vexed, and attributed the proceedings of those who differed from them in opinion to any motive rather than the public good. The desire of Executive favor, or Executive offices, was an usual charge, and it was at this day well understood. It would also be remembered, that whenever the subject of foreign intercourse had been discussed, though these objections had been constantly made to it, they had been as constantly disregarded by the Congress of the United States. The good sense of the country had weighed these objections in the balance, and declared them wanting; and he trusted the same fate would now meet them as heretofore.

That the House might judge more accurately on this subject, he would advert to the course heretofore taken. But, before he did this, he would observe, that the motion of the gentleman, instead of bringing the business back to the state in which it stood in the year 1790, would be a direct innovation upon that institution, and, according to his doctrine, the best way of correcting change would be to introduce it; for the present bill was a copy of the original act, which had been acted upon from the year 1790 to the present time. But, instead of leaving the business as placed by Congress at that time, the gentleman from Virginia wished it changed. Why was this to be done? Because it was found that the President, after seven years' experience, had found no necessity of making any difference in the allowance to Ministers at different Courts, and therefore the House ought to make the change. This was reasoning from effects to causes with a witness to it. No contradiction was more palpable. But it was said, there was danger from the Executive influence—danger of legislators being bribed by the hopes or promises of foreign appointments.

These objections had been urged on former occasions. When the appropriation was made for a Minister to Berlin, the gentleman from Virginia then made a *stand*, as he terms it. He then told the House the appointment was unecessary; but, notwithstanding, the money was appropriated.

The House was not afraid of Executive influence. If this appointment had been improper, that was the proper time to have prevented the extension of our foreign intercourse; but, after a full discussion, the extension was deemed proper. What versatility—what foolishness—what childish capriciousness, would it appear, if, in a few months after the solemn sanction of the House was given to it, it was to be withdrawn, and that without any additional light on the subject. He trusted that the House would not be induced, from the unfounded suspicions of any gentleman, thus to act.

In aid of the $40,000 per annum, originally granted for this purpose, Mr. H. said, various supplementary appropriations had been made. First, a sum of $20,000, then a sum of $23,000, and, in March last, 17,000, and, in addition to this, $14,000 for a particular appointment. The House had, therefore, not only deemed it expedient to continue the original act, but to make additional appropriations from year to year. He thought the good sense of the country had never been more firmly shown than on this subject. But now a new course was to be taken, and all former proceedings declared to have been wrong. But it was said this country had no need of foreign Ministers, and that commerce might be left to itself. He did not believe the House would think so. Did not the United States trade with all the nations of the earth? How, then, were it possible to do without accredited agents to attend to our concerns in foreign countries? Were we to give up our commerce? There were gentlemen, he knew, who would answer, Yes. They would tell the House, commerce was a bad thing, and that it rather ought to be outlawed, than protected. But was this the sense of the country? Was it the sense of that House? Would they discard the property of that class of citizens who depended upon it, for their support and their wealth? Or would they be ready to forfeit the revenue arising from it? Mr. H. said he had often heard of the dangerous nature of foreign intercourse; but it was the discovery of a few men who believed that everything which had been done by this Government had been radically wrong. He trusted, however, the House would adhere to what it had so frequently sanctioned, and that the proposed amendment would not be agreed to.

Mr. ALLEN said, that by the bill before the committee they were brought to consider what provision should be made for the Ministers of the United States abroad. He wished the gentleman from Virginia had produced facts to the committee which, by being considered, might have been acted upon; and when he had proposed to have Ministers Plenipotentiary at two Courts only, it would have been well if he had shown why there should be Ministers of that description there, and not at other Courts; or why we should have any Ministers abroad at all; but after listening to him with attention, he had been able to hear nothing from him but general declamation. What he intended for arguments, he thought illy applied to a Government like this. He had strongly warned the House against Executive patronage. He spoke of the different departments of Government as distinct bodies, having different interests; as if the Executive was forming a patronage against which it was important for that House to guard. He thought language of this kind very improper. He believed it might

have a bad effect out of doors, when the people heard of the Executive being thus charged. Instead of making these charges, he wished the gentleman had said, "Come now, and let us reason together." This would have been preferable to calling of hard names, to speaking of the lust of dominion and of patronage; as if one branch of the Government was in danger of being swallowed up by the other. The gentleman had declared that republican Governments might become more burdensome and corrupt than any other, as if the people of the United States were to be informed that this Government was progressing towards that point—towards a point which would bear it down! This language struck him the more, as he doubted not it would be faithfully reported. A combination of all the branches of Government was spoken of, against which there was no security but in feeble minorities. Did the gentleman mean to insinuate that majorities in republican Governments were not to be trusted, but that all virtue was in minorities—the enlightened few, who were to be the guides of the people?

Mr. A. said, the gentleman from Virginia had told the House that Executive patronage was exclusively confined to those who came up to the standard of Executive infallibility. This assertion was to spread over the United States as a fact. But were any proofs offered to support these charges? No. Yet these charges would go out to the world, and would tend to weaken the confidence of the people in the Government, and they would of course conclude, that such a Government ought not to be supported, but demolished. Was there any peculiar propriety, he asked, in introducing language of this kind at this juncture, when they were every moment in expectation of hearing news that might be very disagreeable, and require a union of every citizen in the country? Was this a time to say that Government was not to be trusted? He could have wished, instead of making these charges, the gentleman had reasoned upon the subject, that such measures might have been taken as true wisdom and love of country should have dictated. But when gentlemen spoke of Government departing from the principles upon which it was instituted, who that believed this, would respect it? But he had himself even heard native Americans who had not been poisoned by any foreign influence whatever, declare that such a Government as ours could not stand, that it must be overthrown. He believed that these opinions were produced by such declarations as those that they had heard to-day, and such as if "this law be passed, it will not be carried into effect by the courts of the States," which was language used on a former occasion.

Mr. A. concluded by saying, the committee were told that our foreign intercourse ought not to be continued. He confessed that this country had reason to wish that foreign intercourse, so far as it related to importing intriguing foreigners, had long ago ceased. He believed there were persons within that House who thought the Government ought to be overset, and that it could not and ought not to be supported, and who believed that the most effectual way of destroying it was to destroy the confidence of the people in the individuals who administer it. He wished the House to assume the true American character.

Mr. NICHOLAS assured the gentleman just sat down, that he might say what he pleased of him, he was at liberty to proclaim him in what character it pleased; it would not affect him in the least. With respect to the charge he brought against him for insinuating, without authority, that a preference was given by the Executive to persons professing certain opinions, he did not make the charge without authority. It was the avowed declaration of men who considered themselves as guides of the President, that this was the case. He acknowledged it was to be lamented that, at a time when it might be necessary to join in a common cause, that such sentiments should be declared; but if gentlemen will divide the country into parties, it was a business of their own and not his. What he said was true.

Mr. GALLATIN believed that there was a number of people in the United States—people otherwise enlightened, and who, upon all common subjects, possessed sound understandings—who were fully convinced that there was a faction existing within the United States, and even within the walls of that House, who wished to demolish the Government; and he further believed that this opinion was supported by such declarations as had been made by the gentleman from Connecticut. He should be sorry that such a belief should be considered as dangerous to the safety of the community. Nor could he consider the determination of the Executive to employ only such persons as are of the same political opinions with themselves, as of such a nature as to produce fatal consequences, and that Government, on that account, was unworthy of confidence. He believed that such a line of conduct must flow from the present state of parties in America, divided as the people were upon many important occasions. To say, therefore, that the Executive employed persons of consonant political opinions to its own, was not to say the Government did not deserve confidence. But if the committee turned their attention to the amendment proposed, it only went to declare that Ministers to London and Paris should not have a salary of more than $9,000 a year; and that Ministers to other parts of Europe should not have more than $4,500. In support of this amendment, it was said that this was the ground upon which this Government first fixed the business of foreign intercourse. He believed this statement correct. Until the year 1796, there was no Minister Plenipotentiary except at Paris and London; at other places there were no higher grades than Ministers Resident. Hence the committee might be led to argue the propriety of bringing back our foreign political intercourse to what it was before that period. He said foreign political intercourse; because he thought the gentleman from South Carolina (Mr. HARPER) had blended two subjects together, viz: foreign commercial intercourse. and foreign poli-

tical intercourse. He did not believe it was the opinion of any gentleman in that House that commerce ought to be left to shift for itself, unattended to. He believed it was well understood that our commerce in foreign countries was attended to by our Consuls, and not by our Ministers Plenipotentiary; and Consuls would exist, if we had no Ministers at all. Therefore, all that gentleman's arguments, which tended to show that the amendment would affect our commercial intercourse, had no foundation whatever.

Returning to the question of foreign political intercourse: Was it proper to bring it back to what it was eighteen months ago? And, before he proceeded further, he would observe that, though the gentleman from South Carolina had been tolerably correct in his statement of the business, he was mistaken in one point, in which he would set him right. He had stated that the first additional appropriation was $20,000; but this sum was not appropriated for foreign intercourse, but for defraying the expense of the suits of our merchants in London. On the first of January, 1796, there remained a balance of unexpended appropriation for this object, of $30,000. To that day no extraordinary appropriation had been made; the whole allowance was $40,000 a year, which was found to be more than sufficient. On the 28th of May, 1796, an estimate was sent by the President of the United States, stating the sums already appropriated for foreign intercourse, and that $23,500 were yet wanting, in order to change the establishment, which had till that day existed, by sending Ministers Plenipotentiary to Madrid and Lisbon, instead of Ministers Resident. This estimate, he just stated, was received on the 28th of May, and the law received the signature of the President on the first of June, so that it could not have received a very full discussion (being passed just as the session was about to close) and he thought there was good reason for examining the thing again. The next appropriation was made in the second session of the fourth Congress. In that session, he allowed, the additional appropriation was passed after full discussion. It was made upon an estimate stating $17,900 wanted; and, during last session, an appropriation was made for a Minister to Berlin, of $13,500.

The committee had been told that it would evince great versatility if they were all at once to change what had already been done. But it must be recollected, that when the change in the system was first made, it underwent little discussion; and he would venture to say, that our business abroad was as well done from the year 1786 to 1796, as it had been done since. As the question was whether a larger or a smaller sum of money should be appropriated, he would call upon gentlemen in favor of the larger sum, to show what benefit was derived from Madrid and Lisbon by the change; what necessity there was for a Minister at Berlin, and what good was to be derived from giving a larger salary than $4,500. The gentleman from Connecticut had said, why send a Minister Plenipotentiary to London or Paris, any more than the other Courts? This was done at first, and the mover, he supposed, wished not to innovate upon the law as originally passed.

But they were told it was improper, upon this floor, to say anything about patronage, and that all arguments of that kind are well understood, and are by no means novel in their nature; that such complaints are made under all forms of Government by discontented people out of office. To say that these complaints are well understood, was the same as to say that the ground upon which they complained was also well understood: it was to acknowledge, that persons who were in the favor of the Executive had some advantages which persons in the other party desired or envied. To admit of one position, was to admit of the other. But, if no particular advantage was to be derived from Governmental patronage, then the cause of jealousy, according to this doctrine, must cease.

But it was said, it would be weak and foolish to change what had been already established in respect to foreign Ministers. But had nothing, he asked, taken place since the House sanctioned the principle, which had a tendency to bring the effects which might be produced by patronage to a closer view? Had gentlemen forgotten that a member, the most active upon that floor, especially in all financial business, came (if not with a commission in his pocket, at least with the full prospect of it) to support the estimate out of which his salary and outfit were to be paid? He would ask, when such a fact was seen to take place, whether it might not be believed that such an influence as had been spoken of might not exist? Mr. G. wished it not to be supposed that he meant to make a personal attack upon any one; he only meant to infer that persons in such a situation were liable to be improperly influenced. He would not pretend to say that the evil was of great magnitude; he believed not. He believed, upon the whole, our Government was in a great degree pure. Patronage was not very extensive, nor had it any material effect upon the Legislature, or any other part of the Government; yet, he should suppose our Government to be liable to abuse in this way, By the nature of the Government, the different powers were divided. The power of giving offices was placed in the Executive—an influence which neither of the other branches possessed; and if too large grants of money were made, it might give to that power an improper weight.

Our Government, he said, was in its childhood; and if this patronage had any existence, it could not of course be as yet alarming. But he desired gentlemen to look at all Governments where this power was placed in the Executive, and see if the greatest evil of the Government was not the excessive influence of that department. Did not this corruption exist in the Government which was constituted most similarly to ours, to such a degree as to have become a part of the system itself, and without which, it is said, the Government could not go on? Was it not, therefore, prudent to keep a watchful eye in this respect? He did not, however, speak against the power itself; it was necessary to be placed somewhere. The Constitution

had placed it in the Executive. If the same power had been placed in the Legislature, he believed they would have been more corrupt than the Executive. He thought, therefore, the trust was wisely placed in the Executive; and though it was right to keep grants of money within proper bounds, in order to prevent the abuse of power, yet it was proper to grant all that was necessary.

Mr. G. concluded, by saying, that if he thought it was proper that our political intercourse should be extended, he should not support the amendment; but as the conviction was strong upon his mind that our foreign political intercourse had at least been as expensive as it ought to be; that it was owing, in a great degree, to our political intercourse with foreign nations, that our present critical situation was produced; that this intercourse produced more evil than good to us; that he wished to bring the business back to the state in which it stood in 1796. If the wisdom of future Legislatures shall think proper to abolish the establishment of foreign political intercourse altogether, it must be left to them to decide. He himself thought it would be going too far to do so at present. He believed, situated as we were, it was necessary to have some political intercourse; but he believed it would be best, by degrees, to decline it altogether. In answer to the gentleman from Connecticut, with respect to majorities being always right, he said he himself was sometimes in a majority, and sometimes in a minority; and at the time he was speaking, he did not know in which he might be; but it might be, though he were in a minority, and must of course be bound by the majority, that he might be convinced that his opinion had been correct.

Mr. SITGREAVES said it was much to be regretted, that when gentlemen thought it necessary to introduce their opinions to the consideration of the House, they should suppose themselves justified in taking a latitude remotely and unnecessarily connected with the subject under consideration. These sort of remarks could not be permitted to go without reply; and, in consequence, the debates of the Legislature appeared as if they were intended more to influence the public mind than the minds of gentlemen in that House on the decision of the question before them. He did not think the observations without their application on the present occasion. If the gentleman who made the motion before the committee had confined himself to the proposition of the propriety of appointing Ministers Plenpotentiary to certain Courts, it would have been decided by this time; but he had thought proper to go into a declamation on the fatal effects of Executive patronage, and of the particular uses made of it in this Government. He asked if any gentleman could dispassionately say that this had any connexion with the subject before the committee. If the gentleman's observations were taken in their broadest extent, they went to say that the patronage of the Executive was dangerous to the liberties of the people of this country; they went to defeat and dishonor a power created by the Constitution of the country. If the gentleman meant anything, therefore, (and he supposed he had some meaning in what he said,) he could mean no more than this, that it was improper in the Executive to appoint improper persons to public offices in the Government. This proposition was self-evident, and there could be no disagreement upon it, and no general observations on the ruinous effect of patronage were necessary. No man was disposed to say, that if the Executive power were unlimited, it might not be abused, and all knew that it was wrong to appoint improper persons to public offices; but the true application of the argument used on this occasion appeared to be, that the appointments made by the Executive were made with the single view of increasing Executive influence, and that, consequently, the motives of the Executive were impure. This position had not, most assuredly, been supported by the introduction of any fact; but the declamation was as broad, and as little specific, as the charge itself. It had also been observed, that it had become an avowed principle in the Government to exclude from public offices all those who were of a different opinion from the Executive. He knew not upon what foundation this assertion was made, and it was very immaterial, whether true or not. For himself, he had no objection to declare it to be his opinion, that wherever the administrators of the Government had deviated from a rule of this kind, they had done so to their sorrow and to their loss; and the experience of Government in this respect had produced a sad and awful lesson, which would doubtless have its effect in future.

But, was it for that House to inquire into these things? He believed not. The Constitution and laws of the country had made certain offices necessary, and left it to the Executive to fill them as he pleased; and was it for that House to attempt to control this discretion? If it were executed to the injury of the people, the Constitution had pointed out the remedy to be by impeachment. But where was the crime, the offence, or the impropriety, of the conduct ascribed to the Executive, if it had been adopted? Would gentlemen say that the Executive ought to appoint persons to office who professed an opinion contrary to its own? Did gentlemen suppose that there was such a want of integrity in this department of Government, that it adopted a political opinion which it did not believe to be right? And, if it were believed to act from principle, would it be prudent or right to admit to a participation in the execution of the important duties of Government persons whose sentiments were not in unison with those of the Executive, and who could only create discord and confusion, where nothing but harmony and union ought to prevail? If the Executive acted upon just principles, it would endeavor to give singleness of design to its operations, and it could only do this by admitting persons into the Government who thought with it. This would be a right, prudent, and honorable conduct; and where it had been deviated from (as he had before observed) Government had received an awful lesson for its future conduct.

But why deviate into this wide field of specu-

lation? The single question before the committee was, whether an appropriation should be made in support of our present diplomatic establishment. In arguing on this question, gentlemen set out with saying that at the origin of this Government a certain diplomatic establishment was necessary, and that there had been no occasion to change it; and, if it had been changed, it was now the time to correct it; and they called upon gentlemen to show what necessity there had been for the change. To that call it was sufficient to answer, and it was an answer which must be given, that they did not know. They had no means of knowing; the Constitution had not placed those means in their hands. For whatever control that House might assume to itself over the Executive, it must be admitted that a right judgment on this subject could not be formed by them, as the information necessary to this judgment was not upon the files of that House. All the diplomatic agents corresponded with the Executive alone, and that branch of Government only could form a correct judgment upon diplomatic agencies. Suppose they were, in their turn, to ask gentlemen why was not the present establishment necessary? Were they prepared to give a well-grounded opinion on the subject? He believed they could not. And the burden of proof lay upon them, because they were endeavoring to destroy an existing establishment without knowing the reasons which had induced the change.

It had been said by his colleague that the power of appointing officers vested in the Executive was liable to abuse, and he had referred to the late appointment of the gentleman from South Carolina, whilst a member of that House, as a proof it. Mr. S. asked if there was anything in the Constitution which forbade the President from appointing members of the Legislature to Executive offices? and, on the contrary, if it had not been the constant practice to do so? If the Constitutionality of the practice could not be called in question, the abuse of its execution could only be blamed. In the particular instance alluded to, his colleague had not supposed the Executive had been actuated by any improper motives in the appointment, but only that the fact showed the power was liable to be abused. Unquestionably this and every other power might be abused, but if the power was Constitutionally used, it could not be found fault with except it were abused. Where could the Executive look for fit persons to fill diplomatic offices, if he were not to choose them from the legislators, whose situation evinced that they possessed the confidence of their constituents, and in which they had had an opportunity of showing that they possessed abilities for such an appointment, such as would do honor to themselves, and such as were calculated to procure advantages for their country?

The question whether that House had the power to interfere with the Executive authority, by withholding appropriations, had been fully discussed in a former Congress, and the opinion of the country was not now to be fixed on this subject. For that part of the House who thought the Constitution had not vested them with the authority of controlling the Executive, it was sufficient to say that the Executive had thought it necessary to introduce the change in the diplomatic department, which was complained of, and that they felt themselves bound to carry his determination into effect; but those who think that the House of Representatives may control the Executive in this respect, will of course act accordingly.

Mr. BALDWIN said he perceived there was a real difference of opinion between the gentleman last up and himself. The gentleman supposed the diplomatic establishment was fixed by the Executive, and the Legislature had nothing to do with it but to provide the money. Every person must see, even from a cursory view of the Constitution, that this was designed to be a Government of departments, Legislative, Executive, and Judicial, to be kept distinct as far as possible. It was the business of the Legislature to establish offices by law: it was the business of the Executive to fill those offices. It would appear, from tracing back the law, now proposed to be continued, that it originated in this manner. He had not been notified of the subject as being likely to be called up to-day, and was not prepared to be as particular as he could wish as to facts. He had endeavored to refresh his recollection since it had been under discussion, and he found that it originated from the Speech of the President at the opening of the second session of the first Congress, in which he said, "that the interests of the United States required that our intercourse with other nations should be facilitated by such provisions as will enable me to fulfil my duty in that respect; and to this end, that the compensations to be made to the persons who may be employed, should, according to the nature of their appointments, be defined by law." This part of the Speech was referred to a committee, and from that originated this law. Want of information, at that early time in the Government, prevented their being as particular as they wished. They fixed a sum to each grade, and a sum beyond which the whole amount should not extend; limited the law to a short period, that it might be open to be corrected by experience. The present motion, if he had understood it, proposed now to be a little more particular in the establishment, by fixing the sum for particular places—to do the very thing then recommended by the President. The same has always been the intention of every succeeding Congress, which was the reason why they continued it only for short periods, leaving it open to such amendments as should be suggested by experience. These ideas of the offices being first to be established by law, appeared not only to be the sense of the former President and of each succeeding Congress, as he had stated, but appeared also to be the opinion of the present President. At the last session he thought that a higher grade of office was necessary at Algiers: this he stated in a Message to Congress—that as there were great expenditures of money on that coast, he thought it necessary that an establishment should be made which would enable him to appoint a

very confidential person, on whom the other officers there should be dependent, and who should control their proceedings and expenditures. Congress concurred in this opinion, passed a law for the establishment of the office, and then the Executive appointed the officer. For these reasons he considered the question within their proper powers, and fairly open to their deliberation.

He was always sorry to hear of the hostility of the departments of the Government, and of how much harm they could do if they were hostile to each other. They are designed, and have every inducement to cultivate harmony, and not hostility; and, in the harmonious exercise of their powers, they control each other; there can be no great danger of excessive patronage in appointments to office, if the office must be first established by law. If he had not misunderstood the gentleman last up, he had expressed some belief and approbation of the Executive's having a political system as to legislation, and rewarding and punishing friends and enemies of that political system. To be sure it was by the Constitution made the duty of the President to lay information before the Legislature and to recommend measures. When he has done this, he has done his duty; but to conceive that there is a general system of legislation always existing in the Executive, which is to be regarded as a standard; or that the Executive and Judiciary Departments of the Government are to be considered as floating round on the small and frequently casual majorities and minorities which will for ever take place in representative Legislatures, was sapping the very principles and foundation of a Government of departments like ours. If a law happened to be made by the wrong side, it would have had but a bad chance with the Executive or at the seat of judgment. There were old Republics in this country. He believed their Executives or Judiciaries had rarely taken part, or been carried round on the thousand storms with which they had been agitated. He could not persuade himself that he had understood the gentleman as expressing an approbation of it, as he thought it was stated by him. [Mr. SITGREAVES said he had certainly been misunderstood.] Mr. BALDWIN said he therefore considered the question a fair one, and a question which was always expected to be made at the different times when this act has been continued by short limitations; it was even an old question, and always considered a very important one, before the present Government was formed. At the close of the Revolutionary war, the disposition of forming many treaties, and having extensive diplomatic connexions with European Powers, was carried even further than it has been since. It was among their first national acts, and discovered marks of youth and inexperience; a few years convinced them that they had gone too far, that this country had little to expect from treaties and much to lose, and that many diplomatic connexions were more frequently the cause of perplexity and embarrassment, than of any national advantage. The Congress under the articles of Confederation were extricating themselves from that policy as fast as possible; as these expired in course, they were careful not to renew them. For several of the last years of that Congress he well recollected that clusters of candidates for these appointments, supported by powerful interests and connexions, were uniformly resisted; and, if he mistook not, when this Government came into operation, this country had but one Minister in Europe. The conviction on this subject was so strong, and experience had so fully settled it as the true policy, that it remained immoveable for some time after organizing the present Government. All appropriations for foreign Ministers were refused at the first session, as far as he recollected. At the second session it was urged, in the Speech of the President, as before stated, and enforced by more particular explanations to individuals, as designed to be for temporary purposes, respecting the Northern forts and the property that was withheld. Under these explanations a law passed, as before explained. It was true this policy had been of late, in some measure, departed from. He thought experience had already been useful to them in this course also, and ought to administer caution to them in seeking to intermingle in European politics. Ambassadors and Ministers cannot be entirely indifferent to the characters and events with which they are constantly surrounded; the share they take is very apt to be exchanged between the countries to which they belong. He did not wish to be too particular on that point; he was persuaded facts enough presented themselves to the recollection of every member to confirm his remark. It might be said that on this also we have an awful lesson. If evil had been experienced from this cause, he hoped it would operate as a reason to endeavor to diminish it. He thought it not unreasonable for the House to interpose their restraining power as to granting money, and the more particular establishment of the officers, and thus aid the other departments of the Government in bringing back, by degrees, this part of our policy to its former principles, so well sanctioned by experience. Whether the present motion was well timed, or whether it was best to give it another short limitation before we went into a definite establishment, was another question, on which he was willing to hear more remarks. Informed as he was at present, he should vote for the motion, and thought they might make some amendments to the former bill, already suggested by experience, and which would be useful.

The committee rose, and had leave to sit again.

---

FRIDAY, January 19.

Mr. D. FOSTER reported a bill for the relief of William Alexander, which was twice read, and committed for Monday.

## FOREIGN INTERCOURSE.

The House again resolved itself into a Committee of the Whole on the bill providing the means of foreign intercourse, when

Mr. PINCKNEY rose. He understood the amendment was intended to confine our Ministers Plen-

ipotentiary to London and Paris, and that no higher grade than Ministers Resident should be employed in any other country. He was opposed to this change at this time, and to the mode proposed of doing the business, if the time were seasonable. It was proper that at this juncture our Ministers should remain as they were, as it was prudent to derive all the influence and advantage we could from the situation of our agents in Europe, who would not only be enabled to communicate more correct information from thence, than could be derived from any other source, but who could also explain the motives and objects of this Government, and by that means remove any unfavorable impressions which may be attempted to be given with respect to this country; and thereby put our business in the best train for securing the neutral standing which we have taken. He was against it for another reason. To change the diplomatic intercourse in the way proposed, would be forcing upon the Executive a measure contrary to its wishes. It would also be affording testimony to the charge heretofore made, that there was a division in the Government and in the people—a situation in which many wished to see us. He should be sorry to afford the appearance of one department of Government having forced upon another a change of measures of which they are the competent judges, and upon which they have acted. As it was well known that there was a very intimate connexion between Spain and Holland, and the country with whom we have at present a misunderstanding, he should be unwilling to deprive this country of the advantages to be derived from having Ministers at those places; besides, if our Ministers were to be recalled from thence, it would be considered as an extraordinary proceeding; and might be construed as intended to be hostile to them. Whatever influence Spain or Holland may have in the councils of the country which he had alluded to, by continuing our Ministers there, it was probable that weight would operate in our favor. There was an additional reason with respect to Spain. It was well known that we had points yet to settle with that country. Our treaty with that Power was not yet carried into effect, and negotiations might at this time be going on in relation to it, which might be frustrated by the recall of our Ministers.

With respect to the grade of Ministers proper to be employed in different countries, we must not consult on this subject our own ideas alone, but pay some respect to the light in which this business is seen in other countries. From a fact within his own knowledge, he knew of what consequence these forms were looked upon in the Court of Spain. When they wished to finish a treaty which was begun with this country, they desired it might be done by a Minister of a higher grade than the one resident there. It was on this requisition that an Envoy Extraordinary was sent. There was considerable etiquette in this business, which it would not be proper altogether to neglect. It was necessary when a Minister Plenipotentiary was sent to a country, for that country to return a Minister of the same grade. Besides to go into the proposed measure at this time, would exhibit a degree of instability in our councils which would have an unfavorable appearance to foreign countries. If peace were restored in Europe, and we had no difference to settle there, he should agree with the gentleman from Virginia, and with the opinion of the old Congress, that it would be well to keep no foreign Ministers in Europe. All commercial regulations might be as well carried on by Consuls as by Ministers; and if any differences should arise between this country and any of the European Governments, special Envoys might be sent to settle them, as heretofore; for when the situation of this country was considered, it would appear to be for our interest to have as little political connexion with Europe as possible, and therefore Ministers could be of no use, but might do mischief. Gentlemen of different opinions in that House, must see that we have had Ministers in foreign countries who have done no good, and that foreign Ministers have been sent to this country who have done harm. He, therefore, thought that the gentleman from Virginia was right in principle; but he thought the time improper, and he did not approve of the mode proposed to be adopted. He should wish that the subject should be brought forward by way of an original motion, and receive all the discussion which the rules of the House will admit of.

Mr. P. concluded by observing, that he had avoided touching upon what gave color to the debate of yesterday. It was with concern he heard such topics introduced. It must be lamented by every friend to the country, as tending to destroy that harmony and good will which was at all times proper and desirable, but at this time peculiarly so, when all our efforts ought to be joined to avoid the calamities of war; but when, if these calamities could not be avoided, we ought to stand shoulder to shoulder, and oppose every Power who was determined to impose upon us. So strongly was this impressed upon his mind, that he thought every means should be taken to harmonize and conciliate. The best way to effect this harmony, in his opinion, was to avoid in debate all personalties, and those subjects which tend to heat the passions, and which, instead of elucidating, embarrass investigations; for there was no chance for rational inquiry, when full vent was given to resentments and anger. Mr. P. asked pardon for this digression and sat down.

Mr. NICHOLAS wished to explain his intentions in bringing forward this amendment. He believed the gentleman last up would find they nearly corresponded with his own. He had no idea of putting an immediate veto upon the Ministers at present employed. He considered this bill, though passed with a limitation, as a permanent system, and a subsequent clause of the bill would enable the committee to fix the time at which the salaries of Ministers should cease. His wish was to put a limit to this extension of Executive power. He reminded the gentleman

from South Carolina that Holland was not concerned in this bill, as we had only a Minister Resident there. If the subject were further dilated upon, he should offer some further remarks upon it.

Mr. N. SMITH was surprised to hear the gentleman last up consider that as a permanent provision which was limited to a duration of two years. This law was merely temporary in its nature, and if he only contemplated some future regulations in our foreign intercourse, his amendment was not now necessary. However competent it was for the Legislature to settle the salary of Ministers, it was clear the Legislature had no power, by the Constitution, either to determine the number of foreign Ministers to be employed, where they should be sent, or what should be their grade. Under the general power of making treaties, vested in the President, he had the power of sending Ministers where he pleased; also in the power entrusted to him of executing the law (not only the municipal law, but the law of nations) it was necessary he should have this power.

In a word, all foreign relations were in the hands of the Executive; all our foreign intercourse was to him, and from him. Of course, he was the only judge of what was proper in this business. This being the case, it should seem as if that House had nothing to do with respect to the propriety of sending a Minister to Berlin, or in relation to other grades of Ministers, though they had the power of fixing their salaries. But it was contended by the gentleman from Georgia and others, that, by regulating these salaries, the Legislature had the power of preventing the extension of their establishment. This brought up an old question; but it was a very important one, and he did not regret that it was frequently drawn into discussion. He thought the great landmarks of our Constitution could not be too well understood. He did not mean, however, to extend his observations on this subject. It was said, this was a Government of departments and checks, and of course, that the Legislature ought to check the Executive in its operations. That this was a Government of departments and checks, to a certain extent, he should readily allow; but that it was so to the extent which had been represented, he did deny. Our Government was divided into three departments, the Legislative, Executive, and Judicial; each of these had checks and balances in its own department. The President was checked by the Senate; the Legislature was checked by the President and Senate; the Judiciary was checked by having certain appeals, writs of error, &c. So far from one department checking the other, it was necessary that all the parts should act in unison like a clock, and the moment one part declined to act, the Government could not proceed. It was not in the power of the Legislature to reverse the decision of the lowest court, and should it then be said that they could judge over the head of the Executive? This remark was applicable to all the departments. No one department was a favorite of the Constitution. Every act of a department ought to be considered as well done. This being the case, whenever the President had appointed a Minister, and done it constitutionally, when he informed the Legislature thereof, they might do anything and everything but doubt the propriety of establishing the Minister.

But it was said, that this power in the Executive would give him an influence over the Legislature, and this it was said was improper. It would seem to be a sufficient answer to say, "Thus is the Constitution"; and, if it gave this influence, it was because the framers of the Constitution intended it should give it. And it was worthy of remark, that gentlemen who advocated the doctrine of the Legislature's having a control over the Executive, did not do it from a literal construction of the Constitution. That gentlemen believed the Executive had too much power, he could readily conceive, and this operated as an excuse for their conduct; but they ought to bring forward a proposition for an amendment of the Constitution, and let it be fully argued, and not put a forced construction upon the very letter of it.

If there was any danger of Executive patronage, the Legislature could take it away by lowering the salaries allowed to Ministers, though he believed they had been calculated as being merely sufficient for a maintenance, and therefore could not hold out any strong temptation. But it was said, that the Executive had already made an ill use of the power, and that he was now making an ill use of it, by selecting those persons for offices who joined with him in political opinion. That he had, and would continue to select characters of this description, he could readily admit; that he had determined to do it, he knew nothing of; but that he ought to do it, he was clear. Did gentlemen mean to contend, that it was proper for a foreign Minister to act in unison with a party in opposition to the Executive Government? If they meant this, they carried their doctrine of checks further than he expected. Would they say that an Executive agent should harbor sentiments in his breast different from those he avowed? Did they say, that it was proper for an Executive agent to initiate a foreign Minister in certain mysteries—not to say using means to thwart the Executive measures? Or that it was proper for an Executive agent, whilst pursuing Executive business, to indulge himself in certain precious confessions? Gentlemen did not mean this. If they were to take a view of our present situation, it would be seen that it was difficult to be supported even by absolute Governments. Belligerent Powers are always jealous of a preference being shown to their adversary. In a free Government it was more so, as every individual was left at liberty to indulge in speculative opinions, and some were so unnatural as to take the part of a foreign nation in opposition to their own. In this situation it was impossible that a foreign Minister of different opinion from the Executive should harmonize and act heart and hand with its views, and do all in his power to quell suspicion. On the contrary, he will raise ideas of ex-

pectation in foreign nations, which, when they find themselves disappointed in, will produce dissatisfaction of the worst kind; and this he will do, instead of explaining the acts of Government, and recommending the measures of the Executive as right and proper.

Mr. S. said, whilst he admitted that the President had appointed, and he hoped would appoint, to office men who were of the same political sentiments with him, and, of course, interested in the success of the measures of the Government, he did not believe that the President had ever appointed a man from the Legislature with a view of extending his patronage; nor would he admit that any legislator had ever been influenced in his vote by the expectation of such an appointment. The gentleman from Virginia seemed to suppose that the present majority in the Legislature was produced by what he called Executive patronage. When gentlemen supposed this, he asked whether their own heart was the standard by which they judged?

When the gentleman from Pennsylvania indulged his suspicions respecting the honorable gentleman from South Carolina, who had been appointed Minister at Lisbon, if he did not draw his conclusions from this source, he did not know from whence he drew them. Where was the proof that things so paltry in their nature as the salaries allowed to these appointments, should influence the conduct of members of that House? There were none; they were the dreaming conjectures of his own imagination. But if the Constitution authorized that House to determine on this question, they ought not to determine upon it in the dark. If they were to take upon them Executive duties, they should call for all the papers and information relative to the subject.

Suppose it had been originally wrong to establish a Minister at Berlin; yet gentlemen themselves allowed that when a treaty was made and ratified, it became the law of the land. This Minister was sent to Berlin to negotiate a treaty; what was the state of the business they did not know. Were gentlemen inclined to break down these establishments, and show foreign Courts that there was so little stability in our councils, that in one session we appropriate for a Minister, and in the next refuse to continue the appropriation? He trusted this would not be the conduct of this Legislature.

Mr. HARPER observed, that, if gentlemen who support this motion had confined themselves to the question, and to those considerations on which its decision had usually turned—had they contented themselves with attempting to show that the diplomatic establishment was unnecessary in general, or inexpedient at this particular juncture—he should have deemed it unnecessary, and even improper, to add any remarks to those which he had yesterday submitted to the committee, having then urged those considerations which he regarded as the most important in deciding this question. But gentlemen had taken a wider range. Not content with insisting that the present diplomatic establishment is unnecessary or improper in itself, they had made a formal attempt to fix a Legislative censure on the conduct of the Executive, and had added to this a personal attack, of a most illiberal and unfounded nature, on a gentleman formerly a member of the House, but now holding a diplomatic employment. He said, unfounded and illiberal, because the fact alleged against that gentleman—and which went to charge him with having given a vote in an important case, with a view of promoting his private interest—was not supported, or pretended to be supported, by any kind of proof; and because no person of a liberal or delicate mind would advance a charge of that magnitude, especially against an absent man, without the most substantial evidence.

For these reasons, Mr. H. said, he should make some additional observations on what had fallen from gentlemen in this stage of the debate, and chiefly with a view to refute (which he should do in the most undeniable manner) the accusation so ungenerously made against his former colleague; a refutation which he was the more inclined to undertake, because that gentleman was three thousand miles distant, and could not defend himself. But before he went into that refutation, Mr. H. said, he would advert to some of those things having the appearance of argument, which had been advanced by gentlemen in favor of the motion since he rose before. As to all the idle declamation about Executive influence, the danger of corruption, and the increase of patronage, on which the changes had now been rung, and which had been the constant topic of harangues in all Governments constituted like ours, from the days of James I. till the present moment, he considered them as unworthy of answer or regard; neither now, nor heretofore, were they intended as arguments, but were thrown out merely *ad captandum vulgus*. They had hitherto produced no effect in this country, and he was not afraid of their producing any; because the description of people who might be denominated *vulgus* was very inconsiderable in number here, and the good sense of the great mass had always enabled them properly to appreciate, and, of course, wholly to disregard, clamors of this kind. He should, therefore, now pass them by, as he had always done before, without an answer; but on those few positions, which approached towards argument, he should bestow some few remarks.

One of these had been advanced by the gentleman from Pennsylvania, (Mr. GALLATIN,) who had made it the basis of almost all his other observations. It was this: that our political relations were distinct from our commercial relations; which last were managed by Consuls, not by Ministers; and that as Consuls would still be employed, although the Ministers should be discontinued, our commercial interests would not suffer or be neglected.

But was that gentleman yet to learn, amidst all the research of which the House so often heard the boast—was he yet to learn that almost all our political relations, and the whole of those which were still the subject of dispute, grew out of com-

merce? Was he yet to learn that our present dispute with one of the great European Powers grew wholly out of commercial relations? Was he yet to learn that the dispute which we lately settled with another great Power was, in a great measure, of a commercial nature? It was a fact, Mr. H. said, which surely must be known to the gentleman from Pennsylvania, that we now have no differences with any nation, nor even any interfering interests, which are not commercial. We had formerly a dispute about boundary with Great Britain, and another with Spain, but both had been settled. All our treaties, moreover, except in these two instances, were founded on commercial interests; and commercial interests were the only points by which we touched other nations—were the only sources from whence our political intercourse with them could flow. And yet the gentleman from Pennsylvania had affirmed that our political intercourse was distinct from our commercial relations!

These commercial relations, he had further affirmed, were managed by Consuls, from whence he had attempted to establish the inference that Ministers were unnecessary. Did the gentleman from Pennsylvania believe this himself, or did he hope to make the committee believe it? Or did the assertion proceed from that bold reliance on the ignorance or carelessness of others, whereof that gentleman had given so many proofs? Our Consuls, that gentleman must well know, were circumscribed in their sphere and their powers. They were confined to particular towns; were, in very many instances, foreigners—enjoyed no salary, (except those to the Barbary Powers,) and possessed no public or diplomatic character. Their functions, too, were no less confined: the relief of the private wants, and some assistance in the private affairs, of mariners and merchants, at the respective places of their Consulates. But those great and general interests of commerce, which form the basis of treaties, and are among the most important objects of national intercourse, and of the law of nations, are wholly above the reach of Consuls, and wholly confined to those public agents whom we call Ministers, and who alone possess the means, by their character, by their situation, and by their intercourse with the Governments to which they are sent, of regulating, superintending, and preserving those interests. Did not the gentleman from Pennsylvania know this? He did know it; and yet he asserted that our political and commercial relations were wholly distinct, that the latter were managed by Consuls, and that for the preservation of our commercial interests and rights Ministers were not necessary. These assertions, on the slightest examination, vanished into air, and left nothing to be wondered at but the boldness wherewith they were made.

If commercial interests, therefore, Mr. H. said, were the basis of all our political intercourse, was it proper to discontinue our Ministers? Was this a time to leave our commerce to itself in the various countries where it was carried on, or even to weaken our means of supporting and protecting it? Was our situation now less critical than heretofore, our commerce and our rights less threatened, or had we less need of the confidence and good will of other nations? Was it of less importance to us now that the justice of our cause should be well understood, the principles of our conduct clearly explained, the foundation of our claims fully laid open, than when these Ministers were appointed? When we were on the eve, perhaps, of a struggle for our national independence, was it a time to cast censures on the Executive, to weaken its hands, and to sow dissension in the Government? When the time, perhaps, was on the point of arriving when we must resist encroachments or yield up our rights, was that a moment to diminish our chance of having those rights well understood and generally acknowledged? He believed not. If there were gentlemen who wish to disgrace this Government, to deliver up this country, bound hand and foot, to foreign sway, to see us crouch beneath a foreign Power, confess that we have been wrong, and tread back our steps; if there were such gentlemen, it would be perfectly consistent in them to vote for a measure the natural effect of which was to weaken the Government, divide the country, and impair our standing among foreign nations in a moment of crisis: but if there were no persons of this description, which he fondly hoped; if, as he firmly believed, a large majority of that House was determined to exert the whole force of the country in defence of its rights sooner than yield them up, they, he trusted, would agree with him in opinion, that we ought now, above all other times, to stand strong in the good opinion of foreign Powers, that our foreign intercourse was more important to us now than ever before, and that sound policy forbid its diminution.

And yet, Mr. H. said, this is the moment, it is in this critical situation of our affairs, that the patriotism of gentlemen calls on them to refuse the appropriations heretofore granted for the support of our Ministers abroad! This is the moment in which they choose to say to the world, "the Executive cannot be trusted; he has employed useless Ministers, has expended the public money improperly, and we, no longer able to confide in him, will withhold that provision which the House has repeatedly sanctioned, and which it renewed and enlarged no longer ago than June last!" Whence this change of conduct? How has the Executive become less worthy of confidence than he was in June? Is it because he has adopted a course of measures less tame and supple towards a foreign nation than gentlemen desired? If this were the motive, he believed it would neither be avowed by gentlemen themselves, nor borne by the country; and yet what other could be assigned?

Mr. H. then took notice of the remarks which had fallen from Mr. GALLATIN, yesterday, with respect to the manner in which the different appropriations for foreign intercourse had been made, and supported his former statement by a particular reference to the accounts and the proceedings of the House.

Mr. H. said, he would now advert to another

position advanced by the gentleman from Pennsylvania, (Mr. GALLATIN,) and founded on a total misrepresentation of what he, Mr. H., had stated when he first spoke upon this question. He should hardly have thought it conceivable that the gentleman from Pennsylvania, after a sentiment had been uttered in debate by a person whom he wished to oppose, should immediately rise and wholly misrepresent it to suit his own purpose, had he not seen so many instances of the boldness wherewith that gentleman relied on the inattention or the credulity of the House. That gentleman, on the present occasion, had represented him as having attributed the opposition to Executive measures in that House to the anger which gentlemen felt at the disappointment of their hopes of obtaining offices; and he had then gone on to infer that the hope of obtaining offices must also influence the conduct of those members who usually supported the measures of the Executive; since, if disappointment in the pursuit of office could produce opposition, it was equally fair to attribute a contrary conduct in other members to the hope of succeeding in this pursuit. But Mr. H. affirmed that he had said no such thing; that he had never attributed the opposition to this motive. He had indeed said, that the suspicions of gentlemen, and their clamors about Executive influence, patronage, and corruption, proceeded from disappointment, but not from disappointment of this kind. Ambitious statesmen, he said, did not wish for office, but power; they did not wish to hold posts themselves, but to direct those who did hold them; to see their own system adopted, their own advice followed, and the affairs of the country conducted in the way which they approved. This was their aim, and this the scope and end of all their exertions. While men should continue to think differently on matters of opinion, there would always be a number of persons who would disapprove the manner in which public affairs, or any other affairs, were conducted. These persons, in Governments like ours, would gradually form themselves into a party, and their opinions would assume the shape of a political system, different from that actually adopted. These two systems would be in a perpetual state of conflict, and the supporters of that which might happen to be vanquished, would feel mortification and chagrin. These feelings would become more and more violent in proportion as their defeats were more frequent, and on questions to which they annexed greater importance; and hence proceeded, and always would proceed, those heart-burnings and jealousies, those little suspicions which gave themselves vent in declamations against the opposite system and its supporters, against Executive influence, against patronage and corruption, and whereby the party which could not rule was prompted to suspect and arraign the motives which actuated the authors of their defeat. Such were the passions and such the feelings to which he attributed the opposition of gentlemen and their little unfounded suspicions: to a love of power, not to a love of place; to disappointment in their attempts to bring their own system and their own principles into action, not to the pursuit of office. In some countries, indeed, office conferred power, and was therefore sought by ambitious men as a means of obtaining power. Office there gave patronage, authority, and influence, and was therefore eagerly pursued. But in this country, he said, the case was different. Offices here gave a scanty maintenance, much labor, and no patronage or influence, and, therefore, ambitious politicians did not desire them. That House was the place for such men to appear. There and there alone they had a conspicuous theatre for the display of their talents; there and there alone could they acquire fame, popularity, and political importance; there and there alone could they make a strong impression on the country and the Government, give weight to their own opinions, and force their own system into activity. There, of course, they would desire to remain and not to undertake offices, which, though respectable, were not brilliant, imposed much labor, but conferred neither splendor nor authority.

It was not, therefore, to the disappointment of gentlemen in the pursuit of those objects, Mr. H. said, that he attributed their conduct, but to the usual operations of party spirit which arose out of the constitution of our nature, combined with the form of our Government; and of which he did not complain. He not only knew that it must exist while men should be made as they are, but he believed that it ought to exist. While opposite parties in the Government struggled for preeminence, they were like persons engaged in an exhibition before the public, who are obliged to display superior merit and superior excellence in order to gain the prize. The public is the judge, the two parties are the combatants, and that party which possesses power must employ it properly, must conduct the Government wisely, in order to insure public approbation, and retain their power. In this contention, while the two parties draw different ways, a middle course is produced generally conformable to public good. Party spirit, therefore, and the contentions to which it gave rise, neither alarmed nor displeased him. It might, indeed, sometimes run into excess, and produce mischief, as the wind may sometimes be converted into a storm, or fire give rise to a conflagration; but its general effects, like those of the great elements of nature, he had no doubt, were beneficial.

There was another topic, Mr. H. said, which, though, in his mind, wholly unconnected with the subject, had been introduced into the debate, and much insisted on, and therefore he did not think it ought to pass without remark. It had been said, he knew not on what authority, that a resolution had been formed by the Executive to employ, in official stations, none but those who were known to approve the political system adopted by the Administration; and this had been represented as a most alarming and a most reprehensible determination. For his part, Mr. H. said, he knew nothing of the determination made by the Executive on this head; but he had no hesi-

tation in saying, that he hoped and wished to see this resolution adopted and adhered to. He wished it even more than he hoped it; for there had not been, in his opinion, sufficiently strong indications of such a resolution in the conduct of the Executive heretofore. He once thought that a contrary conduct might be safely, and even beneficially pursued; but recent and very strong experience had convinced him of his mistake. He hoped this experience had produced the same effect on the Executive, which had received awful warning of late; and by pursuing, in some instances, a contrary course, had brought on itself the most serious and alarming embarrassments. The Executive was, no doubt, liable to error, and, he believed, had erred; and he hoped the solemn warning which experience had given it, would induce it to correct this error in time to come.

But what did this supposed determination, at which gentlemen expressed such alarm, amount to? Simply to this—that the Executive, in conducting those concerns of the Government wherewith it is exclusively charged, and for the management of which it is solely responsible, should employ such persons as subordinate agents, as were known to agree with him in opinion about the right mode of conducting them. Was this anything so extraordinary? Was it not practised by every man of common understanding in the management of his own private affairs? Let me ask the gentleman from Virginia, (Mr. NICHOLAS,) whether he does not himself constantly act upon this principle? Were he about to employ an overseer, would he take one who differed wholly from him in his opinions about agriculture and the management of his farm? who thought that tobacco ought to be planted in the Fall, and wheat in the Spring? Or, would he choose a person whose ideas on these subjects he believed to be correct, and knew to agree with those principles about the truth of which he himself had no doubt? Would he not be the more cautious in this respect, in proportion as the farm to be managed was more distant from his own residence, and, of course, the conduct of the agent less subject to his superintendence and control? If he did not act thus, he would depart most widely from his usual prudence, and might think himself fortunate if he sustained no greater loss than that of his crop.

And shall the President of the United States, in conducting the affairs of this Union, neglect those plain and ordinary maxims of prudence, which every man observes in his private affairs? The Executive is charged with the foreign relations of the country, and with the whole execution of all its laws. The greatest differences of opinion that exist among us, arise from these relations. The Executive has adopted a certain system as to the manner in which they ought to be conducted. This system is disliked and opposed by one set of men, while another description approves and supports it. The whole question is, whether the subordinate agents, who are to execute this system under the orders of the President, shall be chosen from among those who like it, or those who think it radically wrong, and have never omitted any opportunity of attempting to change it? To choose from the latter, would be to say, that those persons who are most opposed to a measure are, for that reason, the best qualified to give it effect.

A gentleman from Georgia, Mr. H. said, has talked much of the Executive having a party in legislation; and has asked, what becomes of our Government of departments, and whether the Executive could refuse to execute a law because he did not think it a good one? Let me ask that gentleman, (Mr. BALDWIN,) who spoke of a party in legislation, or doubted about the obligation of the Executive to execute a law, whether approved by it or not. Does not that gentleman know that there are Executive functions distinct from Legislative functions, and that the President is charged with the former, as well as the Legislature with the latter? It is not, perhaps, surprising, considering the degree of animation, not to say passion, to which the gentleman had worked himself up, that he should overlook a distinction so obvious as that between Legislative and Executive functions; but will he not acknowledge that the President, being solely charged with one, is solely responsible for it to the House, the country, and his conscience, while the Legislature is solely responsible for the other. And, in conducting those affairs, for which he is solely responsible, must not the President have a system? Or would the gentleman from Georgia wish the Executive department to be conducted without system? If he must have a system, from whence is he to derive it; from his own judgment, or from the direction of others? Surely, from the former source. Will not differences of opinion exist respecting this system, which some will approve, while it is considered as most improper by others? No doubt, this will be the case. From which class, then, must the President take his agents, in the execution of this system, those confidential agents with whom he is to advise, by whose eyes he must often see, with whose hands he must often work, and to whose fidelity and discretion he must often trust in remote situations, beyond his superintendence and control? Shall he take them from the approvers or opposers of the system? When he has a thing to be done, shall he employ those to do it who think it right and beneficial, or those who think it wrong and mischievous? Shall he expose himself to the danger of having his orders disobeyed or neglected by an agent, who, though charged with their execution, may choose to set up his own wisdom above that of his employers, and to dispense with that which they have considered as indispensable? Shall he expose himself to the danger of having his plans, however necessary in his own judgment, counteracted by an ignorant or presumptuous agent, who thinks them hurtful, and chooses to act according to his own opinions instead of his instructions? Should he thus act, and thus expose himself and the great interests wherewith he is charged, he would cease to deserve either the respect of individuals or the confidence of the country.

But it may be alleged, continued Mr. H. that

the integrity of an agent will be a sufficient security for his acting according to his instructions, though contrary to his own private opinions. It may sometimes be so, but the risk is great, and recent experience does not authorize the experiment. Even were it otherwise, still, when you employ a person to execute measures which he does not approve, you take away one of the best and strongest securities for his due performance; you deprive yourself of his zeal, of his heart, of his enthusiasm, which are not only the surest guards of fidelity, but the most powerful means of success.

If the Executive, therefore, has a system in the conduct of those affairs wherewith it is charged, and to say that it has not is to charge it with folly, it must either be dishonest or conceive that system to be proper; and, conceiving it to be proper, it is its duty to use the most effectual means for carrying it into effect. One of the most efficacious of these means is, to make use of men who, otherwise qualified, believe the system to be right. Such men, consequently, and such alone, ought to be employed; and hence it follows, that for the Executive to neglect this, the determination to do which gentlemen charge against it as an impropriety and even a crime, would be at best an act of folly, if not the breach of a sacred obligation.

Mr. H. then proceeded to remark on what had been advanced yesterday by the gentleman from Pennsylvania, (Mr. GALLATIN,) respecting the Minister at Lisbon. That gentleman has charged my former colleague with having voted for an appropriation for a new office, in order to make room for his own appointment to a vacancy thus created. He says, that my late colleague, when the Minister at Lisbon was to be sent to Berlin, came into the House, not indeed with a commission in his pocket, but certainly with a knowledge that he was himself to fill the vacant place at Lisbon, and voted for the Berlin appropriation. Did the gentleman advert to the extent of this charge? I am willing to hope that he did not; for then he would not have advanced it, especially in so positive a manner, without some sort of proof. No such proof could have been produced. I take upon myself to declare that none such exists. By recurring to the Journals of the Senate, it will appear that the nomination of a Minister to Lisbon was made on the 6th of July; the Journals of this House will show that the Berlin appropriation was voted on the 3d of July. I have authority for saying that the first intimation which my late colleague received of his intended nomination was the day before the nomination took place, that is, on the 5th, two days after that appropriation was made, for which he is charged with having voted in order to make room for himself. When he gave this vote, he might have expected the appointment; but he had no more right to expect it than any other man. He did not know that he would be appointed, nor was he applied to on the subject till after the Berlin appropriation had been voted. It would have been highly improper to apply to him before, and it is very improbable in itself, that the application was made until after the appropriation for Berlin; for, although the President had resolved to send the Minister from Lisbon to Berlin, he could not execute this intention without a vote of money; and to apply to a gentleman to accept the vacancy before that took place, and, of course, before it was certain that there would be a vacancy, would certainly have been a very strange conduct.

Thus much I have thought it necessary to state, said Mr. H., and I will add one observation, addressed to the gentleman from Pennsylvania. It is this: that he ought to take warning from this occasion not to make it necessary in future to defend persons in their absence against attacks, which, being wholly unfounded, candor, no less than delicacy and generous sentiments, ought to have prevented.

As to the general policy of the present motion, as connected with the foreign relations of this country, Mr. H. said that he would add two or three remarks on that subject, and then conclude.

The motion went, he said, to reduce the appointments and salaries of three Ministers: those to Madrid, Lisbon, and Berlin; and in support of the motion, it was alleged that the last of these Ministers was entirely unnecessary, and that the other two had been improperly, because unnecessarily, raised from Ministers Resident to Ministers Plenipotentiary. To him it was a sufficient answer to these allegations to say, that the President had thought otherwise; because, the President, being charged by the Constitution with the foreign relations of the country, must be invested with the means necessary for conducting them with effect; and was infinitely better qualified, by his situation, to judge what those means were, and how they ought to be used, than the House can pretend to be. One of these means was the appointment of foreign Ministers, which was expressly vested in the President by the Constitution. When the President, therefore, had thought fit to appoint foreign Ministers, or to alter their grades, he had exercised a Constitutional power, and it did not lie with the House of Representatives to object or judge. To him, therefore, Mr. H. said, it was a sufficient answer to all those objections, to say that the President had thought otherwise. To others, who might hold different opinions from him on this subject, he thought it was a sufficient answer to be told that the House of Representatives, as well as the President, had thought differently, and had sanctioned the changes which he had thought proper to make in this respect, by voting money to carry them into effect. This the House had done expressly in all the three cases contemplated by the present motion. The Ministers to Madrid and Lisbon had been raised from Residents to Plenipotentiaries in May, 1786, ?96 at which time, and also in March, 1797, the House had voted the additional sums made necessary by these changes, and had thereby sanctioned the changes themselves. The embassy to Berlin was resolved on in June, 1797, and the House then sanctioned the measure, by giving the requisite appropriation. Surely it might have been ex-

pected that the strongest advocates for Legislative control and Legislative sanction, would be satisfied by this repeated approbation of the House; but no, gentlemen were not to be so satisfied. They still contended that it was proper to inquire into the use and the reason of these changes, and demanded why they had been made, what circumstances rendered them necessary, and what good they had produced? Though he protested against the right of the House to make these inquiries, more especially at this time, after the measures had been so formally and so repeatedly sanctioned, he nevertheless had no objection to inform gentlemen what, in his opinion, had been the occasion and the benefits of two of these appointments, those to Madrid and Lisbon. As to the embassy to Berlin, the reasons and advantages of it had been so fully explained in the Summer session, that nothing seemed necessary to be added to the remarks made by some other gentlemen on that subject in the course of the present debate.

It could not, he said, be forgotten by gentlemen, that in the beginning of 1796, or a little previous to that period, we settled very much to our own satisfaction, a long standing and disagreeable dispute with the Government of Spain. The treaty whereby this settlement was effected, placed the two nations on a footing of amity, and secured to us objects of very great importance to an extensive and interesting part of the Union. The final attainment, however, of these objects, and the due execution of the treaty, must depend very much on the continuance of a good understanding between the two Governments. Spain, after keeping only Commissioners and Chargés des Affaires here for a considerable time, had sent us a Minister Plenipotentiary, and in the intercourse between Governments it was a usual and an expected civility to return a Minister of the same grade that was received. This compliment Spain expected, and however inconsiderable these matters may appear to us, we know that great importance is annexed to them by Courts. We must deal with people as we find them, and where we have an interest to cultivate their good will, we must conform to their prejudices and fashions, instead of ridiculing or disregarding them. As Spain had made an advance by sending us a Minister Plenipotentiary, and expected a return of the compliment, would it have been wise for the paltry sum of $4,500, the difference between the two appointments, to disappoint and disgust a Power which we had so great an interest to conciliate? He believed not; the President had thought not; the House on two or three former occasions had thought not; and he hoped that the same opinion would now influence its decision.

As to Portugal, the reasons in favor of the change had been equally strong. We had first a Minister Resident at that Court; it had sent us a Minister of the same grade, who was afterwards changed into a Minister Plenipotentiary, and had been received as such by our Government. Portugal not only had a right to expect, according to the ceremonial established among nations, that we should send her a Minister of the same grade, but she did expect it, and even made a request to that effect. Had we no interest to cultivate with Portugal, that we ought to have disappointed her in this respect, and run the risk of disgusting this friendly Power? Our direct commerce indeed was not very great with her, but a very important and interesting branch of our trade was liable to be deeply affected by her measures. She was the Power which was usually at war with the Algerines, and had frequently kept them blocked up in the Straits, whereby all our commerce to that quarter of the world—a commerce for the security of which we had sacrificed nearly one million and a half of dollars—was rendered safe from their depredations. Was it a small object, then, to be on good terms with a Power which held so effectual a check over those formidable pirates? Ought this good understanding to have been endangered by withholding an accustomed mark of respect, which she expected, and of which she had set the example? And for what object do gentlemen contend that this risk ought to have been incurred; this good understanding endangered? For $4,500. Was this the wisdom of legislators, or was it the foolish, versatile conduct of angry and petulant children?

Upon the whole, he said, considering the length of time that this establishment had continued; the solemnity with which it had been so repeatedly sanctioned by Congress; the critical nature of our present situation; the importance of preserving all our means of good understanding with friendly Powers; the versatile conduct which would arise from the present motion, to do away establishments so lately approved by this very Congress; and the mischievous tendency of fixing that censure on the Executive, in the present crisis, which was the direct tendency, and even the avowed object of the present motion; he could not for a moment suppose that it would be adopted by the House.

Mr. LIVINGSTON said, had he not seconded the motion of the gentleman from Virginia, he knew not that he should have troubled the committee with his sentiments on this occasion. He thought the reasons which had been adduced by the gentleman from Virginia, for the adoption of his motion were forcible. He had stated, that in all Governments, where the Executive and Legislative powers were placed in different bodies, there was a constant tendency to an increase of Executive patronage by means of the power to appoint to office. He did not expect that so plain a position would have been attempted to be controverted. Not that the gentleman wished to get rid of this patronage, or that the power should be placed anywhere else, but merely to prevent its increasing and becoming mischievous. He stated, from proof which had produced conviction on his own mind, that there was a determination in the Executive of this country to increase that patronage, by confining its appointment to office to men of a certain political opinion. He was sorry to hear his friend make this declaration, because, however well he might himself have

been convinced of the fact, he was apprehensive the same conviction could not be produced on the minds of other gentlemen; he confessed it did not produce conviction on his mind. But what had been heard from gentlemen in opposition to this motion? The doctrine had been avowed. The people of the United States had lived to hear, that it was right in the Executive to promote none to office but of its own party. Or, if not party, clothe the thing in what words gentlemen pleased, it came to the same meaning. This was at once declaring, that the Executive of the United States had a party, and that there was a party in opposition to the Executive, who were not deserving of the favor of Government.

Mr. L. wished to examine this doctrine. Was it contended that it was becoming in Government to determine that men of a particular opinion only should receive the rewards which it had to bestow? For he denied that these offices were matters of paltry consideration. With respect to salary, he acknowledged the object was not great; but inasmuch as these offices were proofs of public confidence, they were high rewards. If this doctrine were to be admitted, before the President could appoint any person to office, he must hold an inquisition upon his political opinion, and require proofs of his having always acted in a certain way. If this were to be done, the President of the United States would sink from the exalted situation of the head of a free people to the miserable leader of a party. This was one effect; but there were others. It was supposed, in his selection for office, the President would seek for virtue and talents. But if the doctrine of gentlemen were to prevail, if men of this description were not to be found of a certain opinion, men must be chosen devoid of talents and of virtue.

Mr. L. would not believe, therefore, notwithstanding gentlemen had avowed it to be the case, that the Executive had come to any such determination. He believed that those gentlemen thought it would be right for him to do so; but he could not believe that the President of the United States joined them in opinion. Nay, he had his own declaration that he did not; for, in the address which he delivered on his inauguration, which might be considered as his political creed, he expressly declared, that in appointments to office, he would seek for virtuous men of all parties. And why not? Was virtue confined to men of a certain political or religious opinion? He trusted not: and whatever might be the private opinion of any person appointed to office, if he counteracted the instructions which were given to him, he stepped beyond the limits of his duty, he outstepped the laws; and, thank God, we have laws that will punish offences, whether they arise from ambition, corruption, or any other source!

But, as he had already said, he did not believe this; for another, and a very serious consequence, might arise from it. Let us imagine it possible, said he, (and pray God the imagination may never be realized!) that, at some future time, the United States should have a President, who had a predilection for a particular form of Government; who might think that the standard which he had formed in his own mind was the standard of perfection, and who would, therefore, cause all his measures to bend that way. Suppose, for instance, he should think that no form of Government was so fit for this country as a monarchical one—that nothing short of hereditary distinctions could give security and stability to Government; if this were his opinion, he would, of course, confine his appointments to persons who subscribed to this sentiment. The consequence of which would be, the Government would be undermined, before the people were aware of the design. If such ever should be the situation of this country, he trusted there would be republican virtue sufficient to frustrate and overturn the design; but it could not be done without a convulsion, and this country knew sufficiently well the miseries attending such an event, to authorize every possible caution which could be taken to prevent so great a calamity.

But gentlemen had spoken of the Executive being warned, by awful experience, from appointing persons to office of a certain opinion. The meaning of this insinuation could not be mistaken. Every one knew who was meant as well as if the gentleman had been named. Yet those who made the allusion were so sensibly alive to every reflection on character, that the House had been entertained for half an hour in the defence of a character which had never been attacked; as when his friend from Pennsylvania mentioned the gentleman lately appointed to Portugal, it was only to show the possible effect to be produced by Executive patronage, for he immediately exonerated that gentleman from acting from improper motives. Mr. L. acknowledged that the lesson which gentlemen alluded to, was an awful and important one, and ought to be taken as an exemplification of the mischievous doctrine now contended for. For, said he, whence has arisen our present dispute with a certain foreign nation, but from an adherence to the principles which gentlemen recommended? Whilst that gentleman was in office, our affairs in that country bore a very different aspect from what they bore after he was recalled. Let gentlemen think of this, and consider whether it did not afford an awful lesson for the future government of the Executive? He thought it did, and he hoped it was a lesson which would have its due effect upon the United States.

But, to turn to the amendment. It was objected to because it went to alter what was already established. Such arguments as these had little weight on his mind. He was never disposed to continue any measure longer than it was useful. Gentlemen were called upon to show what good had been produced by the change which took place eighteen months ago. This they declined, and called upon the advocates of this amendment to show what good would be produced, if it were to take effect. He believed it would produce much good. In the first place, it would lessen Executive influence; and though he did not wish wholly

to destroy this influence—for he had some respect to his oath, and he had some degree of admiration yet remaining for that instrument called the Constitution, and some remembrance left of the efforts which he used to get it adopted—yet he would not increase it. Did necessity require that we should have all the Ministers Plenipotentiary we now have, and those we soon shall have, if these are continued? Gentlemen told the committee they did not know the reasons which influenced the Executive; that, therefore, this business must be left to that department, and that all the Legislature had to do, was to appropriate for all the Ministers it might choose to appoint. This question had, however, been contrarily determined at a former session, after a discussion which could leave no doubt upon the mind of any one. Mr. L. said he would mention another evil, which he trusted would make some impression upon the House—that was the expense of the Ministers in question, which, as he believed it was unnecessary, ought to be avoided; for, though the gentleman last up had said something about the advantages to be derived from Portugal, he never heard of any to be derived from Prussia. Indeed, experience showed, that though we had gone on increasing our diplomatic agents, no good thing had ever been produced by them, except the Spanish Treaty, which was of real advantage to the country; some other things had been done by them, which, he believed, had been far better undone. Indeed, the gentleman from South Carolina, (Mr. PINCKNEY,) than whom no one could be better able to give an opinion on the subject, declared that, in his opinion, our diplomatic connexions had been injurious to this country, and that they ought to be got rid of as soon as convenient; though, he added, he did not think this a proper time, or that this was the best mode of doing the business. He thought this declaration ought to have great weight.

Mr. DANA said he found, that if this amendment took place, it would produce a saving of $4,500 a year to three Ministers, which would be $13,500 a year in the whole. Yet the gentleman last up even considered this saving as worthy of the debate which had taken place. In a pecuniary point of view, he supposed the debate itself would cost more money. But with respect to economy, this was vulgar lopping, and a miserable attempt at public economy. Public economy was not to be thus attained, but by introducing order and system into our affairs, and by employing talents in our public offices. But it was said our liberties were in danger from an extension of Executive patronage. This, he allowed, was an admirable theme for popular declamation, and perhaps might produce the effect which the mover and supporters of the business wished. The gentleman from Virginia spoke of the liberties of the people as depending upon the minorities in Congress, and that the preservation of the Constitution was owing to them—at least he so understood the gentleman; he would correct him if he was wrong. [Mr. NICHOLAS restated what he had said.] Mr. DANA continued, though the gentleman had not said expressly so, he seemed to wish this to be the understanding of what he said; and he considered this as a key to the whole debate. This motion and this debate were intended to attract public attention. If the gentleman thought this was the way to preserve the liberties of the people, he was certainly right in adopting this mode; but he was sorry that for this purpose the committee should be reduced to mere puppets, since the speeches which were made on this occasion were addressed more to the stenographers and the galleries than to the Chair or to the members present. Admitting that this was the view in which the business was brought forward, he doubted not it would be fully answered.

But what did the arguments of gentlemen, with respect to Executive patronage, prove? Everything and nothing. Could an office be made without increasing Executive patronage? It certainly could not; and, therefore, to prevent this patronage every office under the Government ought to be annihilated. But the Constitution had declared the Executive was to appoint to office. The framers of it knew this would give the Executive some power, but they gave it notwithstanding. He might upon the same ground object to the superior talents of the mover of this amendment, which gave him so great an influence in this House, as being incompatible with the equality upon which the members of that body stood, and propose some process by which they might be reduced to the common standard. He did not think the argument applied specifically to anything.

The next argument was the danger to be apprehended from a concurrence in opinion between the different branches of the Government, as the different departments were intended to be checks upon each other. For his own part he apprehended no danger from this source. It was not probable that they would agree in measures that were wrong, but that they would agree in those which were right. But, according to the doctrine of some gentlemen, the Government was made up of hostility and mutual rivalry between its different branches; and that when the two Houses and the President concurred in any measure, mischief was to be the consequence. This idea of Government, on the contrary, was, that when the different branches concurred, the things which they did were right; and that when they did not concur, that something was wrong. He did not believe there was any danger to be apprehended from the influence of Executive patronage on the members of the Legislature. Indeed, considering the obloquy which patriotism thought it necessary to cast upon public officers, he did not think their situations were enviable. How many candidates for Ministers Plenipotentiary could the gentleman from Virginia point to in that House? If he knew one, it was more than he did. Another argument was, that diplomatic agents were not necessary for commercial purposes, but that Consuls were sufficient for this business. Commercial concerns between individuals could doubtless be so settled, but when questions came into view of

a national kind, Ministers were necessary to settle them. He had not the hardihood to say none such would take place.

But as an argument against the amendment: The persons now in office were sent to Europe under an idea of remaining there for some time, and had arranged their affairs accordingly. As it respected the present gentlemen in office, the measure would, therefore, be unjust, for it could not be supposed that they would continue to hold their offices when their salaries were reduced one-half. Besides, etiquette required that we should have the same grade of Ministers abroad that foreign Courts had here.

He concluded by observing that he forbore to follow gentlemen into observations wholly unconnected with the question before them. The present state of Europe, he said, forbade the proposed reduction of our Ministers, as there probably never was a time when trifling causes produced greater events, or when the talents of Ministers abroad might be more useful to this country.

Mr. GALLATIN said the committee had been told, in the course of the debate, by some gentlemen, that this attempt to reduce the number of our Ministers was unconstitutional; by others, that it was inexpedient; and even some gentlemen, who agreed to the general expediency of the measure, believed it would be attended with inconvenience from our present foreign relations.

In relation to the Constitutionality of the thing, he did not believe, whatever doctrine was supported with respect to treaties, that upon this occasion the committee should be told that they were interfering with the Constitutional power vested in the President. It was true that he had the general power of appointing Ambassadors, but it was not less true that the Legislature had the sole and exclusive power to provide for all the expenses of the Union. Hence arose the idea of ours being a Government of departments, so formed as to be a check upon each other. But the gentleman from Connecticut (Mr. N. SMITH) said there was no such thing as a check of departments; that each was distinct; and, though each had checks within itself, none of them checked the other. And to illustrate his position, he introduced the simile of a clock, at the same time that he told them that the Executive Department was the main-spring which put the clock in motion, whilst Mr. G. supposed he meant that the other branches were merely the hands, which moved as they were directed. But if there was any act which could not be done but by all the branches, each had its share in deciding upon the propriety of it. When a treaty was made it had been argued that that House had nothing to do but to carry it into effect; but here it was said that the House were bound to provide for every Ambassador appointed; and if, by withholding salaries, they obliged the President to send Ministers Resident, where he wished to send Ministers Plenipotentiary, they would act inconsistently with the Constitution. Though gentlemen might make speeches on this subject, they must know that where the Legislature had a right to act, it had a right to deliberate and to use its discretion. That it was better for the interest of the nation that the departments should act in union, he allowed, and also that it was right to give that support to the Executive which the dignity and happiness of the nation required.

With respect to the expediency of this amendment, he would ask whether anything had been said to show that the extension of our foreign political connexions would conduce to the greater happiness of the United States? Our present critical situation was not owing, as had been stated by the gentleman from South Carolina, (Mr. HARPER,) to our commercial intercourse, but from the operation of treaties and our political connexions. No truth was more strongly impressed upon his mind than that the extension of our political intercourse with foreign nations was highly dangerous to us. And when the gentleman from Connecticut (Mr. DANA) charged those who advocated this amendment with addressing the galleries and the people out of doors, rather than the members of the committee, Mr. G. supposed he believed the public opinion was with them, and that it was this conviction which produced the declaration. He said he thought the gentleman right, and that the people would read their speeches, attend to the subject, and decide with them against increasing our diplomatic intercourse. Could it be said that any good had arisen from this source? It was true treaties had been made, but no treaty had been made since the adoption of the present Government, by Ministers Resident at any Court at the time. If any benefits were derived to the country from the British Treaty, they must be attributed to the Envoy Extraordinary, and not to our Minister at that Court. And when our treaty with Spain was concluded, it was necessary to send a Minister Resident at another Court to do the business. Since our treaties were always made by special Envoys, what advantage could it be to have numerous Ministers Plenipotentiary in Europe? In the present critical situation of that country, agitated as it was to the centre, was it not to be apprehended that our Ministers would participate, in some degree, in the party spirit which there abounded, and rank themselves on one side or the other, which would have a tendency to draw this country into a vortex from which we were so happily separated by the Atlantic? We were the only nation, he said, who possessed a Government, on a firm foundation, in which civil and religious liberty was fully recognised; we, therefore, enjoyed what the people of Europe were seeking after. We have nothing to wish, except to remain in our present situation. Why, then, should we hazard the being involved in European broils? He had before stated that Consuls were equal to every commercial regulation, and he had heard nothing to change his opinion. Seeing, therefore, that these diplomatic agents were rather dangerous than useful, he thought it time to put a stop to their increase. It might be said that in this opinion he differed from the Executive. He felt the weight of this re-

mark, and it was with some diffidence that he expressed it; but it was his opinion, and therefore he could not withhold it. Whether the President had any information which led him to a different opinion, he could not tell; he could only act from what he knew, and he should not be deterred from forming an opinion because another department of the Government might possess information which he had not. He should follow his own opinion, unbiassed by any authority.

But it was said, though it might be proper to diminish our foreign intercourse, it was improper to do it at present. He agreed it would be wrong to do it violently. He believed that was not the intention of the mover of this amendment; but he could see no objection to saying, at this time, when the extension should cease. With respect to the gentlemen now abroad, they knew when they accepted their offices, they were liable to two events, viz: to the recall of the President, and to a refusal of the Legislature to renew the law relative to foreign intercourse, when it expired. It would, therefore, be no act of injustice to them to agree to the amendment.

Gentlemen considered the saving of a few thousand dollars a year a paltry economy, and that it was necessary to appoint men of talents fully competent to offices of this kind. He agreed, that competent persons ought to be appointed; but Ministers Resident, at a salary of $4,500 a year, were possessed of the same powers with Ministers Plenipotentiary; the only difference between them, was in their style of living. To lower the salaries, therefore, would not diminish the competition for these offices. He did not know that the one salary would command higher talents than the other; nor did he suppose that, when our Ministers Resident at Portugal and Holland were clothed with the commissions of Ministers Plenipoteniiary at Madrid and Berlin, and, of course, their salaries doubled, that their talents received the same proportion of increase.

Mr. G. insisted that his former statement, with respect to the appropriations for this object, was right, notwithstanding what had been asserted by the gentleman from South Carolina, to the contrary.

But the advocates of this motion had been charged with improperly drawing into view the subject of Executive patronage, and when speaking upon this subject, he himself had been charged with making an "illiberal and unfounded charge." That what he said might be incorrect, was probable, from the information given by the gentleman from South Carolina; but that what he said was illiberal and unfounded, he denied.

Mr. G. said, it was true, that the sum of money proposed to be saved by this amendment was not large. Gentlemen might, if they pleased, call it a *paltry saving;* but having first established the fact, that these officers were not only unnecessary, but dangerous, though the saving was not large, it ought to be made. But it was said that our Government was so pure, so untainted, that the patronage, which was wished to be guarded against, can have no effect in this country; and the gentleman from Connecticut had said, the charge could have no ground, except he had taken his (Mr. G.'s) own heart for a standard. He believed that the observations on this subject had nothing to do with either of their hearts. He should not expect much credit to be given to any declarations which he might make on that floor as to the purity of his motives. Indeed, he took it to be his duty to state his reasons for or against any question which came before the House, and after delivering them in the best manner he was able, to leave them to have the effect they deserved. He thought the gentleman's remark, therefore, unworthy of notice; but he again called upon the committee to consult the history of all other nations, whose Governments were, in any degree, similar to ours; and it would be seen that an undue extension of Executive patronage had been the destruction of them all. But was there no reason to guard against this patronage upon the gentleman's own ground? There certainly was; for, according to their doctrine, the power of the Executive was unbounded in its nature, and without check, as they say the President has a right to appoint as many Ministers as he pleases, and the Legislature is bound to provide for their salaries. When such a doctrine was avowed, was it not right, he asked, to state all the consequences to which it led? He thought it was.

Again, he would ask, whether the experience of this Government had not shown, that this patronage, so far as it related to the Legislature, was more dangerous than any other? In the last four years, five Ministers had been sent to Europe, four of whom had been taken from the Legislature of the United States—one, he believed, after the period for which he was elected was expired. Combine with this fact, that it is the duty of the Executive to choose men for office only from those whose opinions are consonant to its own, and look at the situation of members of Congress. They see written, in legible characters, "there is no hope of being appointed to office, except your opinions be in conformity to that of the Executive of the United States."

If, said Mr. G., in the youth of our country and Government, we do not feel the effect of this kind of influence, as it had been experienced in other countries, it is owing solely to that cause, and he would venture to say there was no other Legislature in existence upon which such a fact would not make some impression; and if it did not make any here at present, were they to suppose that this country was so much more favored by Providence than others, that the same effects might not, in process of time, be produced here by similar causes as in other nations? And ought they not to guard against it in time? He thought prudence directed them to do so.

With respect to the illiberal and unfounded charge which it had been said he had made—when the gentleman from South Carolina had stated, that, since the appointment of an Ambassador to Berlin, nothing had taken place which could induce us to change our views, he, in answer, stated, that there were other reasons; and

then, not as if he were making any new discovery, asked if such a fact were not recollected; but, at the same time, acquitted the gentleman alluded to of acting under undue impressions. Indeed, he knew that gentleman's opinion so well on matters of this kind, that he was certain he would have voted the money, whoever might have been appointed. But he drew the conclusion that he knew the fact, that he was to be appointed to the office at the time. If that was an illiberal conclusion, he was guilty; but when a man supported an appropriation to-day, and three days after was appointed to the office contemplated by it, it was difficult to suppose he knew nothing of it at the time. The gentleman from South Carolina had said it appeared from the Journals that he did not know of it; but he supposed, notwithstanding, that more than three days were necessary for the arrangement of such a business. But it was supposed he meant to make an illiberal attack upon that gentleman; the truth was, he did not mean the attack against the person appointed, but against the person making the appointment. He conceived the appointment improper; but he expressed himself as delicately as he was able. Now, he was put upon this head, he must go further. He found in the Constitution the following clause: "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 here he would ask gentlemen who thought Executive patronage ought not to be feared, why the framers of the Constitution inserted a clause of this kind, if they had not *feared* this patronage? It was to this clause of the Constitution, and to nothing else, that he had reference, in the allusion which he had made; and though the appointment might not be expressly against the letter of the Constitution, it was certainly against its *spirit*.

He would make only an additional remark in relation to expediency. It had been said, that to pass this amendment in our present situation with foreign countries, would tend to show an existing division between the Executive of the United States and the people. This argument might be brought at all times, as the occasions were not unfrequent in which the several branches of Government differed in opinion; nor was this to be lamented; it was natural, and what could not be avoided. But it was said that those foreign Governments with whom we were connected might take umbrage at a measure of this kind; and that when foreign countries sent Ministers of a certain grade to us, we were bound by the forms of etiquette to return to them Ministers of the same rank. To do this would be to do something more than what the President of the United States might require them to do; it was obliging the Legislature to follow, not only the will of the President, but the whims and caprices of every foreign nation who chose, from what reason nobody could tell, to send Ministerial characters to this country. To support an expense of this kind, he believed, would be making a little too free with the Treasury of the United States.

Gentlemen who supported this amendment had been charged with using declamation; yet, said he, those who thus charge us, tell the committee that we are persons who wish this country tamely to submit to the will of a foreign nation! He would ask whether or not this was declamation? He asked what connexion submitting to the will of a foreign nation had with this amendment? and what kind of difference it could make in the termination of our present negotiation, or on our conduct hereafter, whether this amendment passed or not? He could see none; and when gentlemen were told they made speeches to catch the ears of the populace, or vulgar, he thought they might with propriety reply, that nothing which had fallen from them was more calculated for this purpose than what fell from the gentleman from South Carolina (Mr. HARPER.)

Mr. N. SMITH denied that he had compared the Executive to the main-spring of a clock, and restated what he had said respecting the different branches of Government being independent of each other.

The committee rose, and had leave to sit again.

---

MONDAY, January 22.

JOHN MILLEDGE, from the State of Georgia, appeared and took his seat.

### IMPEACHMENT OF WM. BLOUNT.

Mr. SITGREAVES, from the committee appointed on the subject of W. Blount's conspiracy, reported two letters which had been received by the committee—one from the Chevalier d'Yrujo, denying that he had at any time given or promised any money or other reward to John Phillips Ripley, as stated in the deposition of Abraham Holden. He acknowledges that whilst he was in New York, that Ripley was arrested for debt, and that from his having spoken well of his character to Mr. Stoughton, the Spanish Consul there, that gentleman became bail for him. The letter from Mr. Ripley is confirmative of this statement. Both were ordered to be printed.

### FOREIGN INTERCOURSE.

The House having again resolved itself into a Committee of the Whole, on the bill providing the means of foreign intercourse, and Mr. NICHOLAS's amendment being under consideration,

Mr. GRISWOLD said, if, instead of reducing the number of our foreign Ministers Plenipotentiary, it had been the intention of the present amendment to make an inquiry into the reasonableness of the salaries at present allowed to our foreign agents, he should most cheerfully have gone into the investigation, as he believed it was a subject upon which the House had a full right to legislate; but when he heard gentlemen declare that this was not their object, but that it was their intention to check a power which the Constitution had placed in the Executive, the motion would meet his decided negative.

The ground which gentleman had taken went

to declare, that though the Constitution had said that the President, with the advice of the Senate, should appoint Ambassadors and other public Ministers, the gentleman from Virginia, and others, say that he should not do this; that they will tie up his hands so as to put it out of his power to execute this provision of the Constitution. So that in this question, the people of the United States and the Constitution were on one side, and the gentleman from Virginia and his friends on the other. For himself he had no difficulty in deciding where such were the parties.

If past experience had not taught the House that attempts were frequently made to invade the Constitutional powers of the Executive, such a motion as the present would produce surprise; but, as former attempts of this kind had not only been made, but repelled, as they ought, he trusted the same issue would take place on the present occasion.

Gentlemen had stated our Constitution as filled with balances and checks, and that different departments were intended to check each other. He allowed that each had checks within itself; but if the departments were to check each other, the Government could not proceed; and however this doctrine might be discussed with metaphysical subtlety, its tendency was to stop the wheels of Government. He hoped this doctrine of checks, which had been introduced into the House by the gentleman from Pennsylvania, (Mr. GALLATIN,) would not extend itself in this country, as it contained more mischiefs than Pandora's box. But suppose, for the sake of discussion, this doctrine were admitted, and that that House had a right to check the Executive in the exercise of its Constitutional powers, would it be proper to exercise it on the present occasion? Was it, even in the most peaceable times, proper to curtail our diplomatic corps, since our commerce spreads to all parts of the world, and disputes must necessarily arise, which could be removed only by the interference of our Ministers? Gentlemen alleged that this could be done by Consuls; it struck him not. Who were these Consuls? Men of respectability, undoubtedly; but mere moneyed men, pursuing private objects for the purposes of gain, who possessed neither leisure nor ability to manage a business of this kind. Diplomatic agents, he said, were uniformly employed in all countries, except, indeed, in Turkey, or in the tyrannical States of Barbary—States which he trusted gentlemen would not produce for the United States to imitate. If even it should be proper in such a state of things, would it be proper at this time? Was the present a state of tranquillity and peace? Were our affairs going on well? Was not Europe convulsed to the centre? Did not every day produce a revolution or a massacre? And were we unconnected with Europe? Did not our commerce carry us there, and was not our capital there? Yet our diplomatic agents are to be discontinued, and our commerce left to shift for itself, and in case of disputes no explanations could be had. The business was to be dropped at once; and what was worse, it was to be done because the Legislature placed no confidence in the Executive of the Government—because one department of Government was opposed to the other, which had the appearance of a nation fighting against itself. Were gentlemen desirous that such a picture of our situation should cross the Atlantic? He thought no gentlemen could say this would be acting prudently.

But, notwithstanding these considerations, gentlemen still say this motion ought to be agreed to, because the Executive is already possessed of immense patronage, which is spreading its influence through every department, and has become so alarming as to make it necessary to sacrifice every consideration in order to have it lessened. When he heard language of this kind, he could scarcely refrain from smiling. What, he asked, was this alarming influence? It could not be doubted that in some Governments where the appointments were numerous, and where the Executive was a permanent establishment, immense influence might be acquired. But what was the situation of our Executive? It was true, it had the power of appointing to office; but the offices were not very desirable, and the execution of some of them was attended with obloquy and reproach; besides, the duration of our Executive was limited to a four-years lease. And yet gentlemen charge the Executive with being possessed of an influence which they foretell will be the destruction of Government. Such opinions he could only consider as mere chimeras of the brain, supported upon no rational ground.

But gentlemen went further, and said that this power had actually been abused, as the Executive, in his appointments to office, had respect to the opinions of those whom he chose. He confessed that he had thought, from some appointments which had been made, that the President had not adopted the determination which some gentleman were of opinion he had, though he acknowledged it was a determination which every real friend of the Government must wish to see adopted. Could it be believed, that the President would not have some respect to the opinions of the men he employed? Gentlemen could not believe this. What! employ men whose very opinions and principles led to disorder!—to appoint men to office for the purpose of preserving order and peace, whose very opinions lead to disorganization and confusion! Was this to be done? He thought not; and if the determination of attending to the opinions of men appointed had not been adopted, it ought to be adopted. Indeed, he had been led to believe, that there was a class of men in this country, who, from the sober conviction of their minds, being convinced that most of the measures of Government were wrong, had determined not to accept of any office under it, and, by that means, assist in its execution; but if he rightly understood the gentleman from Georgia, (Mr. BALDWIN,) he supposed he had been deceived in this respect, as he seemed to say, that they were not only willing, but desirous, of accepting offices under Government. He could not have believed this, as it supposed a baseness of character which he had

hoped did not exist in the United States. What! were gentlemen who had been uniformly opposed to every measure of Government, now ready to step in and take part in the execution of that Government? Were they willing to become the justifiers of those measures which they have heretofore uniformly declared to be wrong? He had hitherto respected this class of men, because he believed they acted from conviction; but if they were about to add hypocrisy to their other crimes, it was a proof of their total want of integrity. Indeed, for a man to say Administration was right, when he believed it wrong, was to prove that he had *no conscience*. He thought, therefore, it was highly proper to choose men only into office who would act from principle.

He concluded, therefore, upon every ground, that the motion was wrong. Mr. G. said that he could not sit down without noticing some sentiments which fell from the gentleman from Virginia, which wore a serious aspect, and seemed to aim at the very existence of our Government. That gentleman began his speech by telling the House that all representative Republics naturally tended to corruption, and that Republics were capable of attaining to more tyranny than Monarchy, and to more oppression than Despotism. [Mr. NICHOLAS explained what he had said.] Mr. G. insisted upon being correct in his statement; but he said the gentleman did not stop here. The remedy for these evils, he said, was only in feeble minorities—in short, that the few were to be set against the many. This was denouncing Republics with a vengeance—it went to the very foundation of our Government. It was a doctrine which he never expected to hear in that House; it was a doctrine which went to say that no Representative Republic ought to exist. But, he firmly believed, that instead of depending upon minorities, the people of this country would always depend upon majorities, whom, he doubted not, would continue to preserve things as they ought to be. That the few ought to be attended to, in preference to the many, was a doctrine which might suit Aristocracies, but it would not do for this country. He did not see how this observation was connected with the gentleman's motion; but he thought it was an attack which ought not to pass unnoticed, which must be his apology for the digression which he had made in these remarks.

Mr. BAYARD began his observations by remarking, that the gentleman from Virginia had said that it was not his design that his motion should have an immediate effect upon the Ministers at present employed. If the gentleman was sincere in his avowal, it was clear that he did not understand his own motion; for, whatever amendment was introduced into the third section, which the gentleman had intimated might be so amended as to give the regulation a distant operation, as it only related to the sum of money to be appropriated, it would not enable the President to employ a Minister Plenipotentiary, besides those at London and Paris, at a higher salary than $4,500.

Some gentlemen have said, it was idle to talk about this House having the power to appropriate, without having the power at the same time to use their discretion. He contended that the power of appointing Ministers was vested in the President, and the House had no right to believe he would abuse this power. It had been supposed by the gentleman from Pennsylvania, that he might appoint an indefinite number of Ministers; and were the House, in that case, he asked, blindly to appropriate for them? This question was predicated upon an abuse of power, whilst the Constitution supposed it would be executed with fidelity. Suppose he were to state the question in an opposite light. Let it be imagined that this country has a misunderstanding with some foreign Power, and that the Executive should appoint a Minister, but the House, in the plenitude of its powers, should refuse an appropriation. What might be the consequence? Would not the House have contravened the Constitution, by taking from the President the power which by it is placed in him? It certainly would. So that this supposition of the abuse of power would go to the destruction of all authority. The Legislature was bound to appropriate for the salary of the Chief Justice of the United States, and though the President might appoint a *chimney-sweeper* to the office, they would still be bound. The Constitution had trusted the President, as well as it had trusted that House. Indeed it was not conceivable that the House could act upon the subject of foreign Ministers. Our interests with foreign countries came wholly under the jurisdiction of the Executive. The duties of that House related to the internal affairs of the country; but what related to foreign countries and foreign agents was vested in the Executive department. The President was responsible for the manner in which this business was conducted. He was bound to communicate, from time to time, our situation with foreign Powers; and if plans were carried on abroad for dividing or subjecting us, if he were not to make due communication of the design, he would be answerable for the neglect.

But, without determining the point, how far it was Constitutional for the House to interfere in the present business, it certainly would not be prudent to do so at present. Ambassadors had been called "honorable spies" to watch the operations of foreign Governments, in order to inform their own Government of every proceeding likely to affect it; and, surely, if ever there were an occasion which called for such spies, it was the present, when we saw every principle of ancient order overthrown, and principles of disorder and villany introduced which were never known in ancient establishments. Was it not seen that those countries which were most powerful were dismembering and dividing those which were weak; and, in order to settle terms of peace, no scruple was made to cede an independent Government and country, as a balance in the treaty. Nay, he did not know but at this moment foreign Powers might be negotiating for a division of these very States!—as a make-weight in some adjustment of belligerent differences. He trusted, therefore, our Ministers would not be at present

recalled; for, though they might not be able to dive into the secrets of foreign cabinets, they would doubtless communicate such information as would be useful, and there was no probability of their doing any harm.

But gentlemen wished, instead of multiplying our foreign connexions, that we should recall every foreign agent at present employed; if even this were the wish of this country, did it follow that it would be the interest of the Powers of Europe to follow the example? If we refused to send them Ministers, they would send theirs to this country, and the danger in this business did not arise from our Ministers going abroad, but from foreign Ministers coming here. And if foreign agents were sent here, it was certainly policy, for the sake of information, and for the cultivation of harmony and friendship, that we should return the compliment.

But gentlemen said these appointments ought not to be made, because they increased Executive patronage. In addition to what had been said on this subject, he would remark, that, so far from these appointments multiplying the friends of the President, he believed they increased his enemies; for, by serving one person in an appointment, he alienated the affections of twenty others by disappointments.

Gentlemen had talked much about checks. He believed they were sincere when they wished the Executive to be checked; he believed they would check and countercheck him, until they stopped the wheels of Government; and when he was manacled, and laid at the mercy of the House, they would be satisfied. For his part, he thought the Executive the most weak and infirm branch of the Government; and that, if anything were to be feared, it was from its weakness. It was not a Constitutional idea that this House should check the Executive, but that the President should have the power to check the Legislature. For what reason? Because the Executive power was defined; its prerogatives are all specified; it could not act improperly, without the act being palpable to all the world. But the limits of the House of Representatives were undefined. The Constitution checked the President, but it was necessary for the President to check that House, for gentlemen could not suppose that a popular body like that of the House should be immaculate, and that no *esprit du corps* would ever lead it to do business which did not properly belong to it. It was the nature of such a body to be more ambitious than an Executive defined as ours was. The people of the United States, therefore, had more to fear from that House than from the President of the United States. The President had it not in his power to do much mischief, but it was in the power of that House to destroy the Constitution.

Gentlemen had compared the patronage of this Executive with the patronage of the Executive of the English Government. As well might they compare Calvin Philips to the Irish Giant. In this country, what was the power of this patronage? An army of three or four thousand men, a navy of three frigates, a number of Collectors and Supervisors, whose salaries were sufficient to furnish their daily bread. What was the case in England? An army almost without number, a navy incalculable, a church patronage unlimited, an order of nobility without number—sources which furnished objects of temptation to almost every individual; besides, the civil list of a million a year! But what had the President of the United States? About as much as would furnish his firewood and table! Yet these two situations had been compared with each other. But, notwithstanding the immense patronage of the English Government, if the principle of equal representation were introduced into their House of Commons, he believed, notwithstanding all the power of the Executive, they would lop off prerogative after prerogative, till, though there might remain the features, the substance of monarchy would be gone.

Gentlemen who advocated this amendment seemed to do it because men of a certain opinion were appointed to office; as if they were to say, "We know our principles are such, that we have no chance of being appointed; therefore, we will not suffer the President to appoint anybody else." The gentleman from Georgia had expressed great surprise on hearing this principle avowed. But he asked whether this was not a principle of the first authority in this country? It was the principle upon which the sovereign people themselves acted. Did they ever choose Representatives of a different opinion from themselves? He believed no one would say they did. If he, or the gentleman who differed from him, held different opinions from those they held, they should not appear in their present situations. The President was, therefore, justified in acting in the same way; and if he had ever deviated from it, the deviation had convinced him of his error; and, profiting by this experience, he trusted a similar conduct would be avoided in future.

Something had been said about the Constitutionality of the appointment of our present Minister to Portugal. The gentleman from Pennsylvania had supposed that, when the gentleman who was appointed advocated the appropriation, he knew that he was to be employed. He believed it had been incontrovertibly shown that this was not the case; but the gentleman had since said that he did not mean to cast blame upon him, but upon the President. Mr. B. denied that the President had acted unconstitutionally, as had been insinuated; and he thought, when it was known with what delicacy the President had acted, in refusing to accept of the house which had been built for him by the State of Pennsylvania, a charge of this kind ought not to have been brought, without better ground for it. The office which the gentleman from South Carolina had accepted was not created by the appropriation—it existed long before. Nor was it created by any law, but by the President. Nor was the salary increased, as the salary of a Minister Plenipotentiary was long ago settled. But, though it was not within the letter of the Constitution, the

gentleman said it was within its spirit; but he did not know how that gentleman's sagacity found a spirit not expressed in the Constitution.

Mr. DENNIS rose with diffidence on this subject, after it had been so ably discussed; but he thought there was a point of view in which it had not yet been placed. The question naturally divided itself into two parts: the first relative to the powers of this House; the second, admitting the powers of the House, as to the expediency of the measure. This measure might be again subdivided. The power contended for, was not a mere negative power of control, but a creative power, as it went to fix the grade and number of Ministers to be employed. He believed it was necessary that the supporters of this amendment should prove the power of this House to assist in the appointment of Ministers, and in the fixing of their grade; to show also that the President could, in no case, proceed to nominate a Minister, before a bill had first gone through the Legislature making the necessary appropriation. If they could not establish this, a great part of their argument would fall to the ground. Amongst all the novelties of the present day, he did not think this the least. He believed the doctrine was founded in error, that it had never before been advanced, and that it was contradicted by every act of Government. If this doctrine was well founded, why did not gentlemen come forward at the last session, when appropriating for the expense of an Embassy to France, and say there should be one, two, or three, Ministers employed? Indeed, if they believed the President had no right to proceed in this business without the concurrence of this House, why not institute an impeachment against the President for outstepping the bounds of his power?

It was supposed there existed the same right in this House to regulate the number and grade of Ministers, as to regulate the number of Judges; but it was quite a different thing. Regulating the number of Judges was a strictly Legislative act; but the appointment of foreign Ministers was as strictly Executive. If this were not so, and the House were to act upon the subject, it would be necessary for them to be possessed of all the information which could be had on the subject.

It was asked, if there were no case in which the Legislature could refuse an appropriation when it was required by the President? It was sufficient for him to say that the case before them could not be of that description. He believed cases might exist, in which a refusal would be justified; but it would be one of those glaring cases which would at once appear. Such a case, as in the Judiciary Department, when juries determine damages to be so enormously high or low, as to induce the Judges to intercede for a new trial.

Mr. D. took notice of what had fallen from Mr. GALLATIN, as to the possible abuse of this power of the Executive, and replied to it; and alleged that the reasonings in support of the amendment went more to an annihilation of the diplomatic corps than to a reduction of it. He also touched upon the distinctions which had been made between political and commercial agents, and supposed Consuls insufficient to answer all the necessary purposes of commerce.

The gentleman from Virginia had urged the propriety of the adoption of this amendment, from the fear of the Executive branch of the Government swallowing up the rest. If he believed any danger from the abuse of this Government, he should expect it to arise from this House, and not from the President. He should be warranted in this opinion from what had been seen in this Government, and by the experience of other nations. His inferences from facts and history were different from those drawn by other gentlemen. The annihilation of liberty had always been occasioned by encroachments of the popular branch of Government. The English Government, for instance, had originated in a monarchy and aristocracy. It had at first no democracy in it. It was, however, by degrees introduced; and in their revolution, monarchy and aristocracy were annihilated, and the Government became a Government of five hundred and fifty-eight despots. The next important era in the history of that nation was about the termination of the American war. At that time the monarchy became unpopular; the democratic branch became noisy and clamorous, and wished to annihilate the Government. Their power was so great that the King was obliged to turn out his Ministers, and an appropriation was refused for the ordinary expenses of Government. To such a height was the opposition carried, that there were four different administrations in two years. It became necessary for the Crown to be subservient to the views of the House of Commons, and Mr. Fox and his adherents were admitted into office; yet they were discontented, and the King was obliged to dissolve the Parliament. Before the new election, the spirit of the nation, however, so favored the monarch, that sixty of the most violent members were thrown out of the House, and to this violent disposition of the Commons was it chiefly to be attributed that the Crown now enjoys so much power over the other branches of Government. He did not know but bribery and corruption had had something to do in the business; but he mentioned these circumstances to show that the change which had taken place in that country had been chiefly owing to an imprudent democratic spirit. He thought it ought to operate as a warning to this House, never to assume powers unauthorized by the Constitution; as every encroachment of this kind, when it was unsuccessful, never failed to strengthen that power which it meant to crush.

If, said Mr. D., the Executive of this country possesses more influence than he ought, it does not arise from patronage, but from the spirit of finding fault with Executive measures so frequent in this House, and from the turbulent spirit which had, from time to time, been shown. The ratification of the British Treaty occasioned a partial disapprobation of Executive measures, as any movement which Government could have made at that time would have done; as what would have

been pleasing to one set of men would have been displeasing to another. But he believed that this House refusing afterwards to appropriate money to carry it into effect, produced greater unpopularity towards it than had before been produced towards the Executive, as it excited an alarm that the House of Representatives was about to swallow up the powers of the other departments of Government. An election having since taken place, this circumstance, it was probable, had produced a majority in both Houses generally in favor of Executive measures.

Mr. D. concluded by saying he did not agree with the gentleman from Virginia that republican Governments were more subject to patronage and corruption than any other. Mr. D. took a view of the patronage of the British Government, and spoke of the permanent nature of their Executive; but the acts of our Government, he said, were perpetually before the people; the periodical reversion of power into their hands enables them to mould the Government to their will; and though some particular branch of it might be unpopular for a time, it could not long remain so; and he knew of no mode of corrupting the Government whilst the people remained incorrupt. He was of a very different opinion from the gentleman from Virginia, in respect to the present situation of the Government of this country. His idea was that the people of the United States had come to an enlightened understanding of their duty; but, if there should be any danger of shaking the Government, he believed it would arise from this House, and from no other department. But, he believed, the dangers which were now conjured up were rather the dreams of a disordered imagination, or the crudities of indigested political opinions, than produced by any real cause; he hoped, therefore, the motion would not be agreed to.

Mr. BRENT did not intend to have taken any part in the debate on this subject, but he had been induced to rise from the manner in which every one who favored this amendment had been spoken of; from which, and the anathemas which had been pronounced against them, he thought it behooved every member in favor of the amendment to come forward and express his opinion.

The objections urged against the amendment, he believed, might almost be confined to two, namely, the incompetency of the House to make the regulation and the inexpediency of the measure.

With respect to the first, he acknowledged, he did believe it would have been impossible for those who were the most strenuous for the advance of Executive power to have made an exception; but, contrary to his expectation, it had been made. They were told that the President of the United States only knew whether it was proper to send Ministers abroad, and that whenever he made an appointment it was a duty necessarily attached to this House to make an appropriation, and that they should violate their Constitutional duty if they exercised any discretion upon the subject. He thought the debate which took place when the subject of foreign intercourse first originated, extracts from which had been read by his colleague, would have satisfied every gentleman as to the understanding then had upon the matter, as they were the sentiments of men who had always been in favor of extending the Executive power as far as it could be pushed. He asked whether it was not a subject of serious regret to every man who wished to preserve the Government in due execution, that the doctrine every where acknowledged a few years ago, should now be deemed unconstitutional, and that those who advocate it should be charged with a desire of prostrating the Government, and with being disorganizers and friends to confusion.

It was from this source he apprehended danger more than from any other. But, for the sake of argument, he would admit that the opinion of gentlemen on this subject was correct, that when the President has determined upon the appointment of foreign Ministers, it is an indispensable obligation on Congress to make some appropriation. Yet it did not follow that this amendment in any degree violated this principle. None of those opposed to this amendment have contended that an obligation to make an appropriation prohibited the power of discriminating the quantity of it. If this were true, they would find by the amendment that Ministers to Portugal, Prussia, and Spain, may yet remain as they are, provided they are satisfied with the salary of $4,500, which, it is thought, will be sufficient for any business to be done at those Courts. Upon the principle, therefore, of those Constitutional heroes there was no violation of their doctrine.

The doctrine of checks and balances which had been laid down by the gentleman from Pennsylvania, had been called novel, and calculated to stop the wheels of Government. Another gentleman had told the committee that those who advocate this doctrine meant nothing less than the total overthrow and destruction of the Government. He believed it might, with great propriety, be retorted upon this gentleman, that those who treat this doctrine as novel are the gentlemen who go for the overturning and destruction of the Government. For himself, he considered this doctrine as a vital principle; not as introduced by the gentleman from Pennsylvania, but as a thing which may be found in every feature of the Constitution. But it was a memorable circumstance, illustrated in the speech of the gentleman from Connecticut, that when gentlemen endeavored to prove an unfounded doctrine, one part of their argument frustrated another. This remark applied to the doctrine of checks and balances; for, though they deny the doctrine, yet they say there is no rational apprehension of danger from the power of the President, confined as it is by the appropriations of this House. Thus, while they are rejecting the doctrine of checks, and spurning at those who support it, when it suits their argument they themselves acknowledge it.

It was true, when the power of the President was considered on a rational ground of construction, there was no serious cause of alarm; but

when they found novel Constitutional doctrines introduced by those who consider themselves as patrons of Executive influence, and doctrines which formerly universally obtained now exploded, there was serious ground of apprehension.

It was asked whether, if it was proper at all to reduce our foreign Ministers, it was proper at this time, considering the state of this country and of Europe? The remark that this is not the proper time was constantly suggested whenever a reform was proposed in any country, and dreadful phantoms were constantly conjured up to maintain institutions which could not be otherwise supported. Why was the present moment more inauspicious than any other? Admitting the tumultuous situation of Europe to be as described, was there any danger from withdrawing our Ministers from Portugal and Prussia? Or, if we were in hostility with them, what effect could it have on the United States? Both were destitute of any means of injuring each other, as much so as two men would be who were bound hand and foot. Ministers were proposed to be retained at London and Paris, and, if it would accommodate gentlemen, he should have no objection to agree to a Minister Plenipotentiary to Spain, though he saw no occasion for it. He was no friend to diplomatic characters abroad. He believed foreign Ministers had been the curse of modern nations for many years.

A subject of a very delicate nature had been involved in this. It had been remarked by his colleague, and had been acknowledged with signs of exultation from another quarter, that there existed a disposition in the Executive to choose to office men of a particular political opinion; none but those devoted to the Administration, and ready to justify every measure it has ever taken. Instead of denying the charge, gentlemen rejoice in the truth of it, and declare it has never been departed from but the Government has had cause to regret the departure. The gentleman from Connecticut went further. Would not the President, said he, be guilty of inconsistency to admit any gentleman into the Government who had been opposed to the measures of the Executive? "What! (exclaimed he) admit men who are disorganizers; men whose opinions are calculated to produce confusion and to overthrow the Government!" And would that gentleman seriously and solemnly, before this assembly, undertake to anathematize, as hostile to every thing valuable in society, all those who think unfavorably of some of the measures of the Administration? If he did, Mr. B. believed the world at large would give him credit for the goodness of his heart! The world at large knew that many of the patriotic and distinguished citizens of the United States, from the most amiable motives which can actuate the human heart, dissented from the views of the Executive; many who are as much devoted to, if not infinitely more so, and admirers of the Constitution, as those who make their boast of being so.

Would that gentleman tell the committee, for instance, that if one of the legal characters of this country, eminently distinguished in every duty, either public or private, should unfortunately be of opinion, from the experience of his best judgment, that some of the measures of the Administration have been unfavorable to the true interests of the country, that he is therefore disqualified from occupying a legal seat under Government? Did he suppose he ought to be driven from his situation because some demagogue, ready to sing hallelujah to every object of Government, was ready to receive it, and the other be pointed at with scorn and reproach? Yet this was the consequence that must continually follow the adoption of such a conduct by the Administration; and, therefore, though he had heard it reiterated that such was the line of conduct adopted, he should require still stronger reasons to believe the fact. If he did believe it he should believe there was a strong disposition in the Administration to foment divisions among the people of the United States, to incense one part of the citizens against the other, that, perhaps, when they were brought into that situation, and fury and madness reigned, they might attain ends which they knew never could be attained whilst they remained under the influence of reason. Until unequivocal evidence of a fact so alarming in its nature was adduced; until "proof strong as holy writ" appeared, he would not, therefore, believe it.

The committee had been told that the Executive had never departed from his line of conduct but he had had serious cause to lament it. The allusion was well understood. Our affairs had called an eminent character from abroad. If the Executive of the United States had had serious cause to regret having once employed this character, that it should be formed of such materials as to regret it, gave him concern. He believed the true interest of the country would wish him yet in that station. He believed we were indebted to him for the peace we now enjoyed; and, so far from regretting his having been in office, he felicitated the country in having had such a character employed at the important moment in which he served the United States.

The gentleman from Connecticut had proceeded to say, that no man who did not approve of the measures of the Executive could conscientiously accept of any office under Government. He differed in this, as he did in most other things with that gentleman. He thought the instance he had adduced was an exception; and he would produce others. Might not a man honestly accept of a miltary office; a collector of duties; or almost any other office under Government, though his political opinions differed from that of the Executive?

His colleague had been very severely animadverted upon for stating representative republican Governments as tending towards an adhesion of parts, and, by that means, towards corruption. He had imagined, from his acquaintance with that gentleman, that he would never have been charged with a want of attachment to a republican Government, and a fair construction of what

he had advanced, would go to support that opinion. His wish was to preserve the Government in purity, and nothing more.

Mr. B. concluded his observations by a remark upon what fell from the gentleman from Delaware, (Mr. BAYARD,) respecting the President's power of nominating to office making him more enemies than friends. He thought him entitled to all the celebrity of a new discovery; but, before he sat down, he seemed to contravene this opinion, by stating it as the cause of the great power of the King of England, that he had so very extensive an appointment to office! He left the gentleman to reconcile two opinions so opposite.

The committee rose, and had leave to sit again.

---

THURSDAY, January 23.

A message was received from the Senate informing the House that they had passed the bill to amend the several acts for laying a duty on spirits and on stills, with amendments.

Mr. HARPER, from the Committee of Ways and Means, reported a bill making appropriation for the service of the year 1798, which was twice read and committed.

The amendments of the Senate to the bill for suspending the act relative to foreign silver coin, were agreed to.

## PERSONS IMPRISONED FOR DEBT.

Mr. SITGREAVES moved that the Committee of the Whole, to whom had been referred the Message of the President of the United States, and the report of the Attorney General, relative to the law for the relief of persons imprisoned for debt, be discharged from the further consideration of them, in order that they might be referred to a select committee, which he should move to be appointed, to inquire whether any and what alterations are necessary in that law. Both motions were agreed to, and a committee of three appointed.

## RELATIONS WITH SPAIN.

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

*Gentlemen of the Senate and*
*Gentlemen of the House of Representatives:*

At the commencement of this session of Congress, I proposed, in the course of it, to communicate to both Houses, further information concerning the situation of our affairs in the Territories of the United States situated on the Mississippi river, and its neighborhood; our intercourse with the Indian nations; our relations with the Spanish Government, and the conduct of their officers and agents. This information will be found in a report of the Secretary of State, and the documents accompanying it, which I now present to the Senate and House of Representatives.

JOHN ADAMS.

UNITED STATES, *January* 23, 1798.

## FOREIGN INTERCOURSE.

The House having again resolved itself into a Committee of the Whole on the bill providing the means of foreign intercourse, and Mr. NICHOLAS's amendment being under consideration,

Mr. FINDLEY believed, if the amendment under consideration had been argued only upon its proper ground, its expediency, he should not have troubled the House with any observations upon it; but this ground had been widely departed from. The arguments of gentlemen who supported it, had not only been misapprehended and misstated, but they themselves had been charged with the worst intentions. He had sat a whole session of Congress, and had not heard so many misrepresentations, and so much play upon words, as he had heard in this debate. Though he did not possess the eloquence and delivery of other gentlemen, he would, at least, endeavor to set them an example of candor.

It might have been fairly argued, whether it was now expedient to narrow the extent of our diplomatic corps. This of itself would have afforded a pretty large field of discussion, and upon this ground, he supposed, the question would be finally decided. Indeed, all questions which came before the House were determined upon the principle of expediency. That the present question stands on this ground, was acknowledged by gentlemen on both sides of the House; for it had been admitted, by those opposed to the amendment, that if the President were to appoint a large number of Ministers, (a hundred had been mentioned,) the House would be justified in refusing an appropriation.

The gentleman from Connecticut (Mr. GRISWOLD) had said, that the Constitution declared that the President should have the power of appointing to office; but that the supporters of this amendment declared the contrary. This was misrepresentation. The question was not, who should be appointed, but what offices should be retained; and he always understood it to be the proper business of the Legislature to institute offices, and to fix the salaries of the persons who should fill them, but no further. The Constitution gave to the President the power of "appointing Ambassadors, other public Ministers, and Consuls, Judges of the Supreme Court, and all other officers of the United States, which shall be established by law." There seemed to be a distinction between officers appointed by the Constitution, and officers appointed by law. Foreign Ministers and Judges were officers appointed by the Constitution; but did the Executive ever appoint a Judge before his office and salary were appointed by the Legislature? no more than he would proceed to appoint military officers or Ambassadors, whose offices were not fixed by law. But it was yesterday said that Congress had nothing to do with foreign intercourse, and that they had no right to investigate it. He was surprised to hear this. Was not the power of declaring war placed in Congress? And was this power no way connected with our intercourse with foreign nations? And if the power of declaring war was in Congress, were not those powers also placed there which should enable them to judge upon the propriety of such a measure? They certainly were, since it was not expected that power should be exercised blindly.

But the committee was told, if they exercised this power, that they should "stop the wheels of Government"—a favorite expression of a favorite author.* How was this to be done? If the doctrines of the gentlemen opposed to this amendment were to prevail, they would, at least, *stop the wheels of this House.* But it was stated to be the intention of those who advocated this amendment, to check and counter-check the Government, until they stopped it altogether. This was a novel declaration. He believed the doctrine of checks, as had been stated, had been imported, because he did not believe the Aborigines knew anything of it; but if the Governments of this country were traced to their source, it would be found to be interwoven in them all. The patronage occasioned by appointments to office had always been a serious question in forming both State Governments and the General Government. In some States power was divided between the Legislature and the Executive; in other States, the jealousy which existed in this respect had placed the power in the Legislature. Were it necessary for him to give an opinion on the subject, he should have no hesitation in declaring, that this power was improper to be placed in a Legislature; and that by placing it there, in endeavoring to avoid one evil, they laid the foundation for a greater.

When the Constitution of the United States was under consideration, it was well known to those members of the committee who were present at that time, (and some he saw,) that this was an important question. It was thrown into different shapes, until at last it was adopted, as it appeared in the Constitution. This regulation was adopted upon principle, and was not a mere arbitrary thing. The power of appointing to office was brought down by placing a part of it in the Legislature. It was further restrained by prohibiting any member of the Legislature from enjoying, during the period for which he was elected, any office which should have been created, or the emoluments of which should have been increased, during that time. Thus, holding up to view the avenues by which corruption was most likely to enter.

But they had been told the President was a check upon the Legislature, the Senate upon the President and House of Representatives; but that the House of Representatives had no check upon the Executive. If this was the nature of our Government, he must own he was ignorant of it, though it was well known he had been pretty conversant with it since it had an existence. He believed it was not without reason that the sole power of originating money-bills was placed in the House of Representatives, which was an actual check: he was early led to this opinion. When the Constitution was under consideration, this was asserted by men well acquainted with the subject as an effectual check; though it was also predicted that the day might arrive, though it was thought to be very far distant, when it might be considered otherwise. But he was sorry to find that day was now come, so much sooner than it had been predicted.

In the year 1796, our diplomatic intercourse was first enlarged. He then voted for it, not because he was convinced it was necessary, but because he had not an opportunity of knowing it was not necessary; and he therefore trusted to the Executive judgment—not that he considered himself as a mere *machine*, and that he was bound to appropriate because the President had sent an estimate to the House. This doctrine was not then avowed; if it had been, he believed it would have startled the House. He voted for it as a temporary measure; and he did not think, if the appropriation was now withheld, that the House could be charged with entering into the Executive chair, and with doing Executive business. In order to keep the subject completely within the power of Congress, the law had been passed only for two years, upon the same principle that the law was passed with respect to a standing army. He therefore submitted it to gentlemen to determine which was the new doctrine, that in support of the amendment, or that produced against it.

In order to support the necessity of Ministers abroad, gentlemen had stated it to be their business to watch the proceedings of foreign Courts. That this might have been the case, he had no doubt; but he believed we had no proof of this watchfulness of late. He feared they were more frequently employed in forming plots, with which they had no business. We had a Minister at a certain Court, he said, and though an order was issued which placed our commerce upon a most dangerous footing, yet we never heard of it, until we heard of its execution. Upon the whole, he believed Ministers Resident were equal to any business we had to do in foreign countries, and a salary of $4,500 had never been complained of as being too low. As to what gentlemen had said about other nations sending Ministers to this country, and that, therefore, we ought to return Ministers of the same grade to them, this could not be a governing principle with this country. We had to consider our own advantage, and let foreign nations attend to theirs.

But it was observed, that no branch of Government was to be supposed capable of abusing its powers. This was contradicted by the Constitution, for it had guarded against this abuse in the Executive. Gentlemen spoke of this amendment as calculated to injure the President; he did not see how that could be. Refusing to appropriate money for any object which he was of opinion ought to be effected, could be doing him no injury; if it were, he had been much injured during the Summer session, as Congress had declined to act upon several subjects which he had recommended to them.

The gentleman from Delaware, (Mr. BAYARD,) in speaking of the inconsiderable nature of the patronage of our Executive, to show there was no danger to be apprehended from an extension of it, compared it to the patronage of the Crown of England, the extensive source of which he did not consider as dangerous, but as necessary to preserve the

*Peter Porcupine.

monarchy. To hear this doctrine on this floor astonished him, as well as the use made of it. Here, he stated, the patronage was not dangerous. Why? because a greater was necessary to the Monarch in Great Britain to preserve his power; and, he supposed, as a necessary consequence, therefore, it was necessary here, *to promote a monarchy!* Gentlemen delighted to dwell on this theme, and to prove that all danger was to be apprehended from popular Governments. It was his opinion that it was necessary, in order to preserve republican purity in our Government, to guard against the extension of Executive patronage. He might call to his aid, to prove this, the history and experience of all ages and nations, which would show that republican Governments, corrupted, were worse than monarchies. Mr. F. then took a view of the different popular Governments which had formerly existed in Europe, and showed that the spirit of despotism in the Executive had wholly destroyed and absorbed the popular branches.

Ungenerous allusions, the tendency of which he did not understand, had been made against persons from foreign countries. It had been the constant policy of this country to admit as citizens, after a certain period, persons from all countries. Our Constitution and laws admit of no distinction of citizens. Why, then, was it now thought to be dishonorable not to have been born in this country? If this principle had been introduced sooner, he should have been saved some trouble; for he, though born in a foreign country, had been elected by the citizens of this country to transact their Legislative business for many years, and he did not think that they ever conceived their Representative would have heard it insinuated in this House, that he ought not, on that account, to be considered upon the same ground with other members. Lest this sentiment should not have had its force, it was repeated, stating, that our danger did not arise from foreign correspondence, but from the importation of foreigners. He did not know what all this meant, except it were to destroy the harmony existing between the citizens of the Union, who were of all countries. But in connexion with this, something had been said which seemed to show the aim of gentlemen. These persons were called enemies of Government, and were charged with making attempts to overset it, and even this amendment was stated as being intended to have this effect. He asked whether such charges were addressed to the reason of that committee? The friends of the amendment had been charged with addressing the people out of doors; but surely nothing was better calculated than such charges to catch the public ear. But surely, if there were any attempt existing to overturn the Government, it was a crime of a very high nature, and ought not to be passed over.

The gentleman from Maryland (Mr. DENNIS) had said something about an attempt to overturn the Government, by this House, when the British Treaty was under consideration. He knew there was an attempt made to give a new sense to the Constitution; an attempt was made to pass a vote in its favor upon principle, instead of expediency, and by doing so, to declare the House had no discretion in appropriating to carry into effect a treaty; if that point had been carried, it would have been oversetting a well established Constitutional principle, but it was not carried.

Mr. F. acknowledged it were only a few men who made use of this violent kind of language, and he knew their characters. They were chiefly men who had been accustomed to make harangues in county courts, where such liberties were usually taken.

Mr. ISAAC PARKER apologized for rising in so late a stage of the debate, especially as he did not know that he should offer anything which was new upon the subject before them; but he thought it necessary to state his opinion upon some things which fell from the gentleman from Virginia.

He considered this amendment merely as a text thrown out for political discussion, the ground of which had been considerably changed. Indeed it was no uncommon thing when gentlemen found their measures meet with greater opposition than they expected, to endeavor to give them a different aspect. The gentleman from Virginia, (Mr. BRENT,) yesterday, confined the object of the motion to a narrower ground, and exhibited it in a less formidable shape than that in which it had before appeared. The mover of the amendment set out with declaring it to be his intention to bring back our diplomatic intercourse to what it was in the year 1796; but there was no principle in that law similar to this amendment. There was nothing there but an appropriation of money, without any reference to the grade of Ministers to be employed.

But the gentleman wished to limit the patronage of the Executive without bringing any proof that this power had been abused; but having no ground of this kind to go upon, the gentleman had invented a number of theories of his own, unsanctioned by experience. He stated that the form of a Government was of little consequence. For his part, he thought the people of this country were well assured of the importance of a republican form of Government so construed as to preserve its purity; but now they were told everything depended solely upon the *execution* of a Government.

In support of this principle, the gentleman had asserted that Executive patronage was more dangerous in republican Governments than in monarchical ones. If this were true, he was misinformed by history. There were few Governments in the world which partook of the republican form; he knew of none but those of this country, Great Britain, and the present Government in France. All the other Governments with which he was acquainted, were either monarchies with some small check, or civil despotisms. All reforms which had taken place in the European Governments had been produced by representative bodies. He instanced the Revolution in France, which he stated as being produced by the King's convoking a representative assembly for the purpose of extricating himself from his diffi-

culties. But the gentleman from Virginia, Mr. P. stated, had said that the liberties of the people of England were in greater danger than if they had no representative body; but he believed the reform of that Government from an absolute to a limited monarchy, had been occasioned by the people. So soon as representatives of the people were admitted into the Government, the reform begun, and continued until it became much more beneficial to the people than it had before been.

Mr. P. wished to examine into the fact whether republican Governments were not preferable to any other. He believed that this country was indebted for its independence to the republican Governments of the individual States. If it had not been for them, he believed, these States would still have been a colony under Great Britain. But, by the people having the privilege of electing enlightened citizens into their Legislatures, who were aware of the disadvantages under which the country labored from being subject to a foreign Power, this disadvantage was shown to the people, and it produced a spirit favorable to independence. He had therefore adopted a different opinion from that avowed by the gentleman from Virginia; he believed a republican Government, the best possible Government for securing the liberties of a country. He believed there might be abuses in republican Governments, as well as others; but no fact had been adduced to show that abuses existed in our Government; nay the gentleman from Pennsylvania (Mr. GALLATIN) acknowledged—and he was glad to hear the acknowledgment—that our Government was as yet tolerably pure. Why, then, go into measures to prevent mischiefs, which are unlikely to take place? But, it was said these mischiefs were to arise from the power of the President to appoint to office. It was true, the President had this power, but it was also true that the Senate participated with him in that power; so that if any patronage attended it, it was divided between the two departments, and it could not be supposed that the Senate, composed of gentlemen of the first talents, from the different parts of the Union, would be likely to misuse this power. They were a check upon the President, and there was no need of any other.

But danger was apprehended from the President's appointing to office only men of opinions consonant to his own. He thought the arguments of gentlemen had been somewhat misstated on this ground. He had heard no gentleman contend, that if there should be a vacancy in an office, and a person of ability and integrity presented himself for it, though he might entertain some opinions different from those of the Executive, or might think some of the members of the Administration had been wrong, that, on that ground merely, he should be rejected. If they did, he should not join them. His opinion was, however, that if there were a set of gentlemen averse to every measure of Government, to whom it was sufficient to know that a business was recommended by the Executive for them to condemn it, that these gentlemen ought not to be appointed to office, as it might be supposed that such persons would rather retard than assist in the execution of the measures of Government. For instance, suppose there were some citizens in the country (and he had heard there were) who declared that the excise law, or carriage tax, were unconstitutional or improper, would it be prudent or right to appoint persons of this description to collect those taxes? Certainly not; they would create an opposition to the Government by rendering those laws obnoxious.

But it was said, this preference for men of certain opinions, if the business of foreign Ministers was continued, might have an improper influence upon the members of the Legislature. He thought few gentlemen in Congress were capable of being operated upon by an expectation of appointments to office; besides, if the President were to act consistently with the principles which gentlemen attributed to him, he would not choose gentlemen from thence who were active in support of Executive measures; he would rather wish to retain them in their present situation.

To those gentlemen who thought Consuls were equal to every business which we had to settle abroad, he would say, that the duty of Consuls was well known and defined by our laws; it only related to individuals of this country who might have occasion to go to foreign countries, and who might require assistance from them. There was no instance, he believed, of any representation being made from one Government to another, by means of Consuls. If it were necessary to have any such representation made, it was proper, therefore, to leave the business in the hands of the President and Senate, who would best determine to what place Ministers ought to be sent, and what should be their grade. He should, therefore, vote against the amendment; and although some gentlemen might vote in favor of it, thinking it did not interfere with the Constitutional powers of the Executive, yet it was his opinion, if it were voted for upon the ground stated by the mover of it, it would infringe upon those powers, more especially as the gentleman himself had declared that, though he did not mean at present to attempt an overturning of the whole diplomatic corps, he meant to do it at some future period.

The committee rose and had leave to sit again.

---

WEDNESDAY, January 24.

## DUTY ON SPIRITS AND STILLS.

The amendment of the Senate to the bill for amending the several acts laying a duty upon spirits and stills, was taken up and disagreed to. Before the House rose, the bill was returned from the Senate, with their resolution to adhere to their amendment. This amendment was to strike out the provision which allowed licenses to be taken out for a week.

## FOREIGN INTERCOURSE.

The House again resolved itself into a Committee of the Whole on the bill providing the means of foreign intercourse; and, Mr. NICHOLAS's amendment being under consideration—

Mr. CRAIK said, he did not know that what he should offer might be thought of much importance by the committee, but he thought the importance of the subject a sufficient apology for offering his sentiments upon the occasion. Having been kept from the House by indisposition when the gentleman from Virginia introduced his motion to the House, he had been indebted to the reports which had been given of his sentiments in the papers for his knowledge of them. As that gentleman had, on a late occasion, given it as a reason for postponing the subject which respected the arming of merchant vessels, that the question would have a tendency to destroy that harmony and unanimity which was so desirable to be at this crisis preserved, he should have supposed the same motive would have led him to have postponed this measure to a period when unanimity and harmony might have been of less consequence, as no principle could have been brought into discussion which was capable of producing more heat and party spirit than the present. He was not surprised, however, that this gentleman had seized with such avidity an opportunity of bringing forward a motion which, in its consequences, struck at the very existence of Government, nor did he complain that he had chosen to criminate all those who opposed the motion as being unfriendly to the purity of Republican Government. He was one of those who believed, from a view of the state of parties in this country, that little could be obtained by concession, he had, therefore, resolved never to give way from any such motive in future, when he thought it was important to carry any measure into effect. He was not surprised at this measure, because it was only a continued link of that chain of opposition which had commenced with the present Government; and, notwithstanding the ingenuity of the gentleman from Pennsylvania, (Mr. FINDLEY,) he considered the question as containing an important principle, and a principle which had frequently received the negative of that House. It was this: Whether the House of Representatives should be established in the right, which some gentlemen claimed, of exercising, upon all occasions, an unlimited discretion, when called upon to appropriate money, on the acts of the Executive; which was, in fact, whether that House should take all the powers of the Government into its own hands.

It had been said, that the doctrines which had been avowed on this occasion proved that there were two parties in that House and in the country. He believed it; and though the declaration might alarm some gentlemen, so long as he had a seat in that House, he should boast of being one of a party; for those who denied the existence of parties, must shut their eyes and ears to every thing they heard and saw. And if the fact be so, why deny it? It was no secret out of the walls of this House, and it was necessary the declaration should be made that the evil might be cured. The people were not now to be informed that there were parties existing in that House; but there was a truth of which they ought to be informed, viz: that there was a party which was systematized.

It might be inquired, how this evil is to be remedied? It could not be cured in that House; but it was their duty to inform the people that such was the situation of things, and the remedy lay with them. When they saw the evil, the cure could easily be effected by means of their elections.

But the gentleman from Pennsylvania (Mr. GALLATIN) thought the people were with him and his friends in opinion. If he meant to include him and his constituents, and the opinion was well founded, he acknowledged his unfitness to represent them, because he could never give the doctrine of those gentlemen his sanction; but he did not believe in the assertion, and had no objection to make the appeal. If, indeed, he could believe that the people gave credit to all the imputations and criminations made on that floor and elsewhere, not only upon this question, but upon many others, he might be led to believe that their opinion was as stated; but he had a better opinion of the people of the United States than to believe that this was the case.

Mr. C. said, he meant not to excite unnecessary alarm; but it must be allowed that such a crisis of affairs might not be far distant as might call for all the resolution and energy of the country. At such a period, was it not desirable that the Executive should meet with the full support and confidence of the people? It surely was; but he did not think the present measure calculated to produce this effect.

The first instance in which it had been attempted to establish the principle now contended for was when an appropriation for carrying the British Treaty into effect was under consideration; and notwithstanding the gentleman from Pennsylvania (Mr. FINDLEY) had said that the question was then decided upon the expediency of the measure, and not upon principle, yet, so far as his recollection served him, the contrary was the case. [Mr. F. again repeated his opinion.] Mr. C. said, that without dwelling upon this point, he would refer to others. That House had endeavored to destroy the Mint establishment by refusing an appropriation, which would have had the effect to repeal a law which it required the whole Legislature to pass, and which, in the usual course, would require a majority of both Houses to repeal. The same attempts had been repeatedly made in respect to the frigates; it had also been tried in reducing the Military Establishment. But, notwithstanding these repeated attempts had failed of success, a motion was now brought forward, the effect of which was to destroy our system of diplomatic intercourse (which had been established by the Executive, he doubted not with due consideration) by withholding an appropriation. If ever the House of Representatives should be successful in establishing their right thus to check the operation of the Executive department, then he should consider that all the departments of Government were brought to their feet. Away, then, with the independence so much boasted of in the different departments of Government! Where, then, would be the ground of our stability, our security,

or our confidence? In vain would it be to look to the Senate or to the Executive; they would be prostrated at the magnetic touch of the House of Representatives.

Every effort had been called forth on former occasions in support of this untenable doctrine; the most artful arguments had been addressed to the members of the House, as it was well known that there was always a natural propensity in public bodies rather to increase than to diminish their powers. Attempts on such occasions were also made to enlist the people on their side by raising jealousies against the different departments, by showing that it was possible they might have objects in view which were incompatible with the public interest, so as almost to induce a belief that whatever could be taken from the other branches of Government, and added to the House of Representatives, would be so much gained by the people. And when gentlemen opposed these encroachments, they were represented as being supporters of Executive measures to the disadvantage of the people. But the true reason was, because these men were firmly attached to the Government as established, and determined to preserve its balance and harmony, and to protect the whole, by giving to each its proper power; because they were determined to oppose every change in the Government not introduced in a Constitutional manner. But whenever a controversy arose between that House and the other departments of Government, it was always represented that the House of Representatives was the peculiar guardian and protector of the people, and that the powers placed in the other departments were perpetually liable to abuse; and, because this was the case, they ought not therefore to be trusted. He believed the people too well understood the nature of our Government to be thus imposed upon. He believed they were not now to be informed that all power emanated from them, and that wherever it was placed by the Constitution, the possessor of it was responsible to them for its execution. He believed they looked upon the Executive department with as favorable an eye as upon any other department of the Government. He did not believe they had created any office, and filled it with men of their own choice, to be an object of jealousy and fear; nor did he believe that they meant that House to be a Court of Inquisition, to sit in judgment upon, or to define all the acts of the other departments of Government. He believed the people saw they had other checks less liable to be abused—they saw them in the departments themselves. In the Executive department, the people had a security in the manner and period of his election—in the persuasion that he cannot have interests different from those of the great mass of the people—in the high responsibility of his station—in his liableness to punishment for misconduct—and in the consideration that he must either be a native American or have been a citizen prior to the adoption of the present Government.

Mr. C. said he had often thought it would be worth while to inquire what would be the effect produced upon a stranger who should enter the House in the midst of a debate like the present, when gentlemen gave vent to the most indiscriminate censure of the Executive, and of all those who supported him, and when they represented the patronage of the Executive as likely to overwhelm the Government. Would he not consider the Presidential Chair as filled by some foreign despotic Viceroy, unlimited in his power—a man of no respectability or fellow-feeling? But what would his surprise be when informed of the character and situation of the man against whom all these charges were brought!

Much had been said about Executive patronage; but he believed the observations were too ridiculous to merit serious consideration. They might serve to frighten weak minds, or alarm children, but on men of common sense they could produce no effect. Nor did he believe there was weight sufficient in anything which had been offered in support of this amendment to create an opposition to the Executive, which would ultimately destroy the Government. It would destroy it, because no department of Government could resist the House of Representatives in such an opposition. When, therefore, it arrives at that point, it will have arrived to that crisis of tyranny predicted by the mover of the amendment. There would then be a new Government; and from such a Government and such a tyranny he prayed Heaven to protect him.

Shall gentlemen, then, who oppose measures which would lead to this tyranny be branded as heroes of the Executive, as partisans laboring to extend Executive influence? Should men possessed of the first talents in the country be charged in their conduct with looking forward to offices under Government? And notwithstanding the jesuitical explanation which had been given to the amendment by the gentleman from Pennsylvania, (Mr. FINDLEY,) of the effect it was intended to produce, there was no doubt it was meant to affect the present state of our diplomatic agents; if not, there was no reason for its introduction at this time. Nor had he any doubt that the charge of influence was meant to apply to the present Legislature, or why talk about gentlemen coming to the House with commissions in their pockets?

But were the loaves and fishes placed in the hands of the Executive worthy of all this jealousy? He thought the President must have the power of working miracles, as of old, before more should fall to the share of any public officer than was necessary for a bare subsistence. Then why was this alarm of patronage created? He saw nothing in this bill but what was perfectly harmless. Why, then, was the House of Representatives placed in battle array against the Executive? Had the Executive abused the power placed in him, or employed it unwisely? No one had said he had abused his power, and they were not placed in a situation to judge how wisely or unwisely he had employed it.

But it was said, that the House had a right to legislate upon this question, and that it would be wise and proper to destroy the whole diplomatic corps; if so, they had an equal right to determine

they would not break off this foreign intercourse, to say what the establishment should be, how many Ministers should be employed, what should be their grade, and where they should be sent; because, once establish the right to deliberate at all upon the subject, and they might go all lengths upon it. But, if the House were to declare the President had acted unwisely, or wrong, in appointing the Ministers which had been appointed, he supposed he must come to the bar of the House to defend himself, and give the reasons upon which he had acted.

Mr. C. considered the power to refuse an appropriation, and the Constitutional right to do it, as different things. Perhaps gentlemen founded their arguments on power. He knew it was in the power of the departments to destroy each other, but he denied that they had a Constitutional right to do so. They had the power to refuse to appropriate for the salary of the President himself, or for the Judges; but no one could say the House would act rightly in doing it.

He did not think it necessary to undertake a defence of the conduct of the President for having determined to make choice of men to office of a certain opinion; he believed the determination was dictated by common prudence. Nor did he believe that the time would ever arrive when the President would be driven to the alternative of choosing men devoid of talents and of virtue, or from men of a different description; nor did he believe that he would appoint demagogues to office who sing hallelujah to any measure of the Executive.

Nor did he think the gentleman from Virginia (Mr. BRENT) very fortunate in speaking of the embassy of a certain Minister, whom he supposed had been alluded to, when it was said the Government had always reason to regret a departure from the rule of choosing men of a certain opinion to office. He might concede all that gentleman advanced in his favor, and not pass any panegyric upon him. He might admit that our present situation with the French Republic was due to the efforts of that gentleman, as he believed it was such as every friend of the welfare and happiness of the country would wish to see greatly changed.

Mr. C. then took notice of the doctrine of checks advanced by Mr. BRENT, and declared it calculated to produce hostility and warfare between the different departments of Government; and if it were correct, he should agree with his colleague that republican Governments have, of all others, the most direct tendency to anarchy and despotism.

The gentleman last up, from Pennsylvania, had complained loudly of abuse and harsh language, and that the advocates of the amendment had been charged with intention of overturning the Government; yet that very gentleman had said there were those who called the Executive the Government, and charged gentlemen with having learned their abuse in county courts. He believed there were other schools of this kind, or he should have been at a loss to know whence other gentlemen had acquired their knowledge.

Mr. C. denied that the power to declare war, placed in the House of Representatives, gave them any right to interfere in the business of foreign intercourse. He called the doctrine of checks, which was contended for, a fifth wheel in the Government, which was calculated to overturn it.

Mr. C. concluded his observations by referring to a debate, which took place in the first session of Congress, on a bill providing for the expense of an Indian treaty, on a motion, which was carried, to strike out the number of Commissioners to be employed. This motion was made by Mr. SEDGWICK, and, he said, seconded by Mr. MADISON, on the ground of its being an improper interference with the Executive duty. He quoted this to prove that it was an early construction of the Constitution, that it was wholly Executive business to determine the number and grade of agents to be employed abroad.

Mr. FINDLEY explained.

Mr. W. C. CLAIBORNE wished to offer a few reasons for his vote on this question; but as there were not more than twenty minutes to come before the hour of adjournment, to appease any impatience which the committee might feel at his rising at so late an hour, he would assure them he would not exceed that hour.

He was clear that the House had a right to restrict our diplomatic appointments, so far as related to the appropriation of money; and he was convinced that the good of the country required an exertion of that right on the present occasion.

He was convinced also that that part of the Constitution which had placed the care of the Treasury in the hands of the House of Representatives, had greatly recommended it to the people of the United States; and, if ever that valuable deposite was parted with, the affection of the citizens towards the Government will be greatly lessened; and he further believed that if it were one of the political tenets of the gentleman who had just sat down, (and his arguments declared it to be so,) that the doors of the Treasury, so far as relates to foreign intercourse, shall always be opened at the will of the Executive, that this very honorable gentleman and his adherents would not long be the favorite politicians of America. But candor impelled him to declare that the saving of a few thousand dollars was not his chief motive in supporting this amendment; he considered it of infinitely more importance as a check to the growth of our foreign political connexions—connexions which he had for several years viewed as dangerous to the welfare of this country.

Situated as the United States are, at a great distance from the transatlantic world, unambitious of conquests, and blessed with a Government formed by the people, and highly pleasing to a large majority of them, what, said he, have we to do with the politics of Europe?—with that continual confusion and warfare occasioned by the constant desire to preserve the balance of power so necessary for the existence of small nations, surrounded as they are by more powerful nations? These were evils which called for the sympathy of the finest feelings of humanity for distress; but

they were events with which we, as a nation, had nothing to do. It was our concern to preserve harmony with all nations; to follow the peaceful pursuits of our agriculture; to afford to our unoffending commerce such a protection as we are enabled to do, without oppressing our agriculture; but to keep aloof from the intrigues and designs of European Princes, as well as Republics.

With this view of the subject, he saw no necessity for this extensive political intercourse. He believed it was of no use. Was it found that when England determined to despoil our commerce, that it was in the power of one of our Ministers there to prevent it? Or, if other maritime Powers were disposed to do the same, could our Ministers avert the evil? He believed not. But had not our foreign political connexions been attended with serious evils? To what was our present critical situation owing, but to this? What, more than this, tended to produce quarrels with foreign Governments, and of course to endanger our tranquillity at home? He appealed to every experienced man whether we had anything more to fear than this.

But, were there no further mischiefs to be apprehended from this policy? Would not foreign politics be introduced, which might bring about a change of sentiments and views in the country? Was this desirable in America? Or, would it not rather prove the bane of its liberty? Among the things most to be dreaded was, however, the introduction of a foreign interest into our councils. And ought we not, he asked, to close every door to its entrance, as a necessary precaution to secure our freedom and happiness? He was of opinion that this was the truest policy which America could pursue.

The committee had been told that this was not the proper time to retrench our diplomatic corps. But the same gentleman had stated Europe as convulsed to its centre; as disregarding the law of nations; where, they state, villany as reigning triumphant, and where the principles of morality and virtue had but few supporters. If this were true, surely no time was more proper than the present to reduce our present establishment; for, if the times were so iniquitous, what possible good could honest American Ministers render to their country from a residence in those countries?

The committee had also been told by the gentleman from Delaware, that so great was the thirst for conquest in those countries, that, for aught he knew, a compact might now be making to enslave America; and he adduced this as a reason for continuing what he called our honorable spies abroad. In a little circle of one of the cantons of Switzerland, on a question like this, such a suggestion might be entitled to some little weight; but, upon this floor, it was not surely worthy of consideration. For, let it be remarked, that an immense ocean separates the United States from those countries, and a late attempt to enslave America had produced, to use a hacknied phrase, an *awful lesson* to the world how future attempts of this kind were made.

For his own part he was surprised that this motion had been so much opposed. Provision was made for the two great belligerent countries, and there seemed to be no objection to a Minister Plenipotentiary being sent to Spain. With respect to other Powers, he saw no occasion for our sending Ministers to them.

The observations of the gentleman from Georgia had had considerable weight on his mind. That gentleman had, from experience, informed the committee what took place under the Confederation. In the infancy of our national Government, the policy of sending Ministers to foreign Courts was much gone into; but he told them experience soon evinced that it was a dangerous policy, and at the origin of the present Government they were almost wholly discontinued. This was the wisdom of experience, which he greatly relied upon.

The gentleman from Maryland, who had just sat down, complained of abuse from gentlemen favoring this amendment; though he believed everything of this kind had come from the opposite quarter. He asked who it was that told the committee "that there were persons within these walls, whose object was to overthrow the Government?" And here he would remark, that when the observation was made, the persons charged should have been pointed out; as, making the observation, without pointing out the persons, was an illiberal and ungenerous general reflection. Who was it that said that the present question was, "the Government and the people on one side, and the gentleman from Virginia and his friends on the other?"

Did that member suppose that the favorers of the amendment were less independent in their sentiments, and less the friends of the American people, than he was? When he looked round that committee, among the friends of the amendment, he saw men who ranked high in the estimation of the American people; whose characters were well known; and it would be heard with astonishment that a doubt injurious to them had ever been entertained in this House. Mr. C. said he believed the time he had allotted to himself was expired, and sat down.

The committee rose and had leave to sit again.

---

THURSDAY, January 25.

NATHANIEL FREEMAN, Jr., from the State of Massachusetts, appeared and took his seat.

The SPEAKER laid before the House a report from the Secretary of the Treasury, in pursuance of a resolution of the House of the 2d of February last, with a plan for regulating the duties on imposts and tonnage; which was referred to the Committee of Commerce and Manufactures.

The amendment of the Senate to the bill for amending the several acts relative to the duties on spirits and on stills, which they had adhered to, (and, of course, excluded any conference, which is usual in cases of disagreement,) was taken up, and the former disagreement of the House to it was receded from.

Mr. CLOPTON presented the petition of sundry

persons of the State of Virginia, stating that the quantity of coal in that country was inconceivably great, and praying national encouragement to their collieries. Referred to the Committee of Commerce and Manufactures.

A message was received from the Senate, informing the House that they had passed the bill for placing certain persons on the pension list, with amendments. The House took them up, and referred them and the bill to the Committee of Claims.

## LAND TITLES IN TENNESSEE.

On motion of Mr. W. C. CLAIBORNE, the unfinished business of yesterday was postponed, and the House went into a Committee of the Whole on the report of a select committee on the memorial of the Legislature of Tennessee, together with the Message of the President relative to that subject, Mr. KITTERA in the Chair; when the resolution reported by the committee having been first negatived, the committee passed that formerly introduced by Mr. MACON, first filling up the blank with the amount of the estimate sent to the House by order of the President, viz: with $25,880, for the purpose of holding a treaty with the Indians. The committee then rose, and the House being resumed, Mr. MACON moved to postpone the consideration of the disagreement of the Committee of the Whole to the report of the select committee, which contemplated, in addition to the treaty, some relief being afforded to the persons who had been driven off their lands, to the second Monday in February; which motion being carried, the resolution agreed to by the Committee of the Whole was concurred in by the House, and a committee appointed to bring in a bill accordingly.

## IMPEACHMENT OF WILLIAM BLOUNT.

Mr. SITGREAVES, from the committee appointed to prepare articles of impeachment against William Blount, reported the said articles. They were five in number. The first charged the said William Blount with intending to carry into effect an hostile expedition in favor of the English against the Spanish possessions of Louisiana and Florida; the second, with attempts to engage the Creek and Cherokee Indians in the said expedition; the third, with having alienated the affections of the said Indians from Ben. Hawkins, an agent of the United States among the Indians, the better to answer his said purposes, the fourth, with having seduced James Carey, an interpreter of the United States among the Indians, for the purpose of assisting in his criminal intentions; and the fifth, with having attempted to diminish the confidence of the Cherokee Indians in relation to the boundary line, which had been run in consequence of the treaty which had been held between the United States and the said Indians. This resolution was committed for Monday.

## FOREIGN INTERCOURSE.

The House then again resolved itself into a Committee of the Whole on the bill providing the means of intercourse with foreign nations; when the amendment, which has for several days been under consideration, having been read, no gentleman rising, the Chairman was about to put the question upon it, when

Mr. NICHOLAS rose.—Expecting some other gentleman would have opened the debate, he said he had not held himself in readiness to enter upon a reply which he felt himself called upon to make to a number of observations which had been brought forward on the present occasion.

He had been represented, in the course of the debate, as being in favor of monarchical Governments, rather than republics, and as saying that republics were more dangerous to liberty than any other sort of Government. The gentleman from Massachusetts had astonished him, when he declared that he had begun his speech, on introducing the motion to the House, by stating that republics were more liable to corruption, and more unfavorable to liberty, than despotic monarchies. He could not have supposed that such a position could have entered into any person's mind, and he was sorry to think any member should have deemed it necessary to go into arguments to prove the superiority of a republican over a monarchical Government. He was surprised that arguments like these should be brought forward in answer to anything which fell from him; because, if there were a man on earth exclusively devoted to republican Governments, it was he—for he would fly from a monarchical Government as far as the earth would give limits.

The gentleman from Massachusetts (Mr. PARKER) had stated that the republican spirit had continually overturned monarchies. He knew it; and he would find nothing in his sentiments which stated that republics were more liable to corruption than monarchies; but that republics were liable to be destroyed by an excess of influence in the Executive, he believed—and he said so again.

He was not so much surprised that the gentleman from Connecticut should have availed himself of the opportunity of making a declaration in favor of republican Government, by misrepresenting what he had said, as hitherto he had given no substantial proofs of his attachment to it. He said "by misrepresenting," because he had stated him as saying that every thing was to depend upon feeble minorities, in opposition to majorities. The words "feeble minorities" could not be so distorted. What he had said was, that it would not be in the power of a feeble minority to attract the public mind to the danger by which the Government should be threatened, in case of the corruption which he predicted as possible to exist. It was to this appeal to the public mind—to the sentiments of the people over their misguided Representatives, which he considered as the safeguard of a republic, to which he alluded. That gentleman had no apprehension from feeble minorities; but he feared the sense of the people would be awakened to the abuses of power in the department he had alluded to; for it was the theory of gentlemen opposed to this amendment that it was not right to disturb the departments of Government; and that the people ought not to

trouble themselves about the execution of its measures.

A colleague of that gentleman's (Mr. DANA) had charged him with addressing the galleries, rather than the members of the committee. Upon this subject he wished to be understood. A clamor of this kind had frequently been raised. He was ready to confess that he wished what he said not to be confined within those walls, but to go beyond them, and produce an effect upon the public mind; and if the doors of the House were to be shut, and there was no chance of his sentiments going abroad, his seat should be vacated to the first person who would accept of it.

But it was said that what had fallen from him with respect to the liability of corruption to creep into republican Governments, was a serious attack upon the republican system itself; but he believed those gentlemen who were continually flattering the system, and thereby depriving the people of a proper caution, were greater enemies to this system of Government than those who advised caution against undue encroachments upon it.

Gentlemen had said that the effect of this amendment could not be what he declared it to be, to operate at a distant time, and not immediately. The gentleman from Delaware had said this could not be the case unless a new clause were to be introduced. This he knew, but there would be no difficulty in it. This difficulty had arisen from a want of candor in the drawer of the bill. Gentlemen concur in considering this provision as for a permanent establishment, though the latter appropriation was introduced merely as a temporary provision. It was originally so introduced; but having been repeatedly sanctioned, as the gentleman from South Carolina (Mr. HARPER) had declared it had, it ought now to have been considered equally permanent with the other.

It would be understood, Mr. N. supposed, by many persons who heard of this debate, that there was a party in that House who were dissatisfied at not being likely to get any office under Government, and that therefore they were determined to obstruct Governmental measures as much as possible. Insinuations of this kind had been made, and they would not fail of gaining credit with some people. His motive was entirely misunderstood. When he complained of the President confining his appointments to office to men of his own opinion, it was not because he wanted office either for himself or his friends, but because he believed the measure would produce serious mischief to the public. Nor was it of any change of principle that he complained, because he believed it was no new practice; but it was because it held out an improper temptation. It said, in effect, come and act with us and you will be entitled to office.

The gentleman from South Carolina had acquitted the supporters of this amendment of wanting the offices for themselves; he called them paltry, and unworthy of acceptance. He stated their ambition as going farther. Nothing would serve them but popular applause, and to have the direction of public sentiment. He considered this House as a theatre upon which members acted for public applause. For his own part, he did not think he possessed a talent for public speaking; but if the House was to be considered as a public theatre, he thought that gentleman himself would make the most conspicuous figure upon the stage.

But the gentleman added that this clamor of opposition had existed in other countries, and would continue to exist. It had existed, he said, in England many years; and this, he supposed, was to reconcile this country to it. The same predictions with respect to the excessive patronage of the Executive, Mr. N. said, had been made in that country, but disregarded. And he recommended that they should now be disregarded; meaning, he supposed, that the people of this country would be contented to be in the same situation with the people of England. But if there was something in the situation of that country which every unprejudiced man must think would have been better avoided, and which would have been avoided if the clamor which the gentleman says is common to all countries, had been attended to in due time, this was an argument which ought to induce the people of the United States to attend in time to this clamor. Not that all clamor was to be attended to; but he doubted not that the people would be able to discriminate between that which ought and that which ought not to be attended to.

Mr. N. considered the subject of this bill as one of the most important that could come before the Legislature, for he attributed all our misfortunes to this source. He thought we ought to have no political connexion with Europe, but be considered, in relation to that continent, as mere buyers and venders of their manufactures. With respect to this Government, the power contended for, which would empower the Executive to send Ministers to every Court in Europe, was every thing. Read the Constitution and see what was committed to it, and what would be its power, if this doctrine were to prevail. It would be the screw which would raise or sink the Government at its pleasure. Was the declaration of war an important trust? And would it not be in the power of the Executive, if the ground contended for was established, to bring the country into such a situation as to oblige Congress to declare war? At present, there were few people who did not trace our situation to causes growing out of our diplomatic establishment. There was a difference of opinion, it was true, as to the conduct of the Executive. Some thought it perfectly unblameable and proper; others declare it not only to be improper in itself, but intended to bring the country to the situation we are in. It was not important for him to inquire into this business; it was enough to show that the President had at any time the power of producing this effect when he pleased, and whether it was done by design or accident, it was the same thing to the country. Perhaps the actors in the business were the only persons who did not attribute our misfortunes to this source.

He believed we were placed in such a situation as always to be liable to be thus involved from our commercial connexions. The commerce of this country would always create a partiality for Great Britain; the extensive credits which were obtained from them, and the continued extension of that trade, would constantly operate that way. It would, therefore, require considerable caution to prevent too close a political connexion being formed with that country.

But it was said there was no danger, and that in this question the Constitution and the people were on one side, and the faction, or the supporters of this amendment, on the other. If this were true, he owned they ought to stop here; but he understood the Constitution as speaking a very different language, and he thought that gentlemen produced this doctrine merely by construction, in opposition to the plain meaning of the instrument. The Constitution provided for the appointment of Ministers by the President, but it only gave him the power partially, because their salaries were fixed by Congress; that part of the Constitution which declares that no money shall be taken from the Treasury but by law, was an effectual check upon that power. Language could not be plainer. Those who advocated a contrary doctrine, did not adduce their arguments from the Constitution. They barely asserted that it was so, and that those who would not believe it were disorganizers. Most of the gentlemen opposed to the amendment had insisted that the Executive had the power of checking the Legislature, but that it was not the intention of the Constitution that the Legislature should check the Executive. This stood upon no better ground than "it is so because it is so."

The gentleman from Delaware had said that that House had no check upon the Executive, because his powers were defined, and theirs were not. The question was, what is the definition of the Executive power? They were endeavoring to ascertain what it was, and whether that House was not a check upon it, by having the power to refuse appropriations. But the gentleman had said that the House could not refuse to appropriate for the salary of the President or Chief Justice. Surely nothing could evince the weakness of gentlemen's arguments more than the introduction of such as these. Every one knew the House could not refuse to appropriate for the salaries mentioned, for this good reason, because the Constitution forbade them. He thought that the reverse conclusion was the just one; that when power was taken away in particular instances, it was left in the general.

He thought it was necessary that the extent of gentlemen's doctrine should be understood. The Constitution says, no money shall be taken from the Treasury but by law; but gentlemen say, the President has power to appoint foreign Ministers, and to call upon the House for appropriations. They have before told the House he had the power to make treaties, and that when made they could not refuse appropriations to carry them into effect. So that he not only had the power to appoint Ministers and make treaties, but to command the Treasury to open at his will. Suppose the President and the Senate were to make a treaty offensive and defensive (and they could make a treaty of this kind as well as any other) would not Congress be driven into war by force? So that not only the keys of the Treasury were taken from them, but the power of determining the important question of war, if these doctrines respecting the power of the Executive were well founded.

This theory of gentlemen deserved serious attention. They tell the committee that each department of Government has a check within itself, but that they have no check upon each other. How this theory was to be supported he could not tell, except the different departments were never to touch each other in the exercise of their functions; or, when one approached the other, that other was to give way? How was the check of departments to be avoided? He could not understand it. It was well known that the Legislative, Executive, and Judicial departments of Government ran into each other. The partition between them, if any at all, was extremely thin, and would not prevent their coming in contact.

But if it were possible that the doctrine should be correct, what would it lead to? The departments of Government were not to check each other. Why not? One of the reasons assigned was, because they have not the means of information in their hand, and therefore could not judge of what was proper to be done by their co-departments. All agree that the power of the Executive may be abused; if so, he asked where was the check against that abuse? If not vested in that House, in the power to grant or refuse appropriations as they see proper, where was the check? Was it in the people? Had they more information with respect to our foreign relations, or were they in other respects better calculated to determine the abuse than that House? Or did these gentlemen impress it upon their constituents as a duty to exercise this kind of guardianship over the Executive? If this were inquired into, he believed that gentlemen used the same kind of soporifics at home as were used in that House. "All your interests are safe; nothing can be done amiss in Government without some department discovering the mischief." As he believed, therefore, the people were not directed to be upon the watch, and as they had not better information with respect to Executive measures than that House, he saw no reason for transferring the business to them. Nor could the people correct the evil by election, as they had not the knowledge of facts upon which it was necessary to act.

Was it true, Mr. N. asked, according to the practice of the Government, that the departments had no check upon each other? Did not the Judiciary consider the acts of the Executive and Legislature? Certainly they did. There were instances in which the judges had decided upon the Constitution and laws of the country, and in one instance, he believed they had determined for them, and in another against them.

Was it not proper, then, to go into theory on this subject, and inquire into the propriety of a power of this kind being vested in the Legislature? For, if it were not so placed, it was seen that the Executive could take money from the Treasury whether it could be spared or not. Would this be consistent with economy, with order in Government, or order in finances? And if the House had a right to come at an end in one way, he believed gentlemen would not say they could not come at it in another, for he acknowledged that all the departments must get out of their sphere; and, if gentlemen allowed the power of the House to determine upon salaries, they must also allow the right of the House to interfere in the business of foreign Ministers; and if they could not show the use of the limitation against the direct interference of the House, they would not say it existed. If the House had not the power of refusing appropriations of this kind, the Executive would not only be able to command appropriations, but taxation; because, if there were not money in the Treasury, it must be raised to answer the demands.

But, it was said, there was no need of checking the Executive, because the Senate was a check upon it. This was no check with respect to the office, it only related to the person appointed, and here the power was equally divided between them, and each were equally interested. The only difference was, that there were more wills to consult in the Senate. But it was said the doctrine which he advocated was novel, and imported. He thought he had obviated this objection by producing the debate which took place at the first establishment of the diplomatic corps; and he referred to the opinion of a gentleman who lived at a time when party had not appeared to influence the opinions of men, who said that it was competent for Congress to say whither Ministers should be sent, and whither they should not be sent. And he could say for himself and his countrymen, (for he never heard a different opinion in Virginia,) that he never had an idea that the House had not this power, and therefore had it not to learn from any other country. But the gentleman from Maryland said yesterday, that the doctrine was not only novel but that it had been decided against in three or four instances. In the British Treaty, the House decided against the power to refuse an appropriation. If sixty-seven members, who voted on the occasion, did not understand their votes, that might be the case; but he believed that would not be insisted upon. The gentleman was equally unfortunate in the other instances he adduced, as in none of them had the question been decided against.

But it was said, if even the House had the power, it ought not now to exercise it, because the necessary information being lodged with the Executive, they could not form a proper judgment upon it. He believed, however, the House had a right to all information which related to subjects upon which they were called to act. But the committee had sufficient knowledge on the subject to determine there could be no connexion between this country and Prussia to render a Minister necessary there; for no gentleman had even conjectured an use for such a character at that Court. He agreed that it was the duty of the President to carry on the details of foreign correspondence where the Legislature determined to have Ministers, but he did not believe his power extended beyond this. But with respect to information, even the body who were called upon to concur in the appointment of Ministers, had no more than that House. The mere nomination was sent to the Senate without anything more than the general reasons for the measure.

The gentleman from Delaware gave a clue to the construction of the Constitution, which he did not mean to attach to the gentleman himself. He said that the Executive department was one which required support, in order to preserve it; because the hereditary Chief Magistrate of Great Britain, with all the patronage he possesses, would not be able to stand against the House of Commons if it were not for the members of venal boroughs. This doctrine was a little strange, and when he heard gentlemen hold such high notions of Executive power, if the strict letter of the Constitution would not support the doctrine he contended for, he should be induced to stretch it a little, were it necessary to counteract what appeared to him so repugnant to the spirit of a republican Government.

He was told that he had introduced very unnecessary topics into this debate, and that the increase of power and patronage in the President, had nothing to do in this question; but gentlemen must allow, that if he sincerely thought, that the power of determining what foreign Ministers should be employed was in that House, and he saw them employed where they could be of no possible use, was he not justified in bringing forward the discussion? But it was said the power was so small as to be unworthy of notice; but he supposed, so far as the appointment to office was gone into without necessity, it was for the purpose of patronage. It was said, however, that this patronage was not sufficient to ground an alarm upon. Were they then to wait until the mischief was done? It would be too late when the system was completely matured to check it. It could only be done at its commencement; and when gentlemen saw that one of the objects of Government had invariably been to increase offices and salaries, there was sufficient cause for alarm. But it was further said, that if there was danger out of the walls of that House, there was none in the Legislature. He did not mean to insinuate that majorities were produced by influence. He trusted if measures were brought forward which were inimical to the public good, they would be rejected as they had heretofore been. He believed, however. that this business of foreign intercourse, were it continued, might become dangerously influential on the Legislature itself, as they had seen, from what had already taken place, that persons for these appointments were to be selected from men of a certain opinion in that body.

But no injury, it was asserted, could arise from

Executive influence, unless the office was permanent. An Executive, upon a four years' lease, could do no harm. Mr. N. did not know that being in office only four years prevented him from using his influence during that time; and in proportion to that influence would be his efforts to retain his situation. He was not saying that these things had really happened, but that they might be reasonably expected to take place. The committee were told, however, that ambition was only a Legislative property. He thought he had made concession enough, when he had said that Legislatures might make encroachments in this way. He believed history would uniformly show, that Executives had never failed to aim at an increase of their power.

When he was up before, one of the reasons which he gave, for restraining the diplomatic intercourse, was, that men only of particular political opinion were appointed to office. Many of the gentlemen who opposed this motion, had acknowledged the fact, and were afraid only that it might not always be observed. If this were the case, the appointment to office could operate only to corrupt the public opinion, and influence the elections of the country. [Mr. DANA desired to know to what extent he considered the Executive determination to go?] Mr. N. replied, that he understood that no man was to be entrusted with an office who had found fault with Executive measures. This had been several times declared; though, it was true, the gentleman from Massachusetts had endeavored to soften the business by supposing that certain offices would be excepted. Mr. N. said he would inquire into the operation of this determination. The gentleman from Pennsylvania (Mr. SITGREAVES) said it was perfectly just, as the President must think himself right. He agreed that this principle should go as far as it could; but the gentleman must acknowledge that it was not a Constitutional idea that the President must be right. The Constitution provided that he should be elected every four years, in order that the people might judge whether he had acted right or wrong; for the English doctrine, "that the King can do no wrong," was not adopted in this country. Upon the principle of the President being always right, it had been said that he ought not to appoint Ministers whose opinions would militate against their duty. But he might differ with the gentleman with respect to the extent of this opinion. He did not himself know that it was necessary, at a time when we were desirous of peace, to have a Secretary of State whose manifestoes were calculated only for the eve of a war, and who seemed to be hurrying on, as if it were considered that he possessed most merit who was most active in promoting a war. He agreed, that when a person's opinions disqualified him from duly executing an office, that the President would act right in not appointing such an one; but he understood the determination to extend to all offices, which was proscribing one-half of the people of America merely because they have thought some of the Executive measures wrong. Such a resolution was equally unjust and illiberal, since it was not necessary that a Collector, a military officer, &c., in order duly to perform his duty, should have an opinion directly corresponding with that of the Chief Magistrate of the United States. If this principle were to be carried into the Judiciary, could a man, whom Government called a disorganizer, expect to find justice in a court formed of such materials?

If gentlemen think that the President of the United States cannot support his office, without a patronage similar to that of the King of England, they are right in wishing for an extension of this influence; but he could not agree to yield it, because he had sworn not to do it. The example of England ought to be a sufficient warning to the people of this country, how they suffer their Executive to become corrupted; for the abuses of that country would never have been borne to this day, had not the people been deceived into a belief that they had a share in their Government, by representation, which, in fact, they had not.

Mr. N. said he was sorry to be under the necessity of replying to some reflections which had been cast upon our late Minister in France. Gentlemen had not stated that business fairly. It was necessary, at the time this gentleman was sent to France, to send a man of his political character. This conduct was forced upon the Executive. He believed an offer of the embassy was made to one gentleman who refused it, assigning for a reason to his friends that he was convinced that whoever accepted of the office must be made a sacrifice of, as he would be recalled whenever the situation of things should be such as to allow of it. He was sorry, when our late Minister to France had laid before the public all the official documents which had passed between him and the two Governments, that gentlemen should think it necessary to cast their censure upon him. The public, who was in possession of his book, would, however, judge for themselves. But, if a declaration was to be made on this subject, he declared it as his opinion that peace with the French Republic might have been secured, but that the Executive had done all in its power to cast it from us. With respect to insinuations which had been thrown out against the private character of that gentleman, he should not notice them; but if any charge could be brought against him, let it be publicly made, and he had no doubt it would be answered.

He would not have detained the committee longer, Mr. N. said, but if he did not lay before them some additional observations, they would not be in full possession of his sentiments on this subject. It was necessary, in order to judge of the present situation of the country, to be informed of what had thrown the present existing influence into the hands of the Executive, and what was the means of preserving it. In doing this, he felt it his duty to touch upon a subject which some gentlemen might think lay out of his way. But if he could show that there existed a description of persons in this country attached by interest to the Executive, who formed a kind of standing army more powerful than if they had guns in their

hands, by being spread over the community, it would afford one of the strongest reasons for guarding against Executive patronage. He should, therefore, make a few remarks on the origin of party in this country.

In speaking of the public debt, he trusted it would not be thought that he had any intention of shaking its credit. He had been five years in Congress, and never advocated anything which had this tendency; but he must speak of the creation of that debt. And when the political character of the fiscal operator was considered, it was probable that the scheme was intended to produce a party in the United States who would support the Executive at all events. For this purpose all Government paper was funded at its nominal value; and this was done so that it could be purchased up for a mere trifle, before the people could hear of the provision, so that the class of men referred to, in a moment made immense fortunes. And let any gentleman say whether any of this band of speculators have ever abandoned the support of the Executive. Never; they were as perfectly bound and disciplined as an army. These men yet continued their speculations upon the barren rocks of the country. With respect to the effect which this system of speculation produced on morality, it was well ascertained; with respect to its effect on politics, they were uniform—many had abandoned their former opinions for those of the band with whom they are connected.

He should refer to another accumulation of strength which stands on the same ground. Another class of men are lifted from obloquy, and are in favor of the party in Government; these were the disaffected men in the Revolution of our country. Look around and point to a man in that class who does not join in support of Executive measures. These men felt an attachment to this Government, from their hatred to the old. He did not blame them for being friends of this Government. He was himself a friend to it, and if it were now to be adopted, he should be in favor of it. But as soon as there appeared danger of a rupture with France, these men became patriots of their country. Then it was that they formed a conspicuous part of the Government party, who were not ashamed to associate with them. This was an accumulation of strength to the Executive unknown in the Constitution, and tended to destroy the balance of Government.

He introduced this class of men to notice, because the committee had heard much about American character and American sentiment. The character and sentiment which would grow out of this mass, he did not think would be very honorable to America. He introduced it for another reason; because, when gentlemen found a man who owed his birth to another country, who thought differently from them, they load him with obloquy and reproach merely because he was a foreigner. When this remark was applied to a particular gentleman in that House, he could not help feeling some degree of indignation at the charge. He knew that gentleman himself felt all the contempt for such charges which they deserved; he was also convinced that those charges arose from a jealousy of the superior talents of that gentleman, which every day became more conspicuous in that House; but, in behalf of the public, Mr. N. said he felt resentment for the injury done to one of its Representatives. Let gentlemen who proclaim this member to be a foreigner, proclaim also that he is a foreigner of twenty years standing; that he came into this country a boy, and that by his own labor and industry in it, he had got his fortune; let them proclaim also that he came from a country which was then engaged in a contest with that nation, which he was now charged with having a partiality for. Let them talk of this, and that gentleman may defy any influence which may be produced against him by the charge of being a foreigner. And if gentlemen chose to insinuate (as they frequently did) that this member was improperly concerned in an unfortunate occurrence in our country, let them consult his publication on the subject, and they will have a fair opportunity of being acquainted with facts which will do away every slander against him. Mr. N. said he felt it necessary to say what he had done with respect to his friend from Pennsylvania. If he had not done it, and had sat silently to hear the slanders so frequently thrown out against him, he should have felt himself an accessary in the shameful illiberality.

Mr. N. concluded, by saying, that from the sentiments which had fallen from the gentleman from South Carolina, (Mr. PINCKNEY)—and being convinced with him—that foreign Ministers were rather dangerous than serviceable, he would on some future occasion (as he himself did not long expect to have a seat in that House) bring forward a motion for doing away all our foreign intercourse. His present object was, however, what he had stated it to be. He hoped he should not now be considered as an enemy to Republicanism. He might be charged with introducing a motion which might be mischievous. He did not intend it to have any such effect. He believed this was the proper time to do the business. He was convinced there was no danger of an invasion of this country; if there were, he believed every man in the country (he would speak for himself at least) would be ready to resist it. With respect to aggression, he might not be so ready to attack it as some other gentlemen; but nothing could be entertained by him when put in competition with the security and independence of his country.

The committee now rose, and had leave to sit again.

---

FRIDAY, January 26.

Mr. D. FOSTER, from the Committee of Claims, made a report on the amendment of the Senate to the bill for placing certain persons on the pension list, an agreement to which was recommended to the House, and concurred in.

APPROPRIATION FOR INDIAN TREATY.

Mr. PINCKNEY reported a bill making an appropriation of a sum of money to defray the expense

of holding a treaty with the Indians claiming land in the State of Tennessee, which was committed.

The House resolved itself into a Committee of the Whole upon it; but, on motion of Mr. GALLATIN, who wished to introduce a section, which he had not yet prepared, for fixing the salary of the Commissioners, the committee rose, and had leave to sit again.

## FOREIGN INTERCOURSE.

The House having again resolved itself into a Committee of the Whole, on the bill providing the means of foreign intercourse, and Mr. NICHOLAS's amendment being under consideration—

Mr. GOODRICH observed that it had been contended by gentlemen supporting the amendment, that it was competent for this House to fix our diplomatic establishment, as to the number and grade of our public Ministers. On the first of these questions he should not make many remarks. It was at all times difficult to speak upon it with precision, and to bring our ideas to a closeness of reasoning which should be clearly understood. It was a theory, too, upon which gentlemen rather formed their opinion from the political sentiments with which they had been accustomed to consider the Executive power, than from fair investigation and argument. The claim on the part of the supporters of the amendment was drawn from these sources, viz: from the power of that House to create offices, or, if not found here, in the exercise of its power of appropriating money, or in the fixing of salaries.

With respect to the first, the office of foreign Minister was created by the Constitution itself, and the power of appointment was placed in the President; and, if he were not much mistaken, when the question of appropriation was formerly under discussion, it was not pretended that that House had any right to inquire into the expediency or necessity of a treaty. He knew that this power of instituting offices had been advocated by many. It had, however, only been glanced at in the course of the debate—the ground of appropriation having been principally depended upon.

It was worthy the attention of the committee, (and the fact was disputed by no one,) that the power of receiving foreign Ministers was vested solely in the President; and this being the case, it could scarcely be imagined that the right of fixing the diplomatic intercourse was in the House, so as directly or indirectly to interfere with the power placed in the Executive of receiving foreign Ministers.

Few, if any, of the members of the committee would, however, decide upon the question on this ground. But the right of determining on the number and grade of Ministers by means of the power of withholding appropriations had been insisted upon. Here, all that could be said had already been said. The nomination lay with the President, with the advice of the Senate, and it was the duty of the House to appropriate The appointment and service created a debt which it was obligatory on the House to pay; they were under a moral obligation to pay it.

But it was said, if the end could not be attained by refusing an appropriation, it could certainly be effected by the power of the House to fix salaries. It was not contended that the House had not a right, with a view to economy, to fix the salaries of our diplomatic agents. But upon what ground could these salaries be fixed? If it were upon any other than upon a principle of equitable and honorable reward, it would be *dirty* economy; it would be descending to do, by chicanery and subterfuge, what the House could not effect in any other way, and would be doing what the Constitution could never have intended. He should, however, dismiss this subject, and he should do it the more cheerfully, as there were other grounds upon which the question might be placed, which would not meet with so decided an opposition in the minds of many gentlemen.

It must have occurred to every member of the committee, that the bill was limited to two years in its duration. The nature of the amendment was limitation upon limitation, by curtailing a part of our diplomatic intercourse. Was this done on the ground of saving expense? This was disavowed, as it was seen to be a matter of small moment. Indeed, it was doubtful with him whether anything would be saved or not; as it was certain that our Ministers Plenipotentiary would not accept of the offices of Ministers Resident with half their present salary; of course, fresh persons would be appointed, and the expense of fresh outfits incurred. Mr. G. also complained, on the same ground as before stated, of the injustice of recalling our present Ministers. He also thought it bad policy; as, where a Government like ours wanted all the virtue and talents of its citizens for public offices, it would be found difficult to obtain them, if so much uncertainty was given to the duration of offices, which had all the appearance of permanency. It would besides derange our affairs abroad, very much embarrass the business of the Executive, and would be looked upon as a wanton interference with the views of that department, which it might mar and lay prostrate.

But, it was said, that these Ministers were unnecessary at the Courts to which they were sent. In answer to this he should allege, as had already been alleged, the House did not possess information sufficient to determine this point, and it might be unsafe to be communicated to them. But was there no reason for having a Minister Plenipotentiary in Spain? No gentleman would say so. And was there no reason for such an agent at Lisbon? Was not this the centre of communication with respect to our affairs with the Barbary Powers? But what use, it was asked, could a Minister at Berlin render to this country? At a time when the affairs of Europe are disturbed as at present, when our situation with France is such that no Ministers of ours will be received in that country, reasons of a very important nature may suggest themselves, why an able and faithful Minister should be placed at the Court of Prussia. But arguments of a more general nature were introduced in favor of the amendment.

It was said to be the interest of this country to annul all our foreign political intercourse. He did not deny, that separated as we are from Europe, that it might be for the interest and happiness of this country to have no connexion with European Powers. They might, he said, speculate upon this subject; but they had not the power to decide upon it; for political intercourse did not depend upon our sending Ministers abroad. It might be carried on by foreign Ministers sent here; and the Constitution (as he had before stated) showed they could not prevent this, as it expressly made it the duty of the President to receive foreign Ministers; and, in this case, there would be no call upon the House for the establishment and support of Ministers, as they would be supported by their own country; and though it was true that foreign Ministers were not usually sent to a country without a return of men of the same grade to the country from which they were sent, yet he introduced this position to show that it was not in the power of the House to say whether this country should have foreign political intercourse or not.

But if the committee must speculate upon this question, there were other considerations which would lead them to an opinion that it would be proper to abandon all foreign political connexions. It was a sentiment advocated by the gentleman from Pennsylvania, that we ought to have no political foreign relations. That gentleman prided himself on being of peculiar sentiments, but on this occasion he was not so. It had long been the sentiment of this country. It was a sentiment introduced into all our treaties but one, and it would be found in the Farewell Address of the late President of the United States. Mr. G. presumed, therefore, when our diplomatic intercourse was established by the late President, (and he established it as it is,) he felt the force of this sentiment as strongly as the gentleman from Pennsylvania. But though the gentleman from South Carolina, (Mr. PINCKNEY,) who had himself been employed abroad, had given it as his opinion that this country would be better without Ministers abroad, yet, though he acknowledged the weight of this authority, when he found the late President, who had the best opportunity of forming a judgment upon the subject from sage experience, had appointed these Ministers, he was led to doubt, though he was sensible some evils had arisen from foreign Ministers residing in this country, as well as from our Ministers abroad, whether they might not be too hasty in deciding upon this national question. Admitting that it was not for the interest of this country to have any foreign political relations, he asked gentlemen what they meant by this? They must mean that sort of compact with foreign nations which was called a treaty of alliance defensive and offensive. With a foreign relation of this kind we have nothing to do, and he hoped never should have. But what connexion was there between this subject and the present amendment? Because we determined to have no political relation with foreign countries, were we to have no political agents? Surely we ought, since they may be the means of preventing the necessity of these political foreign relations.

But before it was determined whether it would be proper to have any political foreign intercourse, he would inquire what was the effect produced by foreign Ministers in our country, and by ours when abroad? He acknowledged that produced by Ministers sent to this country was not a very agreeable one; it was not such an one as to encourage us or to flatter us. But from what cause had this arisen? It arose out of the state of the times, from the situation of public sentiment in this country. If anything could leave a doubt on this subject, it would be the effect of the diplomatic agents in this country. He had doubted whether it was expedient to admit them; for although these public agents ought only to have corresponded with the President of the United States, yet, when they were thwarted in their views, they had constantly made their appeals to the people. Nor would he except the Ministers of the two great European rival Powers; the conduct of all had been far different from what it ought to have been, and, instead of supporting the dignified characters of diplomatic agents, asserting the interests of their own country, and conciliating the favor and affection of ours, they have departed from this line of conduct, and, observing the existence of two parties in this country, they have endeavored to operate upon the people. But it was true we had no reason to object to foreign Ministers on this ground, as the good sense of the people had uniformly resisted their address, and all their projects had been frustrated.

But what effects, he asked, had our agents produced abroad? Undoubtedly their instructions have uniformly been to represent to foreign countries the interests and views of our own. And was it not to be supposed that persons going from this country to foreign countries would feel an attachment to their own, and that they would make the most of its interests? Calculating from what we know of human nature, this must be the case. It was true, a Minister might conduct himself so as to injure instead of serving the country by which he was employed. He might raise expectations which his country could never gratify. He might propose to afford a foreign nation such a succor as his country could not supply. If this were to be done, it would be regretted; but because an institution might possibly be abused, it was no argument for its being annihilated.

Suppose, said he, our foreign intercourse were to be broken up, what would be the consequence? We must then, when we have any business to settle with a foreign nation, employ Envoys Extraordinary, which would be employing men of a higher grade of character, and if public Ministers were to be considered as full of mischief, might be attended with greater evils than the grade we now employ. But it was said the business of the country with foreign nations might be managed by Consuls; but, as had been observed, these characters were not admitted at foreign Courts, if

they were in other respects fit for the business, which he did not believe they were. Besides, if no accredited agents were employed between foreign nations, spies and emissaries would take their place; as Governments would be informed, in one way or other, of what was going on in every country with which they had any connexion.

And, if a resolution were taken in this country to have no diplomatic agents abroad, in what a situation would the Executive of this country be placed? He is entrusted with the foreign relations of the country, but he would have no foreign Minister. He must, therefore, descend to the same low means with other nations, and depend upon spies for information; and when he got this information it would not be from authority, and therefore such as he could not communicate to the Legislature. Gentlemen, he supposed, would not be willing to put the business upon this footing. He acknowledged that the employment of foreign Ministers was attended with some inconveniences; but it was seen there were evils on both sides, and it was for Government to balance between them. But it was said these Ministers would join the political parties of the countries to which they were sent. On the contrary, he should suppose they would carry with them the feelings of their own country, and communicate them; but if this were to be dreaded, would it not be most likely to happen in the two countries that were exempted from this amendment? For where, he asked, were the points on which the great affairs of the nations of Europe turn but in London and Paris? If there were danger of this kind, it must, therefore, be at those places.

But it was said that wars were generally produced by Foreign Ministers. That this may have been the case in some instances, he did not doubt; but, speaking in general, it was attributing too great effects to too trifling causes. The causes of war, he said, were in the passions and animosities of nations. Our own country had been agitated in a manner which could scarcely have been imagined, from its remote situation, by its partiality for one nation and its enmity to another. When contemplating this subject, therefore, the committee ought not too hastily to decide. The intention of foreign intercourse was to promote peace and amity; it had long been the practice of the civilized world. If some of our Ministers had caught the passions of the country to which they were sent, and we had not been wholly able to avert the storm which seems to threaten us—a storm which appears to be bearing away all the ancient land-marks of the earth—yet, he believed, upon the whole, that our foreign Ministers had done great and permanent good to this country.

But, instead of bringing forward a subject of this kind at this time, the Legislature ought to be united in support of the Executive of the country; for, from whatever cause our misfortunes arise—whether from our own misconduct, or the unreasonable domination of a foreign Power—they did not originate under the present Administration, and, therefore, the difficult situation in which our Chief Magistrate was placed required all the support which the Legislature could give him. If the gentleman who moved this amendment had, however, introduced it unaccompanied with the reflections which he had made use of, it might have been a subject well worthy of consideration. This he had not thought proper to do. Topics of a singular nature had been brought forward. It had been said that all republican Governments had a tendency towards despotic power; that the power of appointment to office placed in the President had been basely prostituted; that the doctrine of favoritism had been introduced, and persons of a particular character were only appointed to office, and that this determination was likely to produce, or had produced, dangerous operations on the talents and abilities of the Legislature. When charges of so serious a nature were brought forward, it became necessary to repel them. He was sensible the subject was painful. The weapons of self-justification, and justification of Government, became, in some measure, weapons of attack, and few had the judgment to use them rightly. If the charges were true, what were the constituted authorities of the country? The accusation impeaches the purity of the Executive, the purity of the House of Representatives, and lays prostrate all the authorities of the country; and, instead of securing to them that love and respect which every friend of his country must wish them to possess, they must become objects of abhorrence.

But the gentleman from Virginia declares this is a theatre, on which he will speak, and that this is a subject upon which he will dwell; from this House an alarm is to be communicated to the people out of doors. This is a temple from which is to be preached, not the moral virtues of peace, charity, and brotherly love, which are preached from other temples, but the subject is to be the purity of the gentleman's own conduct, the orthodoxy of his own political faith and opinions, and the political heresies and political corruptions of his opponents.

He thought this must be a subject of regret to the gentleman's friends; for, when this habit of preaching was once begun, the love of it would increase, and though he preached in the most elegant and harmonious manner, the virtues of his friends would die in the melody of his accents. For, it will be asked, what occasion is there for this preaching? Is political sense and virtue of that nature that it seeks thus to be extolled? Sterling worth retires; it does not become its own trumpeter. It will not, therefore, be a subject of regret to his opponents; for, if he preaches much, and in the manner in which he preached yesterday, he will do them but little harm. The subject, when often dwelt upon, will have no weight or credit. There had been much preaching of this kind, both in Church and State. It might, for a time, do temporary mischief; but its effects were transient. He would, therefore, have dropped the subject, had not the slander of this gentleman been too much supported by others.

It was said to be the tendency of all Government

to come to despotism; that, true it was, our Government was tolerably pure; it had dabbled in corruption, but dabbled but little. And by whom was this said? For the name that said this ought to be a proud name indeed; it ought to be distinguished not only by brilliant public services, but for a peculiar disinterestedness of character; to have something around it which effectually shielded it from suspicion. By whom, then, has it been said? What arrogant and proud pretence led men to speak in this manner? What had entitled them to this high tone? Eminent talents all knew they possessed; but did mere eminence of talents entitle men to this right? He asked how these talents had been employed? In great and national service? In fixing the independence and freedom of the country? Have they aided in establishing the great outlines and measures of Government? Have they assisted in building up the Government, with special interest to the happiness of the country? They do not pretend this. Not that they have done anything for the happiness of the country, but in opposition to it. It would be invidious to enter into a comparison between the two characters. But let the gentlemen go to the page of history, and what do they find there? Had the mere declaimer against Government and its abuses an enviable rank on that page? No. Let me not, said Mr. G., be misunderstood. Immortal honor is due, and will be given, to men who have resisted the acts of tyranny and oppression. Such a man was *Hampden;* such a man was *Sidney.* But a mere declaimer ranked not with these men; nor did he rank with those who have been the benefactors of mankind by establishing eminent civil institutions. Yet, in that House, gentlemen claimed as a right, upon this mere ground, to speak, and when they pleased, of the abuses and corruptions of Government.

Mr. G. asked what were these abuses? They were said to arise from Executive patronage. Let the gentleman from Virginia go to his State, and the gentleman from Pennsylvania to his. Either was an extent of country which, in the Old World, would form an empire. What were the officers under the Executive? A single Judge in the Judiciary Department, a Marshal, and a few Deputies, a Supervisor, and some Collectors. And though this is an epitome of the whole of our country, yet, in the view of the gentlemen who support this amendment, this patronage is alarming and destructive!

Let the gentleman from Pennsylvania look at the supreme Executive of that State, and he would find a much more numerous list of officers; and, if not of a grade so high, yet of a grade at least equally capable of oppression. And was it a subject of popular declamation that the Governor of that State was bearing down the Government by means of his patronage? No. The subject was not heard in the Legislature of that State—the cry and clamor was only here.

But it was said, that this patronage or power of appointment had been basely prostituted, by selecting eminent characters from that House for office. He asked gentlemen how many men had been chosen from the Legislature for office, since the commencement of Government? But few, indeed. He asked, further, if there was anything in the Constitution which declared that members of the Legislature should not be appointed to office? and, if not, how it happened that at this period they were growing wiser than the framers of our Constitution, with respect to human nature? If the doctrine of gentlemen was true, which was to prevent this patronage, no officer ought to be appointed from the Legislature. Would this cure the evil? If human nature be so corrupt as they think it is, have not the members of the Legislature friends? And if they were capable of being influenced by these appointments, the influence might be as strong if their friends were appointed. This doctrine, therefore, not only went to ostracise the members of the Legislature, but their families and friends.

But it was said, the doctrine of favoritism had been adopted, and that only one description of men was appointed to office. He thought there was a great want of order in gentlemen who first brought forward this subject. It was a subject upon which it was difficult and indelicate to speak. The doctrine had been allowed without authority, for the President of the United States had not allowed that he had formed any such determination as was attributed to him; but if he had determined to select to office only those persons who had evinced, by their manners, an attachment to the Constitution of their country, and to those measures which had been sanctioned by the Legislature and himself, he thought he had adopted a right principle. He did not think the President had resolved to appoint no man to office except he were of his own political sentiments, though he might have determined not to make choice of any man who had manifested uniform opposition to all the measures of Government. He asked what measure had been taken by the Executive which had not been sanctioned by all the constituted authorities, and, in a less formal manner, by the people themselves, and in some cases, by votes of the State Legislatures?

But, he asked, against whom these charges of venality and corruption were made? They were brought against the Executive of this country. And what was this Executive? Gentlemen seemed to consider it as a sort of leviathan or monster, which was always to be goaded and probed with a thousand wounds for its venal propensities; though, for some of its good qualities, it must be kept alive, though in torture and pain.

The duties of the Executive were to preserve the powers of the country, to vindicate its rights, to protect its sovereignty, to execute the public will expressed through the laws. Rob it of one of these powers and you destroy the most valuable part of the Government; depress it, and you only do it for a short time. It will rise in the affections and favor of the people, with new life and vigor. Indeed, these attempts against the Executive were calculated to produce a much more strong and powerful Executive than we now have.

But against whom were these charges brought? They were levelled at the Executive power. But against whom were they personally brought? Were they intended against the late President, or the present? Both were implicated in the accusation. He would not attempt to sketch the whole praises of the former; but he would mention a few traits of his character, which must repel these charges. They would go to his disinterestedness, and show that he had never been actuated by a love of power.

For his disinterestedness, it was enough to say, that he had spent forty years in the public service without reward, and in doing it, he had diminished an ample fortune. With respect to his love of power, it was enough to say, that he had twice retired from the most elevated station to the walks of private life—there he hoped he would long live surrounded with comforts unalloyed by the enmity of any man.

With respect to the present Chief Magistrate, he asked whether there was anything in the life of this man, which had shown a deviation from strict and honorable conduct, in his way to promotion and office? His honor and his offices were of the hard-earned kind. He had never gone into devious paths to seek for them. He had acquired his elevated station by doing his duty in a firm and independent manner.

Here nothing looked like a love of power. He would next ask gentlemen against whom their attacks were made in that House? For, they may say what they please, the American people would never admit of a charge of corruption where no corruption exists. They might say they did not mean to include in their charge gentlemen who had acted with the President; but their charge was that the patronage of the President had found its way into that House, and produced majorities there. He regretted that a sentiment so degrading to the American character had been advanced by a citizen of this country. The way to produce worth was not to place men in a degraded state. If it were wished to form an assembly of vile men, tell them they are made of such kind of stuff that they must become so. If they looked into history this sentiment would be confirmed.

What was it that made the Roman character? Was it not a high sense of public and private virtue? Yes; it was this that carried that country to its greatness. But here our citizens were said to be composed of such corruptible materials, that they cannot withstand the temptations held out to them by our offices; whilst there, every thing tended to elevate human nature, and it was this which led to Roman greatness. Different principles and different manners were now adopted; and what was the character of the people who now inhabited the clime formerly possessed by the ancient Romans? Behold the modern Italian, dark, cunning, and mischievous.

These charges were, then, founded in slander, and ought to be repelled. His colleague had been astonished from whence these suspicions came, and charged them upon the gentleman's own heart. His friend was mistaken; there were no such materials there. None were to be found there so base. The charge must have proceeded from a distempered mind, produced, perhaps, by being foiled in a favorite choice of an Executive Magistrate; or from a concurrence of circumstances which had thrown over the gentleman's mind a cloud of suspicion and jealousy.

But it was said that the only saviour of the country now consisted of a feeble minority, which was to stem the torrent of corruption. It was true, and it was to be regretted, that there was party in this country. Not that he would be understood that the most strict scrutiny into public measures was a blameable conduct; on the contrary, he believed it was for the happiness of the country that public measures should be scrutinized; but an organized spirit of party was always dangerous in a country.

In speaking upon this subject, it must occur to every member that it was not a party over a particular district of country which was spoken of; it could not escape the patriotic mind, that this party was spread over the whole Union. This being the case, the subject assumed an importance very different from what would be the case were it a subject of mere private discontent.

Mr. G. addressed himself to gentlemen who acknowledged themselves in a minority, and he did it with that degree of earnestness which the situation of our country demanded. We were at this time, said he, in a state of anxiety; we were apprehensive of an eventful crisis, when all the patriotic virtues, if not the active energies of the country, will be necessary. He asked whether, at a time when Government could hardly move upon its wheels; when we were surrounded with difficulties; when our affairs in the western country were in a very critical state; when the business of the Legislature was full of perplexity; it was proper to add to all this, a still more difficult and perplexing state of things? If this opposition were determined to obstruct the measures of Government, how was it to move? For he did not pretend to say that the opposition was confined to the gentlemen in that House; he supposed they fairly represented the sense of their constituents. In this state of things, how was Government to proceed? If gentlemen would come forward and say expressly what they wanted, if their discontents were well founded, they might be removed. But, on this occasion, all that had been said had been mere general clamor. The gentleman from Virginia complained of the funding system, of this and of that; but he did not now expect to reverse these systems; and, therefore, he could not think it was either prudent or patriotic, in the present state of things, to introduce them. Had it not a tendency to increase our divisions, and did gentlemen expect that the country could rise above these evils? When every support of Government was necessary, was this the time to sow discontents? These were serious questions. Mr. G. said he would go further, and say, if there was anything which he could do, and it were proposed how it could be effected, for producing harmo-

ny in the House, he would do every thing but rob the Government of its powers. He could not consider this amendment as a single, unconnected measure; it was connected with others, and intended to clog the wheels of Government.

The gentleman from Virginia had said that this country ought only to be considered as a vender of its produce and purchaser of what was brought to it. Did he suppose that such an assertion would produce content? Did he suppose, for instance, that the State of Massachusetts would destroy all its vessels, and revert back to a state of society long since passed?

Notwithstanding the charges which had been brought against the Government, its friends had a source of satisfaction in the good sense of their countrymen; he believed they would adopt a firm and decisive language; and he doubted not they would recollect and be persuaded of the truth of the maxim, that "united we stand, but divided we fall."

Mr. SEWALL, after a few prefatory remarks, observed that the gentleman from Virginia had avowed that his amendment, and the manner in which he had introduced it, was an attack upon the Executive of the United States. The occasion of the attack, or the propriety of it at this moment, he left him to justify to his constituents and to the people of the United States. He seemed to despise what might be said by gentlemen here. He avowed he did not speak so much to the Representatives of the people of the United States within these walls, as to the people without them, whom he wished to bring to consider the danger of their present situation, and to induce them to join him in measures unfavorable to the happiness and prosperity of the country.

It would be difficult to go over all the observations of the gentleman, and to answer them singly. Such a procedure would not fail to tire the committee. He would, therefore, bring them into a sort of arrangement or division. And the first thing which he should notice was, what he called his *violent attack*—an attack upon the principles which the gentleman acknowledged had no connexion with the question, with a design of raising discontents in the people of the United States against their Executive—not with respect to this question, but with respect to the danger to be apprehended from Executive patronage in general. This he called a violent attack, because it was not produced by anything under the view of the committee. He did not mean, however, to account for this conduct, but to make some observations upon it.

In another point of view he considered what had fallen from the gentleman from Virginia as a civil attack upon the Executive authority, attempting to deny certain rights as belonging to the Executive, by assuming an authority unknown in the practice of the House, and unknown to the Constitution.

In the first place he would refer to what he had said. He called upon the people of the United States to confederate with him against the Executive. He was not contented with this appeal; he had endeavored to raise an interested passion, not in the people at large, but in those who may have been disappointed in their applications for offices to the President, and to all those who have partialities elsewhere, to consider the Executive of the United States in a degraded point of light, from having joined a certain party, and from having determined to choose no person to office but persons of a certain opinion; thereby degrading the Executive of the United States, by representing him as the *head of a party*.

He called another part of the people to come around him, from a consideration of their liberties being in danger, from the excess of patronage in the Executive; to these classes might also be added the mere seekers for office. In this manner were the people of the United States to be arrayed and marshalled out, and in this manner this Constitution, and these laws, were to be endangered, by an attack, which appeared as if it were intended to be the forerunner of a more serious attack from abroad.

Nor was the gentleman contented by drawing around him all the discontented of the community, but he also made an attempt upon that part of the people who were generally in favor of Executive measures, by saying they were flatterers, mere devotees of the Executive, and seekers for office, as in fact already corrupted. In this manner was the Executive to see not only the discontented part of the people, but his friends arrayed against him. In the latter attempt, the gentleman would fail. He believed there were those who could support charges of this nature—who could console themselves with having done their duty, by having supported the laws and Constitution of their country, and defy and despise his representations.

And here he would observe that the gentleman threw strong censure upon those who are certainly the most deserving part of the community—those who are contented with the measures of the Executive—satisfied with the measures of the General Government. Mr. S. believed persons of this description to be in the natural state of society—that state which the Constitution supposes; yet these were called upon to renounce their confidence in the Executive. Surely, said he, we might retort upon gentlemen, by saying that those who oppose the measures of the Executive, who take the part of a foreign country against their own, are in an unnatural and criminal state. They might say we will avoid you; your conduct is already disagreeable to us; the Executive avoids you, and we approve his conduct; you are disreputable to society; you are the enemies of Government. But he would avoid allegations of this sort. He was convinced that there were few people in the United States—he hoped none in that House—who would answer to this charge. He hoped none were guilty of it; but it was hard upon gentlemen who were in favor of Constitutional measures, that they should be called upon to defend themselves against charges of this kind.

Gentlemen who professed themselves satisfied with the measures of the Government here, were charged with the want of attention to the interests

of the people, because they did not alarm their constituents, on their return home, on the subject of Government abuses; because they did not do this, they were charged with administering *soporifics* at home.

Some few parts of the gentleman's observations deserved more particular examination; and first, with respect to the danger arising from the power of appointing to office being placed in the Executive. On this occasion the excessive patronage of the Executive of the British Government was brought before the committee, and they were bid to beware of our Executive becoming like it. This charge was a vague one, as it would be difficult to show that there was any resemblance between the two Executives. The thing which gentlemen considered as of no weight—he meant the short period for which our Executive was elected, and that of England being permanent—he thought of material importance. Our Executive had no power but for four years, during which period he was liable to be impeached by that House for any flagrant abuse of duty; in which case he would be tried by the Senate, and acquitted or found guilty. In a Constitution like this, therefore, what need was there for all this alarm about Executive power? If there existed abuses in the Executive department, why not bring forward an impeachment at once? But the truth was, no proof of abuse existed. He trusted he should not be considered as wanting in respect to the people, if he considered them as an improper tribunal to be appealed to on this occasion. If abuse existed, he had pointed out the Constitutional way of having it rectified. He was further of opinion that any attempt to misinform the people on this subject, was a sort of treason against the peaceful enjoyment by the people of their liberty. It was necessary, therefore, that the people should be well assured of the truth of such a charge; for, if it had the effect which he had mentioned, and was not founded in fact, he should consider the man who made it, as a traitor to the people.

Liberty, he said, was security: destroy security, therefore, and you destroy liberty. He did not mean to attribute any intention of this kind to the gentleman from Virginia. He was only endeavoring to point out to him the extreme impropriety of the manner in which he had supported his proposition.

It was allowed that the Government was as liable to be destroyed by anarchy, as from excessive patronage in the Executive. It was upon the Executive we depended for the execution of the laws, and for general protection. It was in fact the eyes of the community. The Constitution had characterized his office; it was a part, and the cement of our Union. Would any single man in that House claim to himself that confidence from the people of the United States which the Executive had? They came from different districts, impressed with local views and interests, which they could not avoid, though it was the duty of every member to consider himself as the representative of the whole Union; but the President of the United States was elected by the whole, to preside over the whole, and his future reward would depend upon the manner in which he filled the office at present, and the people would always be inclined to show him respect and regard, and would be slow in believing that he would do anything contrary to the interest of the United States.

He would refer to the particular charges which had been alleged against the Executive. He had been charged with having recommended a mission to Prussia, when there was no occasion for it. They were necessarily uninformed on this point. The gentleman from Virginia, indeed, had supposed that they had a right to bid the Executive to lay before them the motives for his conduct; but he believed he could not find any such authority in the Constitution. The power of appointing Ministers was in the Executive, and if he had nominated, and the Senate approved, there existed no Constitutional authority to call him to account, except manifest abuse appeared; and if this were the case, he had already pointed out the mode of redress. It was extremely hard upon gentlemen who wished to defend the Executive, to be obliged to say they were as ignorant with respect to its motives, as those who complained of it. It was a sufficient answer, however, to say, that the business was not within the care of this House.

The Executive had been charged with making appointments to office from the Legislature, with a view to influencing the members to a certain line of conduct. Particular reference had been had to foreign Ministers, and it had been said only one had been appointed but who had been taken from the Legislature. It was said that four others had been taken from the Legislature, the appointment to which might have had an influence upon it; if it could possibly have had any, it must have been so small as to be below calculation. Mr. S. enumerated all the Ministers we have in Europe, and whence they were appointed; the result of which enumeration was, that the influence complained of could not have produced any effect, except in the case of the Minister at Lisbon (Mr. W. SMITH.) It was true he was in the Legislature, and likely to remain in it; but, if gentlemen recurred to that gentleman's character, and his uniform support of Government, no one would suppose that his conduct was influenced by the expectation of his appointment. But are those members of the Legislature, who are in a natural state, the only commendable state in society, to be those who are to be suspected of being improperly influenced by the appointments to office, merely because the Executive declines appointing men to office who are in continual opposition to Government? If gentlemen possessing opinions of the latter kind, were suddenly to change them, there would, indeed, be some ground to suspect an improper influence. But there was no instance in which this would apply.

But it was considered as criminal in the Executive to appoint to important offices those men only who are friendly to the measures of Government. A gentleman from Virginia (Mr. BRENT) some days ago, mentioned several offices, to which it would be improper to confine appointments in the

way proposed, but he carefully avoided mentioning the offices which had been under consideration. It must be recollected that the Executive is answerable for any measures which may be taken with respect to any foreign country, and it was not to be expected that he would choose those to do his business, who were averse to Executive measures. He knew of one instance only in which this had occurred, and he recollected that, in that instance, the gentleman had himself boasted that he obtained from the Executive a declaration conformably to his views, before he would undertake the office. How far this was true, or whether the gentleman deceived himself, he could not tell. He supposed the latter was the case. He was, however, appointed to a mission, which, after he had undertaken it, he thought proper to neglect.

The Executive had also been attacked with respect to his choice of a Secretary of State, and his fair and honorable vindication of the Government of this country against an insidious Power, who had endeavored to excite an alarm against the people of this country, which might have endangered our independence and happiness—who had reduced us to a degraded state by depredating upon our commerce, which had produced a loss incalculable—was called a manifesto equal to a declaration of war. This attack, he was convinced, would have little weight.

Mr. S. then went into a disquisition on the construction of the Constitution with respect to appropriating money, and denied that the House had a right to refuse an appropriation for foreign Ministers, when called upon by the President, as it was a moral obligation, which they were bound to obey. He believed the bill had better be rejected than that this amendment should take place; for, if not passed at all, the President would be relieved from his responsibility; but, if it passed with the amendment, it would deprive him of the free exercise of his authority.

The committee rose, and had leave to sit again.

---

MONDAY, January 29.

## MEMORIAL OF THE QUAKERS.

Mr. SITGREAVES, from the committee to whom was referred the memorial and address of the people called Quakers, from their yearly meeting held in Philadelphia, in November last, made a report, stating, that as the above memorial was expressed only in general terms, the committee applied to the memorialists, desiring them to exhibit the precise grievances which they wished to have redressed; that, in consequence of this request, the committee received certain documents from them; after which the memorialists were invited to a conference, in order to suggest a remedy to the evils which they complained of; and, after several consultations, the committee state it to be clearly their opinion, that the facts referred to are exclusively of judicial cognizance, that therefore it is not competent for the Legislature to do anything in the business, and recommended that the memorialists have leave to withdraw their memorial.

Mr. S. moved that the report be read a second time, for the purpose of being concurred in.

Mr. THATCHER hoped the report would be committed. As several applications had been made to the Legislature by this body of people for redress of a similar kind prayed for in this memorial, in order, therefore, to give them full satisfaction, and thereby prevent future applications, he hoped the determination made upon it might be done in the most solemn manner.

Mr. SITGREAVES hoped this course would be taken. He wished the memorialists to be fully satisfied with the proceedings taken on their application.

Mr. T. CLAIBORNE was also of this opinion.

Mr. MCDOWELL could not conceive the object of the gentleman who moved this report to be committed, except it were to pay a compliment to the memorialists. He was opposed to paying this compliment. He thought the manner in which they had so frequently come forward to attempt to disturb the peace of society, and to arraign the conduct of State Governments, was not entitled to it. He hoped, therefore, the report would not be referred.

The question was put, and there appeared to be 35 for the committing the report, and 35 against it; the Speaker determined in the affirmative, and the question was carried.

## RELIEF OF WIDOWS, &c.

Mr. DWIGHT FOSTER, from the Committee of Claims, to whom was referred the resolution requiring a report on the propriety of extending the act passed June 7, 1794, for making further provision for the more effectual protection of the frontiers of the United States, and for the relief of widows and children of officers killed in the service, reported it as their opinion, that it ought to be extended to the widows and children of such as were killed in the war with the Indians. Committed for to-morrow.

## LOSSES RECOVERED UNDER BRITISH TREATY.

Mr. S. SMITH presented the following resolution:

"*Resolved*, That the President be requested to direct the proper officer to lay before this House a statement of the losses recovered by citizens of the United States under the treaty made with Great Britain, specifying those cases which have been actually decided upon by the Court of Appeal."

Ordered to lie on the table.

## COUNTERVAILING DUTIES.

Mr. JOSIAH PARKER also presented the following:

"*Resolved*, That the President of the United States be requested to direct the proper officer to lay before this House a copy of the Act of the British Government countervailing the duties on tonnage laid on foreign ships and vessels by the United States, and goods, wares, and merchandise, imported therein."

Ordered to lie on the table.

## LAND TITLES IN TENNESSEE.

The House again resolved itself into a Committee of the Whole on the bill enabling the Presi-

dent to hold a treaty with the Indians claiming lands in the State of Tennessee. Mr. GALLATIN proposed an amendment fixing the pay of the Commissioners at eight dollars a day, exclusive of their expenses; which was agreed to. And, on motion of Mr. McDOWELL, the words "or North Carolina," were moved to be added after the word Tennessee, so as to enable the President to treat for any land belonging to the Indians within that State. The motion was agreed to by 43 to 16. The House agreed to the amendments, and the bill was ordered to be read a third time to-morrow.

## IMPEACHMENT OF WM. BLOUNT.

Mr. SITGREAVES moved that the unfinished business relative to foreign intercourse should be postponed, in order to take up the articles of impeachment reported against William Blount.

Mr. HARPER hoped the unfinished business would not be postponed for this purpose, as he wished it first to be disposed of.

Mr. SITGREAVES said, he made this motion because of the impatience which had been heretofore shown to go into the business, and because he believed it would not require much time. He also thought it would be proper to exhibit the articles to the Senate at as early a period as possible, as there would be certain preliminary questions to be decided before the impeachment could be proceeded with—he alluded to the impeachability of a Senator, which he understood the Senate meant to dispute. If the Senate determined that one of their body is not impeachable, the business would be at an end. This question would be entered upon after the articles were exhibited. He hoped, therefore, the House would take up the subject. By this time, as the evidence had been long in the hands of the members, the subject must be well understood. It would be seen that the articles were predicated upon the single letter of William Blount to James Carey, which was communicated to the House by the President of the United States.

Mr. McDOWELL supported the motion.

Mr. MACON was opposed to it, wishing the unfinished business first to be gone through.

Mr. SPRIGG was in favor of the motion. A doubt had arisen whether the trial would go on in the absence of the person impeached. If this should prove to be the case, it would be necessary to send a messenger to Tennessee, and wait his return. The sooner, therefore, the business could be gone into the better.

Mr. THATCHER thought there was no necessity immediately to proceed to consider the articles in question, as he found by a bill before him that the Senate considered it necessary to pass a bill before they entered upon the business, prescribing the mode of proceeding in cases of impeachment.

Mr. GORDON thought the remark of the gentleman last up was not entitled to any weight; if it were, the Senate might prevent the impeachment altogether. He thought the observation of the gentleman from Maryland (Mr. SPRIGG) was worthy of consideration. The preliminary question might (and he believed would) be made whether a Senator was impeachable. If the Senate decided one of their body was not impeachable, the business would be at an end; if not, it might be necessary to issue process to call the person impeached before them, and it might be necessary to protract their session, for the purpose of finishing the business; as, after it was gone into, it would not be proper to leave it in an unfinished state.

Mr. COIT wished the articles not to be taken up to-day, as they were only laid upon the table this morning, and he had scarcely time to read them.

Mr. HARPER did not think the business would come to any earlier termination by going into the articles to-day, as a committee of the House would have to go to the Senate to argue the point of impeachability with them.

Mr. SITGREAVES thought differently; for, though the managers on the part of the House must be heard in the Senate, before the question of impeachability was decided, yet the Senate could not proceed on the subject before the articles were exhibited. Besides, if the matter of fact came to be tried, it would be necessary for several witnesses to be summoned from the State of Tennessee, in addition to the evidence already obtained. It would not be proper, therefore, to delay an exhibition of the articles.

The question for postponing the unfinished business was put and carried—42 to 41.

The House then resolved itself into a Committee of the Whole on the articles of impeachment reported against William Blount, Mr. DENT in the Chair; when they were read, as follows:

Articles exhibited by the House of Representatives of the United States, in the name of themselves and of all the people of the United States, against William Blount, in maintenance of their impeachment against him for high crimes and misdemeanors.

ARTICLE 1. That, whereas the United States, in the months of February, March, April, May, and June, in the year of our Lord one thousand seven hundred and ninety-seven, and for many years then past, were at peace with His Catholic Majesty, the King of Spain; and whereas, during the months aforesaid, His said Catholic Majesty and the King of Great Britain were at war with each other; yet the said William Blount, on or about the months aforesaid, then being a Senator of the United States, and well knowing the premises, but disregarding the duties and obligations of his high station, and designing and intending to disturb the peace and tranquillity of the United States, and to violate and infringe the neutrality thereof, did conspire, and contrive to create, promote, and set on foot, within the jurisdiction and territory of the United States, and to conduct and carry on from thence, a military hostile expedition against the territories and dominions of His said Catholic Majesty in the Floridas and Louisiana, or a part thereof, for the purpose of wresting the same from His Catholic Majesty, and of conquering the same for the King of Great Britain, with whom His said Catholic Majesty was then at war as aforesaid, contrary to the duty of his trust and station as a Senator of the United States, in violation of the obligations of neu-

trality, and against the laws of the United States, and the peace and interests thereof.

ARTICLE 2. That, whereas, on the twenty-seventh day of October, in the year of our Lord one thousand seven hundred and ninety-five, a Treaty of Friendship, Limits, and Navigation, had been made and concluded between the United States and His Catholic Majesty, by the fifth article whereof it is stipulated and agreed, "that the two high contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the country adjacent to the lines and rivers, which, by the preceding articles, form the boundaries of the two Floridas: and the better to obtain this effect, both parties oblige themselves expressly to restrain by force all hostilities on the part of the Indian nations living within their boundary, so that Spain will not suffer her Indians to attack the citizens of the United States, nor the Indians inhabiting their territory; nor will the United States permit these last-mentioned Indians to commence hostilities against the subjects of his Catholic Majesty or his Indians, in any manner whatever:" Yet, the said William Blount, on or about the months of February, March, April, May, and June, in the year of our Lord one thousand seven hundred and ninety-seven, then being a Senator of the United States, and well knowing the premises, and that the United States were then at peace with His said Catholic Majesty, and that His Catholic Majesty was at war with the King of Great Britain, but disregarding the duties of his high station, and the stipulations of the said treaty, and the obligations of neutrality, did conspire and contrive to excite the Creek and Cherokee nations of Indians, then inhabiting within the territorial boundary of the United States, to commence hostilities against the subjects and possessions of His Catholic Majesty, in the Floridas and Louisiana, for the purpose of reducing the same to the dominion of the King of Great Britain, with whom His Catholic Majesty was then at war as aforesaid: contrary to the duty of his trust and station as a Senator of the United States, in violation of the said Treaty of Friendship, Limits, and Navigation, and of the obligations of neutrality, and against the laws of the United States, and the peace and interests thereof.

ARTICLE 3. That, whereas, by the ordinances and acts of Congress for regulating trade and intercourse with the Indian tribes, and for preserving peace on the frontiers, it has been made lawful for the President of the United States, in order to secure the continuance of the friendship of the said Indian tribes, to appoint such persons, from time to time, as temporary agents, to reside among the Indians, as he shall think fit; and whereas, in pursuance of the said authority, the President of the United States, on or about the eighth day of September, in the year of our Lord one thousand seven hundred and ninety-six, did appoint Benjamin Hawkins, to be principal temporary agent for Indian affairs, within the Indian nations south of the river Ohio, and north of the territorial line of the United States; and whereas the said Benjamin Hawkins accepted the said appointment, and on the 21st day of April, in the year of our Lord one thousand seven hundred and ninety-seven, and for a long time before and afterwards, did exercise the functions, powers, and duties attached to the same; yet, the said Wm. Blount, on or about the said twenty-first day of April, in the year of our Lord one thousand seven hundred and ninety-seven, then being a Senator of the United States, and well knowing the premises, did, in the prosecution of his criminal designs and of his conspiracies aforesaid, and the more effectually to accomplish his intention of exciting the Creek and Cherokee nations of Indians to commence hostilities against the subjects of His Catholic Majesty, further conspire and contrive to alienate and divert the confidence of the said Indian tribes or nations from the said Benjamin Hawkins, the principal temporary agent aforesaid, and to diminish, impair, and destroy the influence of the said Benjamin Hawkins with the said Indian tribes, and their friendly intercourse and understanding with him, contrary to the duty of his trust and station as a Senator of the United States, and the peace and interests thereof.

ARTICLE 4. That, whereas, by the ordinances and acts of Congress aforesaid, it is made lawful for the President of the United States to establish trading houses at such places and posts on the western and southern frontiers, or in the Indian country, as he shall judge most convenient, for the purpose of carrying on a liberal trade with the several Indian nations within the limits of the United States, and to appoint an agent at each trading house established as aforesaid, with such clerks and assistants as may be necessary for the execution of the said acts: And, whereas, by a treaty, made and concluded on the second day of July, in the year of our Lord one thousand seven hundred and ninety-one, between the United States and the Cherokee nation of Indians, inhabiting within the limits of the United States, it is stipulated and agreed, that "the United States will send such, and so many persons to reside in said nation, as they may judge proper, not exceeding four, who shall qualify themselves to act as interpreters." And whereas the President of the United States, as well in pursuance of the authorities in this article mentioned, as of the acts of Congress referred to in the third article, did appoint James Carey to be interpreter for the United States to the said Cherokee nation of Indians, and assist at the public trading house established at the Tellico blockhouse, in the State of Tennessee: And whereas the said James Carey did accept the said appointments, and on the twenty-first day of April, in the year of our Lord one thousand seven hundred and ninety-seven, and for a long time before and afterwards, did exercise the functions and duties attached to the same; yet, the said William Blount, on or about the said twenty-first day of April, in the year last aforesaid, then being a Senator of the United States, and well knowing the premises, did, in prosecution of his criminal designs, and in furtherance of his conspiracies aforesaid, conspire and contrive to seduce the said James Carey from the duty and trust of his said appointments, and to engage the said James Carey to assist in the promotion and execution of his said criminal intentions and conspiracies aforesaid, contrary to the duty of his trust and station as a Senator of the United States, and against the laws and treaties of the United States, and the peace and interests thereof.

ARTICLE 5. That whereas certain tribes or nations of Indians inhabit within the territorial limits of the United States, between whom, or many of them, and the settlements of the United States, certain boundary lines have, by successive treaties, been stipulated and agreed upon, to separate the lands and possessions of the said Indians from the lands and possessions of the United States, and the citizens thereof: And whereas, particularly, by the treaty in the last article mentioned to have been made with the Cherokee na-

tion, on the second day of July, in the year of our Lord one thousand seven hundred and ninety-one, the boundary line between the United States and the Cherokee nation was agreed and defined; and it was further stipulated, that the same should be ascertained and marked plainly by three persons appointed on the part of the United States, and three Cherokees on the part of their nation; and whereas, by another treaty, made with the said Cherokee nation, on the 26th day of June, in the year of our Lord one thousand seven hundred and ninety-four, the said herein before recited treaty of the second day of July, in the year of our Lord one thousand seven hundred and ninety-one, was confirmed and established, and it was mutually agreed that the said boundary line should be actually ascertained and marked in the manner prescribed by the said last mentioned treaty; and whereas, in pursuance of the said treaties, Commissioners were duly nominated and appointed on the part of the United States, to ascertain and mark the said boundary line; yet the said William Blount, on or about the twenty-first day of April, in the year of our Lord one thousand seven hundred and ninety-seven, then being a Senator of the United States, and well knowing the premises, in further prosecution of his said criminal designs and of his conspiracies aforesaid, and the more effectually to accomplish his intention of exciting the said Indians to commence hostilities against the subjects of His Catholic Majesty, did further conspire and contrive to diminish and impair the confidence of the said Cherokee nation in the Government of the United States, and to create and foment discontents and disaffection amongst the said Indians towards the Government of the United States, in relation to the ascertainment and making of the said boundary line, contrary to the duty and trust of his station as a Senator of the United States, and against the peace and interests thereof.

And the House of Representatives, by protestation, saving to themselves the liberty of exhibiting, at any time hereafter, any further articles, or other accusation or impeachment against the said William Blount, and also of replying to his answers which he shall make unto the said articles, or any of them, and of offering proof to all and every the aforesaid articles, and to all and every other articles, impeachment or accusation, which shall be exhibited by them, as the case shall require, to demand that the said William Blount may be put to answer the said crimes and misdemeanors, and that such proceedings, examinations, trials, and judgments, may be thereupon had and given as are agreeable to law and justice.

The articles having been agreed to, without amendment, (except a mere verbal one,) the committee rose, and the House having also agreed to them,

Mr. SITGREAVES moved that managers be appointed on the part of the House for the purpose of conducting the impeachment.

Which being agreed to,

The SPEAKER inquired of what number they should consist?

Mr. SITGREAVES answered eleven.

Mr. THATCHER five.

Mr. SITGREAVES hoped the number he had mentioned would be agreed to; the business being new, and of a very important and delicate nature, he thought the managers ought not to be less than eleven.

Mr. THATCHER withdrew his motion, and eleven was agreed to be the number.

Mr. SITGREAVES moved that the managers go to the Senate with the articles of impeachment.

Mr. VENABLE wished to know how the managers were to be appointed.

Mr. SITGREAVES said, with respect to the manner of appointing managers, he left it to the discretion of the House. The British House of Commons appointed their managers of impeachment by ballot, as they did all their large committees. In that House a different course was taken with respect to committees; they were always appointed by the SPEAKER, except specially ordered otherwise. The former committee on this business was appointed by the SPEAKER. He was not disposed to deviate from the usual practice. If, however, any gentleman wished to move that they be appointed by ballot, such a motion, he supposed, would be in order.

Mr. VENABLE did not think the House had any rule on the subject. The rule for appointing committees did not apply to the present case, which was perfectly new. He thought, therefore, that a vote of the House ought to determine in what manner the managers should be appointed. He had no objection to the SPEAKER'S appointing them, if the House should so determine.

Mr. THATCHER did not think there was any difference between these managers and other committees of the House, and, therefore, could see no objection to choosing them in the usual mode.

The SPEAKER read the rule, and said managers of conferences with the Senate were chosen in the same way.

Mr. GALLATIN thought the rule directing the appointment of committees did not apply in the present case. It was true that managers of conferences of the Senate were thus chosen; but he thought there was an essential difference between the two cases. Managers of conferences reported to the House similarly with committees, and in fact they were a committee, though called by a different name. But managers of an impeachment on the part of that House, appeared to him to be quite a different thing. They were not to make a report to the House which might be affirmed or negatived; they were the representatives of the House, and what they did would be final. Under this impression, in order to take the sense of the House upon the business, he moved that the managers be elected by ballot.

This motion was carried without a division, and the members were proceeding to prepare their ballots, when

Mr. ISAAC PARKER said, as he was not prepared to give his vote, not being sufficiently acquainted with the members to know who were the most fit to be managers, he should move that the appointment of managers be postponed till to-morrow; which motion was carried.

## LUCY CLARK.

The House then, after a further vote to postpone the unfinished business, resolved itself into a Committee of the Whole on the report of the

Committee of Claims on the petition of Lucy Clark, who prayed for the reimbursement of the sum of £32 10*s.* 9*d.*, Virginia currency, with interest from the 14th of August, 1787—being the amount of money she alleges she has been obliged to pay on a judgment and execution against her, founded on a bond executed by her husband in his life-time, for the hire of a negro man, employed by him in public service.

The Committee of Claims reported in her favor, and, after some little opposition, the Committee of the Whole concurred in the report. The House rose, agreed to it, and a bill was ordered to be brought in accordingly.

---

TUESDAY, January 30.

The bill appropriating money for holding a treaty with the Indians claiming land in the States of Tennessee or North Carolina, was read the third time and passed.

## IMPEACHMENT OF WM. BLOUNT.

Mr. SITGREAVES said, as it was yesterday stated that the rules of the House respecting the appointment of committees did not apply to the present case, it would be well for the House to settle a question, before it proceeded to the election of managers of the impeachment, which might arise in the business, viz: whether a majority or a plurality or votes were to make a choice. He therefore proposed the following resolution, which was agreed to by the House:

"*Resolved*, That in the ballot for managers on the part of this House, of the impeachment against William Blount, a majority of the whole number of members present shall make a choice; that if more than eleven members shall have a majority, eleven of the highest shall be chosen; and if any two or more members have a majority of votes, and shall be equal in number, the same shall be decided by a new ballot."

The Sergeant-at-Arms proceeded to collect the ballots, which being done, the SPEAKER appointed Messrs. D. FOSTER and JONES, as tellers.

Having examined the votes, which took up nearly two hours, Mr. D. FOSTER reported, that the tellers had performed the business assigned them, and found the whole number of votes to be ninety-one, and that consequently forty-six made a choice, and that the following nine gentlemen, and no more, were elected, viz:

| | | |
|---|---|---|
| Mr. SITGREAVES | 76 | votes. |
| Mr. BAYARD | 69 | " |
| Mr. HARPER | 65 | " |
| Mr. GORDON | 62 | " |
| Mr. PINCKNEY | 53 | " |
| Mr. DANA | 52 | " |
| Mr. BALDWIN | 48 | " |
| Mr. SEWALL | 46 | " |
| Mr. HOSMER | 46 | " |

Mr. BALDWIN said that, perceiving some of the committee which had formerly acted on this business, did not possess so much confidence as others, he should beg the House to excuse him from serving as one of the managers of the impeachment.

Mr. BROOKS thought it was curious that, after having obtained a majority of votes, the gentleman from Georgia should complain of not having the confidence of the House. Did the gentleman expect to have received the whole 91 votes? Except a better reason was given, he hoped the gentleman would not be excused from serving. He was astonished to hear the reason which had been given. Did the gentleman wish the voice of feeble minorities to show confidence instead of majorities? If so, his wish would not, he believed, be the wish of the House.

Mr. BALDWIN said, the gentleman from New York had misunderstood him. He did not say that he did not possess the confidence of the House; but that some members of the committee appeared not to possess so much of the confidence of the House, as others.

Mr. THATCHER asked the number of votes which the gentleman from Georgia had received. On being informed, he hoped the gentleman would withdraw his motion, since he would see that none of the committee possessed the entire confidence of the House.

Mr. BALDWIN said he had stated the reasons of his request, and hoped the sense of the House would be taken upon it.

Mr. PINCKNEY hoped the question would not be taken. If any question could have come before the House, on which members should have divested themselves of all ideas of party, this was such an one. He trusted there was a general wish in the House to sift the matter to the bottom. If he understood the gentleman from Georgia, his objection did not arise from his not having had more votes, but because another member of the committee (Mr. DAWSON) was not elected. If this was his objection, at this period, it was not complete. The House had yet a further ballot to make, and the gentleman alluded to might be elected; and, then, consistent with his own feelings, he might serve. Mr. P. said he was himself unwell, and not in the House when the ballots were collected, or he certainly should have voted for all the members of the committee.

Mr. BALDWIN persisted in his motion, which was carried, there being 48 votes for it.

A new ballot then took place for three additional members. The votes having been collected, the tellers counted them as before, and reported that the whole number of votes was 91; but that no member had a higher number of votes than 37, and consequently that no election had taken place. Messrs. DAWSON, DENNIS, GORDON, and GALLATIN, had the highest number of votes.

Mr. GORDON moved that the choice of the three remaining managers should be postponed till to-morrow.

Mr. GALLATIN hoped not.

Mr. SEWALL wished the business to be postponed, as by to-morrow gentlemen might reconcile their differences of opinion on the subject. He wished it also, because he had a subject to lay before the House, which he thought of importance to be settled before they separated.

Mr. MACON was yesterday in favor of adjournment; but experience had convinced him he was

wrong. He hoped the business would be proceeded with.

The motion was negatived—55 to 35.

A fresh ballot was then proceeded with, which, upon the votes being examined, proved, as before, a nullity, no member having a majority of votes.

Mr. HARPER hoped any further proceeding upon this subject be postponed till to-morrow, that gentlemen might have on opportunity of understanding each other.

The motion was carried, there being 48 votes in favor of it.

Mr. SEWALL rose to bring forward the business which he had mentioned; when

A motion was made to adjourn, which was negatived, there being only thirteen votes in favor of it.

## BREACH OF PRIVILEGE.

Mr. SEWALL then said, he believed the business which he had to lay before the House would require secrecy, as it was a subject which would considerably affect the feelings of the members of the House. He therefore moved that the galleries might be cleared; which was accordingly done, excepting the members and Clerk.

Mr. SEWALL then stated, that he had been informed, in a manner which left no doubt of the truth of the fact, that, in the presence of the House whilst sitting, MATTHEW LYON, a member from the State of Vermont, did this day commit a violent attack and gross indecency upon the person of ROGER GRISWOLD, another member of this House; and, in order to bring the subject before the House, that he had prepared a resolution, which he read in his place, and delivered in at the Clerk's table. A question was then taken in the following words: Does the matter so communicated require secrecy?

This motion passed unanimously in the negative, and the galleries were opened.

The House then proceeded to consider the motion made by the member from Massachusetts, which was read, as follows:

"*Resolved*, That Matthew Lyon, a member of this House, for a violent attack and gross indecency committed upon the person of Roger Griswold, another member, in the presence of this House, whilst sitting, be, for this disorderly behaviour, expelled therefrom."

It was moved that this resolution be referred to a committee to be denominated a Committee of Privileges, with instructions to inquire into the whole matter of the said resolution, and to report the same with their opinion thereon to the House.

The question was taken by yeas and nays, and decided in the affirmative, 49 to 44, as follows:

YEAS—George Baer, jr., Bailey Bartlett, James A. Bayard, David Brooks, Stephen Bullock, Christopher G. Champlin, John Chapman, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, Thomas T. Davis, John Dennis, George Dent, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Nathaniel Freeman, jr., Henry Glen, Chauncey Goodrich, William Gordon, Robert Goodloe Harper, Thomas Hartley, Wm. Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, James Machir, William Matthews, Lewis R. Morris, Isaac Parker, Thomas Pinckney, John Reed, John Rutledge, jr., Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, Peleg Sprague, George Thatcher, Richard Thomas, Mark Thomson, Thomas Tillinghast, John E. Van Alen, Peleg Wadsworth, and John Williams.

NAYS—Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Richard Brent, Nathan Bryan, Demsey Burges, Samuel J. Cabell, Thomas Claiborne, William Charles Cole Claiborne, Matthew Clay, John Clopton, John Dawson, Lucas Elmendorph, William Findley, John Fowler, Albert Gallatin, James Gillespie, Andrew Gregg, William Barry Grove, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Matthew Locke, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, John Nicholas, Josiah Parker, Tompson J. Skinner, Samuel Smith, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Abram Trigg, John Trigg, Joseph B. Varnum, Abraham Venable, and Robert Williams.

*Ordered*, That Messrs. PINCKNEY, VENABLE, KITTERA, ISAAC PARKER, R. WILLIAMS, COCHRAN, and DENT, be a committee for the purpose.

A motion was then made that the House come to the following resolution:

"*Resolved*, That this House will consider it a high breach of privilege if either of the members shall enter into any personal contest until a decision of the House shall be had thereon."

A motion was made to add the following words to the end thereof:

"And that the said Matthew Lyon be considered in the custody of the Sergeant-at-Arms until the further order of the House."

The yeas and nays were taken upon this question and decided in the negative—29 to 62, as follows:

YEAS—Bailey Bartlett, James A. Bayard, Joshua Coit, William Craik, Samuel W. Dana, John Dennis, Thomas Evans, Abiel Foster, Dwight Foster, Henry Glen, Chauncey Goodrich, William Gordon, Thomas Hartley, William Hindman, James H. Imlay, John Wilkes Kittera, Samuel Lyman, James Machir, Isaac Parker, Thomas Pinckney, John Rutledge, jr., Samuel Sewall, William Shepard, Samuel Sitgreaves, Nathaniel Smith, Peleg Sprague, George Thatcher, Richard Thomas, and Peleg Wadsworth.

NAYS—George Baer, jr., Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Richard Brent, David Brooks, Nathan Bryan, Stephen Bullock, Demsey Burges, Samuel J. Cabell, Christopher G. Champlin, John Chapman, Thomas Claiborne, Wm. Charles Cole Claiborne, Matthew Clay, John Clopton, James Cochran, John Dawson, George Dent, Lucas Elmendorph, William Findley, John Fowler, Jonathan Freeman, Nathaniel Freeman, jr., Albert Gallatin, James Gillespie, Andrew Gregg, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Hezekiah L. Hosmer, Walter Jones, Matthew Locke, Nathaniel Macon, William Matthews, Blair McClenachan, Joseph McDowell, John Milledge, Lewis R. Morris, Anthony New, John Nicholas, Josiah Parker, Thos. Sinnickson, Tompson J. Skinner, Samuel Smith, Richard Sprigg,

jr., Richard Stanford, Thomas Sumter, Mark Thomson, Thomas Tillinghast, Abram Trigg, John Trigg, John E. Van Alen, Joseph B. Varnum, Abraham Venable, John Williams, and Robert Williams.

This motion being negatived, the sense of the House was then taken upon the main question, as originally offered, and it was carried. The House adjourned about 8 o'clock in the evening.

---

WEDNESDAY, January 31.

After the Journal was read this morning,

Mr. D. FOSTER reported a bill for the relief of Lucy Clark, which was twice read, and committed for to-morrow.

The SPEAKER desired members to prepare their ballots for the election of the three managers of the impeachment against William Blount, which remained to be elected.

Mr. PINCKNEY hoped the House would now adjourn, in order that the Committee of Privileges might proceed in the business which had been committed to them, as it was desirable that it should be disposed of as soon as possible.

The motion for adjournment was put and negatived—45 to 33.

The House then proceeded to the election of the three managers, and the votes having been collected, Messrs. D. FOSTER and JONES were again appointed tellers; and having counted the votes, reported as follows:

That the whole number of votes was ninety, and that therefore 46 made a choice; that Mr. DENNIS had 61, Mr. EVANS 61, Mr. IMLAY 60; and that of course they were duly elected.

Mr. MACON, from the Committee of Revisal and Unfinished Business, made a report on the subject of salaries of the clerks employed in the public offices, which was committed for to-morrow.

The motion for adjournment was again renewed and carried.

---

THURSDAY, February 1.

Mr. S. SMITH called up the resolution which he laid upon the table some days ago, calling upon the President of the United States for a statement of the losses recovered under the British Treaty, which was agreed to.

On motion of Mr. HARRISON, the House went into a Committee of the Whole on the bill for the relief of Lucy Clark; which having been agreed to, the committee rose, the House confirmed the report of the Committee of the Whole, and the bill was ordered to be engrossed for a third reading to-morrow.

Mr. T. CLAIBORNE moved that the Committee of the Whole, to whom was referred a report on the subject of exempting certain claims from the operation of the limitation acts, be discharged from the consideration of the petition of Amy Dardin, in order that it might be taken up separately. The motion was negatived—39 to 30.

The SPEAKER informed the House that he had received a letter from Dr. Redman, President of the College of Physicians of Philadelphia, accompanying the proceedings of that body relative to the prevention of the introduction and spreading of contagious diseases, which had this morning been laid before the members. It was read and ordered to lie upon the table.

BREACH OF PRIVILEGE.

Mr. VENABLE said, he was directed by the Committee of Privileges to inform the House, that the Chairman of that committee (Mr. PINCKNEY) was yesterday taken ill, and was unable to attend to the business referred to them; that the committee had this morning received a note from Mr. P. stating, that he was still too much indisposed to attend to business; they, therefore, wished him to ask for the appointment of another member in his place.

The motion being agreed to, the SPEAKER nominated Mr. RUTLEDGE.

Mr. VENABLE then added, that he was also requested to ask leave of the House to sit during the session. Leave was granted.

OLIVER POLLOCK.

The SPEAKER having informed the House that the business first in order was the bill providing the means of intercourse with foreign nations,

Mr. GREGG moved that this subject be postponed, for the purpose of taking up the report of the Committee of Claims on the petition of Oliver Pollock. He was induced to make this motion, as he presumed the House would not be inclined to proceed on the subject of foreign intercourse at present, having given leave to the Committee of Privileges to sit during the session.

Mr. GALLATIN proposed that the subject of foreign intercourse be postponed till to-morrow.

Mr. THATCHER said, as it was possible the Committee of Privileges might not report to-morrow, he would move that the business in question be postponed till Monday. Agreed to.

Mr. GREGG then renewed his motion for taking up the report of the Committee of Claims on the petition of Oliver Pollock; which being agreed to,

The House then resolved itself into a Committee of the Whole on the report of the Committee of Claims on the petition of Oliver Pollock, Mr. BALDWIN in the Chair.

The report was read: After stating a variety of charges for services done the United States, which the committee think ought not to be allowed, it is recommended that the petitioner should be allowed $3,000 for his expenses whilst detained at Havana, on account of debts owing on account of the United States, and $1,740 which are said to have been paid to Thomas Peterson, for his detention at New Orleans, as a hostage on account of the said debts. After some debate, the Committee of the Whole agreed to the following resolution, reported by the Committee of Claims—59 to 30:

"*Resolved*, That the accounting officers of the Treasury be directed to settle the account of Oliver Pollock, and allow him the sum of $4,740, with the inte-

rest from the time of payment, which shall be considered in full of all claims of the petitioner upon the Treasury of the United States."

The committee then rose, the House agreed to the resolution without a division, and the Committee of Claims was directed to report a bill accordingly.

## BREACH OF PRIVILEGE.

The SPEAKER informed the House that he had received a letter from a member from Vermont, which he was requested to lay before them.

Mr. RUTLEDGE thought, that in all cases, when letters were sent to the SPEAKER to be laid before the House, it would be proper for him to state the substance of such communications before they are read, otherwise improper matters might be brought before them.

The SPEAKER allowed that the suggestion was a proper one, and proceeded to state the contents of the letter in his hand; which having done, the reading of it was called for, and it was read as follows:

*To the Speaker of the House of Representatives:*

SIR: As the attention of the House of Representatives has been called to my conduct in a dispute with Mr. GRISWOLD, on a suggestion of its being a violation of the order of the House, and the respect due to it from all its members, I feel it incumbent on me to obviate the imputation of intentional disrespect. Permit me, sir, through you, to assure the House of Representatives that I feel as much as any of its members the necessity of preserving the utmost decorum in its proceedings; that I am incapable of an intentional violation of its rules; and that, if, in the present instance, I am chargeable with a disregard of them, it is owing wholly to my ignorance of their extent, and that the House of Representatives claimed any superintendence over its members when not formally constituted, and when they are not engaged in actual business. If I have been mistaken in my understanding on this subject, I beg the House to believe that my fault has been without intention, and that I am very sorry that I have deserved its censure. I am, sir, your obedient servant,

MATTHEW LYON.

FEBRUARY 1, 1798.

The reading of the letter having been gone through, a member proposed that it should lie on the table, when

Mr. MACON said, that as it was an acknowledgment of improper conduct, he thought it ought to be entered upon the Journals.

Mr. NICHOLAS moved that the letter be referred to the committee who have this subject under consideration. Gentlemen would recollect, he said, that, on a former occasion, when an offence of the same nature was committed, a letter written by the offending member was not only referred, but was also deemed a sufficient apology to the House. He did not know that this would be the case in the present instance; but that it might be, was evinced by the case to which he alluded. He hoped, therefore, it would be referred. Agreed to.

## IMPEACHMENT OF WILLIAM BLOUNT.

Mr. HARPER said, that in the report of the committee appointed to prepare articles of impeachment against William Blount, made on the 4th of December last, there was a letter which was communicated to the committee by the Spanish Minister, from General Clark, of Savannah, to the Spanish Consul at Charleston, in which it was stated that certain proposals had been made to him, hostile to the interests of the United States. The committee thought this subject was worthy of further investigation; but, as the House of Representatives was now sitting, they did not think it proper to incur any expense in the business without an order of the House for the purpose. To effect this, he had prepared a resolution authorizing the committee to make the investigation; which he read, and delivered in at the Clerk's table.

Mr. VARNUM wished to know whether there was now any such committee in existence as the gentleman from South Carolina spoke of.

The SPEAKER answered there was not; they had finished the business committed to them, and of course were discharged.

Mr. HARPER said if that were so, he would let the resolution lie upon the table for the present, and, at another opportunity, move for the appointment of a new committee.

---

FRIDAY, February 2.

The SPEAKER reminded the House that it was necessary to appoint a committee to wait upon the President of the United States, with the resolution which was yesterday agreed to.

Mr. S. SMITH accordingly moved that a committee be appointed; which motion was agreed to, and Mr. S. SMITH and Mr. CHAMPLIN were named.

## NATCHEZ MEMORIAL.

Mr. W. C. CLAIBORNE presented a memorial from the inhabitants of the Natchez District, praying Congress to turn its attention to that quarter, to sanction the grants of land which had been made by Spain, notwithstanding any former British grants, and also that they would furnish them with a provisional Government. They state their numbers to be about 5,000, and half that number of negroes; that their produce is chiefly cotton and indigo, which they cannot cultivate to advantage without slaves.

This petition, together with the Messages of the President of the 3d of June, 1797, and of the 23d of January last, which had relation to this subject, were referred to a select committee.

## ACTS OF GREAT BRITAIN.

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

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

I have received from our Minister in London two Acts of the Parliament of Great Britain, one passed on the 4th of July, 1797, entitled "An act for carrying into execution the Treaty of Amity, Commerce, and Navigation, concluded between His Majesty and the United States of America;" the other, passed on the 19th day of July, 1797, entitled "An act for regulating

the trade to be carried on with the British possessions in India, by the ships of nations in amity with His Majesty." These Acts have such connexions with the commercial and political interests of the United States, that it is proper they should be communicated to Congress. I have accordingly transmitted copies of them with this Message.

JOHN ADAMS.

UNITED STATES, *February* 2, 1798.

The said Message was read, and, together with the acts accompanying the same, ordered to be referred to the Committee of Commerce and Manufactures.

## BREACH OF PRIVILEGE.

Mr. VENABLE, from the Committee of Privileges, made the following report:

The Committee of Privileges, to whom was referred a resolution on the 30th of January, charging Matthew Lyon with disorderly behaviour, with instructions to inquire into the whole matter thereof, and to report the same, with their opinion thereon, to the House, having examined several witnesses on oath touching the subject, report: That, during the sitting of the House of Representatives on the 30th day of January, 1798, the tellers of the House being engaged in counting the ballots for Managers of the impeachment against William Blount, the Speaker had left his Chair, and many members their seats, as is usual on such occasions; the Speaker was sitting in one of the member's seats, next to the bar of the House, and several members near him, of whom Mr. Griswold was one.

Mr. Lyon was standing without the bar of the House, leaning on the same, and holding a conversation with the Speaker. He spoke loud enough to be heard by all those who were near him, as if he intended to be heard by them. The subject of his conversation was, the conduct of the Representatives of the State of Connecticut, (of whom Mr. Griswold was one.) Mr. Lyon declared that they acted in opposition to the interests and opinion of nine-tenths of their constituents; that they were pursuing their own private views, without regarding the interests of the people; that they were seeking offices, which they were willing to accept, whether yielding $9,000 or $1,000. He further observed that the people of that State were blinded or deceived by those Representatives; that they were permitted to see but one side of the question in politics, being lulled asleep by the opiates which the members from that State administered to them; with other expressions equally tending to derogate from the political integrity of the Representatives of Connecticut.

On Mr. Lyon's observing, that if he should go into Connecticut, and manage a press there six months, although the people of that State were not fond of revolutionary principles, he could effect a revolution, and turn out the present Representatives—Mr. Griswold replied to these remarks, and, amongst other things, said, "If you go into Connecticut, you had better wear your wooden sword," or words to that effect, alluding to Mr. Lyon's having been cashiered in the army.

Mr. Lyon did not notice the allusion at this time, but continued the conversation on the same subject. Mr. Griswold then left his seat, and stood next to Mr. Lyon, leaning on the bar, being outside the same.

On Mr. Lyon's saying he knew the people of Connecticut well, having lived among them many years—that he had frequent occasion to fight them in his own district, and that he never failed to convince them—Mr. Griswold asked, if he fought them with his wooden sword, on which Mr. Lyon spat in his face.

The Committee having attentively considered the foregoing state of facts, and having heard Mr. Lyon in his defence, are of opinion that his conduct in this transaction was highly indecorous, and unworthy of a member of this House.

They, therefore, recommend the adoption of the resolution submitted to their consideration by the House, in the words following, to wit:

"*Resolved*, That Matthew Lyon, a member of this House, for a violent attack and gross indecency, committed upon the person of Roger Griswold, another member, in the presence of the House while sitting, be for this disorderly behaviour expelled therefrom."

The report having been read,

Mr. LYON said, he did not think the evidence was stated in its full extent in this report. He wished, therefore, before the House proceeded in the business, they would hear the evidence themselves.

Mr. HARPER inquired of the Speaker whether that was the usual mode of proceeding?

The SPEAKER said, it was necessary first to take up the report for a second reading.

Mr. MACON observed that this was a very delicate and a very serious question, as it related to one of the members of that House, and as it respected the dignity of the House itself. He hoped, therefore, the report would be printed, that some time would be given to consider it, and that the House would themselves hear the testimony. The punishment which the report proposed was equal to death itself. He hoped, therefore, it would not be acted upon hastily, but made the order of the day for Monday.

Mr. HARPER did not wish to press the business in an improper manner, as it was certainly of great importance to a member of that House, to the House itself, and to the dignity of the country. It was usual to have all reports of any consequence printed, and a day or two given for consideration. He was not himself desirous of delay, as he was at present ready to vote upon the question; but, if other members wished it, he should not object to the motion proposed by the gentleman from North Carolina.

Mr. NICHOLAS took it for granted, that, whenever this subject came up, the House would think it necessary to go into an examination of the witnesses themselves, and not rely upon the manner in which their testimony had struck others. He thought it would be best, therefore, whilst the report was printing, to go on in the examination of witnesses.

The question for postponing till Monday was put and carried.

Mr. NICHOLAS said, he had no objection to wait for the printing of the report, before the House proceeded to examine the witnesses, but he should not waive the right of having them re-examined before the House.

## IMPEACHMENT OF WILLIAM BLOUNT.

Mr. HARPER renewed his motion for inquiring into the subject of the letter written by General Clark, of Georgia, to the Spanish Consul at

Charleston, on the subject of some proposals hostile to the interests of the United States, which had been made to him, by moving the appointment of a committee for the purpose, instead of referring the subject to a committee lately in being, appointed to prepare articles of impeachment against William Blount; which, after some few observations, was agreed to, and the same gentlemen which formed the old committee were appointed on this.

Mr. SITGREAVES moved that the managers appointed to conduct the impeachment against William Blount carry the said articles to the Senate. Agreed to.

The House went into Committee of the Whole on the bill for the relief of Comfort Sands, and others, and having gone through it, they rose, and the bill was recommitted.

---

MONDAY, February 5.

Mr. D. FOSTER reported a bill for the relief of Oliver Pollock, which was committed for Wednesday.

## LOSSES RECOVERED UNDER THE BRITISH TREATY.

Mr. S. SMITH, from the committee appointed to wait on the President of the United States, with the resolution of this House of the first instant, relative to the losses recovered by the citizens of the United States, under the treaty with Great Britain, and to the cases which have actually been decided on in the Courts of Appeals under that Government, reported that the committee had, according to order, performed that service; and that the President signified to them that he would direct the proper officer to prepare a statement or statements, in pursuance of the said resolution, which he should cause to be laid before the House.

## FRENCH OUTRAGES.

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

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

I have received a letter from his Excellency Charles Pinckney, Esq., Governor of the State of South Carolina, dated the 22d October, 1797, enclosing a number of depositions and witnesses to several captures and outrages committed within and near the limits of the United States, by a French privateer belonging to Cape Francois, or Monte Christo, called the Vertitude or Fortitude, and commanded by a person of the name of Jordon or Jourdain, and particularly upon an English merchant ship named the Oracabissa, which he first plundered and then burned, with the rest of her cargo, of great value, within the territory of the United States, in the harbor of Charleston, on the 17th of October last. Copies of which letter and depositions, and also of several other depositions relative to the same subject, received from the Collector of Charleston, are herewith communicated.

Whenever the channel of diplomatical communication between the United States and France shall be opened, I shall demand satisfaction for the insult and reparation for the injury.

I have transmitted these papers to Congress, not so much for the purpose of communicating an account of so daring a violation of the territory of the United States, as to show the propriety and necessity of enabling the Executive authority of Government to take measures for protecting the citizens of the United States and such foreigners as have a right to enjoy their peace, and the protection of their laws, within their limits, in that as well as some other harbors which are equally exposed. JOHN ADAMS.

UNITED STATES, *February* 5, 1798.

This Message, with the documents accompanying it, was referred to the committee for considering on proper measures for the protection and defence of the country.

## BREACH OF PRIVILEGE.

Mr. SEWALL moved the House to take up the report of the Committee of Privileges, in order that it might be committed to a Committee of the Whole.

Mr. R. WILLIAMS wished to know whether evidence could be heard in a Committee of the Whole.

The SPEAKER said, the House might authorize the Committee of the Whole to hear evidence.

Mr. SEWALL moved the report to be committed. If gentlemen wished evidence to be heard before the committee, they would, of course, make an addition to his motion. For his own part he thought it unnecessary.

Mr. NICHOLAS had no objection to evidence being heard before a Committee of the Whole, except that it might involve the subject in some embarrassment; as it was possible that a majority of the committee might come to a decision which, according to the Constitution, it would require two-thirds of the House to confirm. He saw no reason for going into a committee, except that the SPEAKER would have to give his testimony; but he did not see why the SPEAKER might not give his testimony from his seat, as well as from any other place. By going into a committee, the subject would take up longer time than it otherwise would do, as they should have twice to go over the same ground.

Mr. R. WILLIAMS was in favor of hearing the evidence before the committee.

Mr. THATCHER was not of opinion, with the gentleman from Virginia, that this matter should be run over as soon as possible. He thought it of infinite importance, as it respected the dignity of the House and the people at large, and he hoped it would go through every form of the House.

The question for a commitment was put and carried, and it was made the order for this day.

Mr. NICHOLAS then moved that the Committee of the Whole be authorized to examine testimony, and called for the yeas and nays upon the question; which being agreed upon, they were taken, and, so little opposition was there to this mode of proceeding, that the question was carried, 88 to 4. The negatives were Messrs. GORDON, SEWALL, SITGREAVES, and THATCHER.

Mr. D. FOSTER moved that the committee should be authorized to report the whole of the

evidence, as he thought it was important it should be entered upon the Journals. Carried.

The House then resolved itself into a Committee of the Whole, Mr. DENT in the Chair, on this subject.

Mr. THATCHER said it would be necessary that a Judge should attend to administer an oath to the members who should be called upon to give their testimony.

The CHAIRMAN informed the committee that the Judge of the District Court was in the House.

Judge PETERS was accordingly called upon.

Mr. RUTLEDGE desired an oath might be administered to the SPEAKER, Messrs. S. SMITH, BROOKS, HOSMER, COIT, DANA, GOODRICH, and CHAMPLIN; which was accordingly done.

Mr. RUTLEDGE said, if there should be occasion, he should also call upon Judge CHIPMAN, a Senator from Vermont, as an evidence.

Mr. CHIPMAN was, towards the close of the sitting, also sworn.

Some conversation took place as to the best mode of taking the evidence, whether, as it was to be reported to the House, it should be received from the witnesses in writing, leaving them to be questioned afterwards by the members of the committee, or whether it should be given *viva voce*, deliberately, and taken down by the Clerk. The latter mode was at length adopted, and the SPEAKER proceeded to give his testimony.

[The whole of the testimony taken in this case, revised by the members themselves, and given in at the Clerk's table, on the 12th February, will be found in the proceedings of that day.]

The examination of the SPEAKER being ended, Mr. S. SMITH, from Maryland, and Mr. BROOKS, from New York, gave their evidence to the committee.

The evidence of these gentlemen being finished, the committee rose, and had leave to sit again.

---

THURSDAY, February 6.

Mr. MACON thought the experience of yesterday had proved, that the mode adopted in the examination of witnesses on the subject of the report of the Committee of Privileges, was not the best. In his opinion the course adopted in the affair of Whitney and Randal would be far preferable. He therefore proposed the following motion:

"*Resolved*, That when the House are examining the report of the Committee of Privileges of the 2d instant, every question propounded to a member by a witness, shall be reduced to writing, and a motion made that the same be put by the Speaker."

This motion, after a few observations, was negatived—53 to 32.

The SPEAKER laid before the House a report of the Secretary of the Treasury, in pursuance of the references which had been made to him on the subject of a light-house, prayed for on Eaton's Neck, near the harbor of Newport, Rhode Island, and with respect to certain buoys to be placed in the said harbor. He recommends the measure, and states that a sum not exceeding 10,500 dollars will be necessary for the former object, and a sum not exceeding 2,500 dollars for the latter. This report was referred to the Committee of Commerce and Manufactures, with instructions to report by bill or otherwise.

Mr. HARPER, from the Committee of Ways and Means, made a report on the petitions of Francis M'Donald, and others, messengers in the Departments of State, Treasury and War, recommending an addition to their salaries of one hundred dollars, making the salary allowed to each 350 dollars in the whole. Referred to the Committee of the Whole to whom has been referred the bill making appropriations for the support of Government for the year 1798.

Mr. SITGREAVES, from the managers appointed to conduct the impeachment against William Blount, said, he was directed to inform the House that, in consequence of official arrangements made for the purpose, the managers would exhibit the articles of impeachment to the Senate, to-morrow at 12 o'clock.

## BREACH OF PRIVILEGE.

The House then again resolved itself into a Committee of the Whole on the report of the Committee of Privileges, on the dispute between Mr. LYON and Mr. GRISWOLD, Mr. DENT in the Chair; when Mr. HOSMER, from New York proceeded to give his evidence which differed a little, as far as it went, from that delivered by the SPEAKER.

Mr. DANA was next called upon. Mr. D. said his feelings were pretty strongly interested in the business before the House; and as there were other gentlemen more particularly acquainted with the transaction, for reasons which were satisfactory to himself, he would rather be excused from giving an account of the business, except it should be deemed necessary. He said he had given his testimony before the Committee of Privileges, and it had occasioned some unpleasant remarks. He had, therefore, no desire to place himself in the same situation again, and hoped he should he excused.

After some few observations from different members, the sense of the committee was taken on the subject, and it was against his being excused.

Mr. DANA, from Connecticut, then gave his evidence. It differed principally from that of the other members, in giving an account of the conversation which passed between him and Mr. LYON before the SPEAKER came up to them, and cautioned them to be cool. This conversation, it seems, arose from Mr. WILLIAMS, of New York, having told Mr. DANA that Mr. LYON had said to him, "that the representatives from Connecticut would all be turned out, if they voted against Mr. NICHOLAS's amendment." Mr. DANA questioned Mr. LYON on the subject; and Mr. LYON replied that he had not said so, but "that they would all be turned out, if they carried their point," which was afterwards explained to be, "that the President should have power to appoint men to offices

where the appointments were not authorized by law." The warmth which the SPEAKER interrupted, was principally occasioned by the one denying and the other maintaining that this was the object of Mr. NICHOLAS's motion.

Mr. COIT, from Connecticut, was next called upon. His evidence was less full and particular than any of the preceding, as he professed he took but little notice of the conversation which he heard passing.

Judge CHIPMAN, a Senator from Vermont, was next examined. His evidence principally went to prove the manner in which he had heard the *wooden sword*, and the cashiering of Mr. LYON, spoken of in the State of Vermont, and the manner in which Mr. LYON bore it. He referred particularly to two conversations which took place in companies where he was present with Mr. LYON, and the subject was introduced. In the first of which he had introduced it without giving any offence; in the other he stated that Mr. LYON said "that he should take no notice of anything which should be said upon the subject in that part of the country; but that if any one should insult him with it at Philadelphia, it should not pass with impunity."

Mr. GOODRICH, from Connecticut, now rose to state what he knew of the subject. His testimony related to what passed between Mr. LYON, Mr. OTIS, Mr. CHAMPLIN, and himself, in the stage from New York to this city, which had relation principally to Mr. LYON's having been cashiered, and his having worn the *wooden sword*, which he himself had, in a great degree, voluntarily given them an account of.

Mr. CHAMPLIN, from Rhode Island, was next called upon; but, upon his declaring that his evidence was exactly to the same effect with that just delivered by Mr. GOODRICH, he did not think it necessary to take up the time of the committee with delivering it, and hoped he should be excused. The committee excused him.

Mr. LYON understood General SUMTER, from South Carolina, could give some information to the committee; he requested, therefore, he might be sworn.

Mr. SUMTER declared he knew nothing of the business, except what he had heard from Mr. LYON soon after the affair happened.

After some observations, however, Mr. SUMTER was sworn, and proceeded to give a narrative of what Mr. LYON had said to him; when he was interrupted by Mr. BAYARD, who declared his evidence incompetent; as it was not only hearsay evidence, but came from one of the parties. It was argued, on the other hand, by Messrs. NICHOLAS and GALLATIN, that as it had been doubted whether Mr. LYON had heard Mr. GRISWOLD when he first mentioned the wooden sword, the evidence of Mr. SUMTER would go to show that he did, as Mr. LYON told him so, immediately after the affair happened.

It was at length agreed that that precise question should be put to Mr. SUMTER, viz: "Whether Mr. LYON told him that he heard Mr. GRISWOLD address him twice on the subject of the wooden sword?" which Mr. SUMTER answered in the affirmative.

The SPEAKER inquired of Mr. SUMTER if he knew the moment at which the insult was committed, and how long a time elapsed between that and the period at which Mr. LYON had spoken to him on the subject?

Mr. SUMTER declared that he did not know precisely the time at which the insult was offered; but that he believed from the agitation of Mr. LYON it was just before he spoke to him on the subject.

The SPEAKER again asked him whether he knew Mr. LYON did or did not, or could or could not, have spoken to any other member, before he spoke to him?

Mr. SUMTER declared he could not be certain of this.

At the request of Mr. LYON, General VARNUM was sworn, but a motion being made for the committee to rise, no question was put to him.

The SPEAKER said, before the committee rose, he would wish to mention what he thought deserved notice. He thought it improper that persons attending in the House to take notes of what passed there, should publish the evidence of members in an imperfect manner, before they had had an opportunity of correcting it. With respect to his own testimony, in some instances, it had been misrepresented, and in one instance he was made to utter nonsense. He mentioned this, that the same liberty might not again be taken.

The committee rose, and had leave to sit again.

On the House being resumed,

Mr. S. SMITH hoped some notice would be taken of what had fallen from the SPEAKER in Committee of the Whole, with respect to the publication of the evidence of members before they had had an opportunity of correcting it.

Mr. BROOKS thought a regulation of this kind would be extremely proper.

The SPEAKER said, until the House should make an order on the subject, he did himself prohibit the publication of any evidence in future, until it should be corrected by the members themselves, and that a failure in the compliance with this order would be considered as an abuse of the indulgence given to persons attending upon the floor of the House to take notes of their proceedings.

---

WEDNESDAY, February 7.

WILLIAM B. GILES, from the State of Virginia, appeared and took his seat.

*Ordered*, That a message be sent to the Senate, to inform them that this House have appointed managers on their part, to conduct the impeachment against William Blount, and have also directed the said managers to carry to the Senate the articles agreed upon by the House, to be exhibited in maintenance of their impeachment against the said William Blount; and that the Clerk of this House do go with the said message.

Mr. THATCHER, from the Committee on Post Offices and Post Roads, to whom was referred a resolution of the 12th of January, proposing that

the Attorney General should have the privilege of receiving and sending letters and packets, free of postage, moved that that committee have leave to report on this subject, by bill or otherwise. Agreed to.

IMPEACHMENT OF WILLIAM BLOUNT.

The order of the day being called for,

Mr. SITGREAVES said it would be recollected that he had yesterday given notice that the managers appointed to conduct the impeachment against William Blount, would to-day, at twelve o'clock, exhibit the said articles before the Senate. As the time was near at hand, and as it was usual on all solemn occasions like this, for the House to give sanction to its managers by an attendance at the time, he thought it would be better that the House should not resolve itself into a Committee of the Whole, until this business was done. It might be expected a message would shortly be received from the Senate on the subject.

After some conversation on the subject, it was resolved to go on with the order of the day, until the message from the Senate should be received.

BREACH OF PRIVILEGE.

The House accordingly again resolved itself into a Committee of the Whole on the report of the Committee of Privileges, Mr. DENT in the Chair; when

Mr. DANA rose and complained that the printers, notwithstanding the prohibitions of the Speaker of yesterday, continued to report the evidence delivered before the committee, before it had been corrected by the members themselves. He said it had been represented that he had said the only cause of heat between him and Mr. LYON had been the amendment of the gentleman from Virginia on the question respecting foreign intercourse; whereas he had stated there was other conversation which tended to irritate him, though, it was true, he did not say what that conversation was. He would now, however, state some of the particulars. Mr. D. was proceeding, when it was proposed that what the member had to add to his evidence should be delivered to the committee in writing.

Immediately after this proposition was made a message was announced from the Senate, informing the House that the Senate would be ready to receive the articles of impeachment against William Blount, at twelve o'clock.

The hour being near at hand, the committee rose, and the House adjourned for half an hour.

IMPEACHMENT OF WM. BLOUNT.

The managers of the impeachment, accompanied by some of the members of the House, accordingly went up to the Senate for the purpose of exhibiting the articles of impeachment against William Blount; when, being introduced, Mr. SITGREAVES made known their mission by an address to the President of the Senate; after which, the President having said the Senate were ready to receive the articles of impeachment; and the Sergeant-at-Arms having proclaimed silence, the other managers having taken the seats appointed them, Mr. S. proceeded to read the articles of impeachment; which, having finished, the President of the Senate returned for answer words to the following effect:

"Gentlemen, managers on the part of the House of Representatives: The Senate will take such order on the articles of impeachment which you have exhibited before them as shall seem to them proper; of which due notice will be given to the House of Representatives."

Upon which the managers and members attending then retired.

The House of Representatives then resumed their meeting; when Mr. T. CLAIBORNE introduced a motion for providing Senators, who should at any time attend the debates of the House, seats on the right and left of the Speaker. After some observations, this motion was postponed till the 3d of March, 1799.

MILITARY AND NAVAL EXPENSES.

The SPEAKER laid before the House a communication from the Treasury Department, enclosing a report and sundry statements of expenditures in the military and naval departments, in consequence of three resolutions of the 3d of March, 1797, which were ordered to be printed; those which had relation to the Naval Department were referred to the committee appointed to inquire into the expenditure of money in that department, and those which related to the military establishment were referred to the Committee of Ways and Means.

BREACH OF PRIVILEGE.

The House then again resolved itself into a Committee of the Whole on the report of the Committee of Privileges; when Mr. VARNUM was called upon to give his testimony.

The evidence of Mr. VARNUM being gone through, and Mr. VAN CORTLANDT having been sworn, the Chairman desired to know if any other evidence was intended to be called; if it was, it would be well to have the gentlemen named whilst the Judge of the District Court was present.

Mr. LYON said, if any gentlemen of the committee were present at the conversation which passed between him and the SPEAKER, he should wish them to be sworn. He believed Mr. HARPER and Mr. COCHRAN were present.

Mr. STANFORD said he also was present.

The oath was in consequence administered to Messrs. HARPER, COCHRAN, and STANFORD.

The committee then rose, and had leave to sit again.

---

THURSDAY, February 8.

Mr. BAYARD, from the committee appointed to prepare and report an uniform system of bankruptcy, reported a bill, which was committed for Monday week.

BREACH OF PRIVILEGE.

The House again went into a Committee of the Whole on the report of the Committee of

Privileges; when Mr. VAN CORTLANDT was called upon to give an account of what he knew of the subject.

Mr. VAN CORTLANDT said he knew nothing about the business except what he had learnt from Mr. LYON since the affray happened.

Mr. GORDON observed that as the gentleman (Mr. BROOKS) who wished his colleague to be sworn was not then in the House, he hoped the other gentleman who had been sworn would be examined.

Mr. LYON said, the reason which had induced him to request some gentlemen to be sworn, who were present at the conversation between him and the SPEAKER, was, that he did not think it had been related to his advantage; but he had since thought it was unnecessary to examine them. If the committee wished their examination, he should not oppose it, but he had then no desire to have it.

Mr. BROOKS having come into the House, he said, what he wished his colleague to prove was, that this was not the first time Mr. LYON had had fracas with members of a Legislature.

Mr. LYON said, gentlemen wished to blow hot and blow cold. At one time it was said he received affronts with impunity, and at others that he was very irritable. He supposed the committee were already clear he was irritable enough; if not, he was ready to confess it.

Mr. HARPER did not think this sort of testimony proper, as it would be introducing particular facts to impeach a man's character which he was not prepared to meet, which was not admitted in any court of justice.

The testimony of Mr. VAN CORTLANDT was not heard.

The Clerk then proceeded to read over all the evidence which had been given to the committee; in the course of which some additional questions were put and answered.

The reading of the evidence by the Clerk being finished, and all the questions put upon it which occurred to gentlemen,

The CHAIRMAN read over the resolution which had been reported by the Committee of Privileges, for the adoption of the House; which was in the following words:

"*Resolved*, That Matthew Lyon, a member of this House, for a violent attack and gross indecency committed upon the person of Roger Griswold, another member, in the presence of the House while sitting, be, for this disorderly behaviour, expelled therefrom."

Mr. LYON then rose, and spoke as follows:

Mr. Chairman: I feel myself extraordinarily circumstanced, and accidentally drawn into a very serious situation, merely by my ignorance of the House of Representatives being likely to take cognizance of an affair that happened when the members of the House were at their amusement and recreation; when every one was doing that which was right in his own eyes. How much I was supported in this opinion by the conduct of the SPEAKER, every gentleman may see by his testimony. He sat in a chair within the bar facing me as I stood without it. He spoke to me of my country, and the conduct of some people there concerning the stamp act; it appears I turned the conversation towards Connecticut; it appears I had four or five other gentlemen's wit and raillery to bear, and this in the hearing of the SPEAKER. Does this look like the House being sitting?

How could I imagine this House was sitting, when the SPEAKER suffered me to be interrupted when speaking to him, by the remarks and jokes of four or five gentlemen?

How could I imagine the House was sitting, when the SPEAKER was joking me about an embassy to Kamtschatka among the fur tribe?

How could I imagine the House was sitting, when I heard, and knew the SPEAKER heard, Mr. GRISWOLD insult me, without checking him?

How could I imagine the House to be sitting, when the SPEAKER suffered Mr. GRISWOLD to proceed a second time with the most provoking insolence?

Had the House been sitting, I should not have been called on by Mr. DANA, with respect to something Mr. WILLIAMS had said; consequently I should not have entered into a conversation about Connecticut; the SPEAKER would not have spoken to me of Vermont, and I should not again have turned the subject to Connecticut, and Mr. GRISWOLD would have postponed his premeditated insult—premeditated, I say, because it has been proved that he had notice of my feelings and my determination on this subject.

Is it proper to say the House was sitting, while half the members were standing round the table, while two-thirds of the other half were walking round the bar, the SPEAKER engaged in jocular conversation, and the few who remained in their seats, either in private conversation or writing letters?

But, Mr. Chairman, it seems, by the course this business has taken in the committee, that I am to be criminated for holding an indelicate or impolite conversation within the hearing of the gentlemen from Connecticut. Every one knows there are two different opinions entertained in this country with respect to the management of the Government, and every one who knows me, knows that I am very free in speaking my opinion on these subjects. There are many, and I believe some in this House, who know something of the rough, illiberal manner in which I have been treated in the New England newspapers, on account of my political opinions; and I believe there are many persons in this House who are well acquainted with the kind of politeness which the gentlemen from Connecticut make use of towards their opponents; and some are acquainted with the share of politeness which those gentlemen deserve from me.

If the House are at a loss on this subject, they will, I hope, recur to the language made use of by Mr. COIT and Mr. DANA, in their testimony; and the House, I believe, will recollect a speech from a gentleman who sits behind me, in which he told the committee twice or three times that I was no gentleman.

Again, I say, Mr. Chairman, I am very extraordinarily situated. Evidence has been introduced into this House to induce the members to believe that I left Colonel Warner's regiment with dishonor; that I am a person of disrepute; that I have been in the habit of receiving insult with impunity. Here I am, three hundred and fifty miles from home, and from the evidence who are able to show the contrary. Had I a reasonable opportunity, I could prove, by the Lieutenant Colonel, who is now General Safford, and several other officers of that regiment, that when I left it, I left it with the regret of much the greater part of the officers and all the soldiers—I mention the Lieutentant Colonel because Colonel Warner is not living. My certificate of having settled my accounts, which is at home, would prove my having done my duty well.

I could prove my having taken my musket and marched to the lines every day, during the siege of Burgoyne. I should not have mentioned this circumstance, had not the SPEAKER mentioned his having done so when Paymaster.

I could also prove, that when an officer offered me an insult, I chastised him before the officers of that regiment.

[Mr. CHAMPLIN asked whether the gentleman said he had chastised an officer, or would chastise him?

Mr. LYON answered that he had chastised him.]

I could prove that I took the commission in Colonel Warner's regiment when I was driven from my plantation by Burgoyne's invasion; that I resigned my appointment, and left the regiment for the care of my family, for preferment, for honor, for superior office, and to serve the people of the State of Vermont.

I could prove, had I opportunity, that I was immediately appointed Deputy Secretary of the State, Paymaster of the troops of Vermont, assistant to the Treasurer, assistant to the Commissioner of Loans, and Captain of the Militia, besides being called on to act as private Secretary to the Governor.

I could also prove that within two years from the time of that resignation, I was appointed Secretary to the Governor and Council, a Member of the Legislature, Clerk of the House of Assembly, one of a Committee for the Collection and Revision of the Laws, and to a number of other offices under the authority of that State, besides a considerable number of offices in the municipal establishment of the town in which I lived, as well as my promotion to the command of a regiment, and all this before I formed a connexion with one of the most respectable families in that State. I could prove also, that I have been a member of the Legislature of Vermont, except two years, ever since; that I have been appointed to many other offices in which I did not think proper to serve, such as Auditor of the Treasurer's Accounts, and Judge of the County where I live.

By these things, and my standing in this House, I could prove that I have always been respected in the country I represent, and where I have lived these twenty-four years.

The free electors of my district have given me a preference to a gentleman of very great respectability, one who has served six years with unimpeachable fidelity in this House, and is now Chief Justice of the State of Vermont; yet evidence has been adduced in order to show that I am a person of disrepute.

As to my being in the habit of receiving insult with impunity—for which it seems Mr. CHIPMAN's testimony was introduced—were I allowed to call testimony from Vermont, I could very easily prove so much on this head, as, perhaps, to prove, in the minds of some gentlemen, that respectability which, in every other respect, attaches to my character. Among other things, I could prove that the gentleman from Vermont who was called to give testimony against me, has, with the politeness peculiar to a certain country which I will not now name, insulted me and received due chastisement from me for it.

Mr. HARPER called to order. The gentleman from Vermont had already spoken very improperly of witnesses, and he now spoke in a very reprehensible way of Mr. CHIPMAN. He hoped he would be admonished.

Mr. OTIS differed in opinion from the gentleman from South Carolina. If the gentleman thought it would be of service to him to inform the committee that he had chastised an officer in the face of his regiment, or beaten a Judge of the Supreme Court, he was right in stating the circumstances.

Mr. HARPER said, if he wished to see the gentleman disgrace himself, and the House, he should not object to this mode of proceeding; but he did not.

Mr. LYON. It would be folly in me to state anything to this committee, that I cannot prove. Nor should I have mentioned that circumstance, had I not been charged with receiving injuries with impunity. I never did receive injuries with impunity; nor did I come here to do so. I would sooner leave the world. Mr. L. then proceeded:

Were I to be allowed time to bring forward testimony from Vermont, I could prove that my character, as a man of spirit, stands on such ground in my country, that I had no need to defend it, by entering into a squabble with such a Chief Justice in court time.

If the proof of these things be considered of importance, I hope I shall be allowed time to send to Vermont to obtain it—for my own part, I cannot so consider it. I must think that the House of Representatives ought never to have taken up the matter of the difference between Mr. GRISWOLD and myself, circumstanced as it was; and that if the House thought otherwise, the due submission to their authority, which I have always stood ready to pay, and the sorrow which I have expressed, and am continually expressing, for my misapprehension, might serve as some mitigation of an offence against the dignity of this House, which I never could have knowingly been guilty of.

Mr. CHAMPLIN rose and said, it was expressly declared by the Constitution, "that 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," and he thought they were called upon to exercise this Constitutional power of expulsion in the present instance, by the respect due not only to themselves as legislators, but to their constituents; and as they valued the reputation of the National Legislature, both at home and abroad, as they regarded the *American* character, uninfluenced by the spirit of party, without taking into view the relative characters of the person who offered, and the person who received, the insult, without attending to the infinite distance there was between the *one* and the *other*—they were bound to give their votes, upon the present occasion, under the influence only of an high sense of duty and of honor. And under these impressions, he said, he had attentively and impartially considered all the circumstances of the present case, as they had appeared in evidence; and he found it was fully proved that an offence of a gross and injurious nature had been committed by the member from Vermont, (Mr. LYON,) against the person of the member from Connecticut, (Mr. GRISWOLD;) that the conversation which produced the altercation between them, originated with the member from Vermont; that it was a violent and groundless attack upon the public character of the member from Connecticut; inasmuch as he was represented to be regardless of the public good, and actuated entirely by selfish, sordid views; that this indecent attack upon his political integrity was repelled by a retort, that the occasion fully justified; that in consequence of this retort, the member from Vermont committed, within those walls, and whilst the House was sitting, the gross indecency stated by the Committee of Privileges, and of which the very SPEAKER of the House was an eyewitness; and that the member from Connecticut, whose cheek glowed with indignation, and whose arm was nerved by the desire of vengeance, recollecting the place in which he stood, and the respect due from him to that House, repressed his resentment. Mr. C. then observed, that the passions of some men, had their feelings been thus outraged by the member from Vermont, would have made him expiate the injury upon the spot. For the outrage committed by him bid defiance to order and decorum, tended to degrade the members of that House from the rank of men, and to reduce them to a level with the meanest reptile that crawled upon the earth. He was therefore compelled to declare, that, in his opinion, nothing short of a vote that would deprive the member from Vermont of a seat in it, could vindicate the honor of that House, which had been deeply wounded through one of its members. He was aware, he said, that the punishment of expulsion was a severe one. And there was no *man*, who had the feelings appropriate to *that character*, and whose mind was formed of common materials, but would be deeply affected by it. It must fix a stain upon the man who suffered it, for a gross and scandalous offence, that the waters of the ocean could not wash away. It should, however, be recollected that it was no further disgraceful, than as an unquestionable evidence of the gross indecency that gave occasion to it. And if a sacred regard to justice, to the representative character they sustained, and to their own honor, required that they should inflict that punishment upon a member of that House, they ought not to start at the effects of it. For if the member from Vermont should be compelled to return to his constituents, loaded with the opprobrium necessarily attached, in the present instance, to the punishment contemplated, they would have only to regret the disgraceful circumstance, the painful necessity, that had led to it. They would have discharged their duties, and the honor and dignity of the House would be preserved.

Mr. S. SMITH said, he did not wish to enter into a discussion of the subject before them. The committee had heard the evidence upon this subject very fully, and he doubted not every one was in full possession of the facts relative to it, and competent to come to a decision. To go into a discussion of the subject, therefore, would only be an unnecessary consumption of time, as it would not, he apprehended, change the opinion of any one. He hoped, therefore, the question would be taken without debate.

Mr. R. WILLIAMS did not mean to introduce a debate upon this subject, but merely to state the reasons which had induced him in the select committee, and which would induce him in this committee, and in the House, to vote against this report. He was as fully impressed as any gentleman with the necessity of preserving the dignity and honor of the House, and perfectly agreed with gentlemen as to the propriety of an attention to order and decorum in all their proceedings. But it appeared to him that there was a previous consideration necessary.

It was necessary first to consider how far the powers of the House extended with respect to punishing its members, and whether certain acts should be considered as done in the House or out of it. When these general principles were settled, it would be easily ascertained how far this power would extend in the present case. He was of opinion that the powers of the House should be cautiously extended. This, he thought, would be the opinion of every member of the committee, when they considered the nature and principles upon which our laws were founded, amongst which it is a principal feature that the makers of a law shall not have the execution of it; another is, that all offences shall be declared by law, before any person shall be charged with committing them. The laws are published, and judges are bound down by rule, and every man knows the law; but how is it in the present case? The House of Representatives is the injured party, the members are the judges, the jurors, and the executioners. He did not mention this because he thought the power of punishing its members was improperly placed in their own body; he mentioned it only to show that the power was liable to abuse from giving too much way to passion in their proceedings.

Having made these remarks, he would state

why he thought the House had not the power to expel the member from Vermont. He did not believe that a member of the Legislature could be expelled for any act done out of the House, except it rendered him infamous. Mere lewdness, and breaches of morality committed out of the House, the House could not take cognizance of. A member, out of the House, may do things which may render him very disagreeable society, yet he may come into the House and behave very orderly. His constituents might have known, when they elected him, that he was subject to such behaviour, yet they might have sufficient confidence in him as a representative on that floor; but if any member acted so as to disturb the peace and order of the House, they had, doubtless, a right to turn him out.

Having mentioned what he conceived to be the powers of the House, he would consider whether the act done by the member from Vermont could be considered as done in the House, or in violation of its rules. If he could persuade himself that it was done when the House was in order, in violation of its rules, he should have no hesitation in saying that the member ought to be expelled; since he should take no notice of the offensive words which had been mentioned in justification, for though this circumstance might have considerable weight with some gentlemen, it would have none with him. In the rules for the regulation of the proceedings of the House, it was declared that, whenever the House meets, the SPEAKER should take the Chair at the hour to which the House adjourned. But where, he asked, was the SPEAKER, when the act complained of was committed, and what was the situation of the House at the time? He did not mean to say that the SPEAKER or any other member was not doing his duty, but to show that the House was not in order. The SPEAKER had left his seat, and was in that of another member; and the members were passing to and from different parts of the House. So that if even it could be considered in such a situation as that the rules of the House would apply to it, some allowance ought to be made to members who might think differently. But certainly no motion could have been stated to the House in this situation.

If the House had been organized, the SPEAKER could not have suffered such conversation as has been stated to have taken place before him. A breach of order, in such a situation of things, therefore, could not deserve expulsion. Besides, this transaction happened without the bar of the House, which, according to the practice which had existed since he had a seat there, was never considered as within the House, as no member who was standing there, when any question was taken, was permitted to vote. And he thought there was a great difference between a disorderly act done in the House and one done out of it. Two members walking without the bar of the House might insult each other in a variety of ways without disturbing the business of the House, and, in such a case, he did not think they would be liable to be expelled. If this were so, it might be said members could not walk together; he did not see this, for though he would not agree to an expulsion in such a case, he should think it proper to punish the offender.

Mr. W. thought the Constitution was clear on this subject. A bare majority may punish a member but the Constitution has declared that two-thirds of the members present are necessary to expel a member. The power of expulsion is the highest punishment the House can inflict; indeed, it is a punishment which not only goes to the person and character of the member himself, but it also affects all the citizens of a large district of country—his constituents. Being, therefore, so serious a power, as he before stated, it ought not to be extended. The House had no power over members out of the House. If two members were to quarrel and insult each other out of the House, the House could take no cognizance of the affair, except on a complaint made, and, in that case, the offender could not be expelled but might be punished. Suppose, for instance, a member of the House and an individual who is not a member were to quarrel out of the House, could the member come to the House and complain of the individual who is not a member? Certainly not, since the House had no power over that individual. Nor would a member be protected from arrest and process, were he to commit any violent act out of the House which should make him liable to such a process. He mentioned these instances to show that the House had not a right to extend their privileges, but only to protect them.

These were the reasons, Mr. W. said, which induced him to think the member from Vermont ought not to be expelled; not because he approved of his conduct, or that the insult which he states to have been offered to him, as warranting the improper manner in which he resented it; not because the House had not the power to expel its members, but because it was not in such a situation at the time as to authorize an expulsion for the offence, and that, therefore, the person offending did not know that any such consequence as an expulsion could be the punishment to which he was liable. But, though he was against an expulsion, he should be in favor of such a punishment as the House would have deemed proper, if the offence had been committed without the walls of the House.

Mr. W. said, there was another circumstance which ought to be noticed. No application was made for the punishment of this offence by the person offended; but it was taken up as a breach of the order of the House.

Mr. NEW hoped the question would be taken without further debate, as sufficient time had already been spent upon this subject.

Mr. HARPER believed the considerations upon which the vote now about to be taken, presented themselves in such strong colors to the minds of the members of this committee (and they would also shortly appear so to the minds of the whole country) that it could not be necessary to go into a lengthy discussion on the testimony which had been given; nor was it necessary to go into an

answer to what had fallen from the gentleman from North Carolina. Nothing more was wanted on the present occasion, than to call the recollection of the committee to the following, which he took to be the leading circumstances of the case.

First, that a personal outrage of the very grossest and most indecent nature has been committed by one member of the House upon another—an outrage which would not have been tolerated in any tavern in the country; a person committing which, would have been turned out of any company, however little entitled to be called polite or genteel; in no society could it have happened without drawing down upon it the contempt of every one present. This outrage was committed in the presence of the House, and in the face of its deliberations. This had been denied, and upon this ground the defence is rested. But, he asked if the House had not been called to order by the Speaker; and, if it had, whether it had been adjourned? It certainly had been called to order, and had not been adjourned, and was therefore in session, since it could not get out of that state, without an adjournment; and though it is true that the Speaker had left his Chair, yet any member might have called him to it, and introduced any motion to the House. Besides, he asked whether counting the ballots for managers of the impeachment of Mr. Blount, was not the business of the House? Or was it not the business of the House to read communications from the President, or the heads of Departments? It certainly was; yet it was very common, during the reading of such communications, for the Speaker to leave his Chair, and members to leave their seats. If the members of the House were to be protected whilst they were engaged in one kind of business, and not in another, it would be proper to make a discrimination on the subject, and to say what is the kind of business in the transaction of which its members shall be protected.

But it was said, this affray happened without the bar, and that the cognizance of the House did not extend there. If this were the case, any disorder might be committed with impunity in the lobby or galleries. Did not gentlemen, who have been used to attending Courts of Justice, know that the power of such courts extended without as well as within the bar? Is one spot upon this floor more the House than the other? Certainly not. For if the opposite doctrine were true, no member would be liable to be expelled, except he were to come into the seat of a member and give him a blow.

But it was said the Speaker ought to have called the members to order who were conversing in the disorderly manner which had been stated, and because he failed to do so, it was said to be a proof that he did not consider the House in order. But if the Speaker had forgotten that the House was in session, or if he had done wrong in leaving his seat (which he by no means thought) these circumstances did not put the House out of session; for, if one member were to knock another down, and the Speaker did not call to order, since the House once formed cannot be dissolved without a formal vote, the House would not be less in session than if the strictest order had been kept.

Mr. H. said he should, like the gentleman from North Carolina, omit noticing the provocation said to be given to the gentleman from Vermont. He believed that was out of the question, because, if the act complained of had been in consequence of a blow received, he would have had both the gentlemen expelled; or if the gentleman from Connecticut had given way to his feelings, and struck the member from Vermont to his feet, in return for the insult he had received, in that case he should have been for involving both in one sentence; for, if this rule was once departed from, and provocation was to be set up as an apology for outrage, every person would be left to judge in his own cause as to the sufficiency of provocation. The distinction between words and a personal attack, is a distinction well understood. No language could be sufficiently provoking to warrant a blow. In well-bred society, when a man receives an affront, does he knock down the person giving it? No. He represses his feelings, and takes another time and place to obtain justice; and except the members of that House were to conduct themselves in this manner, they laid prostrate the barriers which protected decency of conduct among them. He could not therefore believe, that any possible provocation could either justify or mitigate the act of the gentleman from Vermont. Indeed, if the provocation was to be looked into, it would be found to be all on the other side.

From these considerations, he was so convinced of the propriety of agreeing to the resolution before the committee, that he was surprised how any person could doubt a moment on the subject. Indeed, if the circumstance had happened without, instead of within the walls of the House, he should have thought it right to have expelled the offender, as he held it to be one of those actions which render a man unworthy of a seat in that House.

A call for the question was made.

Mr. Nicholas said, he was willing to have taken the question upon this subject without debate; but it would be very improper, indeed, to suffer the observations which had been made to pass without notice. As it was too late in the day to enter upon a reply, he moved that the committee might rise.

The committee rose, and had leave to sit again.

The House having resumed, Mr. Sitgreaves moved that the evidence which had been given to the committee be printed. Agreed to.

---

Friday, February 9.

The Speaker laid before the House a communication from the Secretary of the Treasury, enclosing a statement of the amount of drawbacks paid on dutiable articles for the year 1796, agreeably to a resolution of the House of the 3d March, 1797, which was ordered to be printed.

Mr. THATCHER reported a bill granting the right to the Attorney General of the United States of sending and receiving letters and packets, free of postage, which was committed for Monday.

Mr. LIVINGSTON, from the Committee of Commerce and Manufactures, made a report on the petition of sundry proprietors and workers of coal mines, in the State of Virginia, who prayed for a prohibition of the importation of coals, or an increase of duty, on the ground that their mines are sufficient for the consumption of the United States. The committee report, that as coal is every day becoming more an article of the first necessity, they do not think it would be right to comply with the prayer of the petition, especially as the duty paid on exportation in England is equal to the first cost of the coal, and a duty of five cents a bushel is already paid on its importation into this country. Committed for Monday.

## BREACH OF PRIVILEGE.

Mr. HARPER said, he was under the necessity of performing a very disagreeable duty. It was a duty, however, which he found himself bound to perform, since no other member had thought proper to undertake it. It must be recollected by many members of that House, that the member from Vermont, whose very extraordinary conduct has been for some time the subject of discussion, yesterday, at the conclusion of his defence, made use of an expression so outrageous, so gross, and indecent, that no gentleman yet had been able to repeat it*; and if this expression could have been buried in silence, he, for one, should have been in favor of its being so buried; but, unfortunately, this could not be the case, it had not only been heard by many of the members, but by many strangers; and he was authorized to say, it was about to appear in one of the public gazettes of this city. As it could not, therefore, be kept from public view, it was necessary to take such notice of it as it deserved. Before he made it the subject of a resolution, he should move "that the Chairman of the Committee of the Whole, who heard it, be requested to state precisely, in writing, the expression, and the time, place, and manner, in which it was uttered." He did not wish to put the gentleman to the painful task of repeating it. He wished only that he should state it in writing.

Mr. DENT said, it would not be in his power to state the precise expression, as he did not hear the first part of the sentence. It was true he heard the offensive term.

Mr. HARPER hoped he would state the offensive term, and the time and manner of using it.

The question for requesting the Chairman to put the offensive expression to writing, was carried, 42 to 41.

Mr. DENT accordingly presented the offensive words to the Chair; which, without being read, was referred to the Committee of the Whole to whom was referred the report of the Committee of Privileges. The question for this reference was carried by the casting vote of the SPEAKER, there being 43 votes for it, and 43 votes against it.

The House then again resolved itself into a Committee of the Whole on the report of the Committee of Privileges; when

Mr. MORRIS rose to state, that what his colleague (Mr. LYON) had said yesterday, with respect to his having chastised Mr. CHIPMAN for improper conduct, must have been unfounded, as that gentleman had a character as respectable for propriety of conduct as for talents. He had also been in actual service during the war, and could not be considered as devoid of courage. He was confident, therefore, that the assertion could not be supported.

Mr. SHEPARD said, the member from Vermont had been guilty of an indecency for which he ought to be expelled from his seat. The offence was such as would not be suffered in any civil company. It was an offence without provocation; for the first offence was committed by him on the member from Connecticut, in saying that the members from that State sought their own interest at the expense of the public good. He was surprised that any gentleman would defend such a man. But the offence was attempted to be mitigated by saying that the House was not in session. He believed the House was as much in session as it ever was, as one-half of the members at least were in their seats; and the offence being committed within the walls of the House, the member ought certainly to be expelled. If the House will not expel a member for an offence so gross, what would the world say of them? They would be called *beasts* and not gentlemen. But it was said that the constituents of the member from Vermont would be injured by the member's expulsion; so far from it, he doubted not nineteen-twentieths of the people of his district would say he was deserving of expulsion. Was a man, who could be guilty of such behaviour as is complained of, fit for a legislator? Certainly not; no well-bred, well-disposed man could keep company with him. The gentleman acknowledged that it was his common practice to scourge every one who offends him. It was not necessary, therefore, to send to Vermont to inquire his character there. For his own part, he could not consent to sit with him. If he must be a legislator, it should be in a part of the world where all decisions were made by *spitting* and *scratching*. He was sure no gentleman or modest man could plead in behalf of such a man. He hoped the member from Vermont would be expelled, without spending much time upon the subject. He was sure this ought to be done, if they had any regard to their own dignity, or the dignity of the country.

Mr. NICHOLAS was always desirous of the approbation of the gentleman who had just sat down, because he believed he always acted from the best motives. He hoped that gentleman would also have allowed that others might act from principle as well as himself. He could not refrain,

* The expression alluded to was understood to be something like this: "I did not come here to have my —— kicked by every body."

however, from doing what he conceived to be his duty, whatever might be the motives which gentlemen chose to attribute to his conduct. But, whatever his opinion might be of the measures proposed to be taken in consequence of the offence under consideration, with respect to the offence itself, he condemned it as much as any other gentleman, as indecent and improper.

Mr. N. felt it necessary to make some observations on this subject, because the report of the Committee of Privileges does not state facts as they are; he supposed it had been composed hastily, as it certainly does not correspond with the impression which the evidence makes. The gentleman who introduced the resolution, like a good lawyer, has made the case broad enough to support it. He has evidently given way to the impression of the moment, as the evidence certainly does not support the allegations therein contained. [Mr. N. read the resolution.] He said he could not agree to this resolution, because he denied that the House was sitting, or that the offence was done in view of the House. He should make some observations on the testimony, and show wherein it differed from the report of the committee. He needed no witness to prove the state of the House at the time this transaction took place; it was fully in the recollection of every gentleman. Not one of them, except the two members appointed to count the ballots, was attending to public business, and very few, indeed, who were not out of order. The area of the House was full of squads, carrying on conversation without restraint. One article of testimony was strong as to this fact. The attention of the gentleman from Maryland (Mr. S. SMITH) was drawn to the conversation holding around the fire behind him by a loud laugh. There could be no doubt, therefore, that the House was not engaged in business, was not in order, was not in a situation to be disturbed by any transaction of this kind. Indeed, he did not understand, from what had fallen from the gentleman from South Carolina, that he thought it was. His argument was, that the SPEAKER, having once taken the Chair, called the House to order, and the Journals having been read, the rules of the House knew of no mode by which it could be disorganized without an adjournment.

Suppose this position was true, what results? Why, that it was their business to have been in order, and not that they were so; for, whilst the SPEAKER was out of his Chair, whilst members were out of their places, and violating the rules of order, no one could say that the House was in session, or that it could claim respect from others as a Legislative body. Was it possible, therefore, for men, who were not doing what the rules of the House required them to do, to call upon other members to keep the rules inviolate? But, Mr. N. said, he did not admit the principle, that the business of the House can never be suspended until an actual adjournment takes place. At the time when this transaction happened, the House had authorized two of its members to do a business which actually prevented the ordinary business of the House from going on. For, he asked, if a motion could have been made whilst these members were counting the ballots? Upon another occasion, after the ballots were collected, a motion was made to adjourn, but it was declared to be out of order. The SPEAKER gave no reason for this opinion; but it was obviously because tellers were employed to count the votes, and had not yet made their report; and would gentlemen say that another motion would have been better received, or have been acted upon so as to have prevented these gentlemen from doing their business? Certainly not. There could not, then, have been a motion made. What, then, was the state of the House? Were members obliged to keep their seats, though they could not be called upon to do any business? They could not be considered as inspectors of the conduct of gentlemen appointed to count the ballots, their distance prevented them from having any such cognizance. Here was a situation, then, when the members of the House were discharged from any duty for two hours, and during this period, the transaction which is now the subject of inquiry, took place. Members might have gone where they pleased; all that was required of them was, to be ready to receive the report when the tellers were ready to make it. Suppose a great part of the members had left the House, and when they returned, had been told of this quarrel. It must have been said, your rules consider the House as in session, though you were absent, and the quarrel having happened, it must be stated as happening in the view of the House whilst sitting. How, said he, must the resolution be formed, so as to declare the fact in such a case? It must be, "Resolved, that Mr. LYON, for a gross indecency and insult committed, &c., at the time when the rules say the House ought to have been sitting, but when, in fact, the House was not in order, nor the members in the House," &c. And was it not a strong presumption against this resolution, when recourse must be had to such an extraordinary form to make it consistent? Or could gentlemen say, when the resolution before the committee went abroad, that the House was in actual session at the time? They could not. He recollected one circumstance which peculiarly marked the situation of the House. Near the time when the offence now under consideration was committed, one of the Senators was sitting in his chair writing a letter. He did not himself think the House in session at the time, and should have thought himself as much at liberty as if the House had not been called to order at all. In order to justify the resolution before the committee, the fiction of the rules had been set up against fact. Mr. N. said he should not notice the offence at all as done out of the House, because the resolution confines the act as an offence against the House whilst sitting. He did not say this because he was afraid of meeting the subject on that ground, but because it was foreign to the present question.

The gentleman from South Carolina yesterday made some observations on this subject. He told the committee, and they had been told the same

before, that the situation in which the House was at the time this affray happened was the same as when the SPEAKER leaves the Chair, during the reading of long communications. Could any one impose upon himself so as to believe this? Was it not the duty of members to attend to the reading of all papers presented to them? Whereas they were not obliged to attend to members employed in counting ballots. Since gentlemen deemed this so clear a case, it was astonishing, he said, that they should rely upon so poor an argument as this. To constitute the crime of which the member from Vermont stood charged, it should clearly appear that the act was done with an intention to break the rules of the House. But, if gentlemen were not satisfied with his statements to prove that the House was not in order at the time, they must certainly allow that there was sufficient reason, from a view of the situation of things at the time, to impose upon a member unacquainted with the rules of the House. The member from Vermont had but lately got his seat in the House, and, of course, was not well acquainted with its rules; and seeing the members of the House in the situation they were, the SPEAKER himself holding conversation with him, and, though not encouraging him in it, yet, by asking questions, pushing him further into it than he otherwise would probably have gone—the SPEAKER calling upon him and another gentleman in conversation, "to take care, or they should want seconds." When this was the situation of things, might it not have imposed upon any member in the House? Could it be considered that the SPEAKER thought the rules of the House were likely to be violated when he thus spoke?

Mr. N. did not pretend to say that this conduct of the SPEAKER was not conformably to the rules of the House; but he believed it was intended as a private admonition, and not as an order of the SPEAKER of the House.

In taking notice of the circumstances under which this business happened, he did not mean to justify or apologize for the conversation of the member from Vermont. He did not consider it either decent or justifiable; but he thought there was a justification arising out of the passions of this gentleman, which could not be lost sight of.

Before he went to this circumstance, Mr. N. said he would state that the report of the Committee of Privileges did not agree with the facts as they had been stated to the Committee of the Whole. It is stated in that report that "the SPEAKER was sitting in one of the member's seats, and Mr. GRISWOLD near him; that Mr. LYON was standing without the bar of the House, speaking loud enough to be heard, and that the subject was the State of Connecticut." It was of importance that this statement should be correct, as it would appear as the act of the House. By it, it would appear that, though the conversation of Mr. LYON respecting Connecticut was not addressed to Mr. GRISWOLD, the thing was tantamount, as he was present. The Committee of the Whole would recollect that this was not the case. It was established in proof that the conversation had continued for some time between the SPEAKER and Mr. LYON before Mr. GRISWOLD was present; and none of the other Connecticut members were near enough to be considered as the objects of it. He would go further, and say that it was not in proof what part of the conversation of Mr. LYON Mr. GRISWOLD heard. The most offensive part of the discourse was the beginning of it, which it was pretty evident Mr. GRISWOLD did not hear. Mr. LYON began by saying that the members from Connecticut were seeking offices at the expense of the public good; but not one of the witnesses could say that Mr. GRISWOLD heard this—one of them, indeed, thought so, but was not certain. There was strong presumptive evidence that Mr. G. was not within hearing of this conversation, as none of the three different observations which he made to Mr. LYON referred to the most offensive part of it.

When Mr. G. asked Mr. LYON "if he fought the people of Connecticut with a wooden sword?" it referred to that part of his conversation when he said he had to fight the people of Connecticut when they came into his district. When Mr. G. said, "You would not convince the meanest hostler," it evidently applied to that part where he said, if he were to go into the State of Connecticut, he could change the sentiments of the people; and when he added, "You could not effect your purpose, if you took with you your wooden sword," it had relation to the same part of Mr. LYON's conversation. Though, it must be allowed, this conversation was arrogant on the part of the member from Vermont, yet no evidence went to show that Mr. G. heard the most offensive part of it, as it was clear no part of what he said had reference to it; and, if he did hear it, there was still less probability that Mr. L. knew that he was within hearing.

Mr. N. said, he would consider the effect which Mr. GRISWOLD's attack was likely to produce upon Mr. LYON. It appeared that, for some purpose or other, which he pretended not to know, Mr. LYON's history was to be raked up for twenty years past. A transaction, which at that distance of time took place, had been introduced with a view of sinking him in public estimation. The first time this painful circumstance was mentioned to Mr. LYON, he refused to take notice of it; but the gentleman from Connecticut laid hold of him, which was tantamount to saying, "you shall listen to what I have to say," and repeated the sarcasm.

Mr. N. said he did not know, (because he hated questions of privilege, and thought they ought always to be avoided, except pressed by necessity, from their incompetency to decide upon them,) what ought to have been the conduct of the gentleman from Vermont on this occasion. But let gentleman throw this member to what distance they please from them, they must allow him to possess some feelings in common with themselves. They could not suppose he would be willing to resign a character and standing which had been obtained at the price of long service. And though gentlemen may consider themselves as vastly

more enlightened and respectable than the member from Vermont, they cannot expect he is devoid of every principle of self-love. Could any gentleman have forborne to take notice of an insult of the kind which was offered to him? It was impossible. He did not pretend to say that the particular act with which the gentleman from Vermont resented the affront was the most proper; he did not know what would have been proper. He did not know in what way such an insult should have been treated.

Gentleman would probably say he ought to have forborne noticing the sarcasm. But did not gentlemen know that there was a circumstance in this member's situation which rendered it a peculiar one? If he had had recourse to the usual mode of settling differences would it not have been said to him, "No; you have been cashiered—you are infamous—I will not meet you as a gentleman?" In what way, then, could this member have shown to the world that, if he had once failed in his duty, he was ready now to show that he was no coward, and that he had been injured and abused in the former transaction? He asked whether, being placed in such a situation, there was not some allowance to be made for acting in the manner he did. Nor did Mr. N. think the mode which Mr. GRISWOLD had taken to repel any thing which the gentleman from Vermont had said against the Representatives from Connecticut was the best calculated for the purpose.

If, then, there was an extenuation of the conduct of Mr. LYON, either from the situation of the House at the time, from his being inexperienced with respect to the rules of the House, or from his peculiarity of situation as to the stigma which had been revived upon his character with respect to his courage, he did not think it was a case which called for the severest punishment which could be inflicted. If the highest punishment were to be inflicted in this case, what would gentlemen do where a man should render himself infamous; when a man should be found so defective of moral principle as to be wholly unfit to hold his situation? To act consistently, he thought, they should allow of some grade in the nature of offences.

Mr. N. concluded by noticing an observation from gentlemen advocating the motion, cautioning gentlemen against being influenced by a spirit of party in the present decision. He thought such observations would be best omitted, as they would operate equally on both sides.

Mr. OTIS said, he was one of those who had a sincere wish that the question before the committee could have been decided without debate, and that the world might not have been informed that there could exist a difference of opinion in coming to a decision on this question. For his own part, he should have thought that the standard of propriety and moral decency, the finger of sentiment, would have pointed out a direct course on this occasion; which, if it were not taken, he was convinced, when gentlemen were called to serious reflection upon it, they would see that they had been instrumental in sealing the infamy of the National Legislature; for the present question, he said, was not a question between the gentleman from Connecticut and the gentleman from Vermont, but between the House of Representatives and one of its members, who had broken down the barriers of decorum which it had set up for its government. It was a question between the people of the United States, whose sovereignty had been insulted, and the delinquent; between the whole Union and the State of Connecticut, an integral part of that Union, against a war of outrage and indecorum springing from ungovernable passion. Every member was, therefore, called upon to make one common effort to prevent their common infamy.

In considering this question he would challenge any one to show so shameful an act of assault and battery, committed without provocation, at any former period, or in any country. It would be in vain to look to any of the States of Europe, agitated and convulsed as they are, for such an offence. No man conversant with the history of the Six Nations, or with that of any other savage tribe, could point out an instance of outrage so monstrous and so abominable. It was conduct which could not be suffered in a brothel or in a den of robbers! Every American heart would grow sick at the recital of it. He did not mean, however, to attempt an aggravation of the offence; but it was an offence which had deeply affected him; he thought of it by day, and when upon his pillow he had not forgotten it.

What was said in defence of the member from Vermont? No attempt had been made to justify his conduct; yet some gentlemen had brought forward circumstances of extenuation. What were they? It was said some provocation was given, and that some allowance ought to be made on account of the situation of the House at the time.

With respect to the provocation, he would not now inquire whether any provocation could justify the offence which had been committed; but on examination into the facts it would be found that the provocation was on the part of the gentleman from Vermont, as his was an accusation founded in error, while that of the gentleman from Connecticut was founded in truth, as the story of the wooden sword, arising out of the gentleman from Vermont having been cashiered and disgraced from the army, was not denied, while what had been said with respect to the Representatives from Connecticut acting contrary to the sense of their constituents was founded in falsehood. These were charges made aloud, and which the gentleman from Connecticut, if he did not hear them, might have heard as well as not. And shall it be said that members of this House, who quit the comforts of home, the pleasing society of friends, and honorable employments, to serve their country, shall be told that their motives are venal; that they are actuated by a wish to obtain offices in which they might starve in splendor, and in which they could be abused with impunity? Yet this was said by the gentleman from Vermont; so that the provocation came from him, and, instead of

seeking here for extenuation, nothing but aggravation was found.

With respect to the situation of the House at the time, gentlemen who have recourse to this circumstance must sanction one of two positions, namely, that the House was not in session, or that the members of the House were to be protected while in certain kinds of business and not in others. With respect to the House not being in session, could it be said that, after it had been regularly formed, it could be dissolved without a vote for the purpose? Should it be said that while the SPEAKER was in his Chair members were safe, but if he stepped out of it club-law should immediately commence; that they were to be protected on this side and not on that side of the bar; that this side was a sanctuary, but that that was a bear-garden; that in their seats they were safe, but if they walked out of them they were liable to be cudgelled! Surely not; these mistakes arose from a misunderstanding of the rules under which they acted. They were intended to prevent offences from being committed; and was it not as likely that offences would take place after the SPEAKER had left his Chair as while he was in it? It could hardly be supposed that while the SPEAKER was in his Chair, and every member in his seat, that any violence would happen. It could not be expected that even the member from Vermont would go and spit in a member's face or knock him down while he was sitting in his place. It was when members were outside of the bar, when they were not under so much restraint as at other times, that the rules of the House were most liable to be infringed; and members were surely protected as much as if they were in their seats.

The gentleman from Virginia had stated that a great part of the members were without the bar of the House; but was no respect due to those who were within it? They were certainly not instrumental to the disorder. Would the people have any confidence in their Representatives, if they had nothing to do but go out of the bar to fight? This was a distinction which he never expected to have been set up, and it certainly arose from a prejudiced view of the subject. He believed the American people had already anticipated their decision, and it could only be in one way that the House and the country could be saved from indelible infamy.

The same gentleman said that all the members might have left the House. If this had been the case, or if a greater part had left it, he supposed the SPEAKER would have said there was not a quorum, and the business could not have proceeded. Mr. O. said he did not mean to go into the subject of privileges, though he did not, like the gentleman from Virginia, hate that or any other subject, the discussion of which was properly before them. He thought, however, that the conduct of the member from Vermont in saying that if the members from Connecticut were to vote against a certain motion, which was then the order of the day, they would be turned out of their places, was a direct attempt to control the freedom of debate; the gentleman came reeking from Connecticut, where, he said, he had ascertained the sentiments of the people, and undertook to intimidate and abuse the members from that State. Was it not clear that such conduct had a tendency to provoke recrimination? And if it were admitted, it must be evident they had nothing to expect but disorder, bloodshed, and murder; if gentlemen decided reasonably, they must decide that there never could be a greater outrage than this, committed with so little provocation. The resolution reported by the Committee of Privileges was a proper one, and to agree to it, was the only way in which they could purge the House of its pollution. If this was not done, it could not be expected that this would be the last affray which would take place in the presence of that assembly; if not done, the people would lose their confidence in their representatives; and if not done, he, for one, should feel the honor of a seat in that House as greatly diminished and overshadowed—as falling, as declining. Indeed, the only satisfactory mode would be, to send the member from Vermont back to his constituents; which would show to the world that a conduct like this could never receive the sanction of the American people. If this mode were not adopted, it would be better for the House to expunge its rules, and trust to their own forbearance for the observance of order; or they had better adjourn and leave the public business undone, to have no rules at all, than to suffer them to be thus grossly violated with impunity.

Mr. RUTLEDGE was not, like some other gentlemen, for giving a silent vote on this occasion. He was not a little surprised to hear the gentleman from Maryland (General SMITH) wish to pass a matter over in silence which cast so indelible a stain upon the character of the Legislature of the United States. It was strange that a period of twenty years should have so cooled the blood of a hero, as to induce him to sit and give a silent vote on an offence which prostrated the dignity and honor of his country! Mr. R. said, he must own, that he had not the philosophy of that gentleman, but should express, in strong terms, the abhorrence which he felt for the gross indecency. He hoped they should expel the member who had thus offended; he was persuaded, from what he saw in the House, that he would not be expelled unanimously, but he trusted the vote would be carried by more than two-thirds of the members present. He would wish, however, the citizens of America, from Georgia to New Hampshire, to know, that, unused to public speaking as he was, he could not sit still on this occasion, when the House of Representatives was attempted to be turned into a mere bear-garden.

It appeared to him that the gentleman from Virginia had spoken to-day because he stood in order to speak. Yesterday he did not wish the vote to be taken until he had delivered his sentiments. He wished that gentleman had felt as much for the dignity of the country, as he did for the gentleman from Vermont; if so, the committee would not have had to listen to his up-hill speech. The gentleman would excuse him for

using this term, as his observations were inaccurate, and he had recurred to things as facts which were not so.

The gentleman had undertaken to say the House was not in session, without attempting to prove it. In confirmation of this opinion, he said that a Senator sat in his (Mr. N.'s) seat during the counting of the ballots, and wrote a letter. This, Mr. R. asserted, was untrue. Whilst the Senator was standing without the bar, he was requested by a member from Pennsylvania to frank a letter. He was invited to take a seat for the purpose. He declined, saying, "your House is in session." On being assured there would be no impropriety in the thing, he went to a desk and wrote the address of a letter as requested, and then retired.

Mr. FINDLEY said that the fact was as had just been stated, except that when the gentleman of the Senate was desired to write the frank, he did not object to it, from an idea of the House being in session. For his own part, Mr. F. said, he did not so consider it, or he should not have thought of asking the gentleman to have taken a seat within the bar of the House.

Mr. NICHOLAS could only say he saw the gentleman writing there. The gentleman from South Carolina might be assured he did not mean to state as fact what was not so.

Mr. RUTLEDGE said it was not unusual for the gentleman from Virginia to deny the intention of misrepresentation. With respect to the situation of the House at the time this affray happened, Mr. R. acknowledged that it was not in good order, though it was in session. But the gentleman from Virginia said no motion could have been made. He would also say that no motion could be made whilst he was speaking, nor whilst the House was engaged in any other business. There was no way of getting out of session, but by adjournment; so that instead of its being a fiction to say the House was in session, it was certainly a fiction to say it was not so.

He thought with his friend from Massachusetts that this was not to be considered as an offence against the gentleman from Connecticut, but as an offence against the nation; and except the resolution before them was agreed to, what would be the situation of our Ministers and citizens abroad? They would be asked whether it was a fact that one of the members of our National Legislature spit in the face of another? They must acknowledge the fact; but he hoped they would also have it in their power to say, "but the offensive member was immediately expelled."

The gentleman from Virginia concluded his observations with a wish that everything of a party nature might be kept out of view. Mr. R. said this might be desirable; but he also thought it was necessary to look at the business fully. He wished gentlemen to see the thing in this light; for if members were permitted to commit offences with impunity, it would put a minority completely in the power of a majority, and buoy up the latter to a height which would be very inconvenient to a minority. He therefore thought that though a difference of political opinion had drawn a strong line of distinction between them, in order to restore the House to its former purity, they ought to unite their force in expelling the member from Vermont from his seat.

Mr. R. having sat down, the call for the question was very loud.

Mr. SITGREAVES said, before the question was taken, he wished to make some observations upon it. He was one of those who had felt, from the first moment in which he was informed of this occurrence, until the present time, as a member of that body, a very strong sense of humiliation, arising from the fact itself, committed in the face of the House, and from the manner in which the inquiry into the business had been conducted.

On the evening of the day on which this offence was committed, he had said, what he never should repent having said, "that he was at that moment prepared to give the vote which is now called for." He still believed, that to have expelled the member from Vermont before the House separated, would have been the most proper step which could have been taken for preserving the honor of the House, and for expiating the offence. The major opinion was, however, different. Though the offence was committed before their eyes, it was agreed that a committee should be appointed to examine the evidence. They did so, and reported the result. Yet, after this, it had been determined to re-hear the evidence before a Committee of the Whole; so that they had been obliged to expend the time of the House and the public money, in re-hearing a business which had already been sufficiently heard, and they are now called to give a vote upon the resolution originally reported.

The gentlemen who have spoken against the resolution, have made no apology for the fact itself. They have acknowledged the act was indecent, outrageous, and improper; but they availed themselves of circumstances to get rid of the consequences of this confession. Though he owned this admission gave strength to the resolution, yet he was sorry it had been admitted, if gentlemen still opposed the propriety of the resolution; and he hoped, when the fact was admitted, the committee would not have been compelled to listen to any thing in extenuation of an act so gross and indecent.

Mr. S. said, he would consider the arguments which had been adduced to get rid of the consequences which followed an admission of the fact. He confessed he had heard it insinuated, in the course of the examination of the witnesses, that the House was not in order when this offence was committed; yet he hardly expected it would have been seriously maintained. It had been constantly asked whether the House was not in session, from the SPEAKER's taking the Chair till the vote of adjournment; it was impossible to disorganize the House without a vote of adjournment; and all the pretexts which have been used to get rid of this position, are, to use the argument of the honorable gentleman from Virginia, *fictions* contrary to fact. It was said the House was not engaged in business. Was this true?

Were not two members of the House appointed as tellers to count the ballots for managers, and were they not counting the votes? Was not the House engaged in business when a member was speaking? Surely it was. And was it not also engaged in business when the Clerk was reading papers? It certainly was; and, at the time when this affray happened, the House was as much engaged in the ordinary business of the sitting, as at this, or any other moment. It was said the House was not in order, because the SPEAKER was not in the Chair. The SPEAKER is not in the Chair now, nor was he when lengthy communications were received. But, it was also said, that many members were out of their seats. But some were in their places; and could not the House be in session unless all the members were in their places? At this moment, he said, I see groups around the fires, and would it be said that the House was not now in order? It was impossible to show that these indulgences, which members availed themselves of, decomposed the House. It was not in the nature of things that the House could be dissolved in such a way.

But, it was also stated, that the member from Vermont and the member from Connecticut were on the outside of the bar, This was an endeavor to substitute a sort of fiction to get rid of the rules of the House. But could it be supposed, that a member without the bar was less subject to the rules, than when in his seat? Should disorder be admitted because it was without the bar? Gentlemen had created this distinction; but no one had said that an offence committed without the bar would not be punishable; and if it were liable to punishment at all, he saw no reason why it should not be liable to the highest punishment.

Mr. S. was inclined to believe that though these nice distinctions were urged, they were not much relied upon; because, though gentlemen used them, they had recourse to others; and if these had been well-founded, they would have been sufficient.

Is was said, that the member from Vermont could not have put up with an insult like that offered by the member from Connecticut, and that the impossibility of putting up with it was a sufficient extenuation of his crime. He had all along thought that whenever anything was said of the provocation which produced the act complained of, they wandered from the proper path. He believed no anterior circumstance had anything to do with the judgment which the House ought to pass upon this offence. Provocation might make some difference between the parties themselves, but it had nothing to do with the business as it respected that House. If provocation was to be admitted, in extenuation of a crime, no offence could be committed that would not find an apology. If a man's passions and ungovernable nature was to be an extenuation, crimes of the blackest nature would be thus apologized for. But it was agreed, in every society, from the convivial meeting to the Legislature, that some rules were necessary for their government, and when these rules were once fixed, it was necessary for the preservation of order, that they should be observed. If the gentleman from Vermont conceived himself injured, he ought to have taken another time for resenting it. If a number of gentlemen meet together, and an insult is given which is past being tolerated, and which calls for satisfaction and atonement, will any one say that the proper way of obtaining these, would be to interrupt the harmony of the company in which the individuals are assembled? Do not those who call themselves gentlemen suppress their indignation, and seek other means of obtaining satisfaction—means which shall not affect the peace and order of society? Is it not one of the essential rules of the laws of our country, that no man shall be permitted, by giving way to his own private passions, to disturb the order of society? And the same rule ought certainly to be observed in that House more especially.

But will gentlemen say it was impossible for the gentleman from Vermont to postpone an atonement for the offence which he supposed was committed against him? Will gentlemen seriously say this, when the member from Connecticut, who received a much greater insult, was able to preserve the respect due from an individual to the whole Representatives of the people of the United States? Could any man suppose that the feelings of the gentleman from Connecticut were less sensitive than the feelings of the gentleman from Vermont? Would any man call in question his spirit or ability? Do not all who know him, know that his courage, strength, and spirit, enabled him to take instantaneous revenge, had not his respect for the House prevented him from doing so?

But, if they were to inquire into this provocation, the result would be as unfavorable as the principle itself. If an inquiry was instituted at all, it must be carried to its source; and it would be found that the member from Vermont was the aggressor; it would be found that he was in the habit of provoking insult.

It was in proof that he had called in question the integrity of the members from Connecticut. The whole subject of his conversation with the SPEAKER, was an uninterrupted series of reflections, the most scandalous and untrue, upon the whole delegation from Connecticut; and the person who was guilty of the first provocation was guilty of the whole.

When gentlemen admit that the provocation which the gentleman from Vermont received, as some extenuation of his fault, they must also admit the same for the provocation received by the gentleman from Connecticut; so that when gentlemen find the first and last offence committed by the member from Vermont, an inference is drawn which is irresistible.

For himself, he thought the indecorum which the gentleman from Vermont had been guilty of towards the representatives of Connecticut, would, of itself, have justified his expulsion from the House. He considered the spitting in the member's face as a personal offence; but the others were wounds upon the better part, the moral

spirit of those gentlemen; so that the first offence was the most aggravated of the two.

It was impossible, Mr. S. said, to state a case more clear than that the resolution before the committee ought to be adopted. But was this all? It was not. It was necessary to call the attention of the committee to the statement made by the Chairman, of the grossly indecent words made use of by the member from Vermont, in the close of his defence yesterday. When the member was lying under the reproach of the House, for violating the rules of decorum, for violating the respect which he owed to the House, when on his trial for this very fact, he introduced an indecency of expression, which cannot be overlooked, as if he bid defiance to the House, and were determined to add offence to offence. This alone, as well as his former act, was sufficient to have justified an immediate expulsion. He believed a body properly tenacious of its own honor would have come to a vote of this kind; but the longer the inquiry was prolonged, the more they invited his outrages. He wished, therefore, to add this latter offence to the former, in order to show the full ground of the member's expulsion, since this latter offence was of too gross a nature to be lost sight of. He moved to add the following words to the resolution: "And for a gross indecency of language in his defence before this House."

This offence, Mr. S. said, did not pass outside the bar, or whilst votes were counting, nor was it provoked. If there were gentlemen in the House, therefore, who wished this man still to remain amongst them, let them take the responsibility upon themselves.

There was one circumstance more which had not been noticed, which was the impropriety of depriving the member of his seat, and his district of a representative. It would be more honorable to the district, as men and as citizens, to believe they would rejoice in showing their sense of the misconduct of their member, by returning another. In acting thus, they should be giving the district an opportunity of wiping away the stain which in some degree attached to them for an offence done by their representative. When he was sent back to his constituents, they would dispose of him as they thought proper; if they approve his conduct, they will send him again; if not, they will send another member in his place, less likely to contaminate the body to which he is sent.

Some objections were offered to this amendment by Messrs. R. WILLIAMS, and GALLATIN. They said, if the expressions complained of were considered as a contempt of court, they ought to have been punished immediately as such; but if they were brought forward as a part of the charge against the member from Vermont, he ought to be heard in his behalf, as on the former charge.

After the amendment had been supported by Messrs. SEWALL, BROOKS, and HARPER.

Mr. COIT trusted when he declared it to be his intention to vote against this amendment, he should not be thought to be an advocate of Mr. LYON, or of his indecent language. In the course of his defence, he had made use of several expressions highly improper to be used by a member of that House; but they marked the character of the man. He was unwilling, however, to take hold of these circumstances against him, but would give them all the weight they deserved. He presumed the particular expression alluded to fell from the member inadvertently, and was not intended to offend the decorum and order of the House. He therefore thought, notwithstanding the opinion which he had of the man, that it would be more consistent with the candor and dignity of the House, not to notice it.

Mr. DAYTON (the Speaker) said, that, in his opinion, the gentleman who had just sat down, had said more in defence of the member from Vermont, than he had himself uttered, or than had been said for him by the gentlemen from North Carolina and Virginia. He had given sanction to the plea of the member from Vermont, who said he did not know that he was violating the rules of the House—*he did it through inadvertence!* Was this a plea to be made for this man? Before, said he, we knew what we had to expect, and that it was necessary to walk with *dirks* or *daggers* for our defence against him; now we know, that when he rises to speak, the ears of all must be stopped, or offended, with his gross indecencies. He hoped therefore, that the gentleman from Connecticut would allow this charge to be added to the resolution. Neither the gentleman from North Carolina, nor the gentleman from Virginia, attempted to defend his conduct. Already it may have been noticed (he at least had noticed it) that the chairs in the line in which the member from Vermont sits, have, in a great measure, been vacated. He hoped, therefore, the committee would agree in bringing forward this last indecency, and join it to the other charge, as it was such as would not be allowed in any *grog-shop* in the country.

Mr. COIT said, he should withdraw his opposition to the proposed amendment, so soon as he was convinced he was wrong; sooner he must not be expected to do it. There was a great difference between words and actions. Every man's experience must tell him that words sometimes drop inadvertently. This might have been the case with the member from Vermont, and he still thought it would be better to pass over this expression.

Mr. KITTERA said the expression could not be uttered inadvertently, as the member read his defence.

Mr. S. SMITH did not believe that the expression alluded to was read. What the gentleman read, was delivered in a tone of voice which every one could hear; but what he said as he sat down, was uttered in a lower voice, and he did not hear it. He had read his speech that morning in the papers, in which there was no such expression. He wished to repeat to the gentleman from South Carolina (Mr. RUTLEDGE,) who had given him a *philippic*, that his reason for wishing to take a vote upon this question without debate, was no other than to spare a further expense

of time upon a business, which, he thought, had already occupied too much.

After a few other observations, the question was put on the amendment and carried—48 to 43.

The question on the resolution as amended was about to be put, when

Mr. GALLATIN said he knew how late in the day it was, and therefore his remarks should not be long; but as he considered there was a point of view in which the subject had not been placed, he wished to say a few words before the question was taken.

Of the fact itself he had no remarks to make; the evidence was direct, and all could draw their inferences from it. Nor did he consider it very material whether the insult arose from provocation or not, because he did not think that any provocation could justify an indecency of that nature.

But it appeared to him that gentlemen who expressed so much sensibility on the occasion, had confined themselves wholly to the indecency committed within the walls of the House, without taking any notice of the nature of the punishment proposed to be inflicted. It was on that part of the subject, and on that alone, he meant to make some observations.

Our Government, he said, was a Government by representation. The people of the United States had not vested power with a sparing hand; they had given all power out of their hands, but they had guarded against the abuse of it. They had said this power shall not be exercised but by persons appointed by ourselves. This being the case, said Mr. G., we, the representatives of the people, have only a limited power over individual representatives in our body. It is true the Constitution has given us the power of expulsion, but under as much caution as power could be given. It is guarded by making it necessary to have a vote of two-thirds of the members present—the same caution which was laid upon the Senate with respect to treaties. He conceived that the power of expulsion had not been given for the purpose of indulging our sensibility; for the purpose of impairing the principle of representation, but for the purpose of enforcing that principle; and two cases might exist in which the power of expulsion, lodged in that House, might be considered as a safeguard to the principle of representation. These two cases were, when the House discovered a person to be disqualified by some infamous conduct from voting, and when a member pertinaciously interrupted and prevented public business from being carried on.

As to the first case, he could not suppose that any man would ever be sent to that House who had been guilty of any crime that would disqualify him from holding his seat, if the people who sent him knew it at the time; but if any such crime should be afterwards committed, or be discovered to have been heretofore committed, then the House has a right to expel and send such a member back to his constituents. The present case, every one will allow, does not fall within this rule. The charge against the member from Vermont is a gross indecency, which shows a want of manners—a want of good breeding. There could be no doubt the act was highly indecent; but it did not show a corruption of heart. It may disqualify him from associating with some gentlemen on this floor; but, said Mr. G., we do not come here to associate as individuals, but to deliberate upon legislative subjects in our representative capacity. We may, if we please, associate together, or we may let it alone. He did not think himself compelled to associate with any member of this House whose society he did not like.

This was not then one of those cases which discovered a corruption of heart, that would disqualify a man from giving a vote on a legislative subject, though it might show the person to be disqualified for polite society. He would go on to the other case, which was said to be a good reason for expulsion. He allowed that cases might exist, in which a man might so far persist in interrupting the business of that House, by his disorderly behaviour, as to render it necessary, in order that the business might proceed, that he should be expelled. This led him to inquire whether this was the case under consideration, and whether the business of the House had been interrupted by the act in question.

When he put questions to the witnesses in relation to the order of the House, at the time the act complained of took place, he did it not with a view of lessening the offence itself. He did not mean to inquire whether the member from Vermont had committed a less degree of indecency, because the House was in one situation, than it would have been if it had been in another; but his object was to show, that the public business had not been interrupted, and that the House was in a situation in which it could not have been interrupted. It was true the SPEAKER had, in the morning, taken the Chair, and the House had not adjourned; but it must also be allowed, that the House was not at that time organized. What was the business before the House? A committee of two members were counting the votes for managers of an impeachment. Were they interrupted; or could they be interrupted by an incident of this kind? He was sure they were not interrupted. If, then, the public business was not interrupted, and if the fact was not of that nature which showed a corruption of heart, he did not think it would be proper to expel the member from Vermont.

He saw, indeed, that it was unpleasant for some gentlemen to sit in the House with the member from Vermont. He allowed it was an evil; but what is the evil, he asked, on the other side? It is this: They all knew that a new election could not take place in the State of Vermont for several weeks. He remembered, from the contested election which was formerly before the House from that State, that twelve days notice is requisite before writs can be issued; a certain time would be required to bring the votes to the Governor; the necessary notice, a new election, ascertaining the return, the notification to the member elected, and the time necessary for his journey hither,

would take up many weeks; and by the laws of that State, if there be not a majority on the first vote, a new election will be necessary; so that it may be pretty certainly said, that if the present member was expelled, one-half of the State of Vermont would be deprived of a representation on that floor for the remainder of the session. And shall we, said Mr. G., in order to gratify our sensibilities, deprive one-half of that State, for a number of weeks, and perhaps for the whole session, of its representation? He was not willing to do so, and therefore should vote against the resolution.

He knew that other gentlemen on that floor had as great regard for the principle of representation as he; therefore, he supposed, they had considered this subject already, and made up their minds upon it. When he stated these reasons he did not doubt they had weight upon the minds of other gentlemen. For his part, however, he was more apprehensive of depriving Vermont of its representation, than of any other consideration arising from the subject.

He thought gentlemen had laid too much stress on this indecency, as it affected the Legislature of the United States. However disagreeable the act was in itself, he did not think because a member sent there by the people of Vermont does an improper act, that it could attach disgrace and indelible infamy to the House itself, nor did he see how it could affect any other person besides the member from Vermont himself.

There seemed to be a great desire, very loudly expressed, that the question should be taken before the committee rose; but Mr. Sewall and Mr. Rutledge, both appearing to have a desire to speak on the subject, and it being near four o'clock, the committee rose and had leave to sit again.

Just before the committee rose, the Chairman informed the committee he had received a letter from Mr. Chipman, of the Senate, in consequence of what had fallen from Mr. Lyon, in his defence of yesterday. The letter was requested to be read, and was as follows:

Sir: I feel it my duty, in this public manner, to vindicate myself against an unwarranted attack on my character, by Mr. Lyon, yesterday, in the House of Representatives. I learn that he there asserted that he had once chastised me publicly for an affront which I had given him. This assertion of Mr. Lyon is without foundation; it is false. Nor can I conjecture to what circumstance Mr. Lyon could have alluded, unless it might be a ludicrous transaction, which took place at Westminster, in the State of Vermont, in the beginning of the year 1780, the circumstances of which I beg leave to relate: The Legislature of Vermont were in session at that place; Mr. Lyon attended as a member; I attended on business. The House of Representatives requested me, though not a member, to examine and report my opinion concerning certain debts due from persons whose estates had been confiscated. I had made a report accordingly, at some part of which Mr. Lyon took offence. One morning Mr. Lyon called at Mr. Bradley's room, in which I was then doing business. No person was in the room but Mr. Bradley, Mr. Lyon, and myself. Mr. Bradley and I sat writing at the opposite sides of the table; Mr. Lyon took a seat by the table at the side of Mr. Bradley, and entered into a conversation upon the subject of the report above mentioned. He soon discovered himself to be somewhat irritated, and in a very rude and pointed manner declared that no man who had a spark of honesty could have reported as I had done. Attacked in this rude manner, I retorted, in a passion, that he was an ignorant Irish puppy.

Mr. Lyon rose in a violent passion, grasped at my hair, that was turned back with a comb, which he broke in the grasp. I was at that moment mending a pen; I instantly rose, intending to revenge the insult with the knife in my hand; but Mr. Bradley had seized Mr. Lyon from behind, round the arms, and drew him back a little; upon which, Mr. Lyon, bearing himself in Mr. Bradley's arms, threw his feet upon the table to kick across. The awkward appearance of Mr. Lyon at this moment, and the grimaces of his countenance, provoked me to laugh. I dropt the penknife, seized Mr. Lyon's feet, and, in this manner, with the help of Mr. Bradley, who still kept his hold, carried him across the room, and laid him on his back in a corner. Mr. Bradley and I returned to our seats, laughing very merrily at the scene. In the meantime, Mr. Lyon rose from his corner, stood a short time in apparent agitation, and without uttering a word. At length he turned upon his heel, with these expressions: "Damn it, I will not be mad"—forced a laugh, and left the room. Nothing ever afterwards passed between Mr. Lyon and myself upon this subject. I therefore repeat, that Mr. Lyon's assertion is wholly without foundation.

I ask pardon for the trouble I have given the House upon this business.

And am, with respect, &c.,

NATHANIEL CHIPMAN.

The Chairman of the Committee upon the report of the Committee of Privileges.

---

Monday, February 12.

## BREACH OF PRIVILEGE.

The House having resolved itself into a Committee of the Whole on the report of the Committee of Privileges, Mr. Dent in the Chair,

Mr. Rutledge denied that any similar outrage had ever been committed in that House like the present, though the gentleman from Virginia had spoken of something analogous. It was true, a challenge had been sent by a member of the Senate to a member of that House; but this was not at all comparable to the present offence. Mr. R. thought the punishment by expulsion was the only punishment which could be adopted, as nothing short of it would be effectual.

Mr. Findley said, the question before the committee was a question of *indecency*, and not of *crime*; and he wished, for the sake of decency, so much had not been said upon it. In forming the Constitution there had been a distinction made between punishment and expulsion. Expulsion was evidently the highest punishment which the House could inflict, but no one could say indecency was the highest crime. He never understood, either at the time the Constitution was formed, or since, that expulsion was intended to be applied to anything but crimes—for what would be a subject of impeachment in other bodies

where impeachments could be brought. This was not, therefore, an opinion formed upon the spur of the occasion. Mr. F. said, he knew of an instance of this kind, which happened in another Legislative body, upon which a committee was appointed to consider it; but they never made a report, but held their decision *in terrorem* over the offending member. He thought, if a similar course had been taken in this matter, it would have been preferable to spending so much time in debate upon it.

Mr. SEWALL rose to reply to what fell from Mr. GALLATIN on Friday, with respect to the two cases which he pointed out, as coming under the rule for expulsion, and referred to the law of Parliament in England to show that this doctrine was ill founded. He said no district of country ought to have it in its power to send a man among them as a legislator for the United States, who should be hateful to two-thirds of the House. The Constitution had defined no particular cases in which the power of expulsion should be exercised; the House was therefore left at liberty to use it according to its discretion. And, if it were to be abused, instead of punishment, it might become the highest honor to the person expelled, as, if the House were become so corrupt as to expel a person without just cause, it might awaken the people to a sense of the necessity of changing their representatives.

Mr. S. said, it was a new doctrine that the business of the House should actually be interrupted, before a person should be deemed an offender against its rules. It was necessary to look at the consequence of actions, and refer to what might have been the case if Mr. GRISWOLD had resented the affront upon the spot.

Mr. S. spoke of the importance of this decision as a precedent; and of the danger to be apprehended from the conduct of Mr. LYON in future, if the present outrage was suffered to pass without exemplary punishment, and that it would be necessary to come armed to the House, in order to guard themselves against him.

Mr. SHEPARD spoke again upon this subject. If the member from Vermont were not expelled, he supposed it would break up the present session, without doing any business; that it would divide the States against each other, and finally end in a civil war.

Mr. PINCKNEY said, in order to insure perfect freedom of debate, it was necessary to repress every personal violence in the first instance. In considering this question, he considered it as fixing a rule for their government in future; and he thought, if it were so considered, (and no reference had to the dispute which had produced the discussion,) there would be a pretty unanimous opinion that an offence of this kind ought to be punished by expulsion. He thought a member thus violently offending the rules of the House, should be immediately deprived of the power of the people in that House; and it was on this ground that he moved for the immediate commitment of the member from Vermont to the care of the Sergeant-at-Arms, when the offence was first made known to the House, not only for the security of his person, but for immediate punishment. As the Constitution gave the House a power to expel a member for disorderly conduct, he thought this case came clearly within the rule. In some cases of offence there might appear mitigating circumstances, but there were none in this. The conduct of the member since the transaction was committed had been such as to convince the House that he felt no compunction for what he had done.

Mr. LIVINGSTON rose to entreat gentlemen, as they valued the respectability of the House, the good opinion of their constituents, and the public Treasury, that they would suffer this business to come to a conclusion. Their constituents, he was certain, had long been tired of the discussion. Nearly twenty days, which had cost as many thousand dollars to the country, had been consumed in this business. Gentlemen rose to express their abhorrence of abuse in abusive terms, and their hatred of indecent acts with indecency. The simple question before the House was, what degree of punishment was proper to be inflicted upon the member from Vermont. [The CHAIRMAN informed Mr. L. he was mistaken in saying twenty days had been consumed in this business; it had been before the House only fourteen.] Mr. L. said it was in a fair way for being twenty.

Mr. COIT was sorry to hurt the feelings of the gentleman last up by saying anything on the subject, but having been considered as an advocate of Mr. LYON, he would make a few observations upon the subject. He did not himself think that this vote ought to have been taken without discussion. If, indeed, it had only been necessary to have inquired how does this man generally vote? then no discussion was necessary; but he could not consider that this was the only inquiry necessary to be made. With respect to the fact, nothing need be said; every one allowed it to be brutal, indecent, and unmannerly. The Constitution gave the House the power of expulsion for disorderly conduct. It had been said, this disorder must be committed within the House; but he found nothing of this sort in the Constitution. He had no doubt himself that the House was in session at the time. It had been attempted to show that there was a provocation for the offence; but an inquiry into this matter turned wholly against the gentleman from Vermont, as his previous abuse of the whole representation of Connecticut was a sufficient ground for the retort which was drawn from his colleague. It appeared, therefore, to him, that to retain amongst them a man of this description was to retain a man who would produce nothing but disorder and confusion in their proceedings. His letter of apology did not say that this was a transaction of heat, and that he was sorry for it, but that he was sorry the House had thought it necessary to take cognizance of it; and his defence before the Committee of the Whole was far from being contrite; it was, indeed, an attack upon the witnesses, in order to invalidate their testimony. He hoped the resolution would be agreed to.

Mr. R. WILLIAMS rose and took notice of the

different arguments urged in favor of the amendment. He denied that the committee ought to consider the consequences to which an act might possibly lead; if so, an assault would of course be punished equally with murder, as it might possibly lead to it. He did not think the House ought to interfere any further, than to preserve order and decorum in its proceedings. If a member of the House committed a crime, he was answerable to the laws equally with any other man. Upon the whole, he considered the proposed punishment as disproportionate to the offence, and should therefore move an amendment. Mr. W. then moved to amend the resolution reported, by striking out the words, "be for this disorderly behaviour expelled," and insert in their place, "is highly censurable, and that he be reprimanded by the SPEAKER, in the presence of this House."

Mr. DAYTON (the Speaker) said the length of the present debate had been complained of; but who, he asked, had first broke silence after the gentleman from Massachusetts (Mr. THATCHER) had expressed his wish that the vote might be taken without debate? It was the gentleman who had just sat down; and now he had given the committee another speech, and introduced a proposition calculated to produce further discussion. He wishes the gentleman from Vermont to be reprimanded by the SPEAKER. What could the SPEAKER say to him? He could only say, You have done an act which would disgrace a blackguard; come and take your seat in the House. You have insulted us with words which show your defiance of us, but come and sit with us, and be our brother legislator.

Were these proper words to be addressed to the member? The SPEAKER would sooner address him in words of *thunder* which should drive him from his presence. Mr. D. then took notice of what fell from the gentleman from New-York with respect to the length of the present debate, which he thought fully justified by the importance of the subject, and concluded by saying, that if there should be found a majority in this House in favor of the amendment, he should be ashamed of having a seat in it.

Mr. NICHOLAS hoped the committee would not be prevented from doing what it thought proper, because there might be a difference between the private opinion of the SPEAKER, and what he might be called upon to do in his capacity as SPEAKER.

Mr. R. WILLAMS denied that he was the first who began the debate.

Mr. DAYTON repeated that he was the first who broke silence after the gentleman from Massachusetts had wished the vote to be taken without debate.

Mr. R. WILLIAMS said that it would appear, from the manner in which the gentleman had said he broke the silence, that he had begun the debate, which he did not. Mr. W. said, he was more strongly convinced than ever of the impropriety of extending the power of expulsion, since he had heard the passionate expressions of the gentleman from New Jersey. Was this the language of a *Judge*? He would not only pass the law upon the offender, but he would do it with thunder and vengeance! In his opinion, Mr. W. said, nothing could tend more to disgrace the councils of America than such heated language as this. It was sufficient to induce the people to say, "We have too much liberty—too much freedom of speech; our Government is bad"—and to be ready to lay hold of any other that is offered to them. A sentiment of this kind tended more to destroy the Government than anything he had heard. Gentlemen talked of heat in debate; but where did it come from? Not from the gentlemen in opinion with him, must be evident to every one. Whatever opinion might be held of his amendment, he thought it proper, and therefore made it; nor did he think it liberal in any man to treat it as it had been treated. Was it right to be told by a member, because he had moved an amendment like the present, that he should be *ashamed* to sit with him? Was this what the public expected to hear in its Legislative councils? He believed not. He thought it would do no credit to him who uttered the sentiment.

Mr. DAYTON said that the gentleman from North Carolina had misstated what he had said in several instances; but he did not think it worth while to set him right—it would be a waste of time and words. There was one thing he would notice, he called him a judge. Was he not in Committee of the Whole on this subject? Was he more a judge than that gentleman? [Mr. W. offered to explain.] Mr. D. said that gentleman had already four times explained himself. If he had anything more to say to that gentleman, it would be a little more pointed. He should say what he pleased, and if he chose he might call upon him in the House or out of the House, (privileges aside.) [A loud cry for order was heard.] Mr. D. said he knew when he was in order.

The CHAIRMAN declared such language improper.

Mr. DAYTON concluded by justifying what he had said as to the impropriety of the SPEAKER reprimanding the member from Vermont, as the language of a majority, he was assured, would direct him thus to speak, and he could not be expected to use the sentiments of a minority in his reprimand. He had stated the matter in a strong light, to show the impropriety of the measure; and he meant to appeal to the breast of every honorable gentleman whether the members of that House would consent to sit in amity with such a man.

Mr. GOODRICH thought to have given a silent vote on this subject; but when a proposition like the present was brought forth, he could not refrain from delivering his sentiments upon it. Mr. G. complained of the slanderous manner in which he and his colleagues had been treated by the gentleman from Vermont. Every one allowed that some punishment was proper for the offences of this member—they differed only as to the proportion. For his part, he thought nothing short of expulsion would be sufficient; for it was evident, from his conduct, that a reprimand would not be considered by him as any punishment at all. He

knew not how to account for the strange manner in which he had conducted himself since he committed the insult upon his colleague, except, indeed, he was persuaded that, to do what he will, it was not in the power of the House to expel him; that his friends would support him. If this were his opinion, he hoped he would find himself mistaken.

Mr. HARPER was strongly opposed to the amendment. He was sorry to see gentlemen determined to support the member from Vermont, at all events, rather than lose a vote on favorite political questions. The reprimand proposed, he was confident, would have no effect upon them; besides, it was a punishment of the lightest kind which the House could inflict, and by no means proportioned to the highest possible outrage. He corresponded in sentiment with the gentleman from New Jersey with respect to this amendment, and if it were approved by a majority, he should feel ashamed and degraded at belonging to that House. If this were the case, every man who had any regard for his character, would make his escape from the polluted habitation, as such a vote would attach disgrace and infamy to the House, because it was an old and true adage, "He who does not repel vile acts, participates in their infamy."

Mr. SITGREAVES said, if this amendment prevailed, (and he trusted it would not,) it could only be upon one or two considerations; both of which had been suggested in the course of the debate, viz: the supposed want of power in the House to expel a member for an offence of this kind, or that the punishment is not proper for the offence.

Mr. S. went into a variety of arguments to prove that both these objections were ill-founded; examined the different theories which had been laid down as applicable to the power of expulsion given by the Constitution, endeavored to prove that the offence under consideration was of the highest magnitude, and that, therefore, it ought to be punished with the highest punishment which the House has the power of inflicting—which is expulsion. A mere reprimand, he said, was by no means a proper punishment; it was applied to offences of the lowest kind merely. These being his views on the subject, he should vote against the amendment; and if it were to prevail, he would also vote against the resolution itself; for, so far from such a measure securing them from future injuries, it would only encourage them. He would, therefore, have nothing to do with it, but leave every gentleman to protect his own honor. It will then be necessary for them not only to bring learning and information to Congress, but also a sufficient degree of strength and courage, or if deficient in strength, arms for their defence. With respect to the length of this discussion, it was wholly owing to that part of the House who declined to act upon the business immediately, but who chose to have the subject referred to a committee, and afterwards to have the evidence before a Committee of the Whole, and not to those who have always been ready to adopt the most prompt measures.

Mr. GALLATIN said he should not have risen again on this subject, if it had not been to explain some things which he had before said, and which had been misrepresented. After explaining these, Mr. G. went on to state that no act of disorder done in the House ought to be noticed farther than the decorum of the House required, as the laws were ready to take cognizance of injuries committed on members as well as on those who are not members. He quoted the Constitution to show that this was the intention of it. Indeed, he did not believe any gentleman on that floor would say he wanted protection; they could generally protect themselves; and if not, the law would protect them as it protected others. But it was said offences which had a tendency to disturb their proceedings ought to be punished. This he allowed, but he would punish them in a less degree. Mr. G. referred to the case which has already been mentioned of a challenge sent by a member of the Senate to a member of that House. That business, he said, was referred to a committee, but the parties having written letters of apology, exactly in tenor with that of Mr. LYON, they were deemed sufficient, yet the letter of Mr. LYON is spoken of as aggravating his crime. Mr. G. did not think that a vote of censure and a reprimand by the SPEAKER was a slight punishment. It was said no act of offence had ever been committed like this, nor did he think any punishment had ever been inflicted by this Government so severe as a vote of censure by the House. Because the member from Vermont had not received so polite an education as other gentlemen, it was supposed this punishment would not greatly affect him; but he supposed he was not wholly dead to every feeling, and unless he was composed of different materials from other men, such a punishment must be considered as a very serious one. He should, therefore, vote for the amendment. Mr. G. added that what Mr. LYON had said respecting the Representatives of Connecticut was spoken as if it made part of the charge against him; as this was not the case, he thought any observations on that head would be better omitted.

Mr. DANA condemned the wish that had been expressed for passing a silent vote upon this subject, and particularly the conduct of the gentleman from Maryland (Mr. S. SMITH) for having expressed such a wish. He said it appeared as if gentlemen had determined to vote against the expulsion of the member from Vermont, and were afraid of hearing anything which might convince them that they had done wrong in so determining; or were the gentleman from Virginia and others, who were so ready to speak to the public on other occasions, afraid to do so on this, from a conviction of the weakness of their cause? Mr. D. took notice of the cases stated by the gentleman from Pennsylvania, to whose manners he paid a compliment at the expense of his logic, and spoke of the necessity of preserving decency and dignity of manners in all public bodies. The member from Vermont had indeed been very free in his remarks upon Connecticut; but to have merited the hatred of the gentleman from Vermont was

by no means disgraceful. He should wrong the State of his nativity, he should wrong his colleagues and himself, were he to undertake a formal refutation of this calumny. The citizens of Connecticut will disdain the idea of being enlightened by that member's knowledge, or of being revolutionized by his power, as they will repel with indignation any imputation against their Representatives in Congress—Representatives who were born and educated amongst them, and whom, in consequence of their good opinion of them, they have appointed, by their unsolicited suffrages, to do their national business. Had the assertion no other currency than the member from Vermont's word, he should not have noticed it; but as it appeared upon the Journal, and had gone out to the world, he thought it necessary to say what he had said on this subject. But for these calumnies, it was probable that the outrage on Mr. GRISWOLD would not have been committed; but what could be a more serious charge against another than to be told, "You have betrayed your trust?" This was what gave all the keenness to the epithet of coward, when applied to an officer. Mr. D. said he did not mean to cast any blame upon gentlemen who differed from him in opinion; nor would he envy any gentleman the pleasure they would have in the company of the gentleman from Vermont; if they chose to associate with such a *kennel of filth*, let them do so; let them press him to their heart, and salute him as their brother, they may do it without envy; let them be designated as the companions of Mr. LYON, by being pointed at, by "There goes the member of Congress who voted to have MATTHEW LYON as a companion!" If they felt themselves invulnerable to such a reproach, he acknowledged he had not attained to that degree of insensibility. He himself would put him away, as citizens removed *impurities* and *filth* from their docks and wharves.

Mr. S. SMITH thought, as he had determined to say nothing upon this subject, that he should not have received the censure of any one. He had conversed with several gentlemen on both sides the question, and he thought, in order to avoid a lengthy discussion, which could have no effect but produce heat, it would be best to take a silent vote on the question. The gentleman who had just sat down had called upon him as a military man. He did not come here as a military man, but as a legislator. It seemed as if gentlemen were determined to make him speak on this subject; if he had wished to do so, they would not have been able to have kept him silent. He thought the gentleman last up had made a speech to little purpose. If military opinions were wanted, two military gentlemen had already given their opinions. If, twenty years ago, he had been asked an opinion, he supposed he should have given such an one as the gentleman from Connecticut would not have liked to hear.

Mr. DANA did not wish the gentleman to give his opinion, and hoped he would excuse him for having given his, though he desired him not to do it.

The question on the amendment was put and negatived—52 to 44.

Mr. MORRIS said, before the vote was taken on the resolution for expulsion, he wished to say a few words. There was no doubt but that the conduct of his colleague had been highly insulting to the House, and that he deserved expulsion. He also believed that the people of Vermont would resent this conduct, which dishonored the character of the citizens of that State; and he thought it was the duty of that House to give the people an opportunity of showing their disapprobation of a conduct so gross and indecent.

The question on the resolution was put and carried—51 to 43.

The committee then rose, and reported the amendment to the resolution, together with the evidence which had been taken before them. The House took up the amendment (relative to the offensive words in the defence) and agreed to it—49 to 46.

Mr. R. WILLIAMS then renewed his amendment for confining the punishment to reprimand.

Mr. BROOKS hoped, if the House did not agree to the highest punishment, they would not agree to the lowest which they could inflict. He did not suppose the member from Vermont would look upon this as a punishment; and if no other was to be ordered, the House would never get rid of his offences.

Mr. MACON said, it was observable there were two opinions in the House; one for expulsion, the other for a reprimand. He did not think the offence was such as would authorize an expulsion. He said there had been as many illiberal expressions in the course of this debate as he had ever heard. Gentlemen had talked of party doing this, and party doing the other, whilst they themselves are the first to mention it. He hoped they would have kept these things out of the sight of the world. If gentlemen of one description voted one way, those of another voted a contrary way. As for the punishment of being reprimanded in the face of the House, which would be entered upon the Journal, he thought it a very serious one, and he would almost as soon be hanged at once. He hoped, therefore, the punishment would be thought at least equal to the offence.

The question was then taken by yeas and nays, and the amendment was negatived—52 to 44.

The question was next taken upon the resolution for expulsion, by yeas and nays, and carried—yeas 52, nays 44, as follows:

YEAS—George Baer, jr., Bailey Bartlett, Jas. A. Bayard, David Brooks, Stephen Bullock, Christopher G. Champlin, John Chapman, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, Thomas T. Davis, John Dennis, George Dent, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, William Barry Grove, Robert Goodloe Harper, Thomas Hartley, William Hindman, David Holmes, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, James Machir, William Matthews, Daniel Morgan, Lewis R. Morris, Harrison G. Otis, Isaac Parker, Josiah Parker, John Reed, John Rutledge, jr.,

James Schureman, Samuel Sewall, William Shepard, Thos. Sinnickson, Samuel Sitgreaves, Nathaniel Smith, Peleg Sprague, George Thatcher, Richard Thomas, Mark Thomson, Thomas Tillinghast, John E. Van Alen and Peleg Wadsworth.

NAYS—Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Richard Brent, Nathan Bryan, Samuel J. Cabell, Thomas Claiborne, Wm. Charles Cole Claiborne, Matthew Clay, John Clopton, John Dawson, Lucas Elmendorph, Wm. Findley, John Fowler, Nathaniel Freeman, jun., Albert Gallatin, William B. Giles, James Gillespie, Andrew Gregg, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, Walter Jones, Edw. Livingston, Matthew Locke, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, John Nicholas, Tompson J. Skinner, Samuel Smith, William Smith, Richard Sprigg, jun., Richard Stanford, Thomas Sumter, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

The Constitution requiring two-thirds of the members present to carry a vote of expulsion, the motion was declared by the SPEAKER *not carried.*

The following is the testimony taken in the foregoing case, as delivered in at the Clerk's table:

The Speaker, JONATHAN DAYTON, Esq., one of the Representatives from the State of New Jersey, being duly sworn, this fifth day of February, one thousand seven hundred and ninety-eight, before the Committee of the Whole House, to whom was committed the report of the Committee of Privileges of the second instant, proposing the following resolution for the adoption of the House, to wit: "*Resolved*, That Matthew Lyon, a member of this House, for a violent attack, and gross indecency, committed upon the person of Roger Griswold, another member, in the presence of the House while sitting, be, for this disorderly behaviour, expelled therefrom," by the Honorable Richard Peters, Esq., Judge of the District Court of the United States, for the District of Pennsylvania, to declare the truth, the whole truth, and nothing but the truth, touching the subject matter of the report, so referred to the said committee, deposed as follows:

When the ballots of the House for managers of the impeachment against Mr. Blount were brought to the table to be counted, and the committee who were named as tellers were actually engaged in that business, I walked forth from the Chair, without adjourning the House, in order to take a little exercise about the room, as had not unfrequently been the case in reading lengthy communications. I placed myself by the side of a member from New York, and in the chair usually occupied by Mr. Dana, when I soon heard some expressions rather warmer than usual at the fire, behind me, and turning, observed that they passed between Mr. Lyon, of Vermont, and Mr. Dana, of Connecticut. I addressed myself immediately to them, and said, "Gentlemen, keep yourselves cool;" and afterwards added, "if you proceed much further, you will want seconds." Upon this, Mr. Lyon addressed himself to me, and said, among other things, that he had, in his own mind, designated the embassy to Cayenne for Mr. Dana; upon which, in order to give a turn of pleasantry to the conversation, I asked Mr. Lyon whether he had reserved for himself the mission to Kamtschatka, among the furred tribes. Upon my asking whether he was meant by the "Lyon of Fairhaven," charged in the public papers with being active to incite the people in his district to hold meetings, and to clamor against the stamp act, he replied that he supposed he was the person meant, but that this charge, as well as many others of a like nature, made against him, was unfounded. After a few other remarks, Mr. Lyon began some animadversions upon the temper of the people of Connecticut, and the conduct of their Representatives in Congress. He said he had good reason to know and declare, that the members from that State were acting in direct opposition to the opinions of nine-tenths of their constituents; that, regardless of the public good, they were seeking their own private interests; that their object was to obtain offices for themselves; that if they could not obtain the most lucrative, they would not refuse those which were less so, (mentioning two sums, which I think were nine thousand dollars and one thousand dollars;) that he, Mr. Lyon, had a good right to know the people of Connecticut, for he had to fight with them in his own district. Upon this Mr. Griswold, who was sitting in Mr. Harper's seat, asked whether he had fought them with *a* wooden sword, or with *his* wooden sword. Mr. Lyon either not hearing this question, or affecting not to have heard it, continued his remarks to me, and added, that when the Connecticut people came into his district on visits to their relations, they came with strong prejudices against him and his politics; but, after conversing with them freely, he had always succeeded in bringing them over to his side; that if he should go into that State and talk with the people, he could open their eyes, and effect an entire change there. Upon which, Mr. Griswold laying his hand gently upon Mr. Lyon's arm, in order to attract his attention, said, "if you were to enter into Connecticut for the purpose you mention, you could not alter the opinion of the meanest hostler." Mr. Lyon replied that he knew better; he knew the people of Connecticut well; that he had no doubt that, if he were to remove thither, and establish or direct a press there for six, nine or twelve months, he could effect a revolution there, and induce them to turn out all their present members. Upon my observing that this afforded another instance of the influence which men's wishes had over their belief; and upon my asking, if this were true, how he could account for the people of Connecticut having uniformly selected for their Representatives, ever since the commencement of the present Government, gentlemen of the same political principles; he answered, that they (the Representatives) had blinded the eyes of their constituents—were constantly administering opiates to them, and would only permit one side of the question to be made known. Mr. Lyon further added, that he thought, upon the whole, that there was one, and only one, of the delegation which he might spare, and allow to come again; that he had serious thoughts of moving into the State, and fighting them on their own ground. Upon which Mr. Griswold repeated the substance of a former question, and asked, whether, when he should come, he would take with him his wooden sword. Upon which followed the indecency which has given rise to this reference.

The said deponent being interrogated by Matthew Lyon, Esquire, and other members of the House, further deposed as follows:

As Mr. Lyon leaned on the bar, near me, and spoke louder than was necessary for me to hear, I concluded it was intended by him to be heard by those who were near.

The conversation was carried on with good humor;

Mr. Griswold, when he spoke, certainly had a smile on his countenance.

At the first conversation between Mr. Dana and Mr. Lyon, something had been said on the opposition to the stamp act in Vermont, and a meeting therein, on that subject.

I believe the words spoken by Mr. Lyon did not allude to any vote of the members of Connecticut on any particular question, but generally to their political conduct.

Mr. Lyon said that the people of Connecticut were deceived by their Representatives, who were constantly administering opiates to them, and it was only afterwards, on my asking why those persons were sent as Representatives, that he replied, the people were permitted to hear but one side.

I take it that Mr. Lyon, although not in warmth, intended that his assertions should be believed by those who heard him.

After Mr. Griswold had received the insult, I saw him draw back his arm, and expected a blow would be given; afterwards, I saw from his countenance, that he had changed his mind, and he then wiped his face.

The conversation appeared to be conducted in good humor.

The conversation respecting Connecticut came voluntarily from Mr. Lyon, and unsuggested by anybody else.

Mr. Lyon received my question as to the mission to Kamtschatka, in a pleasant way. In another part of the conversation, Mr. Lyon was comparing the information of the people of his district with that of the people of Connecticut, alluding to the light he had conveyed among them. Mr. Brooks observed that the extraordinary light appeared from the extraordinary *luminary* they sent to represent them.

I did not hear a syllable from any member of Connecticut, of insult or remark on the conduct of the people of Vermont.

Mr. Griswold, in laying his hand on Mr. Lyon, did it gently, and apparently for the purpose of calling his attention merely.

The Speaker, at the time of the conversation, knew that the wooden sword had relation to Mr. Lyon's having been cashiered in the army. I knew it from a previous conversation with Mr. Lyon, and my having been in the army at Canada, at the time. The only reason for my supposing that Mr. Lyon did not hear what Mr. Griswold said, was, that it produced no change in Mr. Lyon's countenance, though spoken loud enough for him to hear; and I heard the words distinctly. Mr. Lyon and myself were at equal distance from Mr. Griswold. I did not observe the cause of Mr. Griswold's leaving his chair and going to Mr. Lyon, but on turning round, I perceived him then listening to Mr. Lyon. During the conversation between Mr. Griswold and Mr. Lyon, I did not observe any collection of members round the fire—Mr. Dana was passing and re-passing before the fire.

Mr. Lyon seemed to insinuate that there was somebody influencing the printers, who permitted them to publish only on one side.

I had a conversation with Mr. Lyon some days before, at the fire, in the House. A gentleman from New York being present, with others, (Mr. Cochran, Mr. Hosmer, and Mr. Harper,) asked him what was the meaning of a newspaper paragraph, viz: "that he had outgrown two things." He said it alluded to his having been cashiered at Ticonderoga. I asked if he was one of those who had been cashiered with infamy, for deserting an advanced post? He said he was; but attempted to show he was not so culpable as the rest. Said I, "did you know you were execrated by the whole army?" He said he did. I then asked whether he was in company with the officer who came to General Gates's headquarters, and reported the desertion of the men, and whom the General called a d——d scoundrel and coward, and ordered to be put under guard; upon which Mr. Lyon replied that he himself was the very officer, but that he told General Gates, that, being an officer, he might be arrested, but was not to be put under guard. In the same conversation I observed that application had been made to the Commander-in-Chief for leave to turn out the drums and fifes of the army, to beat a certain disgraceful march, upon the departure of those officers from the garrison, who, it was said, had persuaded their men to desert; and that I recollected their beating the march upon the heights of Ticonderoga.

Upon being questioned by one of the gentlemen standing in the circle, whether it was a part of the sentence of the Court Martial that the cashiered should wear wooden swords, I answered that I had not heard it to be a part of the sentence in this case, nor ever in any other.

Mr. Lyon appeared always, to me, to be willing to attend to inquiries respecting this business, and to give a calm reply.

The Paymasters, although only Staff officers, ranked as Captains in the line. It was only that in case of insults from any of the men that they might put them under arrest; but when they went into action they placed themselves in the ranks. They would take command in case all the officers of a garrison were killed, in preference to a Sergeant, but not of any commissioned officer. A person under disgrace, as a coward, would not be associated with by the officers of the army, or permitted to hold a Staff commission for any length of time. I never heard in the army that Mr. Lyon had received any new appointment after his disgrace, but only since, from him, and also then heard he was not allowed long to remain in it. But I did not stay in the army until the retreat.

Mr. Lyon, when cashiered, was in the rank of a subaltern, as I understood.

The said deponent, being further interrogated on the eighth day of February, one thousand seven hundred and ninety-eight, on his oath aforesaid, answered to the several interrogatories so put to him, as follows, to wit:

*Question.* Did you observe Mr. Griswold in Mr. Harper's chair, when the conversation commenced between Mr. Lyon and yourself?

*A.* I do not recollect to have seen him at the first instant, but did see him there during the earlier part of the conversation.

*Q.* Did you see Mr. Griswold until about the time he put the first question to Mr. Lyon about the wooden sword?

*A.* About the time.

*Q.* Can you say with certainty what part of the conversation with Mr. Lyon Mr. Griswold heard?

*A.* I cannot.

*Q.* Was it the first time when Mr. Griswold made the observation of the wooden sword, that he laid his hand on Mr. Lyon's arm?

*A.* It was not, but at the second time, and I recollect his first laying his hand there, when he made the obser-

vation as to Mr. Lyon not being able to change the opinion of the meanest hostler.

SAMUEL SMITH, Esq., one of the Representatives from the State of Maryland, being duly sworn, as aforesaid, on the fifth day of February, one thousand seven hundred and ninety-eight, deposed as follows:

On the day on which the ballot was taken for the choice of managers on the part of this House, to conduct the impeachment against William Blount, the Speaker being out of the Chair, the members out of their places, engaged in common conversation, and the committee counting the ballots—having taken my letters from the box, returning to my seat, I passed Mr. Lyon, who was engaged in a jesting conversation with other members, such as gentlemen frequently amuse themselves with, when the House is not in actual business. While reading my letters, that kind of amusing conversation continued, and I think I heard some person, but whom I knew not, mention an expected opposition to the stamp act, in the State of Vermont, tell Mr. Lyon, (one of its Representatives,) that petitions against it were expected, and asked him, jestingly, whether he brought any such with him. Not thinking the conversation interesting, my attention was particularly directed to my letters, when I heard Mr. Lyon directing his conversation to the Speaker, who sat in the seat behind me, generally occupied by Mr. Dana; Mr. Griswold in that of Mr. Harper; there being between them only two chairs, occupied by Mr. Hosmer and Mr. Brooks. Mr. Lyon, leaning on the outside of the bar, seemed to be giving the Speaker an account of the political sentiments of the people of Connecticut, nine-tenths of whom he declared were of different sentiments from their Representatives; that they only wanted their eyes to be opened, and they would change the whole delegation. The Speaker said, jestingly, you would spare one? To which Mr. Lyon, in the same style, answered yes, for he goes nearest the sentiments of the people of any of them. He said he had to fight with the Connecticut men, when they came into his district to see their relations, and although they censured his politics at first, yet they always were convinced, on hearing his reasons. Mr. Griswold then said something which created a loud laugh, which I did not hear, but which I have since understood, related to the wooden sword. I turned, and observed that Mr. Lyon still continued his conversation, directed to the Speaker, and in the same style of jocularity—indeed, all the gentlemen appeared to be in perfect good humor, and to consider the conversation as amusing—in the course of which, Mr. Lyon, remarking on what had been said in debate by two or three gentlemen of Connecticut, respecting the nine thousand dollars paid to Ministers Plenipotentiary, being such an insignificant thing as to be scarcely worth accepting, said that he knew better; that whether the salary was one thousand or nine thousand dollars, it would be always acceptable—private interest being more their view than public good—observing that he knew the people of Connecticut well, having lived there formerly, and having lately passed through that State. Mr. Brooks, of New York, then asked if he had passed through his district? Mr. Lyon said he had passed through certain towns. Mr. Brooks remarked, you were in the back-ground there, as you frequently are. Mr. Lyon having remarked that, for want of proper information being received in Connecticut, he considered the knowledge of the people of his own district as superior. To which, Mr. Brooks jestingly replied that they had shown it by the great luminary they had sent. Which stroke of wit was received pleasantly by Mr. Lyon, as it appears to have been intended.

Mr. Griswold had removed outside of the bar to where Mr. Lyon stood. At this time, having left my seat with intention to leave the House, I leaned on the bar next to Mr. Lyon, and fronting Mr. Griswold. Mr. Lyon having observed, (still directing himself to the Speaker) that, could he have the same opportunity of explanation that he had in his own district, he did not doubt he could change the opinion of the people in Connecticut; Mr. Griswold then said, "If you, Mr. Lyon, should go into Connecticut, you could not change the opinion of the meanest hostler in the State." To which Mr. Lyon then said, "That may be your opinion, but I think differently, and if I was to go into Connecticut, I am sure I could produce the effect I have mentioned." Mr. Griswold then said, "Colonel Lyon, when you go into Connecticut, you had better take with you the wooden sword that was attached to you at the camp at ———." On which Mr. Lyon spit in Mr. Griswold's face, who coolly took his handkerchief out of his pocket, and wiped his face. Believing that the quarrel would go no further, I left the House.

DAVID BROOKS, Esq., one of the Representatives from the State of New York, being duly sworn, as aforesaid, on the fifth day of February, one thousand seven hundred and ninety-eight, deposed as follows, to wit:

At the time which has been mentioned, I was sitting in my seat, and the Speaker in Mr. Dana's. I had heard a part of the conversation which passed between Mr. Lyon and Mr. Dana. The subject of the conversation, as well as I recollect, was the amendment of the gentleman from Virginia, to the bill for regulating foreign intercourse. The conversation was loud, and the Speaker spoke to them as he has stated. Mr. Dana then broke off the conversation, and went away and walked backwards and forwards in the passage. The Speaker then entered into conversation with Mr. Lyon. About this time Mr. Griswold came and sat himself in Mr. Harper's seat. Mr. Lyon, speaking of the conduct of the members from Connecticut, stated that, on his passage home or back, he passed through part of the State, and heard the opinion of the people. Said that nine-tenths of the people of Connecticut differed in sentiments with their Representatives in the House; that the members from the State did not fairly represent the sentiments of their constituents; that they were seeking their own interest; they were looking for offices; it was immaterial what salaries were annexed, whether nine thousand or one thousand dollars, they thought either worthy of their attention; he had lived many years in the State of Connecticut, and was well acquainted with the disposition of the people. He had occasion, frequently, in his own district, to contend with them, when they came there upon visits to their relations, and had often convinced them they were wrong. He had no doubt that, if he were to set up a press in Connecticut, he could turn out all the present Representatives. I did not hear the exception of one, as mentioned by others—it appeared to be all done in a bragging, bantering manner. I then asked if he had not been in my district? He said he had, but there was nothing to be done there; meaning they were incorrigible, and not to be convinced. He then compared the situation of the people of the two States, as to information, and said the people in his district were far the most enlightened. I

then made the observation stated by the gentleman examined before me.

When he talked of contending, or fighting with the people of Connecticut, Mr. Griswold asked, if he had not better take his wooden sword. I thought he did not hear it, as I looked at him, thinking it a pressing question, and he did not change countenance, but continued his conversation with the Speaker. Mr. Griswold then said, he does not hear me, or I said he does not hear you—I do not recollect which. Mr. Griswold afterwards went on the outside of the bar, and standing by Mr. Lyon, laid his hand on his arm, and said You could not change the opinion of a single hostler in the State of Connecticut. Mr. Lyon then talked of setting up a press in Connecticut, and fighting them on their own ground. Mr. Griswold then said, you will fight them with your wooden sword. Mr. Lyon then spit in his face. Upon this, Mr. Griswold stepped back with his right foot, looked steadily at Mr. Lyon, and stiffened his arm, as if going to strike. Mr. Dana then observed, they would consider of this matter; and I said, this is not the place; there is a time and place for everything. Mr. Griswold then wiped his face with his handkerchief, and went out with his colleague. I think the Speaker immediately rose from the chair he had been in, as, on looking round, I saw the chair empty.

I have not been so particular as I might have been, if Mr. Speaker had not stated the facts so fully and correctly, in his testimony, from which mine only differs, as a part differs from the whole.

The said deponent being interrogated by several members, answered to the interrogatories so put to him, as follows, to wit:

*Question.* Did Mr. Lyon say that the printers deceived the people.

*A.* He said the Representatives deceived the people, blinded or hoodwinked them, and administered opiates to them. That in Connecticut, it was permitted only to publish one side of the question.

*Q.* Did Mr. Griswold appear to be angry, or in good humor, in this conversation?

*A.* Mr. Griswold spoke with his usual easiness and good humor.

*Q.* Do you suppose the publications about the wooden sword, were calculated to throw disgrace on the member from Vermont?

*A.* I cannot consider them in any favorable light—they must certainly be reckoned disgraceful.

The said deponent being further interrogated by the said Matthew Lyon, and other members, on the eighth day of February, one thousand seven hundred and ninety-eight, answered to the several interrogatories so put to him, as follows, to wit:

*Question.* Had not Mr. Griswold joined the group and taken the seat of Mr. Harper, next to the seat occupied by you, before Mr. Lyon made the observations relative to the Representatives from the State of Connecticut, mentioned in your deposition?

*A.* I think he had. I recollect, perfectly, that it was in an early stage of the conversation that Mr. Griswold took that seat, and he must have heard a principal part of the conversaton. I believe Mr. Griswold took the seat of Mr. Harper, immediately after Mr. Dana left off conversation with Mr. Lyon.

*Q.* Did he take this seat time enough to hear the observations of Mr. Lyon, with respect to the Representatives from Connecticut seeking offices, and pursuing their own interests regardless of the public good?

*A.* It appears to me he did. I have no doubt he did.

*Q.* Have you any reason to suppose that Mr. Lyon saw Mr. Griswold in Mr. Harper's seat, previous to his observation respecting the wooden sword?

*A.* I do not know that he did. When I directed my discourse to Mr. Lyon, he turned to me, and Mr. Griswold was sitting at my left hand.

*Q.* Have you any particular recollection of Mr. Griswold's being in your seat, till about the time when he made the first observation respecting the wooden sword?

*A.* He was in the seat some time before that observation was made by him. I cannot possibly say how long.

*Q.* Was it not apparent to you, from the course of the conversation, that the sarcasm used by Mr. Griswold, respecting the wooden sword, was by way of retort to Mr. Lyon's observation with respect to the Representatives of the people of Connecticut?

*A.* It appears to me that it was. Mr. Lyon, in speaking of the people of Connecticut, said he would fight them on their own ground, and I think what was said of the wooden sword, was a retort to the observation.

HEZEKIAH L. HOSMER, Esq., one of the Representatives from the State of New York, being duly sworn as aforesaid, on the sixth day of February, one thousand seven hundred and ninety-eight, deposed as follows:

During the canvassing of the votes for managers the Speaker left the Chair and seated himself by my side, in the seat usually occupied by Mr. Dana, of Connecticut. We heard a conversation carried on with some warmth between Mr. Dana, of Connecticut, and Mr. Lyon, of Vermont. The Speaker spoke to them, and checked them, and they immediately separated. Mr. Lyon then came to the bar, leaned on it, and a conversation took place between him and the Speaker. It commenced, as nearly as I can recollect, with something relative to the stamp act, but I cannot recollect what. Mr. Lyon mentioned that, in the course of his journey hither or home, he had passed through part of Connecticut, and conversed with some of the people, and found their sentiments opposite to those of their Representatives in this House. Some general conversation then took place, in which we all took a part, but it was of little consequence, and it is not forcibly impressed on my mind. Mr. Lyon then, addressing himself to the Speaker, and speaking of the conduct of the members of Connecticut, said he believed that nine-tenths of the people of Connecticut differed from the sentiments advanced by the Representatives of that State on this floor; they were pursuing their own interest; that they were influenced by a desire to obtain offices, and it was immaterial how lucrative those offices were; that they would be equally influenced by an office of one thousand dollars as one of nine thousand dollars. On the Speaker's asking him how the people came to send such Representatives as they had from the establishment of the Constitution, he said that the Representatives blinded the eyes of their constituents, and it was only necessary for the people to be informed to induce them to oppose them. If he were to remove into Connecticut and set on foot a printing press, he had no doubt he could bring about a revolution in the sentiments of the people. He was well acquainted with the people of Connecticut, as the first part of his life in this country had been passed in that State. Several persons from Connecticut had been in Vermont to visit their

friends; that he had attacked them in that quarter, and convinced them their opinions were erroneous. At this time Mr. Griswold was sitting in the seat usually occupied by Mr. Harper, and Mr. Griswold said something, which I cannot precisely recollect, about his fighting them with his wooden sword. Mr. Lyon appeared to pay no attention to the remark, and, I thought at the time, did not hear it. Immediately after this Mr. Griswold quitted his seat and went behind the bar. I left mine nearly at the same time, and did not see the insult which is said to have been offered. This is generally all that I know relative to this affair. I was present at the commencement only of the dispute, and they are only generally facts which have impressed themselves on my mind. I attended to the examination of the Speaker yesterday, and could agree generally with him in the statement, though my recollection is not so particular.

The said deponent being interrogated by Matthew Lyon, and other members of the House, further deposed as follows:

I did not hear any observation from the members from Connecticut respecting the people of Vermont.

The conversation from Mr. Lyon respecting the people of Connecticut was not connected; questions were asked, and some observations were made by the Speaker, which perhaps induced Mr. Lyon to say more than he originally intended.

I do not suppose there was any thing said which could provoke Mr. Lyon, and he appeared to be desirous of impressing the observations with respect to the members from Connecticut, as true, upon all who heard him.

The said deponent being further interrogated, on his oath aforesaid, on the eighth day of February, one thousand seven hundred and ninety-eight, answered to the several interrogatories so put to him, as follows:

*Question.* Do you recollect the time when Mr. Griswold moved from his own seat to that of Mr. Harper?

*Answer.* I do not recollect the time when Mr. Griswold came to Mr. Harper's seat. It was, however, soon after Mr. Lyon took his station behind the bar, and during the general conversation which had taken place between us all.

*Q.* Have you any certain recollection of Mr. Griswold's being present until about the time he made the observation respecting the wooden sword?

*A.* I recollect having seen Mr. Griswold in the seat before that time; how long I cannot say, as I do not recollect seeing him seat himself there.

*Q.* Did you see Mr. Griswold in the seat soon enough to have heard the observations of Mr. Lyon respecting the conduct of the members of Connecticut?

*A.* I believe I did. I recollect looking round two or three times to see what effect Mr. Lyon's observations had upon Mr. Griswold.

*Q.* Have you any reason to suppose that Mr. Lyon noticed Mr. Griswold to be in Mr. Harper's seat previous to what Mr. Griswold said about the wooden sword?

*A.* I never heard any thing till this morning to raise a doubt of it in my mind. I have no recollection of any particular conversation between Mr. Griswold and Mr. Lyon, previous to the question of Mr. Griswold.

*Q.* Do you doubt it now?

*A.* I cannot say I do.

SAMUEL W. DANA, one of the Representatives from the State of Connecticut, being duly sworn, as aforesaid, on the sixth day of February, one thousand seven hundred and ninety-eight, deposed as follows:

On Tuesday of last week, during the examination of the ballots for managers of the impeachment against William Blount, I had left my seat and was standing before the fire, near the eastern door of the hall, when Mr. Williams, of the State of New York, entered into conversation with me, and mentioned that Mr. Lyon, who had lately returned from Vermont, had been saying that "the Representatives of Connecticut would all be turned out if they voted against Mr. Nicholas's amendment." Very soon after this the member from Vermont came to the place where we were, and, in Mr. Williams's presence, I asked him if he had said what had been mentioned to me. His answer, as precisely as I can recollect, was in these words, "I did not say so; but that you would all be turned out if you carried the point you wished to carry." I then asked what that point was; and his answer represented it as being "that the President should appoint to offices where no such appointments were authorized by law." I told him, "that was not the question on Mr. Nicholas's amendment." He answered, "it is;" and I replied, "it is not." There was a variety of further conversation, all of which I do not particularly recollect. I think that I remarked on the improbability of his being acquainted with the people of Connecticut better than their Representatives. I remember that, in the course of this conversation, he spoke of the disagreeable reception which we might expect on returning to Connecticut, and made other observations of an irritating nature. I felt some disdain at what he said; and, as his conversation was by no means pleasing to me, I believe that my irritation was manifest from the manner in which I answered him. The Speaker being near, and, addressing us with an air of civility, interposed the caution which he has mentioned. After this nothing further passed between myself and the member from Vermont. My reflection told me to have no more conversation with him. As we separated from each other, I walked from the place, and took no further part in any of his conversation.

Not long after, as I passed within the bar, by the seat which Mr. Harper usually occupies, I observed my colleague, Mr. Griswold, sitting in that seat. I mentioned to him the substance of my conversation with the member from Vermont, and observed that I had felt some irritation, although, on reflection, I was rather ashamed of myself, for being irritated at what that member could say.

Afterwards, walking without the bar, I saw the member from Vermont leaning on the bar, in conversation with the Speaker and other gentlemen in their seats. Mr. Griswold was then standing near him. I heard the member from Vermont speaking of the Representatives from Connecticut as being in pursuit of their own interest, without regarding that of the public. I also heard him mention a particular mission as proper for one of them. To this, however, I gave but little attention, and made no reply, for the observations were addressed to others, and I desired no further acquaintance with the member from Vermont.

A very short time before the commission of the outrage now under consideration I stepped within the bar, and stood near the end of the desk which is in front of the seat usually occupied by myself, the Speaker being then in that seat. From the tenor of the conversation

I judged that the member from Vermont had been speaking of his ability to effect some great object in Connecticut; when Mr. Griswold replied, according to my present recollection, to this effect: "You could not, if you should go into Connecticut with your wooden sword and candle;" alluding, as I then apprehended, to a report in circulation which, as also that of the sword, I knew to have been heard by Mr. Griswold and by the member from Vermont. On this the member from Vermont spit in Mr. Griswold's face.

Considering the observations of some gentlemen of the committee, perhaps, in justice to the member from Vermont, I ought to mention that, while Mr. Griswold was in Mr. Harper's seat, I was in the passage leading from the eastern door of the hall to the Speaker's table, and conversed for a short time with Mr. Griswold and Mr. Brooks, when I was informed that Mr. Griswold had spoken to the member from Vermont, and alluded to the report of the wooden sword. On inquiring what answer was made to this by the member from Vermont, Mr. Griswold observed that he believed it was not heard by the member from Vermont, as he made no answer to it. This was before the conversation which immediately preceded the personal outrage offered to Mr. Griswold, and, I think, at a different time from any which I have before mentioned.

At the present time, nothing further occurs to my recollection as material to the inquiry before the committee.

On his being asked, What was the conduct of Mr. Griswold after the outrage committed by the member from Vermont?

The said deponent answered: I was then standing where I could look my colleague, Mr. Griswold, fully in the face. I marked him particularly; for I then felt particularly interested in his conduct, and determining how I should conduct myself. Mr. Griswold turned towards the member from Vermont, fixed his eye upon him, and was slowly drawing back his right arm in a constrained manner, when, from his change of countenance and the cast of his eye, I apprehended that my colleague recollected where he was; he then took out his handkerchief and wiped his face. I stepped to him, touched his arm, and said, "this must be considered of." I also heard the caution mentioned by Mr. Brooks. Mr. Griswold made no reply. I proposed to him to walk out of the hall; he assented, and we both immediately left the hall.

The said deponent, upon a further examination on the 7th of February, one thousand seven hundred and ninety-eight, further deposed, on his oath aforesaid, as follows:

There has been published an incorrect account of part of the testimony which I delivered yesterday before the Committee of the Whole; I, therefore, owe it to myself to observe, that, on Tuesday of last week, in his conversation with me, the member from Vermont made various observations relative to the conduct in Congress of the Representatives from Connecticut, and, among other observations respecting them, spoke to the following import: that they would vote their own damnation; that they would be spurned at on their return home; and that he would be damned if he wanted to talk with me. Such language provoked from me an answer, which, I presume, attracted the notice of the Speaker.

In my testimony, yesterday, I used some general expressions referring to this part of the conversation; but I did not mention the particulars, because I did not consider them material to the inquiry, and I did not wish to repeat, in public, such improper language as having been spoken by a member of this House.

I arose to state these particulars in my own vindication; but, since a gentleman from Massachusetts, on hearing the present statement, has said that he considers these circumstances as of some importance, they are now testified before the present committee.

JOSHUA COIT, Esq., one of the Representatives from the State of Connecticut, being duly sworn, as aforesaid, on the sixth day of February, one thousand seven hundred and ninety eight, deposed as follows, to wit:

I was not present when the incident which is the subject of inquiry before the committee took place, and do not know that anything within my knowledge can throw any light upon it. A few moments before, I was passing from my seat out of the bar where Mr. Lyon was standing. He was addressing a kind of ranting braggart conversation to the Speaker, respecting the State of Connecticut; whether I had noticed this conversation before I left my seat, I do not recollect; my recollection is probably the more imperfect on the subject, from the circumstance that I had heard a similar conversation from Mr. Lyon a little while before, at one of the fire-places, before the House formed. As I was passing, or before I left my seat, I cannot with certainty tell which, some observation was addressed particularly to me, with allusion to the subject of the conversation, either by the Speaker or Mr. Lyon. Mr. Lyon at the time was stating a comparative view of the number of votes given for a Representative in the State of Connecticut, with the number of votes given for himself in the State of Vermont; and I put some questions to him respecting his knowledge of the mode of voting in Connecticut. The answer not leading to anything interesting, I passed on to the south part of the House. I recollect, as I passed, my colleague, Mr. Griswold, was sitting in the seat occupied by Mr. Harper, or standing behind it.

Being interrogated by one of the members of the House, he further deposed, in answer to the said interrogatory, as follows, to wit:

*Question.* What was the tenor, and what were the particulars of the conversation which the witness heard from the member from Vermont respecting the Connecticut representation, in the morning, before the House was formed?

*Answer.* I mentioned the terms ranting and braggart, as relative to the conversation I heard. I used these terms, not with a view of saying anything which should appear to bear uncomfortably on the member from Vermont. Were I disposed to say anything uncivil to him, this would be a very improper time and place. I used the terms only for my own justification—my justification, in not remembering more of the conversation than other gentlemen present appear to have done; although, from the subject, it would seem that I should have paid attention, have felt it, and remembered it. Had I heard such conversation from any other person, it is probable I should; but I had been used to paying very little attention to anything I heard from Mr. Lyon. As to the conversation in the morning, I can recollect no particulars. It was generally to the effect that the sentiments of the people in Connecticut were different from what they were represented here. I do not recollect that anything particular, in that conversation, was applied to the conduct of the members of Connecticut.

CHAUNCEY GOODRICH, Esq., one of the Representatives from the State of Connecticut, being duly sworn, as

aforesaid, on the sixth day of February, one thousand seven hundred and ninety-eight, deposed as follows, to wit:

The only information I have on the subject, relates to a conversation with Mr. Lyon, relative to his having been cashiered in the Army. I came from New York to this place, this session, in a stage taken by Mr. Champlin, together with him, Mr. Otis, and Mr. Lyon. We were the only persons in the stage for a considerable part of the way. I had had but little personal acquaintance with Mr. Lyon before this time. Mr. Lyon, on the way, seemed to be disposed to give us the history of his life. It was filled up, according to the account he gave us, with many singular and ludicrous anecdotes. The ludicrous anecdotes that he told of himself, in a jocular manner, produced from the gentlemen with him, a kind of pleasantry, if not something more, towards Mr. Lyon. I mention these circumstances, for the purpose of introducing, in a proper manner, to the committee, the account he gave us with respect to his being cashiered. How it was introduced, whether entirely voluntary on his part, or induced by remarks from some one of the company, I have not a perfect recollection. I think, however, either immediately, or some time before Mr. Lyon adverted to the subject, something was said of Mr. Lyon's having been in the Army; I cannot be very minute in the account he gave. I recollect his saying that allusions to his being cashiered had been in the public papers—that it was a matter of great mortification—that he could not bear to hear of the affair—that it happened when he was young. He said that he was a subaltern officer of a corps stationed on the frontier, at a great distance from the main Army, and without support—that the officers and men were uneasy, and discontented with their situation—that they considered it as being too exposed—that he, at a certain time, was out with a party of the men—that, when he returned, he found the corps to which he belonged either had abandoned, or were abandoning, (I cannot say certainly which,) their post—that they went to some distance, where they made a halt—that he endeavored to persuade them to return—they refused—the officers insisted that he should go to headquarters to General Gates, and make a representation of their situation—he went—upon being introduced to General Gates, and introducing the subject, General Gates damned him for a coward, and ordered that he should go into the custody of a guard—that he, Mr. Lyon, insisted on his rights, as an officer, not to be put under guard. That the Adjutant General, or an aid of General Gates, said something on the subject, and Mr. Lyon was finally arrested, tried with the rest of the officers, by a court martial, and sentenced to be cashiered from the Army. He said the charge was, that the officers, as they themselves could not without disgrace and punishment abandon the post, had excited the men to run away. He further said, as it respected himself, that the charge and the sentence were unjust. I think Mr. Otis asked him if he had worn a wooden sword. He said not. Mr. Champlin, if I am not mistaken, made this remark, that if he saw it in poetry, he should consider it as being a figurative expression for being cashiered. Mr. Lyon told us he had wiped off this stain—that he had held an office in the Army, if I do not misrecollect, of a Paymaster. I think he mentioned, however, that he did not continue long as a Paymaster, owing to some other person having been appointed, with whom he had a dispute about it; yet in that dispute, while in the Army, the circumstance of his being cashiered had not been mentioned to his dishonor—that he had been appointed, and for many years commanded as Colonel, a regiment of militia in Vermont. I recollect nothing further of importance to the present inquiry. I have had little or no conversation with Mr. Lyon since that time.

On being interrogated by one of the members, he further deposed, as follows, to wit:

I do not recollect having mentioned this conversation to Mr. Griswold, my colleague, though I have to others, not considering it as confidential.

CHRISTOPHER G. CHAMPLIN, Esq., one of the Representatives from the State of Rhode Island, being duly sworn, as aforesaid, on the sixth day of February, one thousand seven hundred and ninety-eight, deposed as follows, to wit:

I have attentively considered the evidence given to the Committee of the Whole, by Mr. Goodrich, and to the best of my recollection, it is correct.

NATHANIEL CHIPMAN, Esq., one of the members of the Senate of the United States, from the State of Vermont, being duly sworn, as aforesaid, on the sixth day of February, one thousand seven hundred and ninety-eight, deposed as follows, to wit:

I do not know that I ever heard any conversation in presence of Mr. Lyon, relative to his having been cashiered, until the last Summer. I had before heard it, as a subject of conversation in Vermont. Soon after Mr. Lyon returned from the last session of Congress, he was at Rutland; about that time there appeared in the Weekly Museum, a parody on his speech, in the last session of Congress, on the subject of waiting on the President with the Address. I was in company with Mr. Lyon and two or three others, and I asked him whether he did not, at the time, expect that what he had said, would bring up the subject of a wooden sword. He replied that nothing was there said, which could give any one a right to bring up that business, for he had expressed himself guardedly, on purpose to avoid anything of that kind; that he had not mentioned anything of his having fought or been a soldier; but that he had been at his post, or stood firm at his post during the war. I replied, that amounted to the same thing; to say that a man stood firm at his post, was saying he was a soldier. He immediately observed, with seeming anxiety, that he was not to blame in the affair for which he had been cashiered. I then repeated to him how the circumstances of the affair had been related by a person who belonged to the corps; who had said, that in the Summer of one thousand seven hundred and seventy-six, being stationed somewhere near Onion river, at Jericho, I believe, the officers thought themselves in a very dangerous situation, and first suggested it to the soldiers under their command; they suggested that they (the officers) could not desert the post, without subjecting themselves to disgrace or punishment, but that the soldiers might mutiny and march off. In that case the officers would not be obliged to tarry without men. That the soldiers marched off, and that the officers followed them. Mr. Lyon observed that it was true so far as it related to the commanding officer, and one or more of the others, and that he had himself opposed, as soon as he learned what was intended, any such proceeding; but that he was over-ruled, and finally went off with the rest. Mr. Lyon related this matter more particularly than I have done; but I suppose it is not necessary to enter into a minute detail. He then mentioned the circumstance of his arrest at Ticonderoga, and some

circumstances relating to the trial. He did not mention the particulars of the sentence of the court martial, nor did I ask him. He further said that the next year, (in the year one thousand seven hundred and seventy-seven) General St. Clair, who commanded in the Northern Department, had reversed the sentence of the court martial. The circumstance, relative to the business, I had before heard, and therefore made no inquiry of Mr. Lyon, respecting it, that I recollect. The conversation above mentioned, with other similar conversations, passed between Colonel Lyon, myself, and two other Judges of the Supreme Court, (a session of which was, at the time, held at Rutland,) and some gentlemen of the bar, at our private quarters, in the course of the two or three days which Colonel Lyon then spent at Rutland. One evening there was a number of people together; a Mr. Smith, if I recollect right, was conversing upon the subject, with Mr. Lyon. What occasioned the observation, I cannot say, but Colonel Lyon observed, that he should take no notice of anything that should be said upon that subject, referring to the former subject of conversation in that part of the country; but that, if any one at Philadelphia, or if any member of Congress (I cannot recollect the precise expression he made use of) should insult him with it, or pretend to mention it to him, it should not pass with impunity—or expressions conveying the same idea.

On being interrogated by Matthew Lyon, Esquire, and other members of the House, he further deposed:

Mr. Lyon, I take it, has had a Colonel's commission in the Militia—I think in one thousand seven hundred and eighty-one. It was during the time of a dispute between Vermont and New York, as to their jurisdiction. The neighborhood of Colonel Lyon's regiment, which was Abingdon, where he then lived, was about seventy miles from where he was cashiered. He now lives, and ever since one thousand seven hundred and eighty-three or one thousand seven hundred and eighty-four, has lived, about twenty-five or thirty miles from that place, (Ticonderoga.) Militia field officers in Vermont, I believe, at that time, were appointed by the militia of the several regiments.

I did not discover, that my question, with respect to the wooden sword, was taken by Mr. Lyon as an affront, but Mr. Lyon discovered an anxiety to clear himself of censure.

In the conversation I mentioned above, between Mr. Lyon and myself, my expression was: If he did not expect that this ridiculous speech in Congress, relative to the Address, would bring up the wooden sword? The first time I saw him was in one thousand seven hundred and seventy-five. I did not then reside in that country. In one thousand seven hundred and seventy-nine, I went to reside there, and soon became acquainted with Mr. Lyon.

I cannot say what reasons Mr. Lyon gave for not resenting a mentioning of the wooden sword, in Vermont.

I cannot say whether the story of the wooden sword arose from a figurative expression, or was literally true. I first heard the story previous to one thousand seven hundred and seventy-nine, and before my acquaintance with Mr. Lyon.

Mr. Lyon and I have never been much in habits of political friendship. If I remember rightly, I mentioned in Philadelphia, the conversation with Mr. Lyon, as above related, in a company one evening; I cannot say with certainty, but I believe Mr. Griswold was present. I think it probable I have also related the conversation which I had with Mr. Lyon at Rutland, more than once in this city, but not out of the house where I reside—to my present recollection.

THOMAS SUMTER, Esq., one of the Representatives from the State of South Carolina, being duly sworn, as aforesaid, on the sixth day of February, one thousand seven hundred and ninety-eight, and interrogated by several members of the House, answered upon his said oath, to the interrogatories so put to him, as follows, to wit:

*Question.* Did Mr. Lyon come across the House to where you were at the fire, immediately after the dispute, and say that he had twice heard Mr. Griswold use the expression respecting the wooden sword?

*Answer.* Mr. Lyon did come to the fire, on the right of the Speaker's chair, where I was, and say, that he heard Mr. Griswold use the expression; but that he did not then attend to it, but turned from him, and took no notice of it; and that Mr. Griswold touched him on the arm and repeated it.

*Q.* Do you know the precise length of time between the termination of the dispute and Mr. Lyon's so coming to you and making the observations, as before stated?

*A.* I do not know the precise time, but suppose it to have been but a short time, from the state of agitation in which Mr. Lyon appeared.

*Q.* Do you know that he might not have spoken to some member, before he so came to you at the fire?

*A.* I do not know that Mr. Lyon had spoken to any member between the termination of the dispute, and his coming to the fire.

*Q.* Do you know the precise time when the dispute took place?

*A.* I did not know anything of it, till Mr. Lyon came to me.

JOSEPH B. VARNUM, Esq., one of the Representatives from the State of Massachusetts, being duly sworn, as aforesaid, on the seventh day of February, one thousand seven hundred and ninety-eight, deposed as follows:

I do not know the precise time when the *fracas* took place, and cannot therefore exactly tell how long it was before I saw Mr. Lyon. On the day on which the House were balloting for managers of the impeachment of William Blount, the ballots being collected, and the tellers counting them, I was standing at the fire in the west part of the House, in company with other gentlemen—the Speaker having left his chair, and the members generally their seats. Mr. Lyon came up to the exterior of the circle round the fire, and observed, that he imagined there would be a bustle—that he had spit in Griswold's face. I observed to him that I was exceedingly sorry for it, and asked him how a thing of the kind could possibly take place. Mr. Lyon then told me the circumstances which he said provoked him to do the act.

On being interrogated by Matthew Lyon, Esquire, and other members of the House, the said deponent answered to the interrogatories so put to him, as follows, to wit:

*Question.* Were there any circumstances which induced you to believe that Mr. Lyon came to you at the fire, immediately after the affray took place?

*Answer.* Yes.

*Q.* Did you hear Mr. Thatcher mention the dispute before you heard it elsewhere?

*A.* No.

*Q.* What were the circumstances which induced you to believe that Mr. Lyon came to you at the fire immediately after the affray?

*A.* When Mr. Lyon came up to the fire, he appeared to be in a considerable agitation of mind. The information I first received of the affray having taken place, was from Mr. Lyon. Pretty soon after Mr. Lyon and I had ceased conversation on the subject, some other gentlemen observed, that Mr. Griswold had armed himself, or had gone out to arm himself; and, shortly after, I saw Mr. Griswold come in with a stick. These, with the observations which Mr. Lyon made to me at that time, and which the Committee of the Whole have not thought proper for me to relate, were the circumstances which induced me to believe that Mr. Lyon came to me at the fire immediately after the affray took place?

*Q.* Did Mr. Lyon tell you that he heard Mr. Griswold twice use the expression respecting the wooden sword?

*A.* Yes.

The following narrative was given by Mr. LYON, in the course of his defence, before the Committee of Privileges, on Thursday, the 1st of February:

*Gentlemen of the Committee:*

After having heard so much about the "wooden sword," an expression, the repetition and application of which in an indignant manner has caused you this present trouble, I hope you'll indulge me with a patient hearing to a short narrative of the circumstance which awakens my feelings, and utterly disables me from bearing such reflections.

After living ten years in Connecticut, from my fifteenth to twenty-fifth year, I removed to a new settlement in Vermont, then called New Hampshire Grants, about thirty miles from Ticonderoga. On the first attempt of the British Government to enslave this country, I joined with about twenty other young men to form a minute company, and to learn military exercise; we made proficiency, and, on the first news of actual warfare, we hastened to join Ethan Allen, in taking Ticonderoga, Crown Point, and St. John's. I continued in that service without pay or prospect of it, until the Connecticut forces came on to keep the forts; when I returned home to take care of my affairs, which had suffered in my absence. In the same Summer, 1775, the militia were organized, and I was appointed Adjutant to my regiment.

In 1776, after the retreat from Canada, Colonel Seth Warner, being out of employ, applied to the Commander-in-Chief in the Northern department, for some defence for the frontier of New Hampshire Grants, which became exposed by the retreat of the army. The General recommended to the Committee of the New Hampshire Grants, of which I was a member, to nominate the commissioned officers for six companies, and he promised to commission them, and that they should be entitled to Continental pay. In one of those companies I received a commission as a second lieutenant. I set about enlisting my men, and immediately obtained my quota, and, at my own expense, marched them to the rendezvous at Pitsford, about twenty miles south-east from Ticonderoga, which, by this time, had become head-quarters. At the rendezvous I found the Captain and First Lieutenant of my company had raised no men, and that there were but two companies, and a part of another, besides mine, raised, and that Colonel Warner, who was expected to have commanded our six companies, had received a commission and orders from Congress for raising a regiment on the Continental establishment during the war, and that, in his endeavors to raise his regiment, the raising of our companies was wholly impeded. Finding the business falling into supineness, I applied to the General to discharge me and my men, in order that I might join Warner's regiment. The General at once agreed to discharge and pay me and my men, and ordered me to make up my pay roll for the purpose. But, at this juncture, application was made to the General by some people who had bought the crops of the Whigs, and who had removed from Onion river; and he was induced to order our party to march to Jericho, and take post at a certain house on the north side of Onion river, at least sixty miles in advance of the army, towards Canada—from whence the army had retreated, and about the same distance from any body of inhabitants; and the General, instead of discharging, ordered me to join one of the other companies.

The idea of the people, and of the Committee of the New Hampshire Grants, was that these six companies, if they had all been raised, would have been stationed somewhere near Middlebury, which is opposite Crown Point, and about twelve miles east therefrom, and near forty miles southward of the places appointed by the General.

The commanding officer wrote to the General, representing the situation of the country, and the impossibility of our being of any service at Onion river, as all the well affected people were moved away. This letter was either neglected or answered with a fresh order for marching. The order was obeyed; but the soldiers considered themselves sacrificed to the interest of those persons who bought the crops for a trifle, and wanted to get our party there to eat them at the public expense. I opposed those murmurs with all the arguments in my power.

I used frequently to urge with them, that the absolute government of the army must be with the General; he could not be omniscient, and we ought to submit with cheerfulness and hope for the best. In this situation our little garrison, which contained about sixty men, besides invalids, were alarmed by the Indians taking some persons from a house about a mile distant. Consternation prevailed. I immmediately called for volunteers, and with about twenty men went to the house where the prisoners had been taken—from thence took a circuit in the woods round the garrison, in order to see if there were any party or appearances of the enemy. Finding none, I returned and obtained leave to take about five and twenty of the best men, and pursue the enemy towards the Lakes, where we supposed they had gone. I had proceeded about two miles, when two runners from the commanding officer brought me positive orders to return, with intelligence that a subaltern officer had returned from a scout to the Lake Champlain, about twelve miles distant, where he saw five or six hundred Indians.

On my return, I found the soldiers more than ever anxious about their situation. They complained bitterly of the orders which bound them to the north side of Onion river, more than twenty poles wide, at that time not fordable, and but a single small canoe to cross with. I endeavored to encourage them with assurances that we could withstand any number of Indians in our log house and a hovel or two which stood near; and, after a battle, if we should find the enemy too troublesome, we might retreat with honor. I urged them to their duty as soldiers and patriots. Every preparation was made to repel the attack which was expected from

the enemy that night. Being fatigued, and off duty, I had laid down to rest, with my fuzee in my arms. About nine o'clock in the evening, I heard a violent bustle, with a cry of "Turn out! turn out!" I turned out, and inquired where the enemy were discovered? and was answered, "No where." The soldiers were paraded, and I found by what was said by the sergeants that they were about to march off and cross the river. I expostulated with them, long and earnestly, pointing out the dishonor which such an action would reflect on their country. I urged them to stay the event of a battle; and I spoke the truth when I assured them that I preferred death in battle to the dishonor of quitting our post.

All entreaties were ineffectual; they declared they had been abused—there was no chance for their lives there, and they marched off for the south side of the river. A sergeant returned with some soldiers, and called upon the officers to cross the river. As they were going to take the canoe to the other side, they insisted on our going, and threatened violence if we refused. The other officers, which were two Captains and one Lieutenant, seemed willing to go, and I did not think it my duty to resist alone.

In the morning, the soldiers offered to return to subordination, if the commanding officer would lead them to a small block fort at Newhaven, about thirty miles to the southward. The officers held a consultation;—in this I refused to do anything but go back to the station we were ordered to maintain. We were at this place joined by a Lieutenant and a few men, who had gone to the mill near Crown Point to get wheat ground, and I was sent express to head-quarters, to carry letters and inform the General of what had happened; but some of the wheat speculators had arrived before me, and so exasperated the General that, when I arrived, he was enraged to the highest pitch: he swore we should all be hanged, and ordered me under arrest. Within a few days, the other officers and some of the soldiers were brought into head-quarters. We had a trial, by a court martial, appointed by the exasperated General, who now swore we should all be broke. I proved every thing with respect to myself that is here stated, (the persons are yet alive by whom I proved it, and are ready to repeat it,) notwithstanding which, I was included in the general sentence of cashiering; nor did even the Lieutenant who was absent at the mill escape the awful condemnation. The soldiers were sentenced to corporeal punishment, but, on General Carlton's coming down to attack Ticonderoga, they were liberated.

The mortification of being cashiered, and that very undeservedly, without any other aggravation, was, I believe, quite to the extent of my power to bear; had any indignant ceremony been to be performed, they would not have had my company at it, as the implements of death were in my power.

The General sent for us to his own house, and there, in a mild manner, communicated to us the sentence—no one present I believe but his aid; and we took our own time and manner of quitting Ticonderoga. I have always understood he reversed the sentence.

Perhaps my spirit would not have been able to have borne up under this affliction had not all my acquaintances acquitted me of every color of misbehaviour; nor did the bitterest enemy ever seriously, between he and me, before the present insult, call my courage or my conduct in that instance in question. Twenty-one years have elapsed since the unfortuuate affair, during which it has slept in oblivion, until party rage and party newspapers tore open the wound in my breast.

To pursue the narrative: General St. Clair, who presided at the Court Martial, which condemned me, in the Summer succeeding that misfortune, recommended me to Gen. Schuyler, informing him (as I supposed) of my ill usage and of my subsequent services, and obtained for me a commission of Paymaster to a Continental regiment commanded by Colonel Seth Warner, which commission entitled me to the rank of Captain. In this I was again unfortunately led into trouble, as the officers of the regiment had, previous to my appointment, petitioned Congress for the restoration of the former Paymaster, who had been cashiered, and was the son of a Congressman of Connecticut.

Notwithstanding the coldness this created towards me, and the consequent bickerings, no officer ever thought proper to mention to me the unhappy affair of the preceding Summer. In this regiment I served at the capture of Burgoyne; and the succeeding Spring, when my family could return to my plantation, from which Burgoyne's invasion had drove them, at the solicitation of Governor Chittenden, and many other friends, I resigned at a time when the officers of the regiment, almost all, had become reconciled, and wished my stay. Immediately on my resignation I was appointed Captain in the militia, and to several civil offices under the authority of the State of Vermont, which had newly formed a constitution and set up government.

In the year 1778, I was appointed a member of the Legislature, in which station I served my country ever since, save two years, until my appointment to Congress. I held a station in the militia, until the command of the regiment I lived in, with a full Colonel's commission, was given to me. I moved to where I now reside about the close of the war, and I have had no concern with military matters, nor been a candidate for any military appointment since.

Thus circumstanced, gentlemen of the committee, I must appeal to your own feelings, whether it belonged to me to receive with impunity the aggravated insult offered me by that young gentleman, Mr. Griswold. The station I now hold points out to you the propriety of giving full credit to the plain story I now tell you, especially as it is corroborated by evidence. The proper testimony to support this narrative I will procure and lay before the public as soon as the situation of the evidences will admit.

I shall conclude with making some observations on the testimony, all of which corroborates that I was standing without the bar conversing with the Speaker, who sat on an outside chair; the subject I believe it is apparent was Mr. Nicholas's motion. I did not like the opposition given to it by the Connecticut members. I insisted they did not act according to the sense and understanding of the people of that State. This led to saying many other things; though my discourse was directed to the Speaker, it appears I had the wit and raillery of five or six gentlemen from New York and Connecticut to withstand and reply to; it appears that I supported it with good humor.

It appears, also, by the testimony, that Mr. Griswold, in Mr. Harper's seat, gave me a most cutting insult. The Speaker, who I was in conversation with, heard it as well as some others; they testify that I did not appear to hear it. Why not hear it as well as they? For no other reason than to keep up the prevailing good humor.

But Mr. Griswold not satisfied with the insult already given, says to one of the witnesses, "He does not hear me," and removes and intrudes himself to my side, pulls me by the arm to call my attention, and then more particularly and more deliberately repeats the insult, knowing it to be the most provoking abuse that one gentleman could possibly offer another.

Under all these circumstances, I cannot but entertain the fullest assurance that I stand justified for the repulse of that deliberate insult offered me by Mr. Griswold, in the view of the Committee of the House of Representatives, and of every man of honor or feeling who shall ever hear the story.

---

TUESDAY, February 13.

A message was received from the Senate, informing the House that they had passed a bill for the sale of lands in the Northwestern Territory; and that they had also passed the bill for the relief of the refugees from Canada and Nova Scotia, with amendments.

Mr. COIT reported a bill in addition to an act for promoting the progress of the useful arts; which was committed for Monday next.

The SPEAKER laid before the House a letter which had been received by the Clerk from the Legislature of the State of Virginia, enclosing an authorized copy of their agreement to the amendment proposed to the Constitution respecting the suability of States. Ordered to lie on the table.

FOREIGN CONSULS.

Mr. OTIS, from the committee to whom was referred that part of the President's Speech which has relation to foreign Consuls, directed him to ask leave to be discharged from the consideration of that subject, in order that it might be referred to the Committee of the Whole, to whom has been referred the bill providing for the expenses of Government for the year 1798, as an item could be introduced into that bill without going through the formalities of a bill for that purpose.

This motion was opposed by Messrs. GALLATIN and NICHOLAS, as they were not certain that the expenses alluded to were authorized by law; and if they were not, it would be proper to authorize the expenses before they appropriated money to pay them.

The motion was put and negatived—37 to 33.

EXECUTIVE CONTINGENT FUND.

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

*Gentlemen of the Senate, and*

*Gentlemen of the House of Representatives:*

In obedience to the law, I now present to both Houses of Congress my annual account of expenditures from the contingent fund during the year 1797, by which it appears that, on the first day of January last, there remained in the Treasury a balance of fifteen thousand four hundred and ninety-four dollars and twenty-four cents, subject to future dispositions of Government.

JOHN ADAMS.

UNITED STATES, *February* 12, 1798.

The Message and statement were ordered to lie on the table.

APPROPRIATIONS FOR 1798.

The SPEAKER said, the business first in order was the unfinished business of the bill providing for our intercourse with foreign nations.

Mr. GALLATIN moved to postpone the unfinished business, for the purpose of taking up the bill making appropriations for the support of Government for the year 1798, as Government was at present drawing money by way of anticipation. There was also a report of the Committee of Claims, on the subject of excepting certain claims from the operation of the limitation act, which he thought it would be well soon to act upon, as the delay of it might induce speculations which it would be better to prevent.

After some few objections to a postponement of the unfinished business, it was at length agreed to postpone it for the purpose of taking up the appropriation bill.

The House accordingly resolved itself into a Committee of the Whole on the bill appropriating for the support of Government for the year 1798, (Mr. DENT in the Chair;) and after having agreed to the various items therein contained, with little or no debate, the committee rose, and the House concurred in the amendments which had been agreed to in the Committee of the Whole, and the bill was ordered to be engrossed for a third reading.

QUAKERS' MEMORIAL.

Mr. SITGREAVES hoped the House would go into a Committee of the Whole on the report of a select committee on the memorial of the people called Quakers.

Mr. RUTLEDGE wished this subject might be deferred till to-morrow, as he thought it would be proper to introduce an amendment into the report, which he was not at that time prepared to make.

Mr. SITGREAVES consented.

RULES OF THE HOUSE.

Mr. COIT thought it was desirable to introduce an amendment to the standing rules and orders of the House. For this purpose, he proposed the following resolution:

"*Resolved*, That the following be added to the standing rules and orders of this House: 'That no question shall be taken up for reconsideration when there shall be a smaller number of members present than were present when the original vote was passed.'"

Agreed to, and referred to a committee of five members.

OLIVER POLLOCK.

Mr. D. FOSTER called for the order of the day on the bill for the relief of Oliver Pollock; which, being agreed to,

The House resolved itself into a Committee of the Whole on this bill, and, after some debate, it was negatived—35 to 24.

The committee rose, when a motion was made to postpone the further consideration of this bill; which motion not appearing to be very acceptable, another motion was made to adjourn, which was carried by the casting vote of the SPEAKER—there being 37 to 37.

Wednesday, February 14.

The bill making appropriations for the support of Government for the year 1798, and for other purposes, was read the third time and passed.

The amendments of the Senate to the bill for the relief of the refugees from Canada and Nova Scotia were taken up and referred to a select committee.

Mr. Otis, from the committee to whom was referred that part of the Speech of the President of the United States which relates to the reimbursement of certain advances made by Consuls in foreign countries, made a report, stating that it was supposed $30,000 would be sufficient for this object, and recommended the adoption of a resolution for effecting the measure, which was committed for Friday.

Mr. Harper, from the Committee of Ways and Means, who had been instructed to inquire whether any and what alterations are necessary in the law respecting the entry of stills, was directed to make a report on the subject. The report was accompanied by a bill making an alteration in the manner of making the entry of stills, by doing away with the annual entry after the 1st of July next, and requiring, that after a still has been once entered, it shall be again entered only in case of removal. This report and bill were committed for Monday.

Mr. Harper, from the same committee, to whom it had been referred to inquire whether any and what alterations are necessary in the act laying a duty on stamped vellum, parchment, and paper, was directed to make a further report, recommending that a deduction of 7½ per cent. should be allowed to all purchasers of stamps (except collectors of revenue) above the value of twenty dollars, and that a certain deduction should be retained by the collectors of the impost duty, from drawbacks on goods exported, instead of the stamp duty proposed to be laid, which it was stated would fall very unequally, according to the scale proposed in the law. A bill was reported, at the same time, making these alterations in the law. The report and bill were committed for Monday.

Mr. Harper proposed to add the following regulation to the standing rules and orders of the House, viz:

"*Resolved*, That the standing rules and orders of the House be amended by inserting after the rules respecting motions for adjournment, 'Provided, that no motion for adjournment shall be received, except by unanimous consent, whilst any other motion is pending.'"

Ordered to lie on the table.

The bill from the Senate for the sale of land between the Great and Little Miami, in the territory northwest of the river Ohio, was also taken up and committed for Monday.

Mr. Nicholas wished, as in some degree connected with this subject, to present a petition from a number of persons settled near the mouth of the Kentucky river, who wished to purchase the same, which would be proper to be referred to the same committee. He wished also to move an instruction to the committee, to inquire what progress has been made in carrying the act into effect for the sale of land northwest of the river Ohio, and whether any amendments are necessary in the said act, particularly as to the price of the land. He believed there was little probability of the land selling at the price which had been fixed, and persons who might become purchasers if the price was reasonable, were now moving off to the Spanish Territory. He thought it would be well to prevent this, and therefore moved this instruction. It was agreed to.

## QUAKERS' MEMORIAL.

Mr. Sitgreaves moved the order of the day on the report of a select committee on the memorial of the people called Quakers; which motion being agreed to, the House went into a Committee of the Whole on the subject, Mr. Dent in the Chair. The report having been read as follows:

"That, inasmuch as the said memorial and address presents, in general terms only, certain subjects to the consideration of the Legislature, without containing any definite state of facts, or any specific application for its interposition, the memorialists were desired to exhibit a particular view of the grievances of which they complained, in order that the attention of the House might be directed to precise objects, and that it might be better discerned whether the complaints of the memorialists were of a nature to justify Legislative interference:

"That, in consequence of this request, the memorialists laid before the committee the representation and documents which accompany this report:

"That, on the subject of this representation, the memorialists were invited to confer with the committee, and were solicited to suggest the remedy which they conceived it to be in the power of Congress to apply to the case, as stated by them:

"That the committee, after several conferences with the memorialists, and an attentive consideration of the subject, are very clearly of opinion that the facts disclosed in the said representation are exclusively of judicial cognizance; and that it is not competent to the Legislative authority of Congress to do any act in relation to the matter thereof:

"Wherefore the committee recommend the following resolution:

"*Resolved*, That the memorialists have leave to withdraw the said memorial and address."

Mr. Thatcher could not say that he was perfectly satisfied with the report of the committee in all its parts. He wished the business disposed of without coming to any decisive resolution upon it, so as either to approve or disapprove of it. He was not ready to say that the facts disclosed in that memorial were exclusively of judicial cognizance, and that the Legislature of the Union was incompetent to do anything in it. It might, however, be true, but it was not clear to him. He would rather that the subject should not now be acted upon: he would, therefore, propose an amendment to the report, which might conclude the business without coming to any resolution upon it, which had been the course heretofore taken with similar applications. He moved, therefore, to strike out the resolution giving the petitioners leave to withdraw their petition; and if his motion was agreed

to, he should wish the committee to rise, and that the House would not act further upon it at present.

Mr. RUTLEDGE said, he, as well as the gentleman from Massachusetts, was dissatisfied with the report of the select committee. He thought the report ought to have stated that the peace of certain States in the Union had been much disturbed by applications of this kind. He had prepared a resolution to this effect, which he would read in his place. It was as follows:

"*Resolved,* That part of the memorial of the people called Quakers has a tendency to disturb the tranquillity of some of the States of the Union; that this House is not competent to act upon it, and therefore they have leave to withdraw their memorial."

There could be little difference of opinion on the assertion that the internal tranquillity of several States had been disturbed by these applications; and he believed there would be no difficulty in obtaining a majority of the House to declare it; as if the Representatives of three or four States were to rise and declare the fact, it must have sufficient weight to carry a declaration of this kind. He had, however, mentioned the matter to some of his friends, and found it was not very agreeable to them, as they wished to get rid of the business without debate. But if the present motion were to obtain, he should afterwards bring forward this resolution.

The CHAIRMAN declared the motion of the gentleman from Massachusetts out of order.

The question on the resolution, as reported, was put and carried, there being 74 votes in the affirmative. The committee then rose, and the House concurred in the report.

## FRANKING PRIVILEGE.

On motion of Mr. THATCHER, the House went into a Committee of the Whole on the bill granting the right of franking to the Attorney General.

Mr. HARPER moved to amend the bill by adding, "and the officer commanding the troops of the United States," which was agreed to.

The committee rose, the House agreed to the amendment, and the bill was ordered to be engrossed for a third reading.

## RELIEF OF WIDOWS AND ORPHANS.

On motion of Mr. GREGG, the House went into a Committee of the Whole on the report of the Committee of Claims on the subject of making provision for the widows and orphan children of the officers of the Army of the United States, who were killed in an action with the Indians, in the territory northwest of the Ohio, on the 4th of November, 1791. The report was favorable.

Mr. DAVIS moved to amend the report by adding "militia officers." He thought it was only reasonable that an allowance should be made to the widows and orphans of militia officers, as well as to those of the officers of the Army. The Kentucky militia were out on that expedition, and several officers were killed.

Mr. D. FOSTER proposed to make the provision general, and to go back to the 4th of March, 1789.

Some objections were urged to this amendment, as it was apprehended, from its comprehensiveness, it might endanger the passage of the bill, as the Senate had rejected a former bill of this kind. The committee rose without coming to any decision, and had leave to sit again.

---

THURSDAY, February 15.

## FRACAS IN THE HOUSE.

[About a quarter past eleven o'clock, after prayers, whilst the SPEAKER was in his Chair, and many members in their places, but before the House had been called to order, and before the Journal had been read, Mr. GRISWOLD entered the House, and observing Mr. LYON in his place (who was writing) he went up to him with a pretty strong walking stick in his hand, with which he immediately began to beat him with great violence. Mr. G.'s approach was observed by Mr. LYON, but before he could get from behind his desk he had received some severe blows. As soon as he got on the floor of the House he endeavored to lay hold of Mr. G. (having no stick or weapon in his hand) but he was prevented from doing so by Mr. G.'s falling back, and the continual blows with which he was assailed. At length getting behind the Speaker's chair, Mr. L. snatched up the tongs from the fire; the combatants then closed and came down together upon the floor, Mr. G. being uppermost. The members in the House, who till now seemed to look on with amazement at the scene, without an attempt to put an end to it, got round the parties, and separated them, but not before Mr. L. had aimed a blow at Mr. G.'s head with the tongs, but which he parried off. The SPEAKER was now called upon to desire the members to take their seats, and form the House. Whilst this was doing, the two enraged members met again without the bar, and but for the doorkeeper and some gentlemen present, would have renewed the combat. Order having been obtained (at least as much as it was possible to obtain from the agitated state of the House) the Clerk proceeded to read the Journal, and the business of the day was entered upon. It continued till one o'clock, when from the perturbation which was naturally occasioned by such a scene, and it being evident that business was very little attended to by a great part of the House, a motion for an adjournment was made and carried. It will be seen that no notice was taken of this proceeding in the course of the sitting.]

The bill granting the right of franking letters to the Attorney General and the officer commanding the troops of the United States, was read the third time and passed.

The House again resolved itself into a Committee of the Whole on the report of the Committee of Claims, on the subject of extending the provisions allowed to the widows and orphans of certain officers of the Army of the United States, to the widows and orphans of those who were killed in action with the Indians in the Territory northwest of the Ohio, on the 4th of November, 1791; when the proposition made yesterday for

extending the provision to the widows and orphans of all officers who have died in the service, which are not at present provided for, was agreed to.

The committee rose, the House concurred in the amendment, and the Committee of Claims was directed to bring in a bill accordingly.

Mr. Livingston said, the delegates from the State of New York had received instructions from the Legislature of that State, to use their endeavors to get removed a difficulty which existed in a suit now pending, in which there was a clashing of jurisdiction between the States of New York and Connecticut. In order to remove this difficulty, and others of a similar nature, in future, he proposed a resolution to the following effect:

"*Resolved*, That provision ought to be made, by law, allowing the trial of all cases in which one or more States may be interested, by a jury to be taken from a State not interested in such suit or suits."

Which was ordered to lie on the table.

The Speaker announced that the unfinished business of the bill providing the means of foreign intercourse, was first in order.

Mr. Dent moved to postpone the consideration of that subject until Monday, as, from the appearance of the House, he did not think it would be proper to go into so important a subject at present.

After a few other observations, the question for postponement was carried 44 to 34.

Mr. Livingston, from the Committe of Commerce and Manufactures, reported a bill for the relief of Sylvanus Crowell; which was committed for Monday.

The same gentleman, from the same committee, also made a report on the petitions of Reuben Smith and Nathan Strong, who pray to be allowed the bounty and drawback on a quantity of beef, pork, and cotton goods exported, which had been regularly inspected, but, upon the exportation of which, the necessary bond had not been given, nor the oath prescribed taken.

The committee state that this neglect does not appear to have taken place from any improper motive, and, therefore, recommend that the relief prayed for may be granted. Committed for Monday.

## RELIEF OF AMERICAN SEAMEN.

On motion of Mr. Livingston, the House went into a Committee of the Whole on the bill in addition to the act for the relief and protection of American seamen; when, after Mr. L. had introduced an amendment, requiring masters of vessels to give bond to bring back, or give a due account of all the sailors they take out on their voyages, the committee rose; but some objections being offered to this amendment in the House, the consideration of it was postponed, and it was ordered to be printed.

Mr. D. Foster then moved to adjourn.

Mr. Dawson wished the motion for adjournment to be withdrawn until he offered a resolution to the House.

The motion for adjournment was persisted in, and negatived, there being only 23 votes in favor of it.

## AMENDMENT OF RULES.

Mr. Dawson then proposed a resolution to the following effect, which he wished to be referred to the committee appointed to consider upon the propriety of making certain amendments in the Standing Rules and Orders of the House:

"*Resolved*, That the Standing Rules and Orders of this House be amended, by adding to them a provision, that persons attending this House to take down its debates and proceedings, for the purpose of publication, shall be permitted to take their places within the bar of the House."

The Speaker said, he would state to the House that this was now the case, except as to one person, who had abused the privilege, and insulted the Speaker of the House.

The resolution was ordered to lie upon the table.

---

Friday, February 16.

## CASE OF GRISWOLD AND LYON.

Immediately upon the Journals having been read,

Mr. Davis, of Kentucky, rose and proposed the following resolution for the adoption of the House:

"*Resolved*, That Roger Griswold and Matthew Lyon, members of this House, for violent and disorderly behaviour committed in the House, be expelled therefrom."

Mr. Nicholas hoped the resolution would be permitted to lie on the table.

Mr. Davis saw no reason for delaying a decision upon this resolution. He thought the conduct of these gentlemen had been so grossly violent, and so notorious to most of the members of the House, that there need be no hesitation in deciding upon it. If gentlemen wished, however, to take the same course which had been adopted on a former occasion, he should not object to it, though he thought it unnecessary. It was needless, now to say anything as to the necessity of preserving the dignity and honor of that House; enough had already been said, and he thought pertinently said, on a former occasion on this subject. And as he believed neither the dignity, the honor, or peace of that House could be preserved whilst these members remained in it, he hoped the House would be unanimous in voting their expulsion.

Mr. Thatcher did not see why the innocent should be punished with the guilty. The gentleman who brought forward this proposition, he supposed, did not wish this. From what he saw of the affray, he did not think Mr. Lyon deserved to be punished for the part he acted. He certainly received a severe beating, but he appeared to be passive from the beginning to the end; and he did not think Mr. Lyon ought to be expelled because he was beaten. As to any investigation of what happened yesterday, he did not think it necessary, as most of the members of that House

were eye-witnesses to the fact. But the gentleman said there would be no peace until these members were expelled. He did not know from what he drew his conclusions. What was done yesterday was done before the House was in session; and it had already been determined that acts of violence committed without the bar, during a session of the House, are not causes of expulsion. He did not know, therefore, how gentlemen would support the doctrine that a member ought to be expelled for an act of violence done before the House was in session. It might be necessary, however, to investigate other facts connected with these.

Mr. J. PARKER seconded the motion for the expulsion of these members, because he believed there would be no peace in the House until they were expelled. He was sorry the gentleman from Massachusetts should have said he saw nothing but what was passive on the part of Mr. LYON. He himself saw more, and that gentleman must have seen it if he had his eyes about him. He said, that after the offending members had been separated Mr. LYON met Mr. GRISWOLD without the bar of the House and began to belabor him with his cane, when they were again separated. The attack of yesterday, Mr. P. said, at a time when the House ought to have been in session though it had not come to order, would fix an indelible stain upon it; and if these members were not expelled, no member could consider himself as safe in his seat. Such a transaction would certainly lower that House in the estimation of their constituents. He had even heard this morning, as he came to the Hall, persons in the street call out, "There is nothing to do in Congress to-day—there's no fighting going on!" In order to get rid of these reproaches, he hoped all parties would unite in expelling these members. If their constituents chose to send them back, he hoped no member would associate with or take notice of them. And if a vote of expulsion should be agreed upon, he would afterwards move to expunge from the Journals all the entries relative to these disgraceful proceedings.

Mr. NICHOLAS wished the motion to lie upon the table for the present, because he was not himself prepared to decide upon the subject; he wished, also, that whenever the motion was taken up, gentlemen might come with their minds determined upon it, so that a long debate might not be necessary. He therefore moved to postpone the consideration of this resolution to Monday.

Mr. GORDON wished to know what part of the resolution the gentleman from Virginia was not ready to act upon?

Mr. NICHOLAS did not understand the drift of the gentleman's question. If he meant to ask whether he (Mr. N.) disapproved of the vote which he had already given, he would answer him *he did not.*

Mr. J. WILLIAMS said he should approve of the motion for postponement, if it were made for to-morrow, instead of Monday; and he hoped the business would not only be taken up to-morrow, but be concluded before they rose. He had sat with great patience during the late debate, but he should be opposed to going into any further lengthy proceedings on so disagreeable a subject, which would prevent them from doing the business of the nation, for which they were sent.

Mr. NICHOLAS had no objection to make the question the order for to-morrow, if the House met.

Mr. THATCHER observed, that he had before said that he had seen nothing on the part of Mr. LYON, in the affray of yesterday, which ought to subject him to expulsion; but the gentleman from Virginia (Mr. PARKER) said, that if he (Mr. T.) had had his eyes about him, he might have seen something for which he ought to be expelled. If, indeed, he had *eyes behind* he might have seen what he alluded to; but this not being the case, he did not see it. As far as the business respects Mr. LYON, some inquiry might be necessary, as all he saw was, that Mr. LYON suffered much, without any offence on his part. He thought, therefore, the business should be gone into, as on a former occasion, and that they ought to examine the subject with candor, and then they should doubtless decide upon it with propriety.

Mr. SITGREAVES was against the postponement, in order that a different course might be taken. He knew nothing in this case which distinguished it from a late case, and therefore could not see why the same course ought not to be pursued as was then pursued. He should therefore vote against a postponement, in order that the resolution might be referred to the Committee of Privileges.

Mr. HARPER inquired whether such a motion would not supersede a motion for postponement.

The SPEAKER said, it would.

Mr. HARPER then made the motion.

Mr. GALLATIN asked whether he understood the SPEAKER rightly, that a motion for a reference to a committee superseded a motion for postponement?

The SPEAKER said, it did.

Mr. NICHOLAS asked whether it would not then be in order to postpone the consideration of the subject?

The SPEAKER answered, it would.

Mr. NICHOLAS renewed the motion for a postponement till to-morrow.

Mr. HARPER, believing that it would be proper to refer this resolution to a committee, as before, especially as some of the facts did not pass within the view of the House, he should vote against the postponement—not because he wished to avoid a vote on the question; for, if it should be the opinion of the House that it ought not to go to a committee, he was perfectly ready to give a vote upon the question; but he thought it better that the business should have this course. With respect to any discussion being necessary upon this subject, he perhaps might think it necessary to make some observations upon it, when the question came before the House for decision; for, though some gentlemen might be endued with the happy faculty of doing everything in an instant, he could not boast of possessing that faculty. But, even if he were not desirous of discussion for his own infor-

mation, he wished it for the information of the public; and, notwithstanding all that the House had heard about a waste of public money and public time, he believed they should best serve the public by suffering the business to take the usual course.

The motion for a postponement was put and negatived.

Mr. SITGREAVES then moved that the resolution be referred to the Committee of Privileges.

Mr. HARPER moved that the committee have leave to sit during the session of the House.

Mr. THATCHER thought, as it was probable a number of members might be wanted to give evidence, the House had better adjourn, as on a former occasion, as it would not be proper to go on with business when so many members were absent.

Mr. T. CLAIRBORNE hoped leave would not be granted for the committee to sit immediately. He wished them coolly to deliberate upon the business, which they could scarcely be expected to do, when their passions were so strongly affected as they must be at present.

The question for leave to sit during the session was put and carried—46 to 36.

Mr. HARPER moved that the committee be instructed to report to the House the evidence in writing, upon which they shall found their report.

Mr. KITTERA thought the facts were so notorious that there was no necessity for this instruction.

Mr. HARPER said if his friend from Pennsylvania could say that every body would be satisfied with the report of the committee without the evidence, he would not insist upon this motion. But if the evidence was not reported, how could he say that all the witnesses might not again be called before the House? It was his wish to prevent this.

Mr. J. WILLIAMS said there was a considerable difference between this transaction and the one lately under consideration. He thought in this case it would probably save much trouble to report the evidence.

Mr. BROOKS said it must be recollected that the gentleman from Virginia was not satisfied with the former report. He wished to hear the witnesses themselves; and if the evidence was to be reported, he did not suppose it would be satisfactory.

Mr. NICHOLAS seconded the motion, because it would be likely to shorten the business; but if, when the testimony came to be reported, there was any obscurity in it, he should feel it necessary to ask the witnesses questions by way of elucidation, as every man who was called upon as a judge, should be in full possession of every fact relative to the subject.

Mr. BROOKS said the gentleman who had just sat down, would have no difficulty in pointing out some obscurity, in order to furnish an apology for rehearing of the witnesses.

Mr. KITTERA said if to report the evidence would prevent the necessity of hearing the witnesses in the House, he should not object to it; but he believed this would not be the case.

Mr. VENABLE was before of opinion that it would have been best for witnesses to have delivered their evidence in writing. He hoped that course would now be taken, and then there would be no difficulty in reporting it to the House; and if it should be found necessary, in order to elucidate any part of it, to put any questions to the witnesses in the House, the business would be greatly facilitated and shortened by the evidence being reported.

The question was put and carried.

## ENCOURAGEMENT TO COTTON GOODS.

Mr. LIVINGSTON said he wished to propose a resolution for the adoption of the House, which had in view the encouragement of a manufacture which was much increasing in the United States, and might become of considerable national importance. It was to the following effect:

"*Resolved*, That the Committee of Commerce and Manufactures be instructed to inquire whether any provision be expedient for encouraging the printing of white cotton goods, in the United States, and report their opinion thereon to the House."

The resolution was agreed to.

## STATE JURISDICTION.

Mr. LIVINGSTON called up for consideration the resolution, which he yesterday laid upon the table, on the subject of the clashing jurisdiction of States; when it was determined to be referred to a committee of seven members.

## COLLECTION OF DUTIES.

Mr. S. SMITH said that a letter and report of the Secretary of the Treasury, on the subject of regulating the collection of the duties arising from impost and tonnage, had been referred to the Committee of Commerce and Manufactures; but as it was necessary to obtain local information from parts of the Union from whence none of the members of the committee came, they wished, for this particular purpose, to have some members added, so that they might have the benefit of a member from every State in the Union.

After a few observations, it was agreed that the Committee of Commerce and Manufactures should be discharged from the further consideration of this subject, and that it should be referred to a committee of sixteen members.

## CASE OF GRISWOLD AND LYON.

Mr. OTIS believed that something further was necessary to be done in respect to the unfortunate business, which had already engaged the attention of the House. From what had happened in the view of the House, it appears that the parties are in the habit of conflicting with each other; and except they are restrained by some authority which shall be sufficiently imposing upon them, further violence may be expected. In order, therefore, to secure this House from future violations of its dignity and order, he proposed the following resolution for adoption:

"*Resolved*, That Roger Griswold and Matthew Lyon, members of this House, be respectively required by the Speaker to pledge their words to this House, that they will not commit any act of violence upon each other du-

ring this session; and that if either refuse to make such engagements, the party refusing shall be committed to the custody of the Sergeant-at-Arms, until he shall comply with this obligation."

Mr. SEWALL understood a motion had been agreed to in relation to the affair of yesterday, which might produce an expulsion of the members in question. He thought it would be better, therefore, to alter the wording of the resolution, and instead of "during this session," say "during the continuance of the examination of the business before the House."

Mr. SITGREAVES did not think any alterations were necessary. An expulsion of the members was a possible, but not a necessary result. If an expulsion does not take place, the resolution will remain in operation for the remainder of the session, which would be proper; and, if an expulsion took place, its operation would fall of course.

Mr. J. WILLIAMS thought it best to pass the resolution as it stood. If a similar resolution had been entered into on a former occasion, it would probably have prevented what had now taken place.

Mr. R. WILLIAMS called for the reading of the resolution which was passed on a former occasion. [It was read. It stated "that any personal contest between the members, before the House had come to a decision upon the business, would be considered as a high breach of privileges."] Mr. W. thought this resolution went as far as the House had a right to go. The resolution proposed by the gentleman from Massachusetts, went farther, he thought, than they had power to go. It went to imprison one or both of the parties, if he or they refused to comply with a request of the House. He had his doubts whether that House had the Constitutional power to imprison a man for a crime, as the law only would do this. He thought a resolution similar to that adopted on a former occasion, would be sufficient at present; and if the mover did not think proper so to alter it, he would himself move an amendment for this purpose.

Mr. OTIS flattered himself that his object would have met with the concurrence of all sides of the House, believing that all wished to prevent future violations of order and peace. With respect to the doubts of the gentleman from North Carolina, his politics seemed to be altogether a system of *doubts*. If this system was common, it would be extremely difficult to progress with business at all. He believed, on the present occasion, these doubts were groundless. When an act of violence was done in the view of the members of the House, they had certainly the power to obtain some security against a repetition of such violence. If this was not done, the presumption was, the business of the session might be continually interrupted; and had they not the right of securing the peaceful exercise of their legislative functions for the remainder of the session? He thought this could not be seriously doubted. With respect to the former resolution, if he had been in his place, he should have suggested its impropriety; for, by it, it seemed to be implied that, after the question was decided, though they could not do it before, the members in question would be at liberty to commit any act of violence they pleased upon each other. They had seen the consequence. He hoped, therefore, the House would restrain these gentlemen in such a manner as that it may not be in their power again to interrupt their proceedings.

Mr. R. WILLIAMS defended his opinion, and insisted upon his right to deliver it; nor should he ask any gentleman to explain to him the oath he had taken to support the Constitution of the United States. When gentlemen violated the rules of the House, the House had a right to punish them; but he was doubtful whether they had the power to imprison a member if he refused to say yes, to a question which should be put to him.

Mr. SEWALL presumed, that that House had the same right which every Court possessed, of preserving its order by imprisonment of offenders; and it was incident to this authority to restrain persons likely to commit these offences. It was necessary, for the future security of the House, for these gentlemen to say, they will not again assault each other. This was a means of preventing, and not of punishing, offences. He had no objection to the resolution, therefore, on the ground of power, but he had some doubt as to the propriety of the expression. For, said he, suppose these gentlemen are expelled, and Mr. G. afterwards assaults Mr. L., the former might consider himself bound by his promise to the SPEAKER, and forbear to defend himself. To correct this impropriety of expression, he moved to strike out the words "during this session," and insert "whilst members of this House."

Mr. OTIS consented to this amendment.

Mr. SITGREAVES wished the mover to assent to another alteration in the phraseology of his motion. Acts might, perhaps, be committed which would not be called acts of violence, though very offensive. He wished the same words used as formerly, viz: "personal contest with each other."

Mr. NICHOLAS had no objection to the general object of this resolution; but the amendment of the gentleman from Massachusetts went to govern members during the recess of Congress. He supposed this was going further than gentlemen themselves intended. He thought a resolution like the former, which should extend during the present session, would answer every purpose. He did not see any necessity to inflict penalties before a breach of order was committed.

Mr. VENABLE said, the idea of the gentleman from Massachusetts (Mr. SEWALL) was not correct, when he supposed an obligation entered into at this time, would be binding when a person ceased to be a member of that House. All obligations which members owe to the House, are dissolved when they cease to be members; nor was it in the power of the House to extend the force of the resolution beyond the present session. He should not object to its having that extent. He thought it only reasonable, in order to obtain a prospect of future peace in their deliberations, that these gentlemen should declare that they will not enter into

any further personal contest during the session. He moved, therefore, again to alter the resolution to read, "during the session."

Mr. OTIS hoped the amendment would be made, he had too readily consented to the former alteration.

The question was then taken on the resolution, and carried by a large majority, there being 73 votes in favor of it.

The SPEAKER asked, whether it was the pleasure of the House that the Sergeant-at-Arms should be sent for Mr. LYON?

Mr. SITGREAVES said it might not be convenient for Mr. LYON to attend the House; he asked whether the resolution might not be sent to him, and his answer be received in writing?

Mr. NICHOLAS supposed, that if both gentlemen prepared a declaration in writing, and presented it to-morrow, it would answer the purpose.

Mr. HARPER replied, the mischief intended to be guarded against might in the mean time be done.

Mr. GALLATIN said, he had just been called out by a member of the House, who had asked him whether he thought it would be proper for Mr. LYON to attend the House. He supposed, therefore, if the Sergeant-at-Arms was sent for him, he would immediately attend.

Mr. HARPER hoped the Sergeant-at-Arms would be sent.

The SPEAKER said, as soon as the Clerk had made a copy of the resolution, the Sergeant-at-Arms would wait upon Mr. LYON with it.

Mr. LYON having entered,

The SPEAKER said, the members from Vermont and Connecticut being now in their places, he should proceed to read the resolution which had been entered into by the House. [He then read the resolution.]

As soon as it was finished reading,

Mr. GRISWOLD rose and said, he should not hesitate to enter into the proposed engagement.

Mr. LYON also rose and said, he was ready, as it was the wish of the House, to agree to the proposition.

The SPEAKER said, then you do accordingly agree to this proposition?

Both answered, "I do agree."

### AMENDMENT OF THE RULES, &c.

Mr. HARPER called up his proposed amendment to the Standing Rules of the House, respecting motions for adjournment; which was referred to the committee which has been appointed on the subject of the Rules.

Mr. J. WILLIAMS moved that the House go into a Committee of the Whole on the bill for disciplining and organizing the Militia of the United States; but, the sense of the House being taken, there appeared only 14 members for it.

Mr. W. then said, as there appeared no business before the House, he would move an adjournment, in order that the Committee of Privileges might attend to the business referred to them. Agreed to.

The bill for the relief of William Alexander, was read the third time and passed.

The bill appropriating money for holding a treaty with the Indians in the State of Tennessee, was received from the Senate with amendments; which were read and referred to a select committee.

---

MONDAY, February 19.

A message was received from the President of the United States, enclosing a report from the Secretary of State, with an account of the losses recovered for captures on behalf of citizens of the United States, under the treaty made with Great Britain; which was ordered to be printed.

The bill providing for the widows and orphans of certain deceased officers, was read the third time, and passed.

Mr. GREGG presented a petition from Jeremiah Hall and others, praying that a tract of land—six miles square, near the Scioto river, in the Northwestern Territory—may be laid off in a certain manner, and that payments may be received for it by instalments. Referred to the committee to whom has been referred an inquiry into the law for disposing of this land.

### RULES OF THE HOUSE.

Mr. DENT, from the committee to whom was referred two propositions for amending the standing rules of the House, reported it as the opinion of the committee, that that which goes to prevent the reconsideration of a vote when there are fewer members present than when it originally passed, ought to be adopted; but that the one which would prevent a motion for adjournment from being in order, when another motion was before the House, ought not to be agreed to.

Mr. NICHOLAS wished this report to be committed to a Committee of the Whole. He was not ready to vote upon it; to say that no number of members less than had agreed to a certain proposition was competent to agree to another, and of course that a majority of the House could not do the business of the House.

The report was accordingly committed.

### REPORTING THE DEBATES.

Mr. DAWSON wished the resolution which he had laid upon the table, on the subject of admitting persons who attended the House for the purpose of taking an account of its debates and proceedings within the bar of the House, to be taken up and referred to the same Committee of the Whole.

The resolution was accordingly read.

Mr. SITGREAVES thought it would be more eligible that this proposition for amending the rules should have the same course as others, especially as, from the information of the SPEAKER, it appeared that the object of the resolution was in practice, with the exception of one individual note-taker, who had abused the privilege, and insulted the SPEAKER and the authority of the House. It was proper, therefore, that the fact should be stated, so as that the House might act upon it.

Mr. DAWSON had no objection to the reference the gentleman from Pennsylvania had pointed out; it was his opinion, however, that the other would have been the more direct course.

It was accordingly referred to a select committee.

## PIERS AT NEWCASTLE, DELAWARE.

Mr. HARTLEY presented the petition of a number of merchants, traders, and others, of Philadelphia, praying that some new piers may be erected at Newcastle, and that the old ones may be repaired.

Some difference of opinion arising as to the proper reference of this petition, Messrs. HARTLEY and LIVINGSTON being in favor of a reference to the Committee of Commerce and Manufactures, and Messrs. SITGREAVES, GALLATIN, and KITTERA, for a reference to the Secretary of the Treasury, Mr. COIT suggested the propriety of its lying on the table till to-morrow, as he recollected the Secretary of the Treasury had already made a report upon the subject, which was referred to the Committee of Commerce and Manufactures, but he did not know whether or not that committee had reported. He wished time to inquire. Agreed to.

Mr. THATCHER said, that on the 20th of January, 1793, a petition was presented from Tobias Lord, and others, praying leave to erect a pier in Kennebunk river, that an act had been passed authorizing the erection of said pier, under such regulations as should be determined by a law of the State. He had now received the law which had been passed, which he had laid before the House. The law, and papers accompanying it, were referred to the Committee of Commerce and Manufactures.

## NORTHWESTERN LANDS.

Mr. DAVIS said a petition had been this morning presented, and he had had others sent to him to present on the subject of the Northwestern Territory lands. He thought something might be done on this business, which would not only answer the wishes of settlers, but might also be beneficial to the United States. For this purpose he proposed a resolution, which he wished to be referred to the committee appointed on this subject, proposing certain advantages to settlers in that Territory; which was agreed to.

## ACT OF LIMITATION.

Mr. GALLATIN moved that the unfinished business should be postponed, in order to take up the report of the Committee of Claims on the expediency or inexpediency of excepting certain claims from the operation of the act of limitation; which, being agreed to, the House resolved itself into a Committee of the Whole on that subject; and agreed to a resolution proposing to suspend, for a limited time, the law barring Loan Office certificates, final settlements, and indents of interest; and also to a resolution in the form recommended by the Secretary of the Treasury, viz:

"*Resolved*, That a time be limited by law, after which credits on the books of the Treasury for transactions during the late war, which, according to the course of the Treasury, have hitherto been discharged by issuing certificates of registered debt, shall be barred and declared void, unless claimed by the proper creditors, or their legal representatives."

## AMY DARDIN.

Upon motion of Mr. T. CLAIBORNE, the following resolution was agreed to—45 to 40:

"*Resolved*, That a committee be appointed to bring in a bill for the relief of Amy Dardin."

[This claim has been long before Congress, and been several times the subject of discussion. It is for the value of the famous horse Romulus, the property of the husband of the petitioner, pressed into the service of the United States during the war. The case of the widow is evidently a hard one, and this is the second time a vote has been obtained in her favor, which has afterwards been reversed.]

The committee rose, reported their agreement to the three resolutions, and had leave to sit again. The House took up the two first, agreed to them, and directed the Committee of Claims to bring in a bill or bills accordingly. When the third resolution came to be considered, the yeas and nays were called for, and its adoption was strongly opposed by Messrs. HARPER, NICHOLAS, and BAYARD, on the ground of its throwing open a door to every claim which had heretofore been determined as barred, as cutting up by the root all the acts of limitation; that it was also setting aside these laws in the most objectionable way, by inviting every person, who had an unsatisfied claim, to petition Congress for relief, which would of course engage much of their time. If the acts were to be set aside, it would be much better and less expensive therefore to authorize the proper department to settle these claims, than that the time of the House should be engaged in investigating and settling them.

On the other hand, its adoption was advocated by Messrs. GALLATIN and T. CLAIBORNE. This was stated as a hard case; that this determination would not open the acts of limitation to any but such as Congress might deem extremely hard cases; that it would give the Treasury no power whatever to settle any claim: the power, therefore, could not be abused, except they themselves abused it; that whatever policy there might be in acts of limitation, they were certainly liable to strong objections; they knew they were honorably indebted a sum of money, but they determine not to pay it, merely because the paying it might render the accounts at the Treasury less simple, or because they would be liable to pay more than is convenient. This policy might be justifiable, but it bore very hard upon individual sufferers. It was argued, therefore, that without opening the acts generally, when a strong, unequivocal claim was presented, which was in the hands of the original holder, and where, of course, there could be no possibility of fraud, relief might and ought to be granted.

Mr. J. WILLIAMS was an enemy to acts of limitation, as he thought a debt once due must always

be due until paid; but he would either have them opened generally, or not at all.

The yeas and nays upon agreeing to this proposition for setting aside the act of limitation in this case were taken, and decided, yeas 35, nays 55, as follow:

YEAS—David Bard, Lemuel Benton, Samuel J. Cabell, Thomas Claiborne, William Charles Cole Claiborne, Matthew Clay, John Clopton, Thomas T. Davis, John Dawson, George Dent, Lucas Elmendorph, John Fowler, Albert Gallatin, James Gillespie, William Barry Grove, Carter B. Harrison, David Holmes, Walter Jones, Edward Livingston, Matthew Locke, Matthew Lyon, James Machir, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, John Rutledge, jr., William Smith, Richard Sprigg, jr., Thomas Sumter, Abraham Trigg, John Trigg, Joseph B. Varnum, Abraham Venable, and Robert Williams.

NAYS—John Allen, George Baer, jr., Bailey Bartlett, James A. Bayard, Thomas Blount, David Brooks, Nathan Bryan, Stephen Bullock, Demsey Burges, Christopher G. Champlin, John Chapman, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, Thomas Evans, William Findley, Abiel Foster, Dwight Foster, Henry Glen, Chauncey Goodrich, William Gordon, Andrew Gregg, Roger Griswold, John A. Hanna, Robert Goodloe Harper, Thomas Hartley, Jonathan N. Havens, Wm. Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, Nathaniel Macon, Wm. Mathews, Daniel Morgan, Lewis R. Morris, John Nicholas, Harrison G. Otis, Isaac Parker, John Reed, James Schureman, Samuel Sewall, William Shepard, Samuel Sitgreaves, Nathaniel Smith, Samuel Smith, Peleg Sprague, Richard Stanford, George Thatcher, Mark Thomson, Thomas Tillinghast, John E. Van Alen, Peleg Wadsworth, and John Williams.

Mr. HARPER then proposed the following resolution, which was agreed to:

*Resolved*, That the prayer of the petition of Amy Dardin ought not to be granted.

## CAPTURED OR DETAINED VESSELS.

Mr. S. SMITH proposed a resolution to the following effect:

"*Resolved*, That the Secretary of the Treasury be directed to obtain from the Collectors of the Customs in the principal districts of the United States a statement of the vessels captured or detained, by or under the authority of any foreign nation, since the 1st of July, 1795, expressing in separate columns the names of the vessels, the captains' names, the number of tons each vessel carried, of what their cargoes consisted, and an estimate of the value thereof, by what nation captured, whither bound, and whither from; and that he lay, as soon as may be, the same before the House of Representatives."

Mr. ISAAC PARKER had no objection to this resolution if the word "principal" was omitted.

Mr. SMITH agreed to the alteration, and the resolution was ordered to lie on the table.

---

TUESDAY, February 20.

A Message was received from the President of the United States, with an account of the expenditure of certain sums appropriated on the 3d of March last, for prosecuting claims against the belligerent nations that have spoliated upon our commerce; which was ordered to be printed.

On motion of Mr. HARPER, the House then resolved itself into a Committee of the Whole on the bill for altering the manner of entering stills, and, after some debate on the subject, the committee rose and had leave to sit again.

The House then went into Committee of the Whole on the bill providing for the support of the widows and orphans of certain deceased officers, and having agreed to it without amendment, the committee rose and reported accordingly. The bill was then ordered to be engrossed for a third reading to-morrow.

The House took up the report of the Committee of the Whole on the bill for the relief of Oliver Pollock, and, after some debate upon it, concurred in the report, (which was a disagreement to the bill for his relief,) 49 to 33.

On motion of Mr. D. FOSTER, the House resolved itself into a Committee of the Whole on the report of the Committee of Claims, on the expediency or inexpediency of excepting certain claims from the operation of acts of limitation, and, after concurring in the unfavorable report of the Committee of Claims on the petition of Johannes E. Lot, the committee rose (these decisions which had taken place having included the principles of all the references made to the Committee of the Whole) and had not leave to sit again.

## CASE OF GRISWOLD AND LYON.

Mr. VENABLE, from the Committee of Privileges, laid the following report upon the table, together with the evidence relative thereto:

The Committee of Privileges, to whom was referred a resolution in the following words: "*Resolved*, That Roger Griswold and Matthew Lyon, members of this House, for violent and disorderly behaviour committed in the House, be expelled therefrom," with instructions to report the evidence in writing, have, according to the orders of the House, proceeded to take the evidence, which they herewith report; and they report further, that it is their opinion that the said resolution ought to be disagreed to.

No 1.

*Mr. Sitgreaves's Testimony.*

Having been requested by the Committee of Privileges to communicate my recollection of the affair which occurred between Mr. Griswold and Mr. Lyon on Thursday last, I depose as follows: I do not recollect to have observed at what time either Mr. Griswold or Mr. Lyon came into the House, nor did I see the commencement of the fracas; I was in my seat, engaged in writing, when my attention was excited by the sound or report of a heavy blow; I looked to the quarter from whence the sound seemed to proceed, and saw Mr. Lyon on his feet, in the place where he usually sits, and Mr. Griswold in the area, in front of him, beating him over the head and shoulders, with a cane or walking stick; Mr. Lyon appeared to be endeavouring at once to evade the blows, and to extricate himself from the chairs and desks of the row in which he stood; he soon was in the area, and Mr. Griswold continued to beat him, keeping him at such a distance that the blows could take effect, until Mr. Lyon

turned and fled behind the partition, in the rear of the Speaker's chair, whither he was pursued by Mr. Griswold, still beating him; as I remained in my place, they were for a moment out of my sight, which was intercepted by the partition, but they almost immediately appeared again, Mr. Lyon holding in his hand the tongs, which he grasped by one leg; Mr. Griswold seized with his left hand the arm by which Mr. Lyon held the tongs, and closed in with him, and shortly afterwards I saw them come to the ground together, Mr. Lyon falling under Mr. Griswold. I then left my place; the members gathered round them, and they continued on the floor for a few moments, Mr. Lyon being still under Mr. Griswold, until they were parted by one member separating their arms and shoulders, while two others seized, each, one of Mr. Griswold's legs, and in that manner dragged him off. When they were separated I went to Mr. Griswold, and observing that he had not his cane, advised him to get it again, lest he should be assailed by Mr. Lyon, who was now on his feet. Mr. Griswold desired the assistant doorkeeper to find his cane, and then went, at my instance, to take a draught of water; my attention was then diverted from them for a short time, until it was again excited, by a new alarm in the lobby, at the south end of the hall; on looking toward that quarter, I saw both Mr. Griswold and Mr. Lyon in the lobby, but at the distance of six or eight feet from each other; Mr. Lyon held a cane in his hand; and as I hastened towards that end of the room, I was met by the assistant doorkeeper, who handed me Mr. Griswold's cane, and, appearing unwilling to interpose, requested me to give it to him; I did so, and Mr. Griswold immediately advanced, apparently to renew the attack on Mr. Lyon, when the Speaker called the House to order, upon which Mr. Griswold directly relinquished his design, turned round and went to his seat, as I did to mine.

S. SITGREAVES.

Sworn and subscribed, the 17th February, 1798.

*Coram:* REYNOLD KEEN.

---

No. 2.

*Mr. Sprague's Testimony.*

I, Peleg Sprague, depose, that on Thursday morning, February 15th, 1798, I was in Congress Hall, before the usual hour of meeting; that after prayers were read, I saw Roger Griswold come into the hall, with a hickory stick in his hand; he came near to the fire-place, behind the Speaker's chair, hung up his cloak, and (I think) set his stick by it, and placed himself in the seat usually occupied by Mr. Dennis, or Mr. Evans, and employed himself in reading some letters; soon after I saw Matthew Lyon come into the hall with a stick or cane in his hand; he went directly to his place, put his stick behind his chair, and sat down; after sitting a short time, I observed him to cast his eyes earnestly at Mr. Griswold, then he directed his attention to some papers before him, on his table, and seemed to be revising and folding them; I looked at both alternately, and thought that Mr. Griswold eyed Lyon, but did not intend any person should observe it; while Mr. Lyon was examining his papers as aforesaid, I saw Mr. Griswold rise from his seat and advance towards Lyon with his usual pace, having his stick in his hand; I believe that Lyon did not see Mr. Griswold, until he was within reach of him; Griswold immediately struck Lyon over the shoulders, with the little end of the cane, or hickory, aforesaid; it seemed to me, that when Griswold first struck, Lyon was partly raised, or in the attitude of rising hastily; Griswold repeated the blows until Lyon got clear of the seats; then Lyon advanced toward Griswold, as if to close in with him; Griswold retreated, as if to avoid it, still repeating the blows, until they got to the fire-place, behind the Speaker's chair; then Lyon took up the tongs, and they both closed; Griswold threw Lyon on the floor, and fell upon him. I then went away, and saw no more of the affray. I do not recollect that I heard one word pass between them during the whole time. And further the deponent saith not.

PELEG SPRAGUE.

Sworn and subscribed, the 17th February, 1798.

*Coram:* REYNOLD KEEN.

---

No. 3.

*Mr. W. C. C. Claiborne's Testimony.*

SATURDAY, 17th February.

On Thursday last, after prayers had been delivered, the Speaker (I believe) in his chair, but the House not called to order, I was standing near to the letter-box, and (I think) reading a letter, when my attention was taken off, by a loud cry of "part them;" upon changing my position, I saw Mr. Griswold and Mr. Lyon engaged near to the Clerk's seat, the former with a large walking stick, which he, apparently, used with all his force, and the latter making his defence, by holding up his arms (without any weapon at that period) and endeavoring to close in with his antagonist. Soon afterwards the combatants fell upon the floor, near the stove, to the left of the Speaker's chair, when I ran foward and assisted in parting them. I remember seeing a member of the House take from Mr. Lyon a pair of fire-tongs, after he had fallen on the floor, I did not observe the commencement of the fracas, nor did I notice the attack which is said afterwards to have been made by Mr. Lyon on Mr. Griswold, outside of the bar.

W. C. C. CLAIBORNE.

Sworn and subscribed, the 17th February, 1798.

*Coram:* REYNOLD KEEN.

---

No. 4.

*Mr. Imlay's Testimony.*

James H. Imlay, being requested by the Committee of Privileges to communicate his recollection of the affair between Mr. Lyon and Mr. Griswold, says, that he came to the hall on Thursday morning the 15th instant, a few minutes after eleven o'clock; found Mr. Griswold in the hall, sitting in the chair usually occupied by Mr. Hindman, apparently engaged in reading a letter. Mr. Lyon came into the hall about three minutes after this deponent, with a cane in his hand, and took the seat he usually occupies, or the next to it on the north side. After casting his eyes around the hall for a few seconds, he appeared to be employed in looking over some papers lying on his desk. During this time, which perhaps might have been the space of between three and four minutes, Mr. Griswold continued reading his letter. At length he appeared to have finished the reading, and was about folding it up, when he discovered Mr. Lyon. At this time this deponent was standing within a yard, or thereabouts, of Mr. Griswold, who immediately on observing Mr. Lyon walked to the recess under the window on the north side of the Speaker's chair, where he had placed his cane; taking this in his hand, he walked to the opposite side of the hall, directly in front of the Speaker's seat, to the place where the member from Vermont was sitting, and when in front of Mr. Lyon struck him with his cane. Mr.

Lyon appeared to discover Mr. Griswold about the instant his arm was raised to strike, and at the utterance of some expression by Mr. Griswold, which this deponent did not distinctly hear, but supposed to be "you rascal." Mr. Lyon, when he received the blow, appeared to be in the act of rising. Mr. Griswold repeated his blow. Mr. Lyon rose, came out from his seat without his cane, advanced towards Mr. Griswold, as if with an endeavour to close in with him, which Mr. G. avoided by striking him or pushing him off with his left hand, and repeated his blows with his cane, as often as ten or eleven times, sometimes striking on the head, and sometimes over the shoulders. Mr. Lyon appeared now to desist from attempting to close in with Mr. Griswold, and endeavored to gain the northwest side or corner of the Speaker's seat. This he did, Mr. Griswold repeating his blows. Mr. Lyon being now near the stove, on the same side of the chair as just mentioned, seized the tongs standing by the stove. Mr. Griswold, then immediatly closed with him, and after a short scuffle, or contest, Mr. Lyon was thrown by Mr. Griswold, who fell with him, and with one hand endeavored to prevent Mr. Lyon from using the tongs to his injury, and with the other struck him once or twice in the face. They were then separated by the interference of several members. What happened without the bar, at the west end of the hall, this deponent did not see.

J. H. IMLAY.

Sworn and subscribed, the 17th February, 1798.
*Coram:* REYNOLD KEEN.

---

No. 5.

*Mr. James Gillespie's Testimony.*

James Gillespie being sworn, saith, that on Thursday morning the 15th instant, he came into the House of Representatives after prayers, and the Speaker had taken the chair; that whilst he was warming himself at the fire next on the right of the door, he saw Matthew Lyon, the member from Vermont, come to the letter bag, and was putting in some letters, as he, this deponent, passed him going into the House; that he also saw Roger Griswold sitting in a chair a small distance from the Speaker's seat, with a large walking-stick standing near him; that I went immediately to the alphabet and made search for my letters, and as I turned to my seat to read them, I heard a noise of blows, &c.; on looking that way, I saw Roger Griswold strike Matthew Lyon, who was in his place near the centre of the front desk opposite to the Speaker's seat, where he was then sitting; that as Mr. Lyon was getting round the desk he received two or three blows, and on attempting to close in with Mr. Griswold, he, Mr. Lyon, received several severe strokes with the stick from Mr. Griswold. That the deponent conceiving, from the complexion of the affair, that it was a preconcerted plan, did not interfere, but asked the Speaker to call to order, which he declined, although the call was loud from different parts of the House. That as Mr. Lyon advanced on Mr. Griswold, he retreated back towards the window near the Speaker's seat, by which Mr. Lyon became possessed of a pair of tongs and struck at Mr. Griswold, on which Mr. Griswold closed with him, and they fell, and in a little time were parted. That Mr. Lyon expressed disapprobation at being parted, and said, as he was rising, I wish I had been let alone awhile. That the deponent recollects that, as he turned to his seat, he saw Mr. Sewall, from Massachusetts; and on he, the deponent, expressing his disapprobation of such conduct, Mr. Sewall replied it was right, for we ought to have done them justice, and expelled Mr. Lyon; to which I answered, take to yourselves all the justice and credit that appertains to it; and went and read my letters, and heard no more for some time; when, looking up, I saw Mr. Sitgreaves going out of the south passage, with a walking stick, I believe, for Mr. Griswold; and then, and not before, the House was called to order, when this deponent thinks it was more than half past eleven o'clock.

JAMES GILLESPIE.

Sworn and subscribed, the 17th February, 1798.
*Coram:* REYNOLD KEEN.

---

*Questions by Mr. Sewall.*

*Question.* Did not the conversation you suppose to have happened with me, take place when you was, and I appeared to be, agitated with the confusion of the scene?

*Answer.* It was. I returned to my desk to read my letters from the first scene, and I presume somewhat agitated.

*Question.* Are you in any degree positive of the words you state to have heard from me?

*Answer.* To the best of my recollection, these were the words used, or they were words to the same effect.

---

No. 6.

*Mr. Shepard's Testimony.*

On Thursday morning last, I went into the Hall a little before eleven o'clock. After prayers were over, Mr. Griswold came into the hall, with a cane in his hand. He went and set his cane up near the window by the northwest part of the hall, and sat down near the end of the seat next the floor, and took out a letter (as I supposed) and went to reading it. Whilst he was reading, soon after, Mr. Lyon came into the House with a cane in his hand, went and took his seat, and went to writing, setting his cane beside him. I looked at Mr. Griswold, and thought that he did not see or observe Mr. Lyon. I then turned my eye off from them, and spoke to a gentleman who was a stranger to them both, and said that they were both now in the House; turned my face towards them, and saw Mr. Griswold then with his cane up, before Mr. Lyon, and he struck him a blow across his (Mr. Lyon's) shoulder. Mr. Lyon appeared to be about half way between sitting and standing. Mr. Griswold repeated the blow. Mr. Lyon soon got out on the floor of the hall, and made several attempts to get hold of Mr. Griswold, but failed in his attempts, as Mr. Griswold kept out of his reach, and continued the blows until Mr. Lyon retreated behind the Speaker's chair. The members then huddled round them so thick that I saw no more of the transaction, until they were separated; after which, Mr. Griswold came across the floor of the hall, and went through the passage by the door at which we enter the hall, and went without the bar to the southeast end of the hall, and drank some water. When standing near the place where the water is kept, without anything in his hand, Mr. Lyon came through the floor of the hall, with his cane in his hand, and came without the bar. I thought Mr. Griswold did not see him, until Mr. Lyon had his hand up to strike him, when he sprang, as I thought, to get out of the reach of his stick, but Mr. Lyon struck Mr. Griswold on his arm and shoulder, as I thought, slightly. Mr. Griswold then turned upon Mr. Lyon, when the doorkeeper sprang in between them. The Speaker then called the House to order, Mr. Griswold turned and went into his seat, and Mr. Lyon took

a chair, and sat by the water and washed himself, and remained there until after the House was adjourned.

WM. SHEPARD.

Sworn and subscribed, the 17th of February, 1798.
*Coram:* REYNOLD KEEN.

No. 7.

*Mr. Havens's Testimony.*

The hour at which the House were to meet, according to their adjournment on the preceding day, was eleven o'clock in the forenoon, and I went into the hall a little before this hour. Some short time after eleven o'clock, the House attended on prayer. After this was over, I was walking in the south end of the hall without the bar, and saw Mr. Lyon come in, with his cloak on, and go to his seat, which is the fourth from the end of that front row of seats which is on the left side of the passage leading up to the Speaker's chair. I saw him pull off his cloak and take his seat, and perceived that he had a small cane in his hand, which he either put between his legs, or leaned against a chair beside him, in such manner that the end of it was under the long desk that was before him. After he sat down, he appeared to be engaged either in writing or in reading the papers that were before him. It was then about half past eleven, and the Speaker was sitting in his chair, but had not called the House to order; and I then saw Mr. Griswold coming from the north end of the hall across the area in front of the Speaker's chair, with a large yellow hickory cane in his hand. Although I was looking that way, as I was walking, I did not notice him much until he came within about six or eight feet of Mr. Lyon. He was then walking across the floor in a sidelong manner towards Mr. Lyon, and Mr. Lyon was sitting with his face down, looking on his papers, and, as I presume, did not perceive the approach of Mr. Griswold; and, if my memory serves me right, I think he was sitting with his hat on. As soon as Mr. Griswold had come in front of Mr. Lyon, he struck him with all his force over his head and shoulders, with the smallest end of his cane, repeating his blows as fast as possible. Mr. Lyon, I think, received three blows in this posture, before he rose to disengage himself from the desk that was before him, and the chairs that were on each side of him. He appeared to be then trying to recover his cane which was under his desk, but could not do it by reason of the violence of Mr. Griswold's blows over his head and shoulders. He then rose from his seat, and got out at the end of the desk, defending himself with his arms against the blows of Mr. Griswold, and then rushed towards Mr. Griswold, and Mr. Griswold retreated towards the front of the Speaker's chair, and endeavored to keep Mr. Lyon at a distance from him, that he might strike him more conveniently with his cane. There was no person sitting on the same row of seats with Mr. Lyon when this assault began. The Speaker was in his chair; and as soon as the assault commenced, I expected he would cry out "order," with a loud voice, but he did not. I was induced to suppose this, because I always understood that the rule of the House gave the Speaker a right to call the members to order after the hour to which the House stood adjourned, although there might not be a sufficient number of members present to proceed to business.

Mr. Lyon then retreated round the Clerk's table, the right hand of the Speaker's chair, and Mr. Griswold still pursued him. They then went into the narrow passage which is between the wall of the House and the Speaker's chair, and I then heard a rattling noise as if it were made with a pair of tongs, but could not see the parties because the Speaker's chair was in the way, and I was myself then passing in front of the chair to come up to the parties engaged, as they might go through the passage on the left-hand side of the chair. As soon as they had got through the passage, Mr. G. either pushed Mr. L. down on his back in the northwest corner of the area by his own strength, or Mr. L. stumbled backwards over some chairs that stood in his way. From the situation in which I stood I could not well perceive how this happened, but I saw Mr. L. on the floor with Mr. G.'s head and shoulders on his breast, and Mr. G.'s legs were directed towards me as I came from the other end of the room. Mr. L. was then endeavoring to disengage himself from Mr. G., and had raised himself partly up, and I then perceived that he had a black eye. I then seized hold of Mr. G.'s left leg to pull him away from M. L., and another member, whom I afterwards noticed to be my colleague, Mr. Elmendorph, seized at the same time hold of Mr. G.'s right leg with the same view. As soon as we had done this, Mr. Speaker cried out to me and said, "That is not a proper way to take hold of him." I asked him why? He replied, "You ought to take hold of him by the shoulders." I said it would not hurt him to pull him a foot or two on the carpet. We then in this manner pulled Mr. G. from off Mr. L., and by this time a number of other members had gathered round, and the affray appeared to be over. I then walked back to the south end of the hall, to the place where I stood when the assault began. Mr. G. then passed by me, and went to the easternmost shelf on which water stands for the use of the members, and was drinking when Mr. L. passed by me with his small cane in his hand, and went to the same shelf to drink with Mr. G. As soon as Mr. L. had drunk a little, he looked up, and perceiving that it was Mr. G., who stood close by him, he said, "Is it you?" and struck at him with his cane, and hit him on his left shoulder or cheek. I observed that Mr. L.'s blow was but a feeble one, and Mr. G. then retreated from him six or eight feet, and I then noticed that Mr. G. had no cane in his hand. I then saw Mr. Sitgreaves run to the southeast corner of the room and get a large hickory cane, and passing by Mr. L. with a good deal of animation in his countenance, he put the cane in Mr. G.'s hand. Mr. L. then put himself in a posture of defence, and said "Come on." I then cried out "Order!" and Mr. Thomson, from New Jersey, then stepping up, and looking me full in the face said, "What is the matter?" I replied, I would have no more fighting here. Mr. G. then retired, and Mr. Speaker called the house to order, and so the affray ended.

JONATHAN N. HAVENS.

Sworn and subscribed the 17th of February, 1789.
*Coram:* REYNOLD KEEN.

No. 8.

*Mr. Gordon's Testimony.*

I, WILLIAM GORDON, do testify and say, that on the morning of the 15th of February instant, about the hour of eleven, I went to the hall of the House of Representatives. Very soon after I had entered, I observed that Mr. Griswold came in with a cane in his hand. In the course of a few minutes afterwards, Mr. Lyon also came into the House, and immediately went and placed himself in the seat which he has usually

occupied, nearly opposite to the chair of the Speaker. He had in his hand a cane, which, as he seated himself, he placed behind him. On seeing him, I immediately threw my eyes upon Mr. Griswold, but could not discover that he saw or took notice of him. At this time the Speaker was in his chair and writing, as is usually the case at that hour of the day, but the House had not come nor had it been called to order. Few members, comparatively speaking, were within the bar. In the course of a very few minutes after Mr. L. had seated himself, I saw Mr. G. with his cane in his hand, advancing from the floor to the left of the chair of the Speaker, with a very quick and strong step towards Mr. L. As he advanced he raised his cane, and uttered an exclamation of "Rascal!" or "Scoundrel!" or of the like import. Before Mr. G. reached him, Mr. L., according to the best of my recollection, had partly risen up, from which I conclude he had discovered Mr. G. approaching him. As soon as Mr. G. was within such a distance from Mr. L. as to reach him with effect, he instantly applied his cane with great force to his back and shoulders. As soon as Mr. L. was able to effect it, he made his way from the seats into the floor on the inner side of the seats, then quickly advanced towards Mr. G. apparently with intent either to catch hold of his cane or to close with him. Mr. G. seemed to be aware of his intentions, stepping backwards in such a manner as to keep Mr. L. at a proper distance for the use of his cane, rapidly applying it to his back and shoulders. As soon as Mr. L. had got to the line of the passage behind the Speaker's chair, he instantly attempted to escape that way to the opposite side of the House. Mr. G. pursuing him, gave him three or four blows across the back. At this time I observed Mr. L. turning, it appearing to me that he was prevented from passing any further in that direction by the crowd that was advancing towards the scene of action. After he turned he seized the tongs by the fireside, and Mr. G. then being very near to him, struck him with them. Mr. G. laid hold of them, and they immediately closed in with each other. After a short struggle Mr. G. threw Mr. L. on the floor, and fell upon him. They laid some little time in this situation, Mr. G. attempting to disentangle himself from the grasp of Mr. L. in order to pursue his chastisement further, and had nearly effected it and placed himself in a situation proper for that purpose, when two or three persons laid hold of him, and drew him off from Mr. L. While down, he gave Mr. L. one blow in the face, and wrested the tongs from his hands. When separated, I saw Mr. G. go towards the outside of the bar, I suppose with a view to take some water. Shortly afterwards I saw Mr. L. making towards that part of the House where Mr. G. was. He approached Mr. G., who was standing at the entrance of the bar, and struck him with a cane. Mr. G.'s cane was instantly handed him, and he was making again towards Mr. L., when there was a loud call to order for the first time; this was instantly repeated by the Speaker. I laid hold of Mr. G., sundry persons threw themselves between him and Mr. L., and Mr. G. instantly retired and took his seat.

WILLIAM GORDON.

The foregoing sworn to and subscribed, the 17th of February, 1798. *Coram:* Reynold Keen.

No. 9.

*Mr. Elmendorph's Testimony.*

On Thursday morning last, having been engaged in writing in my room until I thought it very late, I entered the House of Representatives with some surprise, at not finding it engaged in business. The Speaker sat (I think) writing in his chair, as I crossed the floor to the letter box; and, on returning to my seat, I saw Mr. Lyon in his seat, in the posture of writing, or reading, papers lying on his desk before him, having his hat on, and not appearing to perceive me to pass him, although very near him. From my seat—which is the second in the third row, almost directly behind his, which is the middle seat in the front row—I observed him in the same posture immediately before I heard the first blow of a cane; upon hearing which, I observed him still sitting, with one arm in the position of covering his head and warding off blows, and the other in feeling, as I thought, for a cane on the floor, beside or before him. I saw Mr. Griswold at this time on the open floor directly before him, beating him with all the strength and dexterity apparently in his power, with a cane of the stoutest kind of American made hickory, and repeating his blows as fast as I thought he could make them. Under this pressure, Mr. Lyon, in a defenceless state, made out of his seat side-ways, being hemmed in before and behind by the desks and seats, so that it was wholly out of his power to escape a single blow, or to interrupt Mr. Griswold in the act of beating him. Immediately, I myself, for one, rose in my seat, and loudly and repeatedly called out to the Chair for order. I heard the same call from different parts of the House; but I did not observe or hear any effort from the Speaker to restore it, or any personal attempt by any one near to interfere and prevent the attack. On the contrary, I think I distinctly heard the Speaker reply that the House had not yet been called to order, as a reason for not interfering at all. As soon as Mr. Lyon had got out of the row of seats, he made towards Mr. Griswold, and made every effort to close with him, as it appeared to me. Mr. Griswold, on his part, avoided this, by holding him off with his left arm, stepping back, and continuing to beat Mr. Lyon with his cane, as before, until in this way they both got to the fireplace, to the left of the Speaker's chair. I then heard the noise of the tongs, and immediately after saw them have hold of each other, and Mr. Griswold's cane falling out of his hand. Soon after they both fell, having hold of each other, Mr. Griswold partly upon Mr. Lyon. At this time I got to the place where they were engaged, and called out to part them. I heard the same cry from behind the Chair, and I also heard the opposite cry from others, not to part them. Mr. Havens and myself each took hold of Mr. Griswold's legs, and, I think, together, drew him off from Mr. Lyon. At the same time, I think, I saw others have hold of Mr. Lyon. When the Speaker observed Mr. Havens and myself taking hold of Mr Griswold, he, with apparent warmth, as if thereby to prevent our interfering, called out, in substance, as nearly as I can recollect, "What! take hold of a man by the legs!—that is no way to take hold of him." Notwithstanding, I persevered, and, I think, Mr. Havens assisted me, in drawing Mr. Griswold apart from Mr. Lyon. Mr. Lyon went direct from that place to his seat, where he got a small cane, and went from thence south of the bar, where I saw him and Mr. Griswold soon after meeting, and Mr. Lyon making up to him—Mr. Griswold retiring from Mr. Lyon, and Mr. Lyon making a blow at him with his cane, which Mr. Griswold, I think, received on his arm or shoulder.

The loud cry of "order" from all parts of the House, and from the Chair, here put an end to the affray.

Mr. Griswold's cane was here delivered to him by Mr. Sitgreaves, I think, just as he stepped within the bar, which he took from thence, I think, direct to his seat—Mr. Lyon remained without the bar; and thus the affray ended, and the House proceeded to business.

LUCAS ELMENDORPH.

Sworn and subscribed the 17th of February, 1798.
*Coram:* REYNOLD KEEN.

No. 10.

*Mr. Stanford's Testimony.*

When the riot commenced in the Hall of Congress, on the morning of the 15th instant, between Mr. Griswold and Mr. Lyon, it was about twenty or thirty minutes after eleven o'clock. Prayers were over, but the House not yet called to order. Sitting in my chair, I was attentively reading some letters I had just received. In an instant, the sudden bustle arrested my notice. Not having observed either of the parties enter the Hall, I then saw Mr. Griswold on the area of the floor, with an apparently heavy stick, making a blow (perhaps not the first) at Mr. Lyon, who was between his desk and chair, in an half rising position. This blow, I think, he received on his left arm or shoulder, and a second as he was disengaging himself from among the desks and chairs. Once possessing the floor, he essayed to join Mr. Griswold, who evaded him by a retrograde step, and a third blow, which fell upon Mr. Lyon's head, his hat being off. Then beating back a little to the left of the Speaker's desk as Mr. Griswold approached, repeating his strokes, Mr. Lyon again attempted to close in with him, but failed, and made suddenly behind the Speaker's desk, which, with the crowding members, for a moment intercepted my view. Then instantly again I saw Mr. Lyon with a pair of tongs elevated for a stroke at Mr. Griswold, which seemed to be somehow parried, so as not to be fully made. A collision, I think, of the stick, tongs and persons now took place—Mr. Griswold about this time lost his stick: thus clung, they came down together. The fall, I rather think, I did not see, from the intervening members; but, when down, they appeared to be grappled about the head and shoulders, and Mr. Griswold rather uppermost. The confusion of the House was great, and the cry of "Part them" pretty general. Thus, while some gentlemen were disentangling their hands, others had Mr. Griswold by the legs, and were pulling him away, which was effected.

The Speaker, standing on the steps of his desk, said that it was either unfair or ungentlemanly to take a man thus by the legs. General McDowell then observed, that he (the Speaker) had acted his part in the business; and the Speaker asking what he said, General McDowell repeated his observation, and the Speaker answered, what could he do, the House was not called to order, he could not help the event. The General replied, he supposed he could not.

The parties having been separated and left at large, they casually met again after a small space, at the south water-stand without the bar, when Mr. Lyon, as soon as he appeared to discover who it was, raised his stick, which he had got hold off in the interval, and struck Mr. Griswold on the shoulder or arm. The stroke was quite light, being hastily made, and with a stick not very large. Mr. Griswold then beat back to the entrance of the bar, where some one, I think Mr. Sitgreaves, ran, and met him with a similar or the same stick, which he had lost in the first rencontre. Mr. Lyon, also, after striking, stepped back from the water-stand, elevated his stick, and stood in an attitude of defence. Now it was that the Speaker called to order, and no other conflict ensued. Mr. Griswold presently returned to his seat, and Mr. Lyon remained at the water-stand.

The above detail is as correct as my memory serves me to give of so unexpected a fracas within the walls of the House.

R. STANFORD.

Sworn to and subscribed the 17th of February, 1798.
*Coram:* REYNOLD KEEN.

On a motion to read the report a second time being made,

Mr. VENABLE said, that one of the select committee (Mr. RUTLEDGE, who was to-day indisposed,) had requested that the business might not be taken up to-day, but that it might be deferred till to-morrow.

Mr. SITGREAVES suggested the propriety of printing the evidence in the meantime, which would prevent any delay in the business.

Mr. KITTERA thought this unnecessary, as the fact to be ascertained had been done in the face of so great a part of the House, it would be an unnecessary expense to print the evidence.

Mr. SITGREAVES said, as it had been thought necessary to take the evidence, it would surely be proper that every member should have it before him.

Mr. McDOWELL allowed that the disorder which this evidence went to substantiate was pretty well known in the House; yet he hoped the papers would be printed.

Mr. HARPER said, though many members were unfortunately present when the affair occurred to which the evidence referred, many, however, were not in the House, and those who would wish to see the evidence; he himself was not present, and wished to see it. He hoped therefore it would be printed.

The motion for printing was put and carried.

## FOREIGN INTERCOURSE.

Mr. HARPER then moved to postpone the unfinished business relative to foreign intercourse until Monday next, as he wished it to be deferred until the report of the Committee of Privileges was decided upon.

Mr. GORDON would agree to the postponement, if the gentleman from South Carolina would alter his motion to Thursday, instead of Monday.

Mr. HARPER consented, and the postponement was agreed to.

WEDNESDAY, February 21.

## TREATY WITH INDIANS.

Mr. VENABLE, from the committee to whom was referred the amendments of the Senate to the bill appropriating a sum of money for holding a treaty with the Indians, respecting their title to lands in the State of Tennessee or North Carolina, made a report, recommending an agree-

ment to all the amendments, except one, to which they recommended a disagreement. The amendments agreed to related to striking out the States of Tennessee and North Carolina, leaving the direction to the President of the United States, in general terms, to hold such treaty or treaties with the Indians (without mentioning any particular tribe) as he shall think proper. The amendment which the committee recommended to be dissented from, was in the following words:

"*Provided,* Nothing contained in this act shall be construed to admit an obligation on the part of the United States to extinguish for the benefit of any State, or individual citizen, Indian claims to any lands lying within the territory of the United States."

This amendment produced a debate which lasted the greater part of the sitting. It was opposed by Messrs. W. CLAIBORNE, NICHOLAS, VENABLE, S. SMITH, R. WILLIAMS, MCDOWELL, GALLATIN, and MACON, on the ground of its being a new thing to introduce such a clause into a bill of this kind; that the bill was complete without it; and that to agree to this amendment, would amount to a denial of the claim against the United States of the petitioners from the State of Tennessee and others, to an extinguishment of the Indian title to their lands, which they were satisfied was well founded, and a denial of which would be equally unjust and impolitic; that it would be best to let this question remain untouched for the present, leaving it to the President to act as he shall see proper; as, if the petitioners and others had a claim, the amendment proposed could not take it away; it could, therefore, have no other effect than a bad one, as it might, and it was believed would, be considered as a declaration against all persons who had claims of this kind against the United States; that the persons who would be affected by such a declaration were very numerous; that those who had been driven from off their lands in the State of Tennessee, and who had, in consequence, experienced the greatest distress, might be induced, from a despair of redress, to go over to the Spanish territory, or insist upon holding their lands in defiance of the late treaty with the Cherokee Indians; the former alternative was by no means desirable, but the latter might involve the United States in a war with the Indians.

This amendment of the Senate was advocated by Messrs. SITGREAVES, N. SMITH, HARPER, SEWALL, GORDON, OTIS, and DANA, as necessary to establish the principle upon which the law was passed. The business originated, they stated, upon a memorial from the inhabitants of Tennessee, whose claims for redress against the United States had always been advocated upon the ground of *justice;* whereas it was believed that the present bill had been agreed to upon the ground of *policy,* by the greater part of those who voted for it. It was necessary, therefore, to introduce a clause of this kind, to show upon what ground the law did pass, otherwise it might hereafter be insisted that the law was predicated upon a conviction of the justice of the claims of these citizens upon the United States, which, it was presumed, the House was neither prepared, at present, to admit or deny. They wished to leave this question undecided, and denied that this clause which was introduced for that purpose, could be construed as a declaration against the right of the claimants to redress from the Government of the United States. It was intended, and could only be so considered, as a saving clause against consequences which might be attempted to be drawn from the law, and which it was not intended to provide for.

The yeas and nays being called for upon the question of concurring with the select committee in their disagreement to this amendment from the Senate, they were taken as follows, and stood—yeas 46, nays 48:

YEAS—Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Nathan Bryan, Demsey Burges, Samuel J. Cabell, William C. C. Claiborne, Matthew Clay, John Clopton, Thomas T. Davis, John Dawson, Lucas Elmendorph, William Findley, John Fowler, Nathaniel Freeman, jr., Albert Gallatin, James Gillespie, William Barry Grove, Carter B. Harrison, Jonathan N. Havens, David Holmes, Walter Jones, Edward Livingston, Matthew Locke, Matthew Lyon, James Machir, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, John Nicholas, Isaac Parker, John Rutledge, jun., Tompson J. Skinner, Samuel Smith, William Smith, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Abram Trigg, John Trigg, Joseph B. Varnum, Abraham Venable, and Robert Williams.

NAYS—John Allen, George Baer, jr., Bailey Bartlett, James A. Bayard, David Brooks, Stephen Bullock, Christopher G. Champlin, John Chapman, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, George Dent, Thomas Evans, Abiel Foster, Dwight Foster, Henry Glen, Chauncey Goodrich, William Gordon, Andrew Gregg, Roger Griswold, John A. Hanna, Robert Goodloe Harper, Thomas Hartley, Joseph Heister, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, William Matthews, Lewis R. Morris, Harrison G. Otis, John Reed, James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, Peleg Sprague, George Thatcher, Richard Thomas, Mark Thomson, Thomas Tillinghast, John E. Van Alen, Peleg Wadsworth, and John Williams.

The report of the select committee having been negatived, the question was now upon agreeing to the amendment itself.

Mr. BAYARD moved to amend the amendment, by striking out the word *territory,* and inserting the words, "*limits of the United States;*" which motion was carried—47 to 41.

The question on the amendment was then put and carried—47 to 46.

## VESSELS CAPTURED OR DETAINED.

Mr. S. SMITH called up for decision the resolution which he laid upon the table the other day, for obtaining from the Collectors of the several ports of the United States a statement of vessels captured or detained by foreign nations, belonging to the United States, since the first of July, 1795.

Mr. J. WILLIAMS doubted whether the Collectors could give the information required.

Mr. S. SMITH believed they could. The Senate, he said, had adopted a resolution of a similar purport with this, but he did not think it sufficiently particular, which was the reason of his introducing this.

Mr. GORDON did not see any necessity for adopting this resolution, since the Senate had already passed one of a similar tendency.

Mr. THATCHER was in favor of the resolution; but did not think it went far enough back.

Mr. J. WILLIAMS moved to strike out the first July, 1795, in order to insert "Since the ratification of the British Treaty."

Mr. S. SMITH thought the first of July, 1795, a proper period; but if the gentleman from Massachusetts would bring forward a proposition to have a statement from the commencement of the European war, he should not object to it. Many attempts had heretofore been made to obtain a correct list of captures, but it had never been effected. The last session an imperfect account was laid before the House collected from newspapers; he believed the course now proposed would produce more satisfaction than had yet been obtained on this head.

Mr. THATCHER moved that the statement should commence from the first of October, 1792, when neutral vessels were first stopped in the ports of England, a period which was a few months previous to the breaking out of the war between France and England.

Mr. S. SMITH consented to this alteration.

Mr. HARPER moved to strike out the 1st of October, 1792, for the purpose of inserting "from the ratification of the British Treaty." He did not see why the House should ask for a long story of captures since the year 1792. The object required was a simple one, and lay within a much narrower compass. It was merely to obtain a comparative statement of captures made by France and England within a certain period. To take the account so far back, would only serve to retard the inquiry, without being of any real use.

The question was put on this amendment and negatived, there being only 23 votes in favor of it.

The question then recurred on the resolution as amended by Mr. THATCHER'S proposition.

Mr. ALLEN moved to add, "and for what cause." He did not know that the proposed inquiry could be of any other use than to satisfy curiosity; but, if any part of it could be of use, he thought it would be well to have the causes of capture assigned.

Mr. OTIS hoped this amendment would not obtain, as it would be very puzzling, indeed, to know for what cause our vessels had been despoiled and captured.

Mr. J. WILLIAMS said, if it were possible to distinguish between fair and illicit traders, among the captures, he should be glad; but he feared this object could not be accomplished.

Mr. SITGREAVES remarked, that though the Collectors could not in all cases give an answer to this inquiry, they might in some. Indeed, he did not know that they could give the other information required any more than this, as he knew no mode by which they could get possession of it. If they could not answer this inquiry, it would be easy for them to say so. He hoped, therefore, it would be agreed to.

The motion was put and negatived, there being only 26 votes in favor of it.

The question was taken on the resolution, and carried, there being 58 votes in favor of it.

---

THURSDAY, February 22.

The usual time of calling the House to order being arrived, the Clerk desired members to take their seats; which being done,

Mr. KITTERA said, the Speaker had desired him to inform the House that he was so much indisposed as to be unable to attend the House today. Mr. K. suggested the propriety, therefore, of adjourning the orders of to-day till to-morrow.

Mr. J. WILLIAMS did not see a necessity for this. He thought the House might informally go into a Committee of the Whole on the report of the Committee of Privileges. He had seen this course taken in other Legislative bodies, and as it would be the means of saving a day, he hoped this mode would now be adopted.

Mr. THATCHER hoped gentlemen would not consent to go on with business in an informal manner, since it was evident they were sufficiently informal with all their forms.

Mr. HARRISON inquired if there was any probability that the Speaker would be able to attend the House to-morrow. If not, he should be for choosing a temporary Speaker.

Mr. KITTERA said, the indisposition of the Speaker was occasioned by a severe headache, to which he was subject; that it generally continued for six or eight hours, and afterwards he was perfectly well.

The question for postponement of the orders of the day till to-morrow was then put by the Clerk, and carried; and then the House adjourned till to-morrow.

---

FRIDAY, February 23.

The bill providing for the widows and orphans of certain deceased officers, was read the third time, and passed.

REVENUE STATEMENTS.

A communication was laid before the House by the SPEAKER, from the Secretary of the Treasury, enclosing sundry documents prepared by the late Commissioner of the Revenue, in consequence of a resolution of the House of the 6th of January, 1798, requiring to be laid before the House every session, within ten days after its meeting, a statement of the nett produce of the Internal Revenues, the salaries of the Collectors, &c., for the year preceding. The Secretary apologizes for not having made the communication sooner. It was ordered to be printed.

## CITY OF WASHINGTON.

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

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

The enclosed memorial from the Commissioners appointed under an act of the United States, entitled "An act for establishing the temporary and permanent seat of the Government of the United States," representing the situation and circumstances of the city of Washington, I take this opportunity to present to both Houses of the Legislature, and recommend to their consideration. Alexander White, Esq., one of those Commissioners, is now in this city, and will be able to give to Congress, or any of their committees, any explanation or further information which the subject may require.

JOHN ADAMS.

UNITED STATES, *February* 23, 1798.

The Message and the memorial accompanying it (which prays further assistance from Congress in behalf of the Federal City) were ordered to be printed, and were referred to a committee of the following gentlemen, viz: Messrs. CRAIK, SITGREAVES, BRENT, STANFORD, VARNUM, ALLEN, and SUMTER.

## CASE OF GRISWOLD AND LYON.

The House proceeded to consider the report of the Committee of Privileges, of the twentieth instant; and the same being again read in the words following, to wit:

The Committee of Privileges, to whom was referred a resolution in the following words, to wit: "*Resolved*, That Roger Griswold and Matthew Lyon, members of this House, for riotous and disorderly behaviour, committed in the House, be expelled therefrom," with instructions to report the evidence in writing, have, according to the order of the House, proceeded to take the evidence, which they herewith report; and they report further, that it is their opinion that the said resolution be disagreed to.

Mr. DAVIS said he hoped the House would disagree to the report of their Committee of Privileges; after this was done, the resolution could be altered in such a manner as gentlemen might think proper.

Mr. DENT called for the yeas and nays. Agreed to be taken.

Mr. SITGREAVES said there were many considerations which should incline the House to come to a decision upon the present business without entering into any unnecessary discussion; and there were others which should lead them to avoid coming to an immediate decision. He should, therefore, move that the further consideration of this subject be postponed until the 4th of March, 1799.

Mr. NICHOLAS called for the yeas and nays upon this question; which being agreed to, were taken, and stood—yeas 38, nays 53, as follows:

YEAS—John Allen, Bailey Bartlett, James A. Bayard, David Brooks, Stephen Bullock, Christopher G. Champlin, John Chapman, James Cochran, Joshua Coit, Samuel W. Dana, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, Lewis R. Morris, Harrison G. Otis, Isaac Parker, John Reed, John Rutledge, junior, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, Peleg Sprague, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, and John Williams.

NAYS—George Baer, jr., Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Nathan Bryan, Demsey Burges, Samuel J. Cabell, Thomas Claiborne, William C. C. Claiborne, Matthew Clay, John Clopton, William Craik, Thomas T. Davis, John Dawson, George Dent, Lucas Elmendorph, Thomas Evans, William Findley, Albert Gallatin, William B. Giles, James Gillespie, Andrew Gregg, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Edward Livingston, Matthew Locke, James Machir, Nathaniel Macon, William Matthews, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, John Nicholas, Tompson J. Skinner, Samuel Smith, William Smith, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Thomas Tillinghast, Abram Trigg, John Trigg, Joseph B. Varnum, Abraham Venable, Peleg Wadsworth, and Robert Williams.

The motion for postponement being lost, the question on agreeing to the report of the committee recurred.

Mr. BAYARD believed it would not be in order to call for a division of the question. The resolution implicated two persons, which he thought improper. If the report of the committee was, however, disagreed to, he supposed it would then be in order to move for a division of the question. He should, therefore, vote against the report as he wished the cases to be separately considered, as they stood on distinct ground, and were not attended with the same circumstances; and, reasoning from analogy, he knew of no instance in a Court of Justice, where two persons had ever been included in the same charge when their crimes were different. If the situation of both these gentlemen had been the same, there might have been propriety in coupling them together; but as this was not the case, he was opposed to taking an opinion upon both together.

Mr. MCDOWELL thought it would be proper to take the same course in this business as was taken in a former case. He moved, therefore, that the report be read a second time, for the purpose of committing it to a Committee of the whole House.

Mr. GORDON was opposed to this mode of proceeding. Every one knew the question, and were as well prepared to decide upon it now, as they would be after going into a committee upon it.

Mr. GILES thought it would comport more with the dignity of the House to decide this business without going into a Committee of the Whole, as he believed every one had made up his mind upon it. If gentlemen intended by the course heretofore taken to raise the dignity of the House, he thought they had deceived themselves; for he believed the House was never in a less dignified attitude than during that discussion.

Mr. MCDOWELL thought the mode he had point-

ed out necessary, for the sake of uniformity; but, as other gentlemen seemed to think it unnecessary, he would withdraw his motion.

Mr. R. WILLIAMS wished to know whether it would be in order to amend the report of the Committee of Privileges, or to suggest the propriety of disagreeing to it, for the purpose of substituting a different punishment from that proposed, viz: that the offending members should be reprimanded by the Speaker in the presence of the House? He believed that a punishment of this kind would satisfy many gentlemen who did not wish to expel the members, but who, at the same time, did not wish they should go unpunished.

The SPEAKER said that motion would be in order after the report of the committee was decided upon.

Mr. GALLATIN remarked, that if the report was agreed to, the resolution for an expulsion would of course be negatived, and then any other proposition would be in order; and, on the other hand, if the report was disagreed to, the resolution would be before them, and open to amendment. Mr. G. said he rose to make an observation upon what fell from the gentleman from Delaware (Mr. BAYARD.) That gentleman had said he would vote against the report, because he wished to distinguish between the two members. The reason which he gave, though he might have good reasons for his vote, did not appear to him to be correct. That gentleman seemed to suppose that the facts for which the two members were to be expelled, were facts committed at different times, and of a different nature; whereas the facts for which both were proposed to be expelled, were offences of the same nature, and committed on the same day. What related to the previous conduct of the member from Vermont, was not now under consideration. In order to have that conduct before them, it would be necessary that a reconsideration of it should be moved by a member who voted against that member's expulsion, and seconded by another member who voted on the same side of the question. The argument of the gentleman from Delaware, therefore, did not apply. He said, he should himself vote in favor of the report of the Committee of Privileges. He was against expelling either of the gentlemen.

Mr. DANA agreed with the gentleman last up, in his conclusions; but he did not seem rightly to have understood the argument of the gentleman from Delaware. If the gentleman from Pennsylvania was acquainted with legal principles, with established principles relative to punishment, he must know that no persons can be charged jointly with an offence, except jointly guilty, and except they had mutually agreed to commit the offence. The resolution, in its present form, therefore, offended against established maxims of propriety.

Mr. BAYARD said, the statement of the gentleman from Pennsylvania was not correct. He had stated that the offences of the two members were the same in circumstances, and committed at the same time. He apprehended the two cases were very distinct; as, by the depositions before the House, it appeared that the offence of the member from Connecticut was committed *before* the House was called to order, and that the offence of the member from Vermont was committed *after* the House was called to order. The argument most depended upon in a former case, against the expulsion of the member from Vermont, was that which insisted that the act of violence complained of being committed when the House was not in session, was not a cause of expulsion. If this argument had weight at that time, it ought also to have weight in the present case. It would, therefore, be the height of injustice to blend the two cases together; since there might be cause for expelling one member and not the other.

The SPEAKER observed that everything which had been said with respect to a division of the question was out of order, as it could not be divided. He would also remark, in order to shorten the debate, that the House was not called to order when the stroke was made by the member from Vermont, upon the member from Connecticut without the bar of the House.

Mr. HARPER asked, if the report of the committee should not be agreed to, whether the resolution might not then be agreed to?

The SPEAKER replied, it could not be divided; but a separate resolution might be brought forward.

The question on agreeing to the report of the committee, which recommended a disagreement to the resolution for an expulsion of the two members was then taken, and stood—yeas 73, nays 21, as follows:

YEAS—John Allen, Abraham Baldwin, Bailey Bartlett, Richard Brent, David Brooks, Stephen Bullock, Samuel J. Cabell, Christopher G. Champlin, John Chapman, Thomas Claiborne, William Charles Cole Claiborne, Matthew Clay, John Clopton, James Cochran, Joshua Coit, Samuel W. Dana, John Dawson, Lucas Elmendorph, William Findley, Abiel Foster, Dwight Foster, John Fowler, Jonathan Freeman, Albert Gallatin, William B. Giles, James Gillespie, Henry Glen, Chauncey Goodrich, William Gordon, Andrew Gregg, John A. Hanna, Carter B. Harrison, Thomas Hartley, Jonathan N. Havens, William Hindman, Hezekiah L. Hosmer, James H. Imlay, Walter Jones, Edward Livingston, Matthew Locke, Samuel Lyman, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Lewis R. Morris, Anthony New, John Nicholas, Harrison G. Otis, Isaac Parker, John Read, John Rutledge, jr., Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Tompson J. Skinner, Nathaniel Smith, Samuel Smith, William Smith, Peleg Sprague, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, George Thatcher, Richard Thomas, Mark Thomson, Abram Trigg, John E. Van Alen, Joseph B. Varnum, Abraham Venable, John Williams, and Robert Williams.

NAYS—George Baer, jr., David Bard, Lemuel Benton, Thomas Blount, Nathan Bryan, Demsey Burges, William Craik, Thomas T. Davis, George Dent, Thomas Evans, William Barry Grove, Robert Goodloe Harper, Joseph Heister, David Holmes, John Wilkes Kittera, James Machir, William Matthews, Thomas Tillinghast, John Trigg, and Peleg Wadsworth.

The resolution for an expulsion having been disagreed to,

Mr. R. WILLIAMS proposed a resolution in the following words:

"*Resolved*, That Roger Griswold and Matthew Lyon, for riotous and disorderly behaviour in this House, are highly censurable, and that they be reprimanded by the Speaker in the presence of this House."

Mr. HARPER moved the previous question upon this resolution. He did it, he said, upon this ground. The House had just decided, and they had lately decided in another instance, that disorderly conduct shall not be punished by expulsion; and it was his opinion that no less punishment than expulsion ought to be inflicted, as he was unwilling to diminish the reprehensive power of the House, by inflicting what he thought inadequate punishment for offences of this nature. If there were any gentlemen who thought this conduct excusable, and that it ought not to be punished, they would, of course, vote in favor of the previous question; and those who thought with him, that both ought to be expelled, would also vote in favor of it.

Mr. NICHOLAS called for the yeas and nays upon this question. Agreed to be taken.

Mr. GALLATIN said, by the gentleman from South Carolina having moved the previous question, he had excluded any discussion upon the merits of the main question. Mr. G. wished some reasons might be given why the main question ought not to be put. Those given by the gentleman from South Carolina were applicable to the resolution itself: they were reasons why he should vote against the resolution, but they did not strike him as reasons why the question should not at all be taken.

The previous question was then put in this form: "Shall the main question (viz: the resolution for reprimanding the offending members) now be put?" And the yeas and nays were taken, and stood—yeas 47, nays 48, as follows:

YEAS—Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Richard Brent, Nathan Bryan, Demsey Burges, Samuel J. Cabell, Thomas Claiborne, William Charles Cole Claiborne, Matthew Clay, John Clopton, Thomas T. Davis, John Dawson, Lucas Elmendorph, William Findley, John Fowler, Nathaniel Freeman, jun., Albert Gallatin, William B. Giles, James Gillespie, Andrew Gregg, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Edward Livingston, Matthew Locke, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, John Nicholas, Tompson J. Skinner, Samuel Smith, William Smith, Richard Sprigg, Richard Stanford, Thomas Sumter, Abram Trigg, John Trigg, Joseph B. Varnum, Abraham Venable, and Robert Williams.

NAYS—John Allen, George Baer, jun., Bailey Bartlett, James A. Bayard, David Brooks, Stephen Bullock, Christopher G. Champlin, John Chapman, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, George Dent, Thos. Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, William Barry Grove, Robert Goodloe Harper, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, James Machir, William Matthews, Lewis R. Morris, Harrison G. Otis, Isaac Parker, John Reed, John Rutledge, jun., Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, Peleg Sprague, George Thatcher, Richard Thomas, Mark Thomson, Thomas Tillinghast, John E. Van Alen, Peleg Wadsworth, and John Williams.

## RELIEF TO AMERICAN SEAMEN.

Mr. LIVINGSTON then moved the order of the day on the report of the Committee of the Whole on the bill for the relief and protection of American seamen; when the amendment requiring masters of vessels to give bond for the return of their seamen, or to render a proper account of them, came again under discussion, but some difference of opinion arising upon the propriety of the clause, a motion was made to recommit the bill to a Committee of the Whole, which was carried, and it was made the order of the day for Monday.

---

MONDAY, February 26.

Mr. THATCHER, from the Committee on Post Offices and Post Roads, made a report on the petition of certain deputy postmasters, who prayed that a declaration might be made of the law respecting their liability for bank notes, &c., which pass through their hands. The committee recommend that this subject should be left, for the present, to the decision of the courts of law. Ordered to lie on the table.

Mr. DENT, from the committee to whom was referred the resolution proposing that persons attending the House for the purpose of reporting the debates, should be admitted to take their places within the bar of the House, reported it as the opinion of the committee that the resolution ought to be rejected. This report was referred to the Committee of the Whole, to whom has been referred other propositions for amending the standing rules of the House.

Mr. HARPER, from the Committee of Ways and Means, instructed to inquire whether any, and, if any, what alterations were necessary in the act laying a duty on licenses for the sale of wines and foreign spirits by retail, reported it as their opinion that it will not be expedient to make any alteration therein at the present time. Concurred in.

Mr. N. SMITH, from the committee to whom it was referred to inquire into the propriety of making any alteration in the insolvent law, reported it to be their opinion that the law ought to be so altered and amended as to extend to persons imprisoned in civil causes at the suit of the United States. Committed for to morrow.

## DUTY ON CARRIAGES.

Mr. HARPER, from the Committee of Ways and Means, stated that the committee had received certain information on the subject of the carriage duty, which led them to believe an alteration would be necessary in the law. This opinion was founded on a letter from the Supervisor of South Carolina, who stated that one of the Collectors in his district, from a failure of due payment, had to ride forty miles to collect two dollars; for which

service, according to the penalty by law of 25 per cent. on persons neglecting to pay their duty at the proper office, he only received half a dollar; and that except some alteration was made in the law, no Collector would hold an office which subjected him to such service. The committee, therefore, proposed to alter the penalty of 25 per cent. to 50 per cent., and reported the following resolution to the House for adoption.

"*Resolved*, That the Committee of Ways and Means have leave to bring in a bill for amending the act for laying a duty on carriages for the conveyance of persons."

An agreement to this resolution was objected to. It was observed that the Committee of Ways and Means ought to have stated the reason which induced them to believe an alteration was necessary in the law; that a single instance of complaint was not sufficient to induce a change; that, though in this particular case the officer had to ride forty miles to collect the duty in question, few similar cases could be produced where such a journey would be necessary for the collection of so small a sum; and that it would be imprudent to double the penalty upon the whole United States, because of a few cases of this sort.

A motion was first made to commit this resolution to a Committee of the Whole, which was negatived—41 to 38.

## EXAMINATION OF WITNESSES.

Mr. KITTERA said, as some inconvenience had lately been experienced in the examination of witnesses before the House and its committees, he would propose a resolution, in order to remove this inconvenience in future. It was to the following effect:

"*Resolved*, That a committee be appointed to inquire into the propriety of authorizing the President of the Senate, the Speaker of the House of Representatives, or the Chairman of a Committee of the Whole, or the Chairman of a committee of either House, to administer an oath or affirmation in any case under investigation, in which an oath or affirmation may be necessary, and that they report by bill or otherwise."

The motion was agreed to, and a committee of three appointed.

## STAMP DUTIES.

Mr. HARPER moved that the unfinished business be postponed, in order to take up the bill proposing an alteration in the law imposing certain stamp duties, as it was necessary to come to an early decision upon that subject, three months' public notice should be given before the time at which the law was to take effect. The Secretary of the Treasury, he said, was also at this time making out instructions for the Supervisors, and waited the passing of the law in question, before he could complete them. As there had been a proposition for a repeal of the law referred to the same Committee of the Whole, he supposed it would be necessary first to dispose of that before they could, with propriety, go on to make alterations in the law itself. He hoped, therefore, this business would be gone into.

The motion was put and carried; and the House accordingly resolved itself into a Committee of the Whole on this subject, when the report of the Committee of Ways and Means on the petition from citizens of Southampton, Sussex, and Prince George, in Virginia, who prayed for a repeal of the law, having been read, which stated that it would be inexpedient to repeal the same,

Mr. HARRISON called for the reading of the petition itself; which was read accordingly.

The question was then put, without debate, upon agreeing to the report of the Committee of Ways and Means; which was negatived—47 to 37.

Mr. TILLINGHAST then called for a decision upon the resolution, which he proposed for the adoption of the House, which had also been referred to the same Committee of the Whole. It was in the following words:

"*Resolved*, That a committee be appointed to bring in a bill to repeal the act for laying a duty on stamped vellum, parchment, and paper."

This question was taken, also without debate, and carried—49 to 36.

The committee then rose, and the House took up the report. The first vote was concurred in, and the yeas and nays were called upon the last.

Mr. HARPER moved to amend the resolution by inserting, instead of "a committee be appointed," the Committee of Ways and Means be directed, &c. Agreed to.

Mr. COIT said, he had not the vanity to suppose that anything which he could say could alter the vote which had just been taken. He rather rose to call forth observations from others. This act had passed last session by a considerable majority; and he could not conceive any change that had taken place since that time which should occasion this change in the opinion of the House. There was no appearance in the revenues of the House to authorize it. It was true, slight disaffections had appeared in some parts of the country, with this law; but these, he believed, were of little consequence. As he knew of no better way of raising money than by a tax of this kind, he was unwilling to part with it.

Mr. J. WILLIAMS said, when he gave his vote for a stamp tax, he did it to avoid a direct tax; but as he understood a land tax was still intended to be brought forward, he should be for repealing the stamp tax; if he did not, he believed they should have both a stamp tax and a direct tax, which he by no means wished.

Mr. HARPER wished the gentleman last up had reserved his vote until he saw that a land tax would be brought forward. He had not heard such a thing suggested this session; it was generally believed that such a tax would be unnecessary. The stamp tax was last session understood to be a substitute for a land tax; but if gentlemen now thought a land tax would be preferable, they might be acting consistently in voting for the present repeal. By a moderate degree of attention to the revenues of this country, it would be seen that, with the aid of the proposed duty on

stamps, every purpose of the Government would be answered, and they would be enabled to pay off the foreign debt, as the instalments became due. But this could not be done without the stamp tax; and if this law was to be repealed, a land tax must be the consequence. Some gentlemen, he knew, earnestly wished it; but those who thought with him, that a land tax should only be resorted to in case of war; that it ought to be a dernier resort; that it must always be very unequal, be attended with great expense and difficulty, would certainly not be acting consistently to vote for this repeal. If this country were to be engaged in war, other resources would be necessary; but, whilst at peace, he would pledge himself that our present resources, with the stamp tax, would not only be equal to all the current expenses of Government, but also equal to the extinguishment of every debt of the country, and to the building a navy by degrees, as circumstances should require; but if this law was dispensed with, which it was supposed would produce at least $250,000 a year, we should not be able to accomplish these objects; our funds will be found insufficient, and resort must be had either to an increase of our impost duties, or to a land tax. The question was between a land tax and a stamp duty; and he was willing for the people of the United States to determine who studied their convenience most, they who favored a stamp tax, or they who favored a land tax. He knew there were certain gentlemen in that House who seemed to make a direct tax an article of their creed, as the Quakers make the abolition of slavery an article of theirs. He was willing they should abide the consequences of such a system; he preferred a stamp tax. If gentlemen were not prepared to vote upon this question until they see a statement of the revenue, of course its decision had better be deferred; but if they are ready to vote upon it, and to dispense with a revenue of from $200,000 to $400,000 a year, it was more than he wished to do. For the present, he believed the stamp act might be dispensed with; but, in the year 1801, there would be an additional sum of $1,200,000 a year wanted to meet the instalments of our foreign debt, which must be provided for.

Mr. S. SMITH was glad to find that the gentleman from South Carolina is now convinced that the revenue of the United States is fully competent to meet all its expenses. He believed the gentleman was much mistaken when he spoke of the stamp duties as being likely to produce $400,000; he believed $100,000 was the extent of what could be expected from that source. The House had been frequently told that the internal duties on spirits would produce $400,000, whereas the last return, he believed, was $178,000. It was wrong thus to deceive by unfounded estimations. The gentleman from South Carolina, and others who voted with him, had heretofore stated the impost duties at five millions, but it now appeared that those who had estimated them at upwards of six millions were right in their calculations. In 1796, they amounted to nearly eight millions; so that this difference between their calculation and the real amount, would be sufficient to meet the demands which Government would have to provide for in the year 1801. He had always been of opinion that the revenues of the United States would not decline, but go on increasing; experience had justified this opinion. Since the year 1796 additional impost duties had been laid, and and it was not yet known how much these would produce; but he believed it would be sufficient to enable Government to meet the instalments of foreign debt as they became due; and, if so, it would certainly be desirable to do away a tax which was odious to the people in general, and would be oppressive to a certain description of persons in the United States. When the stamp law was passed, to prevent its being generally offensive, the duties had been confined principally to instruments used by merchants. Upon the single article of a bill of lading, 50 cents duty was laid, though in England it was only 6 pence. Believing the present revenue to be sufficient for every purpose, he hoped the repeal would take place. Indeed, the gentleman from South Carolina believed, with the stamp tax, it would be sufficient for every purpose, and equal to the building of a navy; he must allow, therefore, that it would be sufficient, if the navy was left out of the question. When the Legislature determined upon building a navy, he would join that gentleman in providing the means of effecting it; but, until that was done, he saw no necessity for providing for that object.

Mr. CHAMPLIN said he should vote in favor of the repeal; but he should not do it from any popular odium which might be affixed to the name of stamp tax. This tax certainly bore no affinity to the stamp tax proposed to be laid upon this country by Great Britain, without our consent. It was not the tax itself to which the people were at that time opposed, but to the principle upon which it was founded. In proof of this it would be recollected that a duty on tea met with the same opposition. Mr. C. said he had not changed his opinion on this subject; he voted against the bill imposing this tax in every stage. He did not know that a bill imposing a stamp duty, however framed, should be imposed; but the present law would bear very hard upon the merchants of the United States, who were the insurers of our revenue. It was for this reason, and not because it was a stamp tax, that he was opposed to it. He found out of sixteen or eighteen instruments proposed to be stamped, thirteen of them particularly applied to merchants, so that three-fourths or four-fifths of the whole duty to be collected would be received from this source; and as he could not conceive that it was the wish of that House to oppress any particular class of citizens, he trusted the law would be repealed.

Mr. CRAIK did not rise to go into the merits of the stamp act, nor to charge the gentleman from Rhode Island with having changed his opinion. The fact was, that a very considerable change had taken place in the opinions of that House since the last session; nor had he heard of any

thing which could have induced the change. He supposed it arose from a want of information. The only good reason which he had heard for the repeal was, that our revenues were fully equal to our expenses. If this ground could be supported it would go to the rejection of any tax whatever, and would be a sufficient reason for repealing the law in question; but before the House decided this question they ought to have better information before them than they had at present. The Committee of Ways and Means had not yet reported a view of the revenue, and the expenses to be met; he, therefore, thought it would be proper to wait for this statement; for, if it should turn out that additional revenue is necessary, and that if the stamp act should not be carried into effect some other tax must be levied, it would alter the state of the case. He therefore moved to postpone the decision of this question until this day three weeks, by which time the House would have received all necessary information on the subject.

Mr. TILLINGHAST hoped the Committee of Ways and Means would be instructed to bring in a bill. If gentlemen wanted further information they might, in the mean time, obtain it, especially as the bill, when reported, might be made the order for a distant day.

Mr. GALLATIN said, if the gentleman who made the motion for postponement had had the information before him which was before the House when the stamp act passed, he would not have made it, because it was not in the power of the Committee of Ways and Means to give any information beyond what was before the House. If gentlemen had attended to the statements which had been laid before them, they must be as well acquainted with the situation of the revenue, as the Committee of Ways and Means. Everything beyond these statements, he said, was conjecture, and every member might form his own. Being precluded, by the motion for a postponement, from entering into the merits of the question, he should be obliged to confine his remarks to a narrow compass. The stamp act, Mr. G. said, was passed for five years, and for what, he asked, was its produce appropriated? It would be well recollected that the President of the United States was authorized to borrow $800,000 to defray the extraordinary expenses of the measure agreed upon during the Summer session. The amount produced by the stamp act was solely appropriated to the replacing of this loan; but that loan had not been, nor could it be, carried into effect. The money could not be borrowed, so that no provision was necessary for the refunding it. With respect to the current revenue, Mr. G. said, the House had full information before them. About $1,100,000 of the principal debt of the United States has been paid out of the current revenue, exclusively of what has been paid out of the bank stock. In December, 1797, the balance of cash in the Treasury was about $1,900,000. When the Committee of Ways and Means make their report, they will make their statement exact, but this was as near the amount as was necessary to be ascertained, to decide the present question. So that the same reason which induced gentlemen to vote for a stamp act last year, might now induce them to vote for its repeal. If the question for postponement was lost, Mr. G. said, he would offer some observations upon the merits of the main question.

Mr. J. WILLIAMS hoped the motion for postponement would be agreed to. He thought it desirable that the House should have some information with respect to our situation with the Powers of Europe, before this question was decided, as, till that was received, no one could estimate what expenses might be necessary to be incurred. He hoped no extraordinary expenses would be necessary; but it might be otherwise. If the subject was postponed, other sources of revenue might come before them. He expected a report shortly on the subject of drawbacks. Last year the amount paid under this head was $4,874,050. From this a handsome sum might be raised without having recourse to stamp duties. He hoped the Committee of Ways and Means would, in the meantime, report on the resolution referred to them relative to the system of direct taxes, and he trusted the report would be against it. If at the end of three weeks this stamp tax should appear unnecessary, there could be no difference of opinion as to the propriety of a repeal of it. If, however, more revenue was to be raised, he would be in favor of a stamp duty in preference to a land tax.

Mr. SITGREAVES was against the motion for postponement. The House had lately been familiarised to calculations on the saving of expense, in order to prevent unnecessary debate. He thought the House was now running into a debate which would have no good end. It was well known that a proposition, originating in the same quarter with this (State of Rhode Island) had been before the other branch of the Legislature, and had been negatived by so large a majority, as to make it necessary to spend much time in debating the subject in that House. [A call to order.] Mr. S. did not wish to say anything disorderly; but there could be no doubt, from the decision he had noticed, that the business would receive its *coup de grace* in the Sentate.

Mr. HARPER was not of opinion that this motion ought to be rejected. No doubt there was information enough to convince gentlemen that the resolution ought to be rejected; but it appeared by the vote which had been taken, that the information laid before gentlemen had not been sufficiently attended to, and he thought there were other statements which would have a powerful influence on this question. He denied that the stamp act was exclusively appropriated for the refunding of the $800,000 to be borrowed by the President. In contemplation of what event was this stamp duty laid? It would be recollected that it was to provide for that expense which would be consequent on a situation of things into which we might be drawn by our unadjusted differences with a foreign Power. The Congress met at their extraordinary session under a strong impression that this event would take place; and

though the determination of the question was postponed by sending a mission, yet they deemed it wise to resort to a revenue to meet an expense which might result. Let gentlemen ask one further question. Has the probability of the necessity of great expenses diminished since that period? So far as we know, every appearance grew more inauspicious. Those very Envoys with whom it was said France could not refuse to treat, because they went specially empowered, we know were six weeks in Paris before any notice was taken of them. Hostilities upon our commerce are yet continued. It was well known that changes had taken place in the French Government, which had cut off all hope of reconciliation. At that time there was a party in power favorable to this country; but they had been expelled, and the whole of the powers of the Government are now in the hands of persons the most hostile to this country. Can it be said, then, that the danger of our situation is diminished, or the necessity of providing for a possible expense lessened? And unless gentlemen were determined, when the clouds grow blacker and blacker, and thunder is every moment expected to break upon our country, to diminish our means of protection and defence, he could not see upon what ground they could take away this source of revenue.

The SPEAKER reminded Mr. H. of the question.

Mr. HARPER could not allow that the House had all the information which might be given on this subject. The extent of the appropriations for the present year was not known. All the sums necessary had not yet been voted. There was a great difference of opinion as to the extent of some measures. Large sums were necessary for arms, magazines, fortification, frigates, revenue cutters, &c., and until it could be determined how much was to be expended upon these objects, it could not be ascertained what revenue would be necessary. It was well known that our situation with respect to France grew hourly more uncertain; and until we knew what was to be the issue of this business, was it prudent to throw out so large an item from our revenue? Might we not have occasion to go much further in fortifications; to raise troops—an additional regiment of artillery—to call into actual service a considerable part of the 80,000 militia, which had been ordered to be held in readiness, and to equip galleys for the protection of our coasts, &c.? When gentlemen considered these things, he trusted they would, at least, give time for considering this vote. Knowing what had taken place in another branch of the Legislature, he did not anticipate the vote which had been given, especially when it must be known that the only effect which such a vote could have, would be to increase the discontents which may already exist in some parts of the country against this law. He hoped the decision would be postponed.

Mr. S. SMITH believed the gentleman last up did not anticipate the vote which had been given, or he would not have pressed the subject upon the House.

Mr. COIT was in favor of the postponement, in order that the Committee of Ways and Means might, in the mean time, make a report on the subject of the revenue.

Mr. MACON thought there was no necessity for postponing a question which had been six weeks before the House. He thought much extrinsic matter had been introduced into the discussion. He did not know what this question had to do with the French Government or our resistance; if it were necessary, there was no doubt we should be ready to resist oppression. The true reason for wishing the postponement was, gentlemen expected to be in a majority, and they had found themselves in a minority; as to information, gentlemen did not want it for themselves, but for others, who voted for the repeal, and who neither asked for it nor wanted it. This was only the first stage of the business, and there would be no want of opportunity for gentlemen to discuss the subject as much as they pleased before the bill passed. It was said the law passed by a considerable majority; but, since that time, gentlemen had been with their constituents, and had leisure to reflect upon the subject, and might now see reason to change their vote. He had no doubt of the present revenue being equal to the expenditure, and when more was wanted, it would be time to provide it; and if more were wanted, he thought a more eligible mode might be hit upon than a stamp tax.

Mr. SEWALL was in favor of the postponement. If he were certain the revenue to be provided by this law was not wanted, he should be in favor of the repeal; but he was not prepared to change his opinion until he had more information on the subject. He thought the friends of a repeal ought to be for the postponement, in order to give time for gentlemen to be convinced of the fact that this revenue is unnecessary. In that case the repeal would pass almost unanimously. To say this tax is unpopular, is idle and foolish. It was true the people in some parts had got a whim of this sort, and they speak of this law in the same way as of the British stamp tax, though it is quite a different thing. A majority of that House voting for a repeal must have a tendency to increase that discontent which has already appeared against the law; and if the Senate should continue to act as they have done, such a vote would tend to cast an odium upon them as the cause of retaining an act which they do not like. He hoped the postponement would be agreed to, particularly as the gentleman from New York had asked for information on the subject.

Mr. T. CLAIBORNE was against the postponement. If we remained at peace we did not want this tax; and if we were to be engaged in war, it would be worse than nothing, as it would only serve to vex the people, when all ought to be unanimous in the common cause. The people in my country abhor it; it is as obnoxious to them as poison.

Mr. GALLATIN said, with respect to the information wanted by the gentleman from New York, he had already enough to vote for a repeal of the bill, and if the question of postponement was lost, he doubted not he would again vote for a repeal.

He observed that when this subject was called up, the gentleman from South Carolina stated the necessity of going into it immediately on account of the three months' notice necessary to be given before the law takes effect. So that if a postponement of three weeks were to take place, it would be impossible the law could pass in time; to carry this motion, therefore, would be a rejection of the question. Mr. G. insisted upon his former statement being correct with respect to the money to be raised by the stamp act being intended to repay the loan of $800,000. If it had been intended to meet the expenses of a foreign war, the House would certainly not have stopped with a stamp and salt tax; they would have gone on to have raised something equal to the demands which must have come against the Government in such a result. But it was said, the situation of European affairs is become still more alarming. He believed it was impossible for them to say whether our situation with respect to European Powers is worse or better than it was in the Summer, as they had no information upon which to depend, and still less did they know whether the event of the expulsion of certain members of the Government would tend to promote a general peace (which he believed would insure our own) or lengthen the war, and consequently endanger our peace. It was possible that, during the present session of Congress, the situation of the country may be such as to induce the House to raise a much larger revenue than we have at present; but this was no reason for the House now to go into raising revenue which is not wanted. Indeed, it would be an additional reason for repealing the act, as he conceived it would be proper, in our present situation, not only to consult the interests of the people, but their prejudices. The gentleman from Massachusetts called them *whims*. Let them be so. In the present situation of the country, however mistaken were their ideas, to know it was their opinion that the act should be repealed, would be a strong reason with him for voting its repeal. If he were to consult his own opinion, he believed there were other acts more oppressive than the stamp act would be; but in all cases of taxation he was willing to sacrifice his own opinion to the public opinion. It was the duty of the House to endeavor to correct the public opinion where they thought it wrong; but at present, he believed it would be best, in a good degree, to consult it; as the act was sufficient to create disgust to the Government without being very effectual.

The SPEAKER reminded Mr. G. of the question.

Mr. GALLATIN then remarked, that though a vote had been taken in favor of continuing the tax in the other branch of the Legislature, that vote, on a future day, might, from a conviction of its impropriety, be reversed. What had been said about a land tax he looked upon as a mere threat, as he did not suppose any such question would come before the House at the present session.

Mr. VARNUM called for the yeas and nays upon this question. Agreed to.

Mr. N. SMITH said, the gentleman from Pennsylvania had told the House that the gentleman from New York had already voted for the repeal, and that he doubted not he would do so again, and that therefore he had no need of information. Should they, then, force gentlemen to vote before they were prepared? He always thought it was their business to inform and be informed, and come to a temperate result; and when this was come to, the opinion of the majority was the political standard. But, instead of this, the gentleman from Pennsylvania made himself the political standard; as if a member was not prepared to vote, he would force him to vote unprepared. This was not an opinion which he could subscribe to. Mr. S. said, he asked for a postponement on his own account. He was one of those who, if convinced that our present revenue will meet our present expenses, and that our revenue will not decrease, nor our expenses increase, and that there will be a surplus remaining to meet the demands which will be made upon us in 1801, he would most heartily vote for the repeal. And if this were the ground upon which gentlemen voted the repeal, instead of a bare majority, they would have a unanimous vote. But could any one say, that our present revenue is equal to our present expense? Could any one say that our revenue will not decrease, or our expenses increase? Surely they cannot, when there is so much uncertainty with respect to our foreign relations; when we know not what a day may bring forth; when we cannot tell but that such depredations may be committed upon our commerce as may greatly decrease our revenues, and that necessary preparations for our defence may vastly increase our expenses. Was this, then, a situation for repealing a law for raising revenue? He thought not; he hoped, therefore, the question would be postponed, and in the mean time, it was probable some information would be received on the subject of our foreign relations. But it was said, this act was unpopular, and because of our dangerous situation, the opinions of the people ought to be consulted, whether well or ill founded. No man would sooner consult the opinions of the people than he, when they were founded with deliberation; but it was dangerous in the extreme to meet the opinions of the people when prematurely formed. What did the petition which had been received say? It did not say the act was unpopular, but that it was copied from an act of a foreign nation, and that it was an act which had given offence when attempted to be imposed by a foreign country. These were reasons which no gentleman would urge for the repeal, and he was convinced when the enlightened people of America came to examine the subject, that this tax would be as agreeable to them as any other tax. It would be found that not only the British, but the French nation had a tax of this kind, and that it was a popular tax wherever it was adopted.

Mr. J. WILLIAMS had seldom known objections made to the postponement of a subject so important as the present. If the gentleman from Pennsylvania thought by this means to secure his vote, he would vote against him, and he was seldom in

the habit of voting with him. The arguments of gentlemen against the postponement were so contradictory that he thought when they came to review them they would themselves be in favor of the motion. It was said by the gentleman from Pennsylvania that it was necessary to give way to popular opinion. If this argument had not heretofore been used, the resources of the country would have been applied to some years ago, and our debt paid off. Gentlemen themselves confess that the people who complain against the stamp law have no cause to complain against it, as it is not calculated to affect them. The yeomanry of the country, therefore, only wanted time to consider it, in order to be reconciled to the stamp law; they would always act right, when time was given them for reflection; and their good sense would teach them, on cool reflection, that they would be benefited by the act, provided a repeal, would produce a land tax.

Mr. Giles said, the subject had been called up by the Chairman of the Committee of Ways and Means himself, so that he must have conceived the House ready to vote upon it. One of the questions, indeed, reported by the Committee of the Whole, had already been decided; but when the second was about to be taken, the yeas and nays were called, and previous information was said to be necessary. If information was really wanted, there would be time enough to obtain it, before the bill passed; it was futile, he said, to put off the decision upon the limb of a proposition which had already been acted upon. Mr. G. denied that this stamp act had anything to do with our foreign relations; indeed, when the Chairman of the Committee of Ways and Means first rose, he did not consider it. He was himself upon the Committee of Ways and Means when this law was agreed upon; but he never heard such a thing suggested. If war was apprehended, and this tax was meant to furnish a part of the expense, he desired gentlemen to look at its insignificancy to such an object. Indeed, he believed if such a state were to take place, this tax would do more harm by the dissatisfaction which it would excite against Government, than the money it would raise would do good; but he was certain it had never been considered in any other light than as a peace arrangement.

A motion was made for adjournment, and negatived—57 to 38.

Mr. Sitgreaves said, as the gentleman from Virginia seemed pleased with the noticing acts of inconsistency, he would furnish him with another; for, though he had spoken against the postponement, he should vote in favor of it. He should do this for three reasons; first, as the reason which he gave for believing that a lengthy discussion was unnecessary, had been declared out of order, he supposed it would be out of order to act upon it; the second was because gentlemen appeared afraid of a postponement; and the third was, because the yeas and nays were called, and when that was the case, he wished to appear on the same row with his friends.

The question on the postponement for three weeks, was then taken and negatived—yeas 41, nays 52, as follows:

Yeas—John Allen, George Baer, jr., Bailey Bartlett, David Brooks, John Chapman, Joshua Coit, William Craik, Samuel W. Dana, George Dent, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, Robert Goodloe Harper, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, James Machir, William Matthews, Lewis R. Morris, Harrison G. Otis, Isaac Parker, John Reed, John Rutledge, jr., Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, Peleg Wadsworth, and John Williams.

Nays—Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Nathan Bryan, Stephen Bullock, Demsey Burges, Samuel J. Cabell, Christopher G. Champlin, Thomas Claiborne, William Charles Cole Claiborne, Matthew Clay, John Clopton, Thomas T. Davis, John Dawson, Lucas Elmendorph, William Findley, John Fowler, Nathaniel Freeman, jr., Albert Gallatin, William B. Giles, James Gillespie, Andrew Gregg, William Barry Grove, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Edward Livingston, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, John Nicholas, Tompson J. Skinner, Samuel Smith, William Smith, Peleg Sprague, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Thomas Tillinghast, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

Mr. Allen then moved an adjournment, which was negatived—49 to 43.

Mr. Gordon moved the postponement of the question for a week.

Mr. Brooks called for the yeas and nays upon this question, which was decided to be so taken by 18 members rising; which were decided to be one-fifth of the whole number present.

The yeas and nays were then taken, and were the same as before, except that Messrs. Bullock, Gillespie, and Grove, who voted in the negative of the last question, voted in the affirmative of this, which made the numbers stand 49 to 44.

Mr. Sitgreaves again moved an adjournment, which was negatived—43 votes being only in its favor.

Mr. Gordon then went into some observations against the repeal. He did not think, because the law was obnoxious to a few people, that it ought to be repealed; nor did he think, because some gentlemen stated the law as operating unequally, was a good reason for repealing it. A conviction of this kind ought to lead gentlemen to endeavor to make the law more equal, and not to repeal it. He acknowledged that he had not made due use of the information within his power; for he was not sufficiently informed to vote upon the subject, and therefore he wished to have it postponed. He begged gentlemen to consider in what view they would hold up Congress to the world, if they made and unmade laws in this way. No dependence could be placed upon the consistency of their pro-

ceedings; every law that was at all displeasing to any part of the community, would be constantly expected to be repealed. He should, at present, be compelled to vote against the repeal, though if time were given for an inquiry into the subject, he might vote in favor of it.

Mr. SPRAGUE said the subject had been before the House for six weeks, which he thought was sufficient time for members to have made themselves acquainted with the subject. He should vote for the repeal, from the evidence which had been laid before him of the sufficiency of our revenue for our expenses, and that the stamp tax was unnecessary. It was upon this ground that he voted.

Mr. ALLEN again moved an adjournment, which was negatived, there being only 30 votes for it.

Mr. COIT spoke against the repeal. He considered the question as a choice between a stamp and a land tax, and in this point of view he thought it important.

Mr. THATCHER was afraid that a reason would operate in the repeal of this law, which was derogatory to the Legislature of the United States—which was, a prejudice against the *sound* of stamp act; for all acknowledged that this law bore no resemblance to the case which had given rise to the hatred of a stamp act. This plea of prejudice had frequently been brought before the House. He recollected that in the year 1789, when it was proposed to lay a duty on goods imported, a gentleman from Georgia entertained the House a long time with urging this plea on behalf of his constiuents, against a duty on gunpowder, as the people of Georgia were fond of the diversion of shooting rice birds; but that prejudice was overcome, the law was passed, and it was found a good one. No sooner was an excise proposed, than the House was again told of this prejudice; but it was now admitted that the tax was a good one, and the prejudice was overcome. About four years ago, an additional duty was proposed upon the importation of iron ware; when it was objected that there was a strong prejudice in favor of imported hoes and axes. All these prejudices had, in their turn, died away; and he hoped the present would be permitted to have its exit in the same way. As to the law operating principally upon merchants, bankers, hucksters, &c.. he was glad of it; he wished all taxes principally to operate upon them, because they could most easily furnish the money to pay them. As to the reason given for the repeal, that our revenue was sufficient for every demand against it, he was not assured of this. He wished to retain this law until he saw the issue of our present situation.

Another question was taken for adjournment, and negatived, there being only 32 votes for it.

Mr. HARPER then moved for a postponement till to-morrow. He did not make this motion with a view of obtaining a different vote, but because the discussion had come on unexpectedly; for, though he himself had called up the subject, he did not expect a debate upon it. He thought the pressure for the question had been in this case unprecedented.

Mr. GILES said there had been already attempts enough to get rid of the question. He hoped this would meet with the same fate with the others.

Mr. ALLEN spoke in favor of the postponement. He pledged his honor that he wanted information on the subject.

Mr. DANA urged the propriety of the postponement, as this question went to decide the principle.

Mr. SITGREAVES hoped this postponement would take place, that if gentlemen were refused an opportunity to think upon the subject, they might at least have an opportunity to speak upon it. It was a thing unprecedented in that House, when a member declared he wanted information, or wished to deliver his sentiments upon a question, to refuse a postponement of its decision. He asked whether this request was not peculiarly reasonable on the present occasion? Some gentlemen had stated that their reasons for voting for the repeal of this law was because it was unpopular. Was it reasonable, therefore, to put these gentlemen in a situation of opposing popular opinions, without giving them leave to express the grounds upon which they acted? He complained of this sort of treatment. He should certainly vote against the repeal; he did not himself want information; he had no hesitation on his mind with respect to his vote; but he had a desire to explain the reasons upon which he acted.

Mr. VARNUM said the gentleman last up complained without ground. He and those who voted with him did not want time or information in the morning. It was only since they found they were in a minority that this want was discovered.

Mr. CHAMPLIN had no objection to a postponement of the decision until to-morrow.

Mr. NICHOLAS could not consent to a postponement of this question, because the means used to put off the decision had been unprecedented. The reasons given for it by the gentleman from Pennsylvania, could not prevail with any one. He confesses he does not want information; and he will have full opportunity to give his opinion to the public before the bill passes. With respect to gentlemen not being prepared, he thought it a curious thing. They were prepared to vote until the yeas and nays were called for, but when these were called they wanted information.

Mr. BROOKS spoke in favor of the postponement, and condemned the want of candor in gentlemen persisting to take the question before gentlemen were prepared to vote. Was this conduct, he asked, intended to give encouragement to the setting up of *Whiskey* and *Liberty poles*? It looked like it. [The SPEAKER called to order.]

Mr. S. SMITH asked who prevented gentlemen from giving their reasons upon this subject? Had not they themselves prevented the main question being brought into view by continual motions to postpone and to adjourn? Most assuredly they had. If they had gone into a discussion of the merits of the question at first, three hours might have been spent in the discussion.

After several other observations, the question for a postpostment till to-morrow was taken and negatived—46 to 41.

The question was then taken by yeas and nays on agreeing to the following resolution:

"*Resolved*, That the Committee of Ways and Means be instructed to report a bill to repeal the act laying a duty on stamped vellum, parchment, and paper."

And it was carried 52 to 36, as follows:

Yeas—George Baer, jun., Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Nathan Bryan, Demsey Burges, Samuel J. Cabell, Christopher G. Champlin, Thomas Claiborne, William C. C. Claiborne, Matthew Clay, John Clopton, Thomas T. Davis, John Dawson, Lucas Elmendorph, William Findley, John Fowler, Albert Gallatin, William B. Giles, James Gillespie, Andrew Gregg, William Barry Grove, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Edward Livingston, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, John Nicholas, Tompson J. Skinner, Samuel Smith, William Smith, Peleg Sprague, Richard Sprigg, jun., Richard Stanford, Thomas Sumter, Thomas Tillinghast, Abraham Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, John Williams, and Robert Williams.

Nays—John Allen, Bailey Bartlett, David Brooks, Stephen Bullock, Joshua Coit, William Craik, Samuel W. Dana, George Dent, Thomas Evans, Abiel Foster, Dwight Foster, Nathaniel Freeman, jun., Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, Robert Goodloe Harper, William Hindman, Hezekiah L. Hosmer, Samuel Lyman, James Machir, Lewis R. Morris, Harrison G. Otis, Isaac Parker, John Reed, John Rutledge, jun., Samuel Sewall, William Shepard, Thos. Sinnickson, Samuel Sitgreaves, Nathaniel Smith, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, and Peleg Wadsworth.

And then the House adjourned.

---

Tuesday, February 27.

Mr. Harper, from the Committee of Ways and Means, reported a bill to repeal the stamp act, which was committed for to-morrow.

Mr. Livingston moved a postponement of the unfinished business, in order to go into a Committee of the Whole on the bill for erecting a light-house and placing buoys in several places therein mentioned; which being agreed to, the House resolved itself into a committee accordingly on the said bill, and having filled the blank intended to contain the sum appropriated with $13,250, (namely, $10,500 for the light-house on Eaton's Neck, $2,500 for buoys at New York and Newport, and $250 for Nantucket,) rose, and the bill was ordered to be engrossed for a third reading.

Mr. Livingston, from the committee to whom was referred the amendments of the Senate to the bill for the relief of refugees from Canada and Nova Scotia, reported their opinion on the same, which, together with the bill and amendments, were committed for to-morrow.

## FOREIGN INTERCOURSE.

The House then resolved itself into a Committee of the Whole on the bill providing the means of foreign intercourse, when Mr. Nicholas's amendment for curtailing that establishment being under consideration—

Mr. Havens observed, that when this subject was formerly under consideration, the grounds upon which the present amendment had been supported were, the danger arising from an extension of our foreign intercourse, from considerations of economy, and to prevent undue influence; on the other hand, it was opposed on Constitutional ground. It was said, that House had no right to interfere in the business, as it was wholly an Executive concern.

On all questions of this kind, Mr. H. said, the Constitution of the United States was constantly brought into view; upon which different opinions were now entertained from what were entertained at the time of its adoption. He always understood that this Government was intended not only to have all the advantages of a republican Government, but, being elective, all the advantages which arise from a proper distribution of power. This principle of a distribution of powers was derived from the Government of Great Britain, as it was theoretically described by *Blackstone*, not from what it is in practice. His description of that Government (which he read) showed that every department of it was a check upon the other. *De Lolme*, though a panegyrist of the British Government, agreed in the same opinion; for though he describes the Kingly power as raising armies and equipping fleets, yet he allows it to be liable to be checked by the people. Here the doctrine maintained was, that the President of the United States can appoint to office, and that that House had no right to refuse an appropriation, which was wholly subversive of what he understood to be the original principles of the Government. Mr. H. said, he did not contend for any power in the House of Representatives which did not equally apply to the Senate; and, if this doctrine was not allowed, there would not be the least check upon the President by the Senate or the House of Representatives, as the concurrent power of the Senate with the Executive only went to the choice of men in the appointments to office.

The President has a right to appoint as many Ambassadors as he pleases, without check or control. This power in the President and Senate could compel that House to raise any sum of money whatever. They might make a treaty granting a subsidy to a foreign nation, and that House would be bound to pay it. They might also borrow money, and might bring the House into such a situation as to oblige it to declare war, to raise armies, support a navy, &c., contrary to their convictions of right. But when the House makes an appropriation of money, the President has the power to put his veto upon it; and, if he can do this, how is it that the two Houses cannot exercise their discretion in appropriating for Ambassadors, or for treaties? Whenever an appropriation of money is called for, they ought certainly to consider for what purpose it is wanted, and whether some more important object does not require previous attention.

It was said the House were as much bound to appropriate for the salary of Ambassadors as for the salary of the President or the Judges. When gentlemen reasoned thus, they appeared to consider the diplomatic corps as a part of the Government; whereas the Government could go on very well without them. And even with respect to the officers of Government, if the money was wanted for more important services, such as for the immediate defence of the country, they must go unpaid for a time. He, therefore, concluded that each branch of Government, namely, the President, Senate, and House of Representatives, had each a discretion in the appropriation of money.

There was another consideration which operated upon his mind, to convince him that this was the only construction which could be put upon the Constitution. A considerable degree of discretion was left to the President in the execution of laws, and it was always in his power to abuse that discretion by beginning a measure upon such a scale of expense as to oblige Congress to go further than they intended; and, except the two Houses had the power of exercising their discretion in checking any such abuse, there was no way of preventing it. There was a singular exemplication of this fact, he said, in the English Government, in the Minister's having expended vast sums of money, without the consent of Parliament. He mentioned several instances, the two last of which were during the war with this country, and in the year 1796. In the former instance, he stated that the Minister expended thirty-eight millions with the consent of Parliament, and twenty-eight millions without it; and, in the latter, fifty millions with the consent of Parliament, and forty-nine millions without it. And, excepting the Legislature had a right to refuse to appropriate in such cases, there was no way of preventing abuses.

He believed the House would recollect a conduct in some degree similar to this in our Government. He alluded to that of the frigates; since they were begun upon a plan which obliged the House to consent to much larger appropriations than they at first intended. If it were necessary, other instances might be adduced of the same kind.

Gentlemen who supported this extraordinary power in the Executive, argue in the same way with the supporters of the extravagant Executive power of Charles I. in the case of Mr. Hampden, with respect to ship money. It was at that time asserted that the King, having a right to declare war, had a right to demand the service of any man's person; and, consequently, to demand his money. But this doctrine was now everywhere acknowledged to be the most arbitrary.

He thought the British Government afforded another lesson of instruction. After their Revolution in 1688, it was well known that the Government adopted a funding system. When this took place the House of Commons ceased to have any control over the expenditure of public money. In consequence, the public debt had increased beyond what could be conceived. Mr. H. read *Sir John Sinclair's* account of this increase, and observed that the present amount of that debt, exclusive of the last loan to the Emperor, is 410 millions. If the House of Commons had had a proper check upon the Administration, there would probably have been no debt at all.

Government might be considered as forming two distinctions, viz: payers and receivers of money; and it was the perfection of all the State Governments in this country, that both had a right to judge of the expediency of the expenditure of money, and particularly the payers. If this check did not exist, no Government would long continue.

Much had been said about supporting Government. Some gentlemen called themselves *supporters* of Government, and others they termed *destroyers* of Government, *disorganizers*, &c. When gentlemen spoke of supporters of Government, they meant, he believed, supporters of the Executive branch of Government; so that a person acquiescing in every measure of the Executive was a supporter of Government; whilst those who disapproved of any Executive measure, were destroyers of Government. This doctrine alone was sufficient to destroy the idea of the Government's consisting of several branches, and to blend all the powers of the Government in the Executive. In this case, the Government of this country could not long remain a free Republic, but would become an Elective Monarchy, and the whole power of the Government would be in one man's hands. He could not conceive that the people of the United States could think this a proper ground upon which this Government ought to rest. It was self-evident to him that our Government ought to consist of three branches, the President, the Senate, and the House of Representatives; and when that House has determined not to do a thing, the Government has determined not to do it, and so of the other branches.

The same observation would apply to a phrase which they had frequently heard, and which had been introduced in the course of this debate, by a gentleman from Connecticut, of *stopping the wheels of Government*. To put a stop to any Executive measure was to stop the wheels of Government; and to keep them *properly running* was to offer no control over whatever the President recommends. If this was not the meaning of the phrase, he should be glad to know what it was. For his part, he believed the perfection of Government consisted in what these gentlemen called stopping the wheels, and when that House, or the Senate, determined they would not go into any expense, they speak the voice of the people.

It had been remarked that the House had the physical power to refuse a grant of money when called upon by the President; but that members were under a moral obligation to grant it. This was saying we can do a thing, but we ought not to do it. He believed it was proper for members to do whatever they conceived was for the public good.

When the subject of patronage was first men-

tioned by the mover of this amendment, he was persuaded he only meant to introduce the subject on general ground. The idea, as he understood him, was, that all nations and societies were liable to depart from original principles, to corrupt their Governments, and in the end to subvert them; and that, in this country, we were subject to an improper connexion of the different departments. That it was necessary to guard against this, if an appearance of such a connexion should at any time appear. He thought this was so obvious that it would be acknowledged by every one that we were equally liable with other nations to this corruption. With respect to what had been said respecting appointments to office being confined to men of particular sentiments, it had been acknowledged by some gentlemen to have been observed in the choice of men in the diplomatic corps; but others had acknowledged that the regulation was a general one.

Was it not evident, Mr. H. asked, that in other countries, original principles of Government were departed from? That there was an incessant desire after wealth, honor, and power? He never heard of a Monarchy which did not suppose itself under the necessity of creating a sort of Government party, who had the disposal of large sums of money, which they could distribute among persons who were subservient to their purposes. He believed this disposition had prevailed in all ages of the world, and had been the cause of most of the wars and calamities which had ravaged the earth. It must be evident to every one that peace, independence, and equality, must constitute the happiness of every country; but it was notorious that the leading men in most countries had been opposed to these, for their own ends. *Beccaria*, he said, in his Essay on Crimes and Punishments, had laid it down as a certain principle, that there were in every society such a class of men. In England, perhaps, this was more evident than in any other nation. A set of men appeared early in that country to render the Executive power a Government of despotism. The doctrines of passive obedience and the divine right of Kings, continued to be asserted for one whole reign. After the Revolution, the funding system was set on foot, which bound men to the Executive by interest; in fact, persons were hired to support a certain system of measures. It must appear evident that the great cause of keeping that country continually engaged in war, had been the host of placemen and pensioners contained in the two Houses of Parliament, who were always inclined to support measures in which they found the greatest interest. The Treasury must be considered as the head of the body politic; and whatever party got into power, they pursued the same course—a course which had now brought that nation to the verge of bankruptcy and ruin.

If this was the constant course in other countries, was not this country, he asked, equally liable to the same evils? He believed it was. He did not say that the evil had gone far; but he thought it was proper that we should be on our guard against any doctrine which may have a tendency to make one branch of the Government depend on the other.

This spirit of grasping at wealth and power had been so great, that it had even attached itself to religious opinions. When the Christian religion was first preached, it was of a democratic spirit; and afterwards it became aristocratic, and then monarchic. When, therefore, this lust after power had been so general, it could not be said that this country was not liable to the same vices and errors.

This consideration was also worthy of attention. Men of the best private character had been supporters of these corrupt systems. It seemed, therefore, as if there should be some line of distinction between private character and political conduct. Though a man may possess the greatest private integrity, he may still support such principles as may lead to arbitrary power. There could be no doubt that those persons who maintained the divine right of Kings were many of them men of the greatest integrity; but their doctrines were not the less mischievous on that account. In the same way it might be reasoned with respect to the United States. Men may be induced to support opinions which have a tendency to subvert the Government, by placing all power in the hands of the Executive, and make the Government a sort of four years' monarchy. Yet, these men may be men of the greatest integrity, and even patriotic, according to their views of patriotism; but if others believe their opinions have this tendency, it is their duty to represent them to the people of the United States, leaving them to decide the point.

Mr. H. concluded by observing, he had heard no reason suggested for a Minister at Berlin; nor could he see any use for one at the Hague. He was of opinion that Vienna would be a more fit place for the residence of a Minister than Berlin. We have no commerce with that country; and if we had any wish to intermeddle in the subject of the balance of power in Europe, we might as well send embassies to the Emperors of Germany and Russia. But he believed we had no business with this balance or power. He thought it was possible so to manage our affairs as to have nothing to do with any of them. Nor did he think we had anything to fear on the subject of invasion; if there was any danger, it must be from England, by way of Canada. Besides, if we were to have any serious difference with France, he knew of no use our Ambassadors could be of. It might, perhaps, be necessary to have Ambassadors at London, Paris, and perhaps Spain and Portugal; if others were necessary at any time, special agents could be sent. He hoped, therefore, the amendment would be agreed to, as he thought it was a proper time to make a retrenchment in the expenses of this department of Government; and, however small the saving might seem, it was of consequence to make every saving possible, which he wished to be applied to the discharge of the public debt.

Mr. Williams, of New York, said, that though the present subject had already taken up much

time, as he considered the question of importance; and, as its decision was connected with a Constitutional question, he must be permitted to make a few observations upon it. When the amendment was first introduced, he did not see the object to which it led so distinctly as he now saw it. If the object of the gentleman from Virginia had been to bring back the foreign intercourse to the same situation in which it stood in 1796, he would have passed over the first section of the bill and gone on to the third, because the first is the same as that of the bill passed in 1790. But his object had since appeared to be a total annihilation of our foreign intercourse. He wished to do this, he said, to save expense; but the only Constitutional ground upon which the House could interfere in this business, was as it related to salaries; if these had been found too high, he should have no objection to lower them. If the gentleman had thought that two years was too long a time to enact this law, he might have moved an alteration in that respect; but he could not consent to doing away the intercourse altogether, as it would not only be rendering our affairs abroad totally inactive, but be arrogating to ourselves a power which the Constitution had placed in another department.

This was the same Constitutional question, in a different garb, that was agitated six or seven weeks on the British Treaty, and which had also occupied three weeks of the last session; so that, instead of saving any expense, this debate alone would cost more than the foreign Ministers that gentlemen wished to dispense with. Besides, the present situation of things was ill calculated for the introduction of such a question, which served only to produce a warmth which tended to obstruct the business of the House.

He complained that the gentleman from Georgia had, in his warmth, drawn conclusions from the President's Speech in the year 1790, which could not be maintained. [Mr. W. read the extract alluded to.] The same gentleman had remarked, that he was for doing away the hostility which existed between the different departments of Government; but, Mr. W. asked, what harmony could exist if the President appointed an officer, the Senate concurred in the choice, and that House refused to appropriate for his salary? If this check was to be exercised, it would also be acted upon in the Senate, and might give them the power, by lowering the pay of members, to prevent any but men of property from accepting of seats in that House. Six shillings a day were only allowed to the members of the House of Commons in England, and, he asked, if the Senate should reduce, by their check, the pay of members to that sum, whether any man of moderate circumstances could attend the duty of that House? This, then, said he, would prevent the mediocrity from sending the members of their choice, as no one could attend except those whose private fortunes would admit of it, and this would cause our Representatives to be the same as the House of Commons, and an aristocracy would be produced.

When the Executive informed the House, seven or eight months ago, that he was about to renew treaties with Sweden and Prussia, money was appropriated for a Minister for that purpose without opposition; but it was said he was now to be recalled. He would suppose that one of the gentlemen who advocated this amendment had been chosen on this embassy, and he had arranged his business at home, and taken his station abroad, would he have liked to have been thus recalled? No; he would have said Government was unstable, and not to be depended upon.

But it was said by the proposer of the amendment that he was devoted to a republican Government; but, to use the language of the good book, "by their works ye shall know them." If gentlemen can produce proofs of their attachment to the republican cause, they will be credited. But the gentleman from Virginia had talked of "feeble minorities" governing, which was not consonant to a republican system. The minority he considered as a spark of fire, which, if not put out, might consume the whole fabric. But the yeomanry of the country, who were the most virtuous and stable men in the community, had been the only check on this subject; it was they who had, by their adherence to the support of good order, saved the Government from ruin. They are not like the inhabitants of large cities, who are as changeable as the wind.

Much had been said about the political sentiments of the Executive, and of his choosing officers of the same opinion with himself. He was perfectly justified in doing this to a certain degree, and that he did not attend to these circumstances in all these appointments was evident from one which had taken place in a department of considerable trust during the present session; but that all the heads of departments and the diplomatic corps should agree in political opinion with him is certainly proper, in order to carry on the business of Government with harmony; otherwise, said he, there would be a continual jarring, and the good book says, "a house divided against itself cannot stand."

His colleague (Mr. HAVENS) had just now said, if the opinion, which the opposers of this amendment held, prevailed, everything must be done according to the will of the Executive. If he had interfered with their Legislative business, said Mr. W., this observation might have been just. If the Executive wanted a person to regulate our commerce in foreign countries, would he choose one who had always been opposed to commerce of every kind? Such a choice would be wholly inconsistent. The conduct of the President, in this respect, was similar to what was adopted every day in that House in the appointment of committees, who were always chosen from men who were supposed to be acquainted with the business on which they were to act. Mr. W. denied that an appointment to office produced any influence, as he knew from what had taken place in his own State, the Governor of which was similarly circumstanced in that respect with the President of the United States.

Where one person was served, twenty were disappointed, and he knew that the Governor of his State had nearly lost his election from the offence he had given in the election of a sheriff in the year 1789.

But gentlemen had said that we had no occasion for Ministers to foreign Courts; that we ought to be considered merely as buyers and venders of European manufactures. If this were true, no Minister would be wanted. Were we, then, to do nothing with our surplus agricultural produce, with our fish, &c.? When he thought on this subject, he was surprised at the conduct of some of the representatives of large cities. As he was a representative of farmers, he might say that no foreign Minister was necessary; but when he reflected that by giving encouragement to commerce, a competition was produced in the market which enhanced the price of produce, he saw the propriety of that encouragement; because, when the farmers brought their produce to market for sale, the greater the competition between our merchants and foreign merchants, the greater chance of obtaining a ready sale and a higher price.

But it was said the President might abuse the power that was placed in him; but this was to suppose the people had been so foolish as to elect a man to this office who was unfit to be trusted. Indeed, all the observations of gentlemen on this head were founded on a supposition that the President and Senate had views and interests different from those of their constituents. If the President did act contrary to his duty, he was liable to impeachment; and if the Constitution wanted amending, it might be amended. Indeed, amendments had been proposed in the Legislature of Virginia and negatived, but he saw the proposition was again renewed, proposing to alter the Constitution with respect to the treaty-making power, agreeably to the sentiments of the representatives from that quarter; which was a tacit acknowledgment that the Constitution does not support those opinions at present. Let us, said he, be contented with the powers given us by the people—the will of the people should be his guide; and when the people thought proper to alter the Constitution, he would be satisfied; but he would not take power from the people which they thought proper to withhold.

But it was said, our commerce produced a partiality for Great Britain. If this were so, what then? If our merchants choose to go to Great Britain in preference to other countries, ought the Legislature to prevent them? If they were partial to Great Britain, he supposed it was because they found it their interest to go there. The Virginians, two years ago, sold their horses to Great Britain, because they gave them a good price for them, and the members in that House were dressed from top to toe in English manufactures, because they believed them better than any other; and as the Virginians were permitted to sell their horses at the best market, he hoped that he, as a farmer, might be permitted to sell the produce of his farm where he could get the most for it, and in the way he thought best. With respect to the appointment to office, when the General Convention met for settling the Constitution, they had considerable difficulty in this respect; but as it had been agreed that the small States should be represented in the Senate by as many members as the large States, and retain their sovereignty, it was thought the power of appointing to office, and the power to make treaties, would be best lodged there. The small States having had this indulgence, could never agree to concede the doctrine now contended for, as to the power of the House of Representatives, because it would be doing away that solemn compact entered into between the large and small States at the forming the present Constitution. Besides, if this doctrine was adopted, the Government could not operate at all. Suppose the foreign intercourse was done away, and after the rising of the present session, the Directory of France should so far come to their senses as to be willing to do us justice, by making restitution for the spoliations committed on our commerce, and paying our citizens what they had promised them, a new treaty would be necessary—for our present treaty is done away if we choose that it should be so, as they have broken it; as, by the law of nations, if a treaty is entered into between two nations, and one breaks any part thereof, the other is not bound unless it chooses. But the President would be unable to appoint a Minister until an appropriation was made, and Congress must be called together for the purpose of making it; and if a majority of that House were opposed to such a treaty, the President could not negotiate it. Thus the principles of the Constitution would be changed, and rendered inactive.

The objection which he now made had been realized in the State of New York. The year after the Constitution was adopted, two members were to be sent to the Senate of the United States, when, from a difference of opinion between the two branches of the Legislature of that State, as to the men to be elected, no choice was made until a new election of the Legislature took place, when both branches being of the same political opinion, the Senators were appointed. Besides, this mode would create an enormous expense, because, in every case where a Minister was wanted, the whole Congress must be called together, and when so called, a majority of the House of Representatives might not agree that a treaty was necessary, and refuse an appropriation, or they might withhold an appropriation, unless the President would nominate such a person as the majority thought proper. Besides, four States would rule the other twelve, because the States of Virginia, North Carolina, Pennsylvania, and Massachusetts, had a majority of members. Again, said Mr. W., from the observations of the gentlemen in favor of the amendment, they themselves would not agree to any one object, for one wanted a Minister, and of such a grade, to this, and the other to that Court, and another quite different.

Though much had been said relative to our late Minister at Paris, he should not have touched

upon it, but from what had fallen from the gentleman from Virginia, who had said that peace might have been secured to this country, but that it had been cast from us by sacrificing that Minister. If he were sacrificed, he sacrificed himself. If he could not have done the business in which he was to be employed in an acceptable way to Government, he ought to have refused the mission, as it was said another gentleman had done. He believed that the Executive, in the whole of the business with France, had acted in the most determined manner to preserve our neutrality, and at the same time our friendship with the French nation. But if they took a view of the conduct of the agents of the French Government which had been sent here, it would be matter of surprise that we had been able to keep out of war. The Government and people of the United States had assisted France in every way they could, though they were frequently charged with ingratitude to that country. Mr. W. asked when gentlemen spoke of the party which supported the Executive, whether they did not think the party raised against him by means of these French agents and their friends had not been fifty times stronger than that occasioned by the funding system and the return of disaffected persons during our Revolution? He believed they did. Let gentlemen attend to what the sacrificed Minister had done whilst in Paris, or rather to what he had not done. Had any compensation been obtained for injuries done to our commerce long before the British Treaty was formed; or, for the mischiefs done at Bourdeaux in 1793 and 1794? What had been done to redress the singular and forced sales of cargoes for non-performance of contracts, &c.? He had heard nothing that he had done to redress these grievances. But the gentleman from Virginia had said, that he was sorry his friend had published the communications which had passed between him and their Government. Mr. W. believed that the gentleman alluded to, and his friends, would have reason to be sorry that this book had been published. That publication evidently showed that he had gone farther than he was empowered to do. However, the book and the remarks made and to be made thereon were before the people; they are the tribunal; with them he would leave it, as they were the proper judges, and would judge rightly.

The gentleman from Virginia had determined to preach to the people, but the people ought to hear both sides of the question, and if he preached on one side, the other ought not to be withheld from them. This preaching was commenced two years ago, and gentlemen had preached themselves from a majority of 62 to 37 (which they had in calling for papers from the President in respect to the British Treaty) to a majority of 53 to 45 against them, which was the division at the commencement of the last session, on a vote in answer to the President's Speech, approving of his conduct. This change had been produced by the election which had taken place in the meantime.

Having touched upon the conduct of our Minister at Paris, he would contrast with it the conduct of our Minister at London. This gentleman, he said, had been of the greatest possible advantage to this country. When any of the commercial agents applied to him, instead of writing to the Judge Advocate General a diplomatic letter, he waited himself upon the Judge; and, in one decision alone, he had obtained for damages and freight, for one house in this city, £2,750 sterling. He had also obtained the passing of a law to indemnify neutral claims of spoliation, and upwards of $3,500,000 were appropriated for that purpose. And seeing that the Court of Admiralty there was inclined to procrastinate our business, he had obtained by his perseverance a promise that the Court would sit again in November last. So that it may be fairly said, that our Minister in London has been the means of saving to the citizens of this country more than all the diplomatic expense to which it had been put; and though this money does not immediately go into the Treasury, yet it is the means of enriching our country.

Mr. W. denied that Consuls do the business of Ministers, as nothing was paid them for their services. He also took a view of the large sums paid to British Consuls at their factories in foreign countries; one Consul, said he, at Elsinore, had more income than all our foreign Ministers. Besides, Consuls must dance attendance at foreign Courts, and they cannot do this unless they are paid; and at some Courts they would not be permitted to do business—and, if they were, Ministers would do more at one visit than fifty visits of Consuls; therefore, there could be no saving of expense, but greater delays occasioned, and, in the end, the business would not be done.

But it had been said that the Executive had greatly raised his influence by the law funding the domestic debt of the United States. This act passed the 4th of August, 1790, when nine-tenths of the paper allowed to be funded was out of the hands of original owners; so that, if it occasioned any speculation, it was a speculation upon speculators. If the Executive had meant to have increased his influence by this measure, he would have recommended the measure when this species of property was in the hands of a number, rather than when engrossed by a few. Besides, those called speculators are about equally divided for and against the Executive. He knew that much had been said about this and other subjects in Congress about that time, which the people called "manœuvering." Much was said about the "Penobscot expedition," the "South Carolina frigate," the temporary and permanent "seat of Government," &c. The effect of which, to the State of New York, had been a loss of the seat of Government, and a supposed heavy debt. With all which, however, he knew nothing that the Executive had to do in the business; but he knew the debt was an unjust charge against the State of New York, and he hoped would never again be called for. The next class which had been spoken of as increasing the influence of the Executive was the disaffected in the cause of the Revolution—those who were attached to the Government under which they lived, and refused to

join in opposing it. This was a high trait in their character, and they yet preserved it; and they are now firmly attached to the present Government.

These, then, were the supporters of Government—he wished to know who were its opposers? When the Government first went into execution, the people were nearly divided for and against it. Persons, however, crowded from every quarter to be appointed to office under it; so that ten applications were made for one office, and those persons who had been disappointed had ever since remained the opposers of Government, and he doubted not the present amendment was produced by the same cause.

Soon after this, followed the French Revolution, when our citizens employed in the carrying trade brought the rich produce of the island of St. Domingo into this country; but as the French would not admit of this in time of peace, the English now disputed that right, and because our Executive had refused to interfere, but was determined to preserve our neutrality, it had raised up a powerful party against him. At the commencement of the Government, three-fourths of the inhabitants of the large cities were in favor of the new Government; and those of the country, nearly in the same proportion against it. But after the revolution which he had mentioned had taken place, the inhabitants of the large commercial cities became opposed to the Executive; and when the yeomanry saw this, and that it was the object of the Executive to preserve the peace of the country, they became united in its support. Their love for order and liberty, religious as well as civil, made them the firm supporters of it, under the protecting hand of Providence.

But the gentleman from Pennsylvania (Mr. GALLATIN) had declared, "The people are with us." This and the "feeble minorities" was the source, he believed, from whence sprung all our difficulties. Who told the Freneh nation in 1793 that the people of this country were "with them?" Who encouraged the Ministers of France in this country to make their appeals to the people? Were these the friends and supporters of Government? If the Ministers of this country had acted in France as those of that country had acted here, would they not have been long since guillotined, and that without the shadow of a trial? And would those Ministers ever have acted as they did, if they had not known there was a party in this country who approved of their measures?

The British, observing this favorable disposition of the people of this country towards France, determined to take time by the forelock, and issued the order which had been so much complained of for capturing our vessels; so that this country had lost five or six millions of dollars from the cry of "feeble minorities," and "the people are with us." But when the English saw that the Executive was firm, and could not be driven from its neutrality, but would go to war with them unless they desisted, they forebore, and made overtures for compensating the injuries they had done us, and are now making payments therefor.

It had been said that the Executive was driving Spain into a war, by its firmness of conduct; but this had not been the case, the Executive had spoken a firm American language, and they had heard it; and, if the same tone had been observed toward France, that country must long since have heard it. But the cry of "the people are with us" had done the mischief.

Mr. W. said, he was informed, and believed it to be true, that a company of persons had fitted out four privateers, which had captured sixty-one of our vessels, and only three of the English. By these means, the honest merchant, who would not be seen in carrying contraband goods, had been ruined, and innumerable failures had been the consequence. The farmers had credited the merchants with their produce, until the return cargo arrived; but, alas! it had been captured; so that in numerous instances the farmer had lost all, which by the sweat of the brow had been raised, in order to fulfil his contracts. These failures had filled the courts of law with suits for breaches of contracts, and been the ruin of numbers, so that our prisons are filled with debtors, and the money gone out of the country. The "feeble minorities," and "the people are with us," have been the reason why the resources of our country were not called for seven or eight years ago; and, if called for then, our debt might have been paid, and luxury and dissipation prevented, which have outrun our population.

The yeomanry of this country, Mr. W. said wished the French nation success in the establishment of their Government; they wished to be at peace with them and all the world, and they would be heavily drawn into a war with any country.

The gentleman who brought forward this amendment had concluded his observations with what he was glad to hear—that, if there was a necessity, he would turn out in defence of his country. He hoped every true American would do so. But he did not believe any nation would have the hardihood to attack us. We had a million of men, who, possessed of the spirit of 1776, would come down like a torrent against any attack which might be made upon the country.

The retrenchment of our expenses was certainly a desirable object; but the support of our Government, and the maintenance of its rights and privileges, were of still higher importance. Let us reason together, and act as guardians of the people ought to do. Let us coolly and deliberately reflect on our situation as a nation, and forget any misunderstanding which we have allowed to harbor in our breast. When party distractions are wrought to an extreme height, when jealousies and suspicions universally pervade not only ourselves but the community, however interesting the subject, however necessary the duty, it will be a difficult task to arrest either our own or the public attention by an impartial inquiry into the true interests of the country; for, when the mind is heated, it is not in a state to listen to the dictates of reason. And when we shall have traced the wisdom which directed, the firmness which effected, the Revolution, and seen that we

have been preserved hitherto from being drawn into a war, we must acknowledge that gratitude is due to Providence for his kind interposition in behalf of this happy country.

The committee now rose, and had leave to sit again.

---

WEDNESDAY, February 28.

The bill for erecting a light-house, and placing certain buoys in places therein mentioned, was read the third time and passed.

Mr. LIVINGSTON, from the Committee of Commerce and Manufactures, reported a bill for the relief of sick and disabled seamen, and a bill declaring the consent of Congress to an act of the State of Massachusetts, in respect to certain piers; which were committed to Committees of the Whole.

Mr. VAN ALEN, from the committee appointed to inquire whether any, and what, alterations are necessary in the law providing for the payment of the public debt, made a report, which was committed for to-morrow.

## REPEAL OF STAMP ACT.

Mr. HARPER moved that the unfinished business might be postponed for the purpose of taking up the bill for repealing the Stamp Act, as, if it were to be repealed, the sooner it was known the better, that the expensive preparations which were going on for carrying it into effect might be stopped; and, if it were to go into effect, the sooner it was so determined the better.

The question was carried, and the House accordingly went into a Committee of the Whole on this bill, and reported it without debate or amendment. The House took it up, and on the question's being put for passing the bill to a third reading,

Mr. I. PARKER called for the yeas and nays; but, upon its being suggested by Mr. HARPER and Mr. SITGREAVES that it would be best to take them on the passing of the bill, the motion was withdrawn.

Mr. LYON renewed it.

The question was put for taking the question by yeas and nays, but 16 members only appearing in favor of it, (which were not one-fifth of the number present, which is necessary,) it was not carried.

Mr. HARPER moved that the bill be read a third time to-day, for the reasons he had mentioned. Had gentlemen who were in favor of the repeal permitted a discussion of the subject before the principle was settled, he should have been glad to have delivered his sentiments upon it. For this purpose he had desired a delay of twenty-four hours; but the request was refused. This having been the case, he should not now, since the principle had been decided, go into any observations against the measure. He hoped, therefore, the bill would be read a third time immediately.

Mr. BALDWIN proposed that this bill should be read the third time to-morrow.

The question was taken on the most distant day, and negatived—51 to 40.

The question for reading the bill a third time to-day was carried.

It was accordingly read the third time, and the question on its passage was taken by yeas and nays, and stood yeas 51, nays 42, as follows:

YEAS—George Baer, jun., Abraham Baldwin, David Bard, Thomas Blount, Nathan Bryan, Demsey Burges, Samuel J. Cabell, Christopher G. Champlin, John Chapman, Thomas Claiborne, William Charles Cole Claiborne, Matthew Clay, John Clopton, Thomas T. Davis, John Dawson, Lucas Elmendorph, William Findley, John Fowler, Albert Gallatin, Wm. B. Giles, James Gillespie, Andrew Gregg, William Barry Grove, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Edward Livingston, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, John Nicholas, Tompson J. Skinner, Samuel Smith, William Smith, Peleg Sprague, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Thomas Tillinghast, Abraham Trigg, John Trigg, Jos. B. Varnum, Abraham Venable, John Williams, and Robert Williams.

NAYS—John Allen, Bailey Bartlett, James A. Bayard, David Brooks, Stephen Bullock, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, George Dent, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Nathaniel Freeman, jun., Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, Robert Goodloe Harper, William Hindman, Hezekiah L. Hosmer, James H. Imlay, James Machir, William Matthews, Daniel Morgan, Lewis R. Morris, Harrison G. Otis, Isaac Parker, John Reed, John Rutledge, jun., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, Geo. Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, and Peleg Wadsworth.

Mr. LYMAN came in after his name was called, and wished to have his name inserted against the repeal, but, not being in the House to answer to his name, this was not allowed.

Before the House rose, a message was received from the Senate, informing them that the Senate had resolved that the bill for repealing the Stamp Act *should not pass*.

## FOREIGN INTERCOURSE.

The House then again resolved itself into a Committee of the Whole on the bill providing the means of intercourse with foreign nations.

Mr. COIT said, that he had been surprised at the length of the present discussion: but his surprise abated, when he recollected that it had been customary for gentlemen at every session to go into a philippic against the Executive and Executive measures. The usual occasion had been the Answer to the President's Speech; but as this session had gone off smoothly, without anything of this kind, it seemed as if the present motion had been intended for the purpose.

In the course of the present debate, both the bill and the amendment had almost been lost sight of. Indeed, so foreign had the debate been from the subject, that he had thought of moving to have the speech of the gentleman from Virginia printed and laid upon the table, as that seemed to have been the subject of discussion.

Mr. C. said, he would make a few observations on the bill and the proposed amendment, and then take some notice of what appeared to be foreign to the subject.

This bill, Mr. C. said, was in the same style as the former law; the section to which the amendment was offered, was exactly in the same words. The amendment proposed that Ministers at London and Paris should have the same salary as heretofore, and that all others should not have more than half the sum. Perhaps the style and expenses of living might be lower at other Courts; if so, it ought to have been so stated; but nothing had been said on this subject. The style of the bill was of a kind which he did not approve. It was desirable that the salaries of all officers should be fixed by law; but as, when this law passed, it was not known what would be a proper distinction to make in the salaries of Ministers to different places, it was left to the discretion of the President, limiting him as to the extent. It was unpleasant for the President to allow a less sum to one Minister than he allowed to another; and the consequence had been that all had been allowed the highest sum allowed by law; but as he supposed the same reasons existed which caused the law to be passed in this way at first, he saw no reason for altering it.

There could be no doubt as to the power of the House to fix the salaries of Ministers; and if there were sufficient reasons why the Ministers at Paris and London should have larger salaries than those at other Courts, no Constitutional question could arise as to the power of the House to come to such a decision.

But the gentleman from Virginia seemed to have an object which was not the ostensible one as he supported his amendment by arguments perfectly inapplicable to it. The object seemed to be to prevent the sending of Ministers of a certain grade to any but the Courts of London and Paris. Granting that the House had the power of determining this question, they would not do it without information. The gentleman from Virginia, the gentleman from Tennessee, and others, say that we have no need of a Minister at Berlin. What authority they had for the assertion he knew not; he supposed the President had more complete knowledge on the subject than they, and he has said the contrary by the appointment. It was, indeed, idle to speak upon a subject on which they neither had nor could have sufficient information.

It appeared to him that the gentleman from Virginia had not attended to a material part of the Constitution. Much had been said about the checks which one department of Government had over another; but there was one consideration not attended to. By the Constitution, it appeared that the several departments originated from the same source—they were all equally the agents of the people. One department had a right to challenge the same confidence from their constituents as the other—no one had the exclusive confidence of the people. And if there were not a mutual confidence between the different branches of Government, nothing but wrangling and disorder would be the consequence.

If the President of the United States was possessed of patronage, that House did not give it to him, nor could they take it away. Whether the people had given him too much, or too little, was no question before them. As to the discretion of appointing to office, it was a delicate subject, and he wished it had not been touched; but, as it had been handled, and talked about, it might as well be talked about freely. He had been so unaccustomed to anything like a political creed, that he had never thought any was adopted by the Executive. But he found it was too true that certain opinions were held in this country, which made it necessary for the President to inquire into the opinions of persons who were to take part in the execution of Government. Certain opinions had been broached as held by many persons of this country; he did not know, however, that they were held by any. He would state what the opinions were to which he alluded. Mr. C. then read the following extract, [which, it will be recollected, is from a letter said to be written by a person high in office in this Government to Mr. Mazzei, at Madrid:]

"That our political situation is prodigiously changed since a few years past. That instead of that noble love of liberty, and that republican Government, which carried us through the dangers of the war, an Anglo, Monarchico, Aristocratic party has arisen—their avowed object being to impose upon us the substance, as they have already given us the form of the British Government. That nevertheless the principal body of our citizens remain faithful to republican principles; all our proprietors of lands being friendly to those principles, as also the mass of men of talents.

"That the Republicans in the United States have against them, the Executive and the Judicial power—all the officers of Government—all who are seeking offices—all timid men, who prefer the calm of Despotism to the tempestuous sea of Liberty—the British merchants, and the Americans, who trade on British capitals—the speculators—persons interested in the bank and the public funds.

"That these establishments were invented with views of corruption, and to assimilate us to the British model in its corrupt parts.

"That it would give an honest man a fever to hear of the apostates, who have embraced these heresies; that they are men who were Solomons in council and Sampsons in combat, but whose hair has been cut off by the whore of England.

"That these men wished to wrest from the people of America that liberty which they have obtained by so much labor and peril; but that the Republicans would preserve it.

"That the mass of weight and riches in the Republicans is so powerful, that they have nothing to fear from any attempt against them by force.

"That it is sufficient that they guard themselves, and that they break the Lilliputian ties by which these conspirators have bound them in the first slumbers which succeeded their labors.

"That, in short, it is sufficient that the Republicans arrest the progress of that system of ingratitude and injustice towards France, which these conspirators have

been pursuing, with a view to alienate the people of America from France, and to bring them under British influence."

Far be it from me, said Mr. C., to charge sentiments of this kind to any gentleman of this House; he had hoped there had been none such in America. But the evidence was too strong that a sort of political enthusiasm existed, which seemed to take to itself exclusive republicanism; which embraced sentiments too much like those which he had cited. He would ask the gentleman from Virginia whether, if the President of the United States supposed there were persons who entertained sentiments like these, he ought to appoint such persons to office? That gentleman must candidly answer, No. It would argue extreme folly to do so, as nothing but treason and insurrection would be the consequence of such opinions. For, if the present Government be hostile to the interests of the country, and be planning away its liberties, it would certainly be the duty of every honest citizen to use his efforts to destroy it. He hoped, however, these sentiments were not harbored by any; he should have pleasure in hearing the gentleman from Virginia disavow them. But certainly if the President of the United States believed that such sentiments were held, he was fully justified in determining not to appoint to office persons holding them.

Mr. S. SMITH rose to move an amendment to the amendment of the gentleman from Virginia, which he hoped he would consent to, viz: to add Spain as a place to which Ministers sent should have a salary of $9,000.

[Mr. NICHOLAS was not in his place, and therefore could not consent to this amendment. It of course became the subject of debate.]

Mr. J. WILLIAMS supposed gentlemen opposed to the original amendment would also be opposed to this.

Mr. HARPER said there could not be a more nugatory amendment than this. Nobody would object, he supposed, to a Minister Plenipotentiary for Spain; but it was to the interfering in the business at all that the objection lay, as it went to abridge the power of the President.

Mr. S. SMITH said the amendment which he had proposed, was a simple amendment to the bill, without having any reference to the right of the President.

Mr. LIVINGSTON said the gentleman from South Carolina had forgotten the object of his colleague, (Mr. PINCKNEY,) who had said he wished to get rid of our foreign Ministers as soon as possible, and his great objection to the present amendment was, that by it the Minister Plenipotentiary was withdrawn from Spain. If the amendment of the gentleman from Maryland was carried, therefore, it would remove that objection; and the vote of that gentleman in favor of the proposed reduction would be of considerable consequence.

Mr. RUTLEDGE said the gentleman last up had misstated the sentiments of his colleague. His colleague had, for some time, been too much indisposed to attend his duty in the House; but he had told him that his sentiments on this subject had been much misrepresented. He believed his colleague had said, that, in orderly times, it would be well to lessen our foreign connexions—not that he would do so at all events; and in order to show the impropriety of the amendment of the gentleman from Virginia, he instanced Spain, with whom, he said, it was probable negotiations might now be carrying on, and that therefore to recall our Minister from thence might be attended with bad consequences.

Mr. LIVINGSTON replied he had understood Mr. PINCKNEY to say what he had stated.

Mr. DAYTON (the Speaker) said if the gentleman from Maryland had offered an amendment to the first or second speech of the gentleman from Virginia, it might have been proper, as he thought them liable to amendment in many parts. As to the bill itself, or the amendment, they had long been out of sight. It was not the letter of the amendment, but its spirit that was objected to; but if he was to decide at all, he would certainly dispense with this complimentary interference with the nation mentioned, sooner than with any other; but if any new amendment was brought forward, he hoped it would be to the *speech*, and not the bill.

Mr. OTIS was opposed to this amendment, on principle; but he could not say, with the gentleman last up, that he should be less inclined to compliment Spain with a Minister Plenipotentiary than any other; but as this was no business of theirs, he hoped the amendment would be rejected.

Mr. NICHOLAS (having come in) said he had no objection to the admission of this amendment to his motion, if it would accommodate any gentleman of the committee.

The amendment was, of course, admitted.

Mr. S. SMITH said he understood the gentleman from South Carolina (Mr. PINCKNEY) as saying, that in time of profound peace it would be proper to withdraw all our foreign intercourse, as it could do little good, and might do much harm. If he was of the same opinion with that gentleman, that there would ever be an inclination in this Government to do away all our foreign intercourse, he should not be desirous of carrying this amendment; but as this was not the case, he wished to put the business upon a stable foundation, by fixing the salaries of our Ministers, as was the case in the Governments of Europe. The President had $40,000 appropriated for foreign intercourse, leaving it to him to give Ministers what he pleased, so that it did not exceed the sums specified in the act. The consequence was, that, though the expense and style of living was very different in different countries, he allowed to all the highest sum. He wished, therefore, that at the Courts of London, Paris, and Madrid, our Ministers should receive such an allowance as should enable them to live in the style which was necessary there; but he believed a much less allowance would be sufficient at the Courts of Berlin and Lisbon. He believed one-half the sum would there be sufficient. A regulation of this kind would relieve the President from his

present situation, in which he found it unpleasant to make any discrimination between Ministers sent to different countries.

If the present discussion had been confined to the law itself, the question might have been determined long since; but the gentleman from Virginia had introduced other subjects, and it had been found necessary to reply to them. His colleague (Mr. CRAIK) said that gentleman might say they were speaking to the galleries, or not; he maintained they all spoke to the public, and that the public would determine whose sentiments were right. His colleague was, however, mistaken in one thing, viz: that the Executive had a right to make treaties and appoint Ministers, and that that House had no right to consider the propriety of appropriating for them; and in saying that this question had been several times decided in this way, particularly in the case of the British Treaty and the frigates. He had voted for both these measures; but he never believed that the Executive could appoint as many Ministers or negotiate as many treaties as he pleased, and that that House would be bound to carry them into effect. He knew he had a right to do both; but if he went to an excess in either, that House had a right to check him, by withholding appropriations, and would do it. There never had been a solitary fact to prove the contrary, but there had been several votes to establish the principle which he contended for. Upon the call for papers in the discussion on the British Treaty, which was a question involving the right of the House to inquire into the propriety of the measure, the question was carried—62 to 37. But in order that this might not be mistaken hereafter, the House came to another resolution, in which it was expressly stated, that, though the House claimed no agency in the making of treaties, that they had a right to judge of the expediency or inexpediency of carrying them into effect, which was carried by 57 to 35. And when the treaty itself was determined to be carried into effect, it was expressly upon the expediency of the measure. If gentlemen were not satisfied of this right from the Constitution, he trusted they would allow that these votes had put the matter beyond doubt.

Thus much to show that his colleague had been mistaken on this point. Gentlemen, Mr. S. said, were sent to that House to do their duty; and it was not to be supposed, because they had the power of stopping the wheels of Government, that they would do so; for, however they might differ in opinion on the subjects which came before them, they would certainly agree in supporting the Government. Indeed, not one instance could be adduced, in which this discretionary power had been abused.

His colleague had said that party did exist both in that House and out of it. He agreed with him, and said it was right, when a man went with a party, to avow it.

Gentlemen had complained that members spoke to the galleries, and to their constituents, and not to the members within those walls; yet they themselves did the same. For what else, he asked, could be intended when gentlemen charged others with being disorganizers and with intentions of overturning the Government? When they said this, they did not believe it; but they believed it would please their constituents to hear that they had thus said. But could it for a moment be credited, that men of property would come there to set the Government afloat, and by that means render insecure property of every kind? These reflections were meant to apply to the Southern States, and he believed particularly to Virginia; but let gentlemen show one insurrection or violent opposition to any measure of Government in that quarter. They could not do it; for, though the people in the State of Virginia were generally opposed to the excise law, yet, when it had passed, the opposition ceased; and he believed there was not a State in the Union, besides that, in which that law was honestly carried into effect.

When the insurrection against the excise law took place in this State, the citizens of which quarter of the United States turned out more readily than those of the State of Virginia, armed and accoutred by that State, to quell the disorder? Yet they were called disorganizers. He did not believe there was a man in that House, nor ten men in the United States, who would part with the present Government; and it was extraordinary that men who were most opposed to the adoption of it, were now the first to call those who had invariably been friends to it, disorganizers. He himself was not afraid of these reflections—they never touched him; but he thought they were dishonorable to the Legislature of the Union.

Gentlemen were in the habit of speaking to the galleries, of imported doctrines, referring to a gentleman in that House, whose abilities they feared. What could they mean by such insinuations, if not to please their constituents? He himself had thought, that though a man was not a native of this country, if he went through the Revolution, he was an American as much as a native, as he was one from the commencement of our independence; and, before that time, they were all British subjects. Besides, this argument cuts both ways, as there were gentlemen in the House of this description of very different opinions.

Mr. S. believed, heretofore, that all the citizens of the United States were equally entitled to the favors of the Executive. He had believed that no respect had been paid to men of any particular opinion; but they had now been told, both out of doors and in that House, that all persons who did not think precisely with the Executive, were to be excluded from office. If this was a fact, the patronage consequent upon appointments to office might be improperly applied. He hoped this was not so, and that the President was better informed with respect to his duty, and could not believe what gentlemen had so confidently asserted, as he saw men in office who had always been friends of the Federal Government, as well as those who opposed its adoption.

Mr. S. concluded by saying, that gentlemen were fond of calling themselves the supporters of Government, but he wished them to be convinced

that men who differed from them in opinion were equally its friends and supporters with them.

Mr. IMLAY said he felt considerable reluctance in offering his sentiments to the committee on the subject now under discussion, at this late stage of the debate. So fully and ably, indeed, had the merits of the present question been discussed, that little remained for him to say which could have claim to meet attention from the committee. He would, however, solicit their indulgence for a few minutes, while he made some general remarks on one point on which the gentleman from Virginia, who brought forward the amendment now under debate, appeared most to rely for its support, and then subjoin a few observations on the Constitutionality of the amendment proposed. The point on which he proposed to remark, was that of Executive patronage. The danger to be apprehended from the exercise of this patronage by the Executive—of his acquiring an influence and control which would be mischievous and dangerous in the extreme to the freedom and independence of this branch of the Government, if not to the existence of the Government itself. In his apprehension, fears of this kind were quite imaginary; from the nature and constitution of our Government. Taking into consideration the various and opposing interests and passions on which the laws of the General Government had to operate, in the opinion of enlightened and unprejudiced men, there could be no question but that the Executive branch of the Government was decidedly the weakest, and that branch of the Government the most susceptible of innovation and encroachment. Of this sentiment were many of the most patriotic and enlightened statesmen of this country, at the formation and adoption of the general Constitution. For himself he had no hesitation to declare, and gentlemen might call it a clue, or key, or what they pleased, that there was more cause of apprehension for the safety of the Government from the weakness and inefficiency of the Executive branch of it, than from any powers or privileges possessed by that power, which were dangerous and alarming. The history of the Government was in support of that opinion; and the sentiment which, on this subject, had been hazarded with much diffidence, was now confirmed by experience itself.

In his opinion it would be extremely difficult to name one solitary instance in which, on the part of the Executive, there had been an attempt to interfere with the powers of this branch of the Government. But, he asked, were there no cases in which, on the part of this House, attempts had been made to encroach on the Constitutional powers of the Executive? The famous call for papers, and the attempt to withhold the necessary appropriations for carrying into effect a certain treaty, were within the recollection of all; the usurpation of the right to instruct the President on the subject of instructions to our Commissioners in the late negotiation with France; the attempt to direct and control the Executive in the use and employment of the frigates, were of recent date; and the present and daring attempt to regulate and restrain the President on a point as clearly and as exclusively Executive as that of nominating to office, would not soon be forgotten.

Will gentlemen have the hardihood to say that these were not attempts to encroach on the Constitutional powers of the Executive? That they were mere essays to restrain and keep that power within its proper sphere? He presumed not. He should be more surprised at a denial of this kind, than at the existence of the fact. That such attempts had been made, and would be again made, he had no doubt. They sprang, in a degree, from the nature and principle of our Government; they had their existence also, in part, in the tempers and passions of men. In such a Government, then, which afforded either real or imaginary occasions for operations of this kind, attempts similar to the present must be expected to be made; they should be watched with a jealous eye; they should be resisted with firmness and decision. But what, he would ask, were the powers possessed and exercised by this branch, and the Executive branch of the Government? Were they equally influential? Were they equally powerful? Had they equal right in the scale of the Government? He thought not. On examination, he was much inclined to believe it would be found that the weight of influence and power were decidedly on the part of this House; and that experience and observation would justify the remark, that the Legislative branch of Government was frequently attempting encroachments on the other branches, and usurpation of all power to itself.

It was a remark, he said, which was not without claim to attention, that danger did not unfrequently assail us from a quarter from which it was the least expected. Much should he be disappointed, if this did not eventually prove to be the situation of gentlemen on the other side of the question. They appeared to him, on this occasion, to direct their fears to the wrong quarter. Gentlemen professed to believe that their fears for the safety and preservation of the Government arose from the subtle and accumulating nature of Executive influence and patronage; but they were not aware of the danger of Legislative usurpations, and of the evil consequences which would result therefrom. Gentlemen, on this occasion, would permit him to say, that they should be jealous of the purity of their own motives, and of their own conduct; that they should examine both with candor, with sincerity, and with inflexible impartiality. They should consider, that already does this House possess power and influence superior to any other, if not to all the branches of the Government; and that it is the nature, the disposition, the essential and inherent quality of power, thus possessed by a body of men, to reach after still greater power—nay, to usurp and attract all power to itself. Apprehensions of the danger of Executive influence seemed to have had a powerful operation on the framers of the General, and of most of our State, Constitutions. With them it seems to have been a primary object to guard against the *abuse*, but even against the *use*, of anything like

Executive patronage. Apprehensions of this kind may perhaps be ascribed, in some degree, to the dread of hereditary power and prerogative, as possessed by the Supreme Magistrate of that country from which we may be said, in some measure, to have taken our form of Government. In such a Government there may, indeed, be just cause for fears and apprehensions of that kind. But great was the difference between the Constitution of that country and the Constitution of the country in which we have the happiness to live; and great and manifest, in his judgment, were the superior influence and powers which the popular branch of this, and perhaps of all Republican Governments, possess over their Executives.

He proposed briefly to examine this point. The Executive branch of the Constitution was limited, with much care, in the extent and duration of its powers. Its powers were specified—simple in their nature, and circumscribed within narrow limits; and its operations watched with a cautious and jealous eye. A high responsibility was attached to all its measures; with a salary barely adequate to its support; without emolument and without prerogative; remotely situated from the great mass of the people, and possessing their confidence and respect, in no small degree, from the recollection of former services, eminent virtue, and distinguished talents; and all these imperfect and limited privileges or prerogatives (if such they may be called) holden, as had been well observed, on the short and precarious tenure of a four years' lease.

On the other hand, the powers possessed and exercised by that House, were exercised by that branch of the Government which emanated immediately from the people themselves, with all their passions, interests, localities, prejudices, and jealousies. More powerful in point of numbers than the other branch of the Government; highly respected for its wisdom and talents; capable of acting with system and reason in the accomplishment of all its measures; its powers more numerous and extensive; and those but imperfectly limited and defined; with but little (at any rate a very divided) responsibility attached to any of its measures; and with full power to raise money, and a claim to the right of appropriation in all cases;—with all these superior and eminently powerful advantages in favor of this branch of the Government, what cause was there for all this alarm about Executive influence—all this clamor about the danger of Executive patronage? For himself, he could see none. Gentlemen, he said, could not be serious in their fears on this subject: they appeared to him to be quite imaginary. We did not wish to be guilty of uncharitable or illiberal suspicions on this occasion: gentlemen had disclaimed all mischievous and improper motives. He was happy they had so done: he hoped they were sincere.

Mr. I. said, if he were correct in this view of the subject, (and he trusted he was,) gentlemen might quiet their fears as to the danger of this branch of the Government, from any undue influence to which it may be exposed on the ground of Executive patronage. On the other hand, the danger to be apprehended for the safety and preservation of the Government in its purity and perfection, in his opinion, arose from the temper and disposition manifested on the part of this House to encroach on the Constitutional powers of the Executive. He believed this to be the nature and tendency of the Government, and that the history of both ancient and modern Republics was in confirmation of this opinion.

Without travelling into ancient history in search of cases in support of this general position, he said he would content himself with referring to two or three cases which related to, and happened within, our own country, and therefore more to his purpose. The first case to which he referred, was the proceedings of the Legislature of the State from which he had the honor to come. While he professed himself perfectly happy and contented as a citizen of that State, and had the highest respect for the virtue and integrity of its Legislature, yet he believed instances might be recurred to, in which the popular branch of that Legislature had stepped beyond its Constitutional limits, and encroached on the powers of the other departments of Government. He wished not to be understood as ascribing this to any mischievous and improper motives, but to the nature, disposition, and tendency of that and of all Governments similarly constituted. The next case to which he referred, was the proceedings of the Council of Censors for the State of Pennsylvania, for the years 1783 and 1784.

The authority which he next read on this point, was from Mr. Jefferson's Notes on the State of Virginia.

Mr. I. then proceeded to consider the amendment in a Constitutional point of view. He said it was not his intention to go into a minute and extensive examination of the constitutionality of the amendment now under discussion; he should make only a few plain and obvious remarks, which have occurred to him in reflecting on this subject, and which have fully convinced his mind that it was the duty of Congress and of this House to make the appropriation in question. Gentlemen had denied this duty and obligation on the House to make the appropriations for the support of foreign Ministers, legally appointed by the President, as they had formerly denied the same obligation for carrying into effect a treaty constitutionally made.

If gentlemen on this occasion, as was well observed, had directed their remarks to an inquiry whether the compensation allowed by law to foreign Ministers was not too great—was not extravagant—he should have concurred with them in the inquiry; but when they contend for the right to appropriate or not, he could not agree with them.

There are but three clauses in the whole Constitution which relate to this point; one is the second clause of the second section of the second article—where the right of making treaties and appointing foreign Ministers is as exclusively vested in the President with the concurrence of

the Senate, or two-thirds, as the right of originating money-bills is in the House of Representatives.

The next clause to which he referred, was the last of the eighth section of the first article; in which, after enumerating the various powers of Congress—such as levying taxes, declaring war, &c.—it was added, "that they should make all laws which shall be necessary and proper for carrying into effect the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

This was not intended as a summary of the former prerogatives, but as an additional grant of every authority necessary for giving them full effect. For example, besides the right of levying taxes and imposts, it grants Congress the right of determining taxable inhabitants, establishing collectors, revenue cutters, &c. Having declared war, it gave the right of regulating the levy of troops, and establishing arsenals and magazines. But the clause adds, likewise, the power of carrying into effect all other powers vested by the Constitution in any department or officer of the Government. For instance, by this clause Congress is empowered and explicitly required to enable the Judiciary (which is one department of the Government) to give effect to their decisions and judgments, constitutionally made; to enable the Executive, also, (which is another department or officer,) to carry into operation treaties that have been ratified, and to make provision for supporting those foreign Ministers and agents, which have been Constitutionally appointed.

Gentlemen had contended that the power to carry into effect the legal acts of the Executive, implies the power of refusing to give them effect. This construction was evidently contrary to the design and spirit of the clause. Let us, said he, take an example from among the powers vested in the Legislature, by which to illustrate it.

If Congress have determined to levy a certain tax, which by the Constitution it has a right to do, then, by this clause, it has the farther power of doing every thing necessary to collect that tax with certainty, to bring it into the Treasury, and to prevent any part of the people from contravening it. Will gentlemen pretend that, having determined to levy the tax, they may neglect the means of giving efficiency to the law; and that the power given in this clause is a power to act or not to act in the case? That is, to trifle with its own laws? No, the power in question implies an obligation to give effect to the law by every requisite subsidiary law.

As that clause has relation to the legal acts of the Executive as well as those of the Legislative, it equally and evidently implies an obligation to make the necessary subsidiary laws and appropriations for acts of the Executive also. It cannot imply a power to defeat the acts of the Executive any more than of the Legislature—for both are expressed under the same terms—but simply a power which, by the mode of expression, involves an obligation to give complete effect to both. It supposes the duty of giving effect to the Constitutional rights and powers of the different branches of the Government, and then confers the authority requisite for the purpose.

The only other clause in the Constitution which appeared to him to be any way connected with this subject is the 6th clause of the 9th section of the 1st article; the provision contained in this clause was intended to guard against fraud, and the embezzlement of the public money; to operate as a check on the respective branches of the Government and its several officers, and to prevent money being drawn from the Treasury for any other than authorized objects, and with the greatest notoriety, the solemnity of a law.

It was either on this clause of the Constitution, or on the abstract principle, that gentlemen had predicated a sort of logic which, in his apprehension, was extremely fallacious and deceptive. It had been contended that the framing of a law by which money shall be drawn from the Treasury implied deliberation, that deliberation implied discretion, and discretion the power of refusing. This was a chain of inferences the most unfounded, and if admitted would draw all the powers of Government, as well as its money concerns, into the vortex of the House of Representatives.

Here, he said, he would ask a question or two. The salaries of the Justices of the Supreme Court of the United States—was not Congress under a moral obligation, and by law obliged to make the necessary appropriations for an adequate support? Does our discretion permit us to refuse this? If it does, then may we render that department completely dependent on ourselves, and usurp the Judiciary power. Have we the right to refuse appropriations for more than two foreign Ministers, and to say that all our other foreign agents shall be Consuls? If we have, then on the same principle we may refuse to have any Ministers at all; we may refuse to appropriate unless they are appointed to such Courts as shall be agreeable to a majority of this House; we may refuse to appropriate unless the persons appointed are the particular men whom we shall approve. That is, we may render the President's right of appointing nugatory; we may engross this power in our own hands; we may recall Ministers, or appoint them at the will and pleasure of the strongest party in this House.

This principle, indeed, brings within our ambitious grasp every power of the Executive, which requires one farthing of money to carry it into effect, however sacredly it may have been trusted to the President by the Constitution. There is not an authority belonging to the Executive department which we may not usurp on this ground of construction; and he had before shown that we may, in the same manner, render the Judiciary entirely dependent on this branch of the Government; and the whole powers of Government may be thus engulphed in this House, and produce a tyranny, which we endeavor to avoid by a separation of the departments.

If gentlemen really think that this would be for the interest of the people, he would infinitely

rather see them come forward in an open and candid manner, and endeavor to obtain an explicit modification of that part of the Constitution, than be continually attempting to covet unwarrantable extensions of Representative power under the false and dangerous constructions which make that instrument speak any language. If we pretend to be governed by the Constitution, let us submit to it according to its plain and obvious meaning, and not be forever deceived and abused by fallacious and distorted interpretations.

Let us remember that our Constitution is among the wisest and best the world has ever known. That to support and preserve this Constitution was the sacred deposite committed to our care; that the present is a period of innovation, discord, and revolution. Let us, therefore, be cautious how we construe and innovate upon any part of that system. Rather let us wait for a more calm and settled state of things than at present seems to exist.

Mr. MACON had no doubts as to the Constitutionality of the present question. The same clause of the Constitution which gave the President power to appoint Judges gave him power to appoint foreign Ministers; and he believed he had the same right to say to what place a Minister should be sent that he had to say where a court should be held.

It had been observed, Mr. M. said, that there was a party in that House who wished to infringe and prostrate the Executive rights; but it had been clearly shown that there had never been such an attempt made.

The time was said to be improper for making the proposed regulation; it appeared to him expressly contrary. From the 4th of July, 1776, all the foreign Ministers who had been in this country, had done more harm than ours had done good in foreign countries. As early as the year 1785, the inconvenience had been felt. But it was said to be a matter of politeness, and if foreign Governments sent Ministers here, we must also send Ministers to them. He wished to get clear of this business; but he believed we had sent Ministers to countries from whence none had been returned, so that that rule was not a general one.

It had been said, speeches were made from one side of the House to the galleries. He believed that both sides had done the same, for gentlemen allowed they did not expect to make converts in that House, and therefore they must have spoken to the public.

A subject had been introduced which he thought ought not to have been mentioned in that House—he meant the conduct which it was said the President had adopted of appointing to office persons of one opinion only. This might be attended with great inconvenience. Suppose the President and Vice President were, at any time, of different political opinions; if the former were to die, the latter, if this system was to be acted upon, must turn out all persons in office, which would certainly appear an extraordinary measure.

It was said that the gentleman from Virginia, and those who supported the amendment, wished to violate the Constitution and overthrow the Government. This charge was principally made against members of the Southern States, than in which, he would venture to say, the laws of the United States had no where been better executed; for, though their members in that House had generally heen in a minority, no instance of opposition to the laws had ever occurred; and in case of a dissolution of the Government, they would certainly have nothing to gain, but would most probably, in any convulsion, be the greatest losers. Why, then, were these arguments brought here? Was it to impress it upon the minds of citizens of other parts of the United States that they were fond of Government; that they wished to live in disorder? There was no truth to support the charge. Some gentlemen had charged them with wishing to stop the wheels of Government, whilst others had spoken of them as wishing to add a fifth wheel to it; so that one supposed them to stop its course, and the other to make its movements too rapid. They had nothing which looked like disorganization in their part of the country. Even their newspapers were silent on that head; he wished he could say as much for papers in another part of the Union. It was clear, if any part of the country had a right to complain, it would be the Southern States, as many of the laws had borne hardly upon them, and none of them afforded them any advantage.

But it was observed, that if our foreign Ministers were done away, we should have secret spies. He believed we had now not only public, but secret spies. It was not long since they had a report before them which showed that we had had a secret spy in a public Minister who had engaged in a plan which might have involved this conntry in war, had it not been timely discovered. He hoped, however, every department of Government had exerted themselves to develope this mysterious business.

It was said, that it was probable this motion had its origin in a disappointment which gentlemen felt in the election of President. He did not believe that this had had any effect; and during the late Presidency an attempt was made to retrench the present expenditure. As well might he say, what had fallen from the gentleman from Connecticut (Mr GOODRICH) was intended to injure the Vice President.

Mr. M. would not boast of what the Southern States had done; but he would say what they had not done; they had not been the promoters of banks, funding and excise systems, stamp acts, &c.

Mr. M. said, he thought an observation made by the gentleman from New York, yesterday, went wholly against his own doctrine, viz: that appointments to office made ten enemies to one friend. He believed the contrary was the truth, and that the Governor of the State of New York had remained a long time in office principally from the support which that patronage gave him. The same gentleman was equally unfortunate in his reference to the amendment proposed by the Le-

gislature of Virginia to the Constitution, as the words of that amendment were that the House of Representatives *have* and *ought to have* the power in question. [Mr. WILLIAMS said he alluded to the amendment proposed two years ago, which was differently expressed.]

Mr. M. did not know what gentlemen meant when they spoke of the usurpations of that House over the other branches of the Government; such a remark could only be intended to impose upon the people out of doors.

Mr. M. said, the question was a simple one. It was whether that House would undertake to regulate the salaries of foreign Ministers. The right of doing this could not be doubted; for though he did not believe that the House had a right to say to what places Ministers should be sent, and what should be their grade, he did believe that they had a right to say that so much salary should be given to Ministers at one place and so much at another; and this was proper, since the different style of living in different places, made four thousand five hundred dollars at one Court, equal to nine thousand at another. He hoped, therefore, the resolution would be adopted.

Mr. THATCHER agreed with the gentleman who had just sat down, that much unnecessary matter had been introduced into the present debate. He believed it must have struck every one, that most of the topics which had been discussed related little to the bill itself. He was of opinion that the mover of the amendment, himself, thought it of little importance, because the law would expire at the end of two years, and he had frequently said, he did not wish his proposed regulation to take immediate effect, so that the time between the law's taking effect, and its expiration, could not make the object of much consequence. The gentleman had, therefore, considered this amendment merely as an occasion to reprehend whatever he disliked. Mr. T. said, he should make a few observations upon what the gentleman declared he had in view in bringing forward the amendment, viz: to bring the diplomatic establishment to what it was from the year 1790 to 1796, when it was departed from, and to prevent an increase of our foreign Ministers.

Mr. T. adverted to the law of 1790, of which he said that the present bill was nearly a transcript; that there was nothing in this bill to alter the foreign intercourse establishment (if it were deserving of the name of an establishment;) for if a larger sum of money was granted for the War or Treasury Departments in one year than had been granted in another, it would not be said that the establishments were departed from. In 1794, a million of dollars were granted for foreign intercourse; but this was no departure from the diplomatic establishment. In 1796, other sums were granted, but none of these grants either added to or diminished from the power of the President. The only feature in the law of 1790, which could constitute anything like a diplomatic establishment, was the fixing of the salaries, which the present bill did not go to alter. It was the amendment which proposed to alter the salaries; therefore, if there was any departure from the establishment, it was in the amendment.

Mr. T. said, it had not been shown to his satisfaction that a less sum was necessary to be paid to a Minister at Berlin or Lisbon, than at the other Courts. The other view of the mover was, to cut off the whole of the diplomatic establishment. He thought this had no connexion with the amendment. If the gentleman from Virginia was desirous of effecting this, he ought to have brought forward a distinct proposition for the purpose, independent of this bill, and then every one would have had the object before them stripped of disguise.

A much greater latitude of debate had been taken than was necessary, if nothing had been in view more than the intention of the Constitution in this respect. It was allowed that neither the House of Representatives nor the Senate had a right to nominate Ministers; the patronage would, therefore, be increased if that House obtained the controlling power contended for. That one department of Government should interfere with the business of another was a doctrine so well understood, that there was no occasion to dilate upon it. [Mr. T. read the direction of the Constitution in this respect.] He denied that the same clause of the Constitution gave the President power to appoint public Ministers and Judges. Gentlemen confounded two parts of the Constitution together; the appointment of Judges depended upon a previous law, but no previous law was necessary for the appointment of Ministers.

But, it was said, if this power of appointing Ministers was possessed by the President, without control, it would swallow up all the other powers of the Government; and historical facts had been adduced to show that other nations had lost their liberty by excessive influence of their Executives. The House had been told in what way England, and all the European Powers, except one, had been deprived of their liberty. Except in one instance, this assertion had been contradicted by fact; the instance he excepted was France. He wished, instead of speaking generally, the gentleman from New York (Mr. HAVENS) had placed his finger upon any one instance, to have supported his position. Mr. T. then took a view of the manner in which Athens and Rome had fallen. The overthrow of the latter, he said, had been accomplished by mobs (something of which had been seen in this country,) a kind of democratic societies, by demagogues getting the rabble about them, and then getting on the backs of the fools, rode the Government down. He spoke also of the downfall of Greece, and added, that there were things in this country which much resembled the situation of that, and if a stop was not put to them, we should soon experience a similar fate. Nothing was more easy than to assert that liberty had always been destroyed by an excess of power in the Executives of Governments; but he believed it had more frequently been destroyed by democratic mobs, by the erection of whiskey poles and liberty poles, and by discontented Representatives going home to their constituents, and setting them against the Government.

It could not be denied, that the power of appointing to office might be abused; but to prevent an abuse of power, they ought not to take away the power itself. But it was asked whether, if the President were to appoint an hundred Ministers, the House would be bound to appropriate for them. In such an extreme case, it seemed to be supposed that the point must be conceded, and an interference must be had. But he would ask gentlemen a question, in his turn: When will the President appoint a hundred Ministers, or any number which the people of the United States will not allow to be proper? He would answer this question himself, because he knew they could not. It would be when the people at large shall have been stirred up by means of whiskey and liberty poles, and have become so intoxicated and corrupt, as to elect a man for President like themselves, who should abuse the power placed in him. But this was too extraordinary a state of things ever to exist in this country.

But it was said, What! cannot this House appropriate, or refuse to appropriate, as it should see proper? Can it not deliberate? In some cases, he said, the House was no more at liberty to refuse to appropriate than a man was at liberty to commit a crime. Wherever an office was created by the Constitution, or by law, the House was not at liberty to refuse an adequate compensation to the persons who filled those offices. In certain cases, the House might repeal a law fixing salaries, or for appointing officers; but whilst the law existed, these officers must be paid. Mr. T. illustrated his position by a number of instances.

If it was the opinion of the President, therefore, that it was proper to have Ministers in every Court in Europe, he ought to send them, and the House could not refuse to appropriate for their salaries. It would be *usurpation* to do so.

It was only necessary to notice one short sentence of the gentleman from Virginia, to show that if that House had the power of controlling the appointment to office, the patronage annexed to these appointments would be increased a hundred fold. "If it would accommodate any gentleman, he had no objection to making the provision for a Minister Plenipotentiary to Spain." This language was, "You want a Minister in Spain; if you will consent that the House take the power of regulating this matter into its own hands, I will agree to a Minister being sent there." So that another gentleman might ask for another somewhere else, and so on, which would be granted on certain conditions. Every one must see to what this would lead.

But it had been said, that our public agents were mostly taken from the Legislature, and that the draughts from thence had been *alarming*. What, he asked, was the fact? At London we have had three Ministers, two of whom were never in the Legislature; in France five, one of whom had only been a Legislative character, and he did not come within the view of the gentleman who made the assertion, because he was opposed to the view of the Executive; at the Hague we have had only Mr. Adams, who was never in the Legislature; and now Mr. Murray, who, he believed, was appointed about three days before his time in Congress expired, but who had three months before signified his intention of declining any further service in Congress; we have had two Ministers in Spain, neither of whom were taken from the Legislature; in Portugal two, one of whom had been in the Legislature; and one at Berlin, which is Mr. Adams. So that out of fifteen foreign Ministers, only four had been Legislative characters; one of whom did not come within the description alluded to, and another was appointed within a day or two of the expiration of his service. He did not think this a very alarming view; and he thanked God that the assertion had been made in a place where it could be controverted.

When Mr. THATCHER had concluded, the committee rose, had leave to sit again, and the House adjourned.

---

THURSDAY, March 1.

Mr. LIVINGSTON reported a bill to continue in force, for a limited time, an act declaring the assent of Congress to an act of Maryland, for the appointment of a health officer; which was committed for to-morrow.

Mr. BAYARD reported a bill supplementary to the act for establishing the Judicial Courts of the United States; which was committed for Monday.

Mr. D. FOSTER reported a bill limiting the time within which claims for credit on the books of the Treasury may be presented for allowance; which was committed for to-morrow.

## FOREIGN INTERCOURSE.

The House then again resolved itself into a Committee of the Whole, on the bill providing the means of intercourse with foreign nations: Mr. NICHOLAS'S amendment being under consideration; when

Mr. T. CLAIBORNE, after some apology for doing so, proceeded to read some observations on the question before the committee. He first stated that, considering that the present appropriation was demanded, as a matter of right by the Executive, to allow of which would be giving him an unconstitutional control over the Legislature, he could not consent to it.

Conceiving, as he did, that the House had a Constitutional right to make appropriations, and separated as we were from European nations, and having sufficient sources of happiness within ourselves, he was in favor of the present amendment, which went to curtail our foreign intercourse. He believed the less diplomatic intercourse we had the better, and that it was our interest to cultivate peace and harmony among ourselves, and with all the world.

If the doctrines now contended for were to prevail, there would be no power in this House over the purse of the nation; it would merely be the means of collecting taxes, and could not refuse any appropriation of money which the Executive might call for.

After examining the Constitution, and showing that this doctrine had no support there, he took notice of some interrogatories which had been put by a gentleman from Connecticut, (Mr. GOODRICH.) What, exclaimed that gentleman, have these disorganizers done?

Mr. C., in answer to this question, went into an enumeration of the services which the Southern States had performed, particularly what the State of Virginia had done, in the course of the Revolutionary war, in order to procure this Constitution; and then took notice of what they had done and were still doing, in support of it. They submitted, he said, to all the regulations under it, particularly to excise and stamp laws, which were obnoxious to republican Governments, nor did they complain of the impost duties, though they bore hard upon them. When an insurrection took place in the State of Pennsylvania, they were the first to march to quell it. No rebellious person had ever dared to show his head in his disorganizing State. They had been much injured in the settlement of their accounts for supplies furnished during the war, in some cases not having been compensated for one-hundredth part of the injuries which had been done, and in some not a thousandth part.

Mr. C. would ask, in his turn, what those friends of order (the Eastern States) had done in support of the Constitution? They had, he knew, been the means of procuring for the country a British treaty, which was likely to involve us in war, and they were now endeavoring to make all the branches of Government dependent upon the Executive. He did not thank them for such support.

As to what had been said about addressing the galleries, and the people out of doors, he believed it was perfectly right that the people should be well informed of what they, their representatives, were doing, except they were to be looked upon as a senseless herd, of whom it was not necessary to take any notice. He wished there were no motives in the House less pure than these. For his part, he respected the sovereignty of the people, and wished to remain no longer in that House than whilst he spoke their sense.

The gentleman from Connecticut had spoken in high terms of the late President. He had himself a high opinion of that gentleman, and so had his constituents. It was true, they disapproved of some things that he had done, and were sorry that he had done them. As to the gentleman who now fills the Presidential chair, he viewed him as a great and good man; but he believed all men to be fallible. When he did things which ought, in his opinion, to be approved, he should approve them; and when he acted contrarily, he should condemn them. He believed that, in his State, there were neither prejudices against, nor in favor of, either the late or present President.

But the gentleman from Connecticut, to whom he had alluded, called for *union*. This was a pleasing word; but it appeared to him as if some gentlemen wished rather to shake the Union to its centre. His own mind, however, acquitted him of anything that had not in view the good of the people. He wished to preserve the harmony of the Union; he would hazard everything to preserve it, because he believed that, "united we stand, but divided we fall."

If gentlemen would withhold their ill-natured sarcasms, members might unite to do the business of the Union for which they were sent. He admonished them to talk no more of factious disorganizers, feeble minorities, democratic clubs, &c., if they wished for union and concord; but that they did wish this, with him was doubtful. If they do not, however, said he, let them speak out, and then they will be understood. Such charges, every one knew, were unfounded, and being so, they could not be expected to be borne with temper. No rebellious head had ever been raised south of the Potomac. If a rebellious rascal was to appear there, he would not be suffered to live. He knew this to be the case in the quarter he had mentioned, and he believed the same might be said of the States of Maryland and Delaware; and though the people of the Southern States had been loaded with all the foul epithets which could be imagined, he believed they would be found the props of the Constitution. For his own part, he would sacrifice his life to preserve it.

When Mr. C. had taken his seat—

Mr. GALLATIN rose, and addressed the Chair as follows:

Mr. Chairman: The amendment proposed to this bill fixes the salary of Ministers employed at foreign Courts, not according to the grade of those Ministers as has heretofore been the case, but according to the Courts to which they may be sent. Its object is to reduce the diplomatic establishment nearly to what it was before May, 1796, by confining the salary of $9,000 a year to the Ministers at London, Paris, and Madrid, and allowing only $4,500 to all others. The shape of the bill precludes an amendment more simple in its nature, and by which the same object would have been attained. The present permanent establishment, which the framers of the bill mean to support, requires an annual appropriation of $64,000; and yet $24,000 of that sum are thrown into a separate section, as a temporary grant for the present year, thereby preventing us from proposing a reduction in the sum which is openly asked for the support of the permanent establishment.

Before we are permitted to enter into the merits of the question, we are arrested in the threshhold of discussion by Constitutional objections. It is not, indeed, insisted that the amendment itself is unconstitutional; it is not denied that the Legislature has a right to fix the salaries of public Ministers; but the reduction of the establishment is supposed, in its operation and tendency, to affect the legitimate authority of the President. We are charged with a design of subverting by our doctrine the principles of the Constitution, and we are thus drawn, in an incidental manner, into a previous discussion of a Constitutional question.

The 2d section of the 2d article of the Constitution, among other things, provides, that "the President shall nominate, and by and with the

advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law." The first inference attempted to be drawn from the clause is, not only that the appointment of Ministers is exclusively vested in the Executive, which position is self-evident, but that an unlimited number of officers, of Ambassadors, and other diplomatic agents, is created by the Constitution itself, and that the President, in appointing, only fills those pre-existing offices. It appears to me that it would be more correct to say, that the possible existence of those officers is recognised by that section, but that the office of Minister to any foreign Court, where we have not had any before, is created by the President making the appointment. And it may even be thought doubtful whether a law may not be necessary to create the office before an appointment takes place. This clause recognises the existence of Judges of the Supreme Court, as well as that of foreign Ministers, and gives the same unlimited power of appointment in both cases to the Executive. Nay, the case of Judges is stronger than that of Ministers; for upon these the Constitution is silent in every other part, whilst not only it is here declared that Judges of the Supreme Court, as well as public Ministers, may exist, but the 3d article of the Constitution positively enacts that there shall be a Supreme Court, and fixes its jurisdiction. Yet it has not been contended that the office of Judges of the Supreme Court was created by the Constitution, or could be created by the mere appointment of the President, without the previous authorization of a law. It has not been contended that the President had, by the Constitution, the power of appointing any unlimited number of those Judges, to be fixed by his own discretion. On the contrary, a law had passed defining their number, before any appointment took place; and it is not insisted that the Executive can appoint more than six, as fixed by that law. Had that power, contended for in relation to public Ministers, existed in the case of Judges, that part of the law which declares that there shall be six Judges, and no more, must be unconstitutional, as we have no right by law, and even with the consent of the President, to divest him of any of his Constitutional authorities. Still, it is not my intention to lay any stress upon this argument; some nice discrimination may perhaps be drawn between the two offices; a different construction has heretofore prevailed in the case of Ministers; and it is not necessary, in order to prove the constitutionality of our doctrine, to contend for the construction of this section. I would not, therefore, have made these preliminary observations had it not been to show that the power of the Executive to appoint Ministers without the previous sanction of a law, from which it is attempted to derive by implication the right of controlling the Legislature in the exercise of its own Constitutional powers, is itself of a doubtful nature, and can only be admitted by a very liberal construction of that clause of the Constitution.

On the other hand, the Constitution has expressly and exclusively vested in Congress the power of raising, granting, and directing the application of money. The 8th section of the 1st article declares, that "Congress shall have power to lay and collect taxes, duties, imposts, and excises, and to borrow money on the credit of the United States." The 1st section emphatically states, that "All legislative powers herein granted shall be vested in a Congress;" and the 9th section provides, that "no money shall be drawn from the Treasury, but in consequence of appropriations made by law."

We say that Congress, having the sole power of granting money, are judges of the propriety or impropriety of making a grant, and that they have a right to exercise their discretion therein; whilst those who oppose the amendment upon Constitutional grounds, contend that the power of creating the office of public Ministers, vested in the President, imposes an obligation upon Congress to provide an adequate compensation for as many as he shall think fit to appoint. We say that the power of granting money for any purposes whatever belongs solely to the Legislature, in which it is literally vested by the Constitution. They insist that that power in this instance attaches, by implication, to the President, and that Congress are bound to make provision, without having a right to exercise their own discretion.

In order to establish this doctrine, it is asserted that, by our Constitution, each department may have checks within itself, but has none upon the others; that each department is self-independent, has its own share of powers, and moves uncontrolled within its sphere; that, therefore, whenever a certain authority is, by the Constitution, vested in any one department, it must possess the means to carry that authority into effect, and that the other departments are bound to lend their assistance for that purpose.

Those positions will not stand the test of investigation. Whenever the powers vested in any one department are sufficient to complete a certain act, that department is independent of all the others, and it would be an unconstitutional attempt in any of the others to try to control it. But whenever the powers have been so distributed between two departments, in relation to another certain act, that neither of the two can complete the act by virtue of its own powers, then each department is controlled by the other, not in relation to the operation of its appropriate powers, but in relation to the act itself. Each department, in that case, may go as far as its own authority will permit, but no further. The refusal of the other department to exercise its powers in relation to that act, in the same direction, and in concurrence with the first department, is no abridgement of the legitimate powers of the first. It is the Constitution which, in that case, abridges the powers of both, and which has rendered the concurrence of both necessary for the completion of the act. If either of the departments, in that

case, after having exercised its own authority towards the completion of the act, shall pretend to have a right to force the powers of the other in the same direction, so as to have the act completed against, or without its voluntary consent, it is that department which abridges the legitimate exercise of the powers of the other. Thus, in the instance before us, the President may appoint as many public Ministers as he thinks fit, and if he can send them to their intended mission without the assistance of any act of the Legislature; if he can, as in the case of Consuls, find men who will serve without a salary, he has a right to do it, and thus to act uncontrolled by the Legislature; because, in this supposed instance, his own authority is sufficient to carry into effect his intentions. But further than that he cannot go; for the Constitution, in no part, gives him any power to force the Legislature to grant the money which may be necessary to pay the Ministers. In the same manner the Legislature have a right to appropriate a sum of money for the purpose of paying twenty public Ministers, if they shall, in their judgment, think so many necessary. But further than that they cannot go; they cannot force the President to appoint twenty Ministers, if he does not think them necessary. In this instance the act is placed partly under the jurisdiction of the Executive, and partly under that of the Legislature—under the jurisdiction of the Executive so far as relates to the creation of the office and to the appointment—under the jurisdiction of the Legislature so far as relates to granting the money—and the concurrence of both departments is necessary to complete the act.

The contrary doctrine leads to a palpable absurdity, for if it be true that any department, having expressed its will in relation to an act upon which it can operate but partially, binds the other departments to lend their assistance, in order that its will may be completely carried into effect; it follows that whenever two departments shall differ in opinion as to a certain act, we shall have two different wills acting in contrary directions, and each, however, binding the other respectively; that is to say, that there is a necessity that the act should, at the same time, be done in two different ways, or in some instances, that it should, at the same time, be done and not be done. But the fact is, that the true doctrine of those gentlemen, though not openly avowed on the present occasion, is not, that each department may act uncontrolled in the exercise of its own appropriate powers; but that they have two standards, one of which they apply to the Executive, and another by which they measure the powers of the Legislature; and that, in their opinion, the powers of the Executive are paramount, and must limit and control those of the Legislature, whenever they happen to move in the same sphere, whenever the execution of an act depends upon the concurrence of both.

This doctrine is as novel as it is absurd. We have always been taught to believe, that, in all mixed Governments, and especially in our own, the different departments mutually operated as checks one upon the other. It is a principle incident to the very nature of those Governments; it is a principle which flows from the distribution and separation of Legislative and Executive powers, by which the same act, in many instances, instead of belonging exclusively to either, falls under the discretionary and partial authority of both; it is a principle of all our State constitutions; it is a principle of the Constitution under which we now act; it is a principle recognised by every author who wrote on the subject; it is a principle fully established by the theory and practice of the Government of that country from which we derive our political institutions. In Great Britain the power of declaring war is vested in the King; but the power of granting supplies, in order to support the war, is vested in Parliament. It has never been contended there that Parliament were bound by the act of the King in granting money for that purpose; it is, on the contrary, fully understood that a concurrence of opinion is necessary before a war can be carried into effect; that the two departments, in that respect, control and check each other, and that war is never declared by the King, unless he can depend on the support of Parliament.

When it is found that the Constitution has distributed the powers in a manner different from that contended for, although there is no clause which directs that Congress shall be bound to appropriate money in order to carry into effect any of the Executive powers, some gentlemen, recurring to metaphysical subtleties, and abandoning the literal and plain sense of the Constitution, say that, although we have a Constitutional power, we have not a moral right to act according to our own discretion, but are under a moral obligation in this instance to grant the money. It is evident that where the Constitution has lodged the power, there exists the right of acting, and the right of discretion. Congress is, upon all occasions, under a moral obligation to act according to justice and propriety. We do not claim the absurd privilege of acting without sufficient motives, but we wish every proper motive to have its due weight. The opinion of the Executive, and, where he has a partial power, the application of that power to a certain object, will ever operate as powerful motives upon our deliberations. I wish it to have its full weight; but I feel averse to a doctrine which would place us under the sole control of a single force impelling us in a certain direction, to the exclusion of all the other motives of action which should also influence us.

The last clause of the 8th section of the 1st article of the Constitution, which declares that "Congress *shall have power* to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof," was introduced yesterday in order to prove that Congress were bound to pass the laws necessary to carry into execution any of the powers vested by the Constitution in the Pre-

sident. But it is evident that this clause gives a power and does not impose a duty; it does not say that Congress *shall make laws*, but *shall have power to make laws*—that is to say, shall exercise their own discretion. This clause, contrasted with the language of the Constitution in another part, affords an additional proof in support of our arguments.

It cannot have escaped observation that the doctrine of some gentlemen on this floor would, by transferring to the Executive the power of determining the amount of an appropriation, give him a Legislative power, the power of doing what is within the province of a law, the power of fixing the rule by which a certain act is to be executed; whilst the Legislature, being bound to carry into effect the intention of the President, would, in that instance, be transformed into an Executive power. That such was not the intent of the Constitution appears from its not using, in the last mentioned clause, the same mode of expression which is applied to mere Executive duties. The 3d section of the 2d article directs that "the President shall take care that the laws be faithfully executed." Here no discretion is left. The Constitution does not here say that the President shall have power to execute the laws; but, by the phraseology, he is bound to have them executed. When, therefore, the Constitution means to impose a duty, it is sufficiently explicit, and positively directs the act to be done; and we may safely conclude, that where it gives no such discretion, where it empowers instead of commanding, the reason is that it meant to leave a discretion.

It is also objected that Congress cannot, in every case, exercise that discretion we contend for, as those clauses of the Constitution which provide "that the President and Judges shall receive, for their services, a compensation, which shall not be diminished, &c.," would be defeated, by the refusal of the Legislature to appropriate for that purpose.

The Constitution recognises the existence of public Ministers as well as that of the President and Judges. It goes no farther on the subject of Ministers; but declares that the President and Judges shall have salaries, &c. Had the framers of the Constitution also intended that Congress should be bound to make provision for Ministers, they would have introduced a similar clause in respect to them. The Constitution is explicit in one case, and declares that salaries shall be given; it is silent in the other, and does not declare that salaries shall be given. The objection, therefore, cannot reach farther than the specific case upon which it is grounded. Permit me to add, that, in respect to the President and Judges, the discretionary power of the Legislature to grant money is limited only by the Constitution, and is not transferred to any other department. For the number of those officers being determined, in respect to the President by the Constitution, and in respect to the Judges by *law*, the amount of money necessary for their support, which must be in proportion to their number, is fixed in the first instance by the Legislature, and not by the Executive. The limitation of the Legislative power does not go farther there, than to bind subsequent Legislatures for a certain time by the acts of former ones. But, in respect to public Ministers, should the doctrine, against which we contend, prevail—as their number would be fixed, not by the Legislature, but by the President—the amount of money necessary for their support would also depend upon him; and the power of granting money, in that instance, would be transferred from the Legislature to the Executive.

Some gentlemen, embarrassed by the clause respecting appropriations, have attempted to diminish its force by correcting it with the following one, which directs the publication of the accounts of receipts and expenditures of the public money, and by representing it as a mere matter of form. It is strange, indeed, that an attempt should be made to represent appropriation clauses in the Constitution as mere matters of form, as nominal provisions, whilst the only security against standing armies, contained in the Constitution, consists in the clause which provides that "no appropriation of money to raise and support armies shall be longer than two years." But the ingenuity of those gentlemen cannot erase the obnoxious clause; and so long as it shall remain a part of the Constitution, so long shall it be necessary that a law be passed before any money can be drawn from the Treasury, to be applied only in such manner, to such extent, and for such purposes, as shall have been ascertained previously by law. It is this clause which completes the power vested in Congress over money. And it should be well understood that the doctrine for which we contend is that Constitutional principle which gives to the Legislature an exclusive authority of raising and granting money—an authority which our opponents wish to place, in several instances, (the present one, and that of treaties,) in the hands of the Executive, allowing him thereby to raise and to expend money without the control of Congress. I say to raise money—for it is immaterial to me whether he does it directly, or whether the Legislature are bound to do it according to his discretion.

In this investigation, I have confined myself strictly to the Constitutional question, wishing to ascertain what the Constitution was, and not what it should be. Before I make any observations on the tendency and consequences of the two opposite constructions, I wish to make some on the merits of the amendment itself.

We conceive that the effect of the amendment will be to prevent an extension of our political connexions with foreign nations, at the same time that it will reduce an expenditure of money, which, if unnecessary, may be applied to give an undue influence to the Executive, through the means of patronage, even over the Legislature. But we do not believe that this amendment will injure our commercial intercourse with those nations, or cause any prejudice to our commercial interests.

The commercial intercourse between nations is

regulated by the law of nations, by the municipal laws of the respective countries, and by treaties of commerce. The application of those different laws to individual cases, the protection of individuals against acts of oppression not consonant with those laws, the protection of our seamen and of our citizens trading to foreign countries, fall within the province of those agents known by the name of Consuls. Consuls are appointed for that specific purpose; we have them in all countries with which we trade, whether we have there public Ministers or not; they protect our commerce as effectually at Hamburg, in Denmark, or Sweden, where we have no diplomatic characters, as it is protected in Spain, or Holland, where we have Ministers. It is only when we wish to obtain a change in the regulations provided by the acknowledged law of nations, or by the municipal laws of the country, that public Ministers are necessary, as they alone can negotiate with a foreign Government, as they alone can form treaties of commerce. But it is only the application of laws and treaties to individual cases which requires a continual attention and a permanent residence. The extraordinary occasions on which it may be necessary to negotiate treaties may be provided for by special missions, by extraordinary Envoys; and it is worthy of remark that the two only treaties which have yet been made, under the present Constitution, with foreign nations, those with Great Britain and Spain, have both been formed by extraordinary Envoys, (Mr. Jay and Mr. Pinckney,) although we had at that time public Ministers at those two Courts. The proposed amendment affects only the permanent diplomatic establishment; it applies neither to Consuls, nor to such extraordinary missions as circumstances may render necessary.

It must be acknowledged, however, that it is not improbable that the extension of our diplomatic establishment may tend to increase the number of our commercial treaties beyond those which might result from extraordinary missions. But is this a desirable object? It would, indeed, be extremely advantageous to obtain from all nations such general alterations in the law of nations as would secure the freedom of the seas, and effectually protect the flag of neutral Powers against the danger of capture or detention, in all possible cases. But have we ever yet formed a commercial treaty, in which those provisions were not connected with some commercial restrictions of a different nature, and which did not even contain some causes of a political nature? I will go farther, and I will ask whether we have derived any commercial advantage from the commercial treaties we have heretofore made? Let me remind gentlemen on this floor with the situation of our commerce before the organization of this Government. The treaties of commerce we had at that time with France, Holland, Sweden, and Prussia, had not prevented its depression. And to what cause must we ascribe the vigor it had acquired before the present European war? Not to commercial treaties; for we had formed no new ones. To the want of a General Government, having a power of making general commercial regulations, was due the languid situation of our trade; and its revival was owing to the adoption of that Government, to our own regulations, to ourselves, and not to the compact made with foreign nations.

The restrictions which we had laid upon ourselves, by our commercial treaties, have been attended with political consequences fatal to our tranquillity. We had made two treaties with France—one of alliance, avowedly of a political nature, another of commerce unconnected with the first. I need not remind the House of the difficulties in which we have been involved by several clauses of the Commercial Treaty. The articles relative to the admission of prizes of one nation into our ports, and of the exclusion of those of another, were the cause of long and critical diplomatic discussions. We have now extended to the other belligerent Power the same clauses, with a reservation of our prior engagements, but to the exclusion of nations with whom we had no treaties, and have not thereby lessened our difficulties.

But, I will again ask, what commercial advantage have we derived from our commercial treaty with France, which we would not have enjoyed without that treaty? Have we derived any from the commercial part of our treaty with Great Britain? Is our commerce with that nation on a better footing than it was without the treaty? I do not mean to allude to the conventional part of that treaty, by which our differences were arranged. I do not mean to allude to the political consequences of that treaty: they are foreign to the present discussion. I speak only of commercial advantages. All we know on that subject is contained in the two acts of Parliament communicated to us by the President. It results from them that England has opened the East India trade to us under the restrictions provided by the treaty, and to all neutral nations without those restrictions. Whether she means to include us in the general provision, which relates to all neutral nations, or to keep us under the treaty restrictions, I will not pretend to say, and is not material to the present question. But it is evident that we are placed, by the treaty, in a worse commercial situation, in respect to the East Indies, than we were in fact before the treaty, or than we might be by the sole effect of the municipal laws of Great Britain. It also appears, by that act of Parliament, that England has laid a countervailing duty on our imports there in American vessels. This they had a right to do without the treaty; but they had not attempted to do it until the treaty took place, because we had till then the natural right of defeating that measure, by our own regulations here. We have abandoned that right by the treaty: we have, in order to obtain some supposed commercial advantages, laid a restriction upon our natural power of making our own general commercial regulations. This act of Parliament, however, is the only effect, in relation to commerce, which has yet resulted from the treaty. What its consequences upon our trade may be, I cannot judge; but it places us precisely in the

situation in which we were before the year 1789, when we had no efficient General Government, when we could not make commercial regulations of a general nature. If the commercial part of our former treaties had not been attended with any beneficial consequences; if, on the contrary, it has involved us in a critical situation, we may be permitted to doubt whether commercial treaties are not as likely to check as to protect our commerce.

It is not denied that an extension of our political connexions with Europe would be injurious to us; but it is said that our having no Ministers in foreign countries will not prevent foreign nations sending their Ministers here, and that our Ministers abroad will not increase our political foreign connexions. I do not mean to make any personal allusions to the conduct of our Ministers in Europe; but we may judge from past events, we may judge from the conduct of foreign Ministers here, that diplomatic characters are not likely to be inactive. From the nature of their appointment, from the nature of man, we know that they will try to acquire importance with their own Government and credit to themselves; they are placed in a dangerous vortex, and they will all, more or less, according to circumstances and to their personal character, take a part in the political intrigues or quarrels of Europe. They will attempt to do something; they will attempt to involve us in the political vortex of Europe; they will try to make for us new connexions, or to break ancient connexions.

Whether foreign nations, with whom we have no public Ministers, will send Ministers here, cannot be absolutely foretold; but we know that it is not usual. At all events it cannot be wise to invite a greater number of foreign Ministers here, by extending our diplomatic establishment to countries where we have not heretofore sent Ministers. The amendment under consideration has no tendency to annihilate that establishment, but it will effectually check its extension. If our Ministers abroad are necessary for the protection of our commerce, or on account of our political situation in respect to the belligerent Powers, this amendment will not withdraw their compensation. Its avowed object, its only possible effect, is to reduce the establishment to what it was in 1796, when we had no Minister at Berlin, and when our Minister at Lisbon, with a salary of $4,500, rendered us the same services as if he had had $9,000.

But we are told that this is not the time to make a reduction; that our situation in respect to Europe forbids it; and that our differing in opinion with the President on this subject, will prove us to be a divided people. I am much afraid, that if now is not the time, it will be with this reform, as with all others, it will never be time. To evince to European nations that we wish not to mix in their political sphere of action; that we are not desirous of forming political connexions; that we will not interfere, especially at this time, with their political interests, is, in my opinion, the best mode in our power to prevent their interfering with us, and the most likely to produce a termination of our present dispute. Nor can I conceive how our expressing, on this ground, a difference of opinion with the Executive, will tend to prove that we are are not united on the subject of self-defence. But I believe that now is the time to express our opinion, because the object of the extension of our diplomatic establishment having been explained to us by the President, it is our duty, if we think the object contemplated to be dangerous, not to be silent upon this occasion. Our information is derived from the following paragraph of the President's Speech at the opening of the last extraordinary session of Congress:

"Although it is very true that we ought not to involve ourselves in the political system of Europe, but to keep ourselves always distinct and separate from it, if we can; yet, to effect this separation, early, punctual, and continual information of the current chain of events, and of the political projects in contemplation, is no less necessary than if we were directly concerned in them. It is necessary, in order to the discovery of the efforts made to draw us into the vortex, in season to make preparations against them. However we may consider ourselves, the maritime and commercial Powers of the world will consider the United States of America as forming a weight in that balance of power in Europe which never can be forgotten or neglected. It would not only be against our interest, but it would be doing wrong to one half of Europe at least, if we should voluntarily throw ourselves into either scale. It is a natural policy for a nation that studies to be neutral, to consult with other nations engaged in the same studies and pursuits. At the same time that measures ought to be pursued with this view, our Treaties with Prussia and Sweden, one of which is expired, and the other near expiring, might be renewed."

Permit me, before I proceed to make any remarks upon that part of the President's Speech, to contrast the sentiments contained in the late President's Address to the People, on his retiring from office:

"The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connexion as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop."

"Europe has a set of primary interests, which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities."

"Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient Government, the period is not far off when we may defy material injury from external annoyance. Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice? It is our true policy to steer clear of permanent alliances with any portion of the foreign

world, so far, I mean, as we are now at liberty to do it. Let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary, and would be unwise to extend them."

Supported by this authority, may I hope to escape the censure of arrogance, if, on this occasion, I dare express an opinion in some degree opposed to the very respectable authority of the President of the United States.

The object of both the late and the present President is perfectly the same; it is that we may not be involved in the political system of Europe, that we may not be drawn into the vortex. But they do not seem altogether to agree on the means by which to obtain that object.

The President of the United States conceives that it is a natural policy for us to consult with other nations engaged in the same studies and pursuits, and that measures ought to be pursued with this view. The late President thinks it unwise, by interweaving our destiny with Europe, to entangle our peace—unwise to implicate ourselves by artificial ties—unwise and unnecessary to extend our engagements. His opinion is emphatically expressed by these words: "Here let us stop."

As to that balance of power in Europe, which never can be forgotten or neglected, it is a system which, so far as it relates to Europe itself, it is not necessary for us to discuss. And yet, without examining all the useless wars to which it has served as a cause or a pretence, we must recollect, at what late period the British Ministry wanted to involve the British nation in a war with Russia for the purpose of preserving that balance, which might, in their opinion, be affected by the transfer of Oczackow, situated as it is in a remote corner of the Black Sea, from the hordes of Tartars which rule Turkey, to the Tartar hordes which inhabit Russia. But, however interesting that balance may be to Europe, how does it concern us? We may lament the fate of Poland and Venice, and I never can myself see, without regret, independent nations blotted from the map of the world. But their destiny does not affect us in the least. We have no interest whatever in that balance, and by us it should be altogether forgotten and neglected. If we ever think that we have an interest in it, shall we not be induced to throw our weight in the scale; shall we not involve ourselves in the destinies and the wars of Europe? If we act on our own ground, is it likely that other nations will ever consider us as forming a weight in their balance?

But, if we adopt the policy to consult with other nations—if measures are to be pursued with that view—if we are to form new foreign political connexions, how can we hope to escape being unavoidably drawn into the vortex? It was, after having thus communicated his intention, it was in pursuance of that plan, that the President thought fit to send a Minister to Berlin. With Prussia we have no commerce. Had commerce been the object of that embassy, Sweden, Denmark, the Hanse towns, or Italy, would have been preferred. The mission is avowedly and evidently of a political nature; and if we are to consult and to form connexions with nations who may, in our opinion, be engaged in similar pursuits with ourselves; if Prussia is considered as such, with what nation in Europe may we not, and shall we not, according to circumstances consult, concert measures, and form political arrangements? It is from this view of the subject that I have been induced, however reluctantly, fully to state all the reasons which impress upon my mind conviction of the importance of the present amendment, of the importance of checking at this time, and in its birth, a system which tends to increase our political connexions with Europe.

So much has already been said on the subject of patronage, or the danger which might hereafter result from an influence obtained through those means over the Legislature, and on the system said to be adopted by the Administration, to exclude from every description of office men who do not subscribe to a certain political creed, that I think it useless to add any observations on that subject. As, however, the patronage now vested by law in the Executive has been stated as very insignificant, I will merely state its real extent.

It consists in appointment to offices and in the disposal of public moneys by contracts. The annual pay of the officers in the different departments—of the Treasury, of State, and of War—and all the subordinate offices, of Loans, Mint, &c., of the officers in the Northwest Territory, of the Attorney General, Surveyor General, Indian agents, diplomatic characters, agents for the protection of seamen, agents and commissioners appointed by virtue of certain treaties; in fine, the pay of all civil officers, whose appointment depends upon the Executive or some branch of the Administration, including therein all the clerks, but excluding the Judiciary department, added to the pay and emoluments of the commissioned officers of the Army and Navy, forms an aggregate of about $420,000. The salary and other emoluments of the officers employed in the collection of the impost and of the internal revenues, including therein postmasters, amount to about $430,000. These two sums amount together to $850,000 yearly, received by officers who derive their appointment from the Executive.

The amount of moneys disposed of by contracts, and it is well known that lucrative contracts may be made a powerful engine of influence; that amount, calculated on some objects upon an average of three years, and including those relative to the Mint, to the printing of the several offices, to the printing of the laws, for the transportation of the mail, for supplying the provisions, clothing, horses, medicines, cannons, arms of the Army, for Indian goods, and all the immense details of the Quartermaster's department; for building and furnishing all the supplies of the Navy; for building light-houses, and for several other contingent expenses exceeds $1,200,000 a year.

The aggregate of the two sums exceeds two millions of dollars, a sum by no means despicable, when compared with our population and wealth, when compared with a revenue which, till this

year, never exceeded seven million of dollars. After having stated these considerations, which appear to me immediately applicable to the present discussion, I would not encroach any longer on the patience of the committee, had not some gentlemen brought into view a number of topics of a more general nature, in which it may not be altogether useless to follow them.

The first position they assume is, that there is a natural tendency in the Legislative department to encroach upon the Executive, and they attempt to prove by historical facts, that, in all countries, where a Republican form of Government ever existed, the Executive has in fact been swallowed up by the Legislature. The instance of the Greek Republics and their subversion by Philip of Macedon, and that of Rome, have been chiefly insisted upon. Both are altogether inapplicable to the American Constitution. The question is not, whether Governments, constructed on different principles from ours, have been destroyed by the effect of those principles, but whether the history of those similar to our own will support the assertion.

The small Greek Republics, Athens especially, were governed directly and immediately by the people themselves. In Rome, where the Constitution, though imperfectly, was better balanced, the popular branch of Government was also an assembly of the whole people of the city; and when their virtues and their manners, which could alone support such a system, had been corrupted by the spoils of a conquered world; when the dregs of every other town of Italy, admitted to the rights of citizenship, had resorted to a corrupt metropolis; when a few citizens, enriched by the treasures of Asia, had it in their power to bribe that mixed mass, which alone, and without being controlled by the other parts of an extensive empire, disposed of every office of honor or power; when these offices thus obtained placed ambitious leaders at the head of the standing armies, which constituted at that time, the sole military force of the nation; we cannot be at a loss to discover the causes of the civil wars and contests for power which terminated in the establishment of despotism.

These instances are inapplicable to our own situation, because those Governments essentially differed from that of America in this, that the Legislative power was there lodged in the people residing in a single city, and that it is here vested in the Representatives of the whole people. *There* not only was there no proper or precise distribution of powers, but *there* also the people themselves had the authority of deliberating and of enacting laws, and *here* they have only that of electing the persons who are to make laws for them. All that can be proved by this is, that power ought to be vested in the body of the people. But because the heterogeneous mass which constituted the body of citizens in Rome, abused the power they had, ought we to conclude that the people of America will abuse the power they have not? Or that, because a Government, where the principle of representation was unknown, was destroyed by the corruption of the people, and the ambition of their demagogues, the representative Government of the United States will be destroyed by the Representatives themselves? The history of those ancient republics may indeed teach us to cherish that principle of representation, which is the leading feature of our Constitution, and the safeguard of our liberties. It may teach us another lesson, applicable to all times and to all men—that money accumulated in the hands of a single man, or of a few, may be applied with success to the destruction of any Government. The foreign gold of Philip gave the last blow to the expiring liberty of Athens. And the same engine in the hands of the citizens of Rome was not attended with less fatal effects.

But if we turn our attention from a view of obscure antiquity to modern Europe, how shall the assertion be supported, that, in representative Governments, the Legislature usually swallows up the Executive? History tells us that, three centuries ago, representative forms of government existed throughout Europe, in which the representatives of the people, or a part of the people, had more or less power and influence, according to the various circumstances under which they respectively arose. But if we look at the present situation of that country, such at least as it was before the French Revolution, where can we discover traces of those institutions? What has become of the Cortes of Spain? Of the States General of France? Of the Diets of Denmark? Everywhere we find the Executive in possession of Legislative, of absolute powers. The glimmerings of liberty, which for a moment shone in Europe, were owing to the decay of the feudal system. When the princes were deprived of the personal services of their vassals, and of the revenues derived from their ancient domains; when industry and commerce rendered money the principal engine of power, those popular assemblies which had the till then unimportant right of raising taxes and granting supplies, arose at once into consequence. And as the Executive, either by force, or by fraud, or by the folly of the people themselves, succeeded in wresting that power from them, they fell again into misuse or insignificance.

The fate of the European Republics would lead us to similar conclusions. Venice, the greater part of Switzerland and Holland, would show us the Legislative powers equally merging into the Executive, and a self-created council or hereditary Stadtholder, usurping by artifice the legitimate authority of representative bodies. Almost every vestige of liberty was erased from the continent of Europe; and it is to England that we are indebted for the preservation of those principles which form the basis of our Constitution.

It is from England that we have borrowed our political institutions. Taught by her example, we have improved them and adapted them to our own situation; but her history is still that which is most applicable to ourselves; for, notwithstanding the happy modifications which we have introduced, the great outlines of representation and

distribution of powers are the same, and notwithstanding the strong distinguishing features, there has never existed a Government more similar upon the whole to our own than that of that country.

Some gentlemen, leaving out of view that period in the British history which should naturally attract our attention, have attempted to draw from the events of the reign of Charles the First, a proof of their favorite doctrine, the danger to be apprehended from the encroachment of the Legislature. They have forgotten that those events were not the effect of the slow progress of an established Government, but the result of an unsettled Constitution. The precise boundaries of power were not ascertained; Parliament contended for the acquirement of rights which had been usurped or enjoyed by the Kings. In its beginning, the contest was between the King in his own right, and Parliament in the right of the people. Convulsions, a civil war, a revolution ensued. But the position, which we controvert, is not that the people or a popular assembly may, by a convulsion, wrest from the Executive powers originally obtained by fraud or violence. It is that, when a representative Government, with properly distributed powers, is once established, the Legislature will finally encroach upon the Executive. This position cannot be illustrated by the events of Charles's reign; but that period, which extends from the revolution of 1688 to the present reign, after the Constitution had been ascertained and settled, is that to which we must recur as immediately applicable to our own situation.

It is during that period that a progressive patronage, and a systematic, corrupting influence have sunk Parliament to a nominal representation, a mere machine, the convenience used by Government for the purpose of raising up supplies; the medium through which the Executive reaches with ease the purse of the people. And now, when the farce of obtaining even the nominal consent of Parliament is sufficiently understood, the Ministry dispense with the ceremony, and have carried so far their contempt for that body, that the sum spent during the last year, without the consent, exceeds the amount spent with the consent of Parliament. The Executive there have acquired the unlimited and uncontrolled power of raising and expending money, and the House of Commons is under a moral obligation of making the necessary appropriations.

But, is it to be apprehended, from the structure of our own Constiution, that the Executive will be destroyed by the Legislature? The Legislative powers, vested in Congress, seem to have been given under such efficient checks, as should remove any fears of that nature. They are not given to a single popular branch, but to two distinct bodies. The consent of both is necessary to do any act, and one of them, elected not immediately by the people, but through the medium of State Legislatures, is, at the same time, united with the Executive in the exercise of its most important powers, that of appointing to offices, and that of making treaties. Thus no encroachment can be made upon the Executive powers, without the consent of the Senate; and this body never will give their assent to any act, which, by weakening the Executive, would necessarily diminish their own authority. But should ever such an act pass both Houses of Congress, it must not be forgotten that the Constitution has vested the President with a modified negative. That negative, already twice exercised, was, on both occasions, effectual; and it is an absurd supposition that, at any time, the President should not be supported by at least one-third of the two branches of the Legislature, against any unconstitutional attempt to deprive him of his legitimate authority.

To these Constitutional barriers, may be adduced, in respect to any supposed encroachments of this House, the greater degree of permanency in the Senate and President, and the systematic line of conduct which a single magistrate, whose powers are always in action, and a permanent body, who, like the Senate, are only renewed by thirds, are enabled to pursue; contrasted with the insulated efforts of this House, liable to a total renovation every two years, and composed of members occasionally in session, but dispersed through this extensive country the greater part of the year. Nor should the gentlemen who attach so great a degree of influence to the supposed popularity of this House, forget, that to us belongs the most obnoxious share of Government, that of laying taxes, whilst the Executive enjoys the more grateful employment of the individual application of the public money.

The object of our Constitution has been to divide and distribute the powers between the several branches of Government. With that distribution, and with the share allotted to us, we are fully satisfied. We only wish to preserve the equilibrium intended by the Constitution. The Constitutional right which is the subject of this discussion is of a negative kind. By its exercise we may prevent, but we cannot act; nor is there any power claimed by us which does not equally attach to the Senate, and lay us under their control. In this instance we ask only that the powers which the Constitution has separated, may not be blended; that the power of raising and granting money may remain inviolate in the Legislature, and that of appointing to offices, or even in the case of public Ministers, of creating offices, in the Executive. But the doctrine introduced by some gentlemen tends, in its immediate effects, to blend those powers, and, by vesting that Legislative authority which they represent as so formidable, in the same hands where the Executive power is lodged, to overset every barrier and to destroy the most fundamental principles of our Constitution.

In the same manner, as in this instance, they insist that we are bound to appropriate, they, in the case of treaties, also claim for the Executive a power of abridging the Constitutional authority of Congress of raising and granting money, and vest in that department what they take from this. Nor do they stop there. The most important

powers entrusted to Congress, exclusively of that over money, consist in regulating commerce, raising armies, providing a navy, and declaring war. And all these are swept away, and transferred to the Executive, by the construction put upon the treaty-making power, which rests on the same foundation with that which is now claimed. The Executive has the power of appointing public Ministers, of making commercial treaties, of making subsidiary treaties, and of making treaties of alliance, offensive and defensive. The same principle which should bind us in one case, binds us in every other. If we are under a moral obligation to lend our assistance, in order to carry into effect the Constitutional powers of the Executive; if we have no discretion left in the exercise of our own; if it be not true, that when an act, in order to be completed, requires the concurrence of two departments, each department has an equal right to give or to refuse its assent; if in the instance of public Ministers, we are bound to appropriate; if in the instance of commercial treaties, we are bound to repeal or to make commercial regulations, in conformity with the provisions of the treaties, the inference is unavoidable, that where the Executive has formed a subsidiary treaty, we are also bound, without any discretion being left to us, to appropriate the sums of money necessary to pay the subsidy, to raise the required number of auxiliary troops, and to provide the stipulated number of ships of war; that where a treaty of alliance offensive has been made, we are under a moral obligation to make war. Thus would the important powers entrusted to Congress by the Constitution be reduced to those of coining money, passing penal laws, granting patents, and establishing post-roads. The rule of constuction which, in one instance, vests in the Executive the power of granting money, or any other Legislative authority, makes the transfer in all the cases I have enumerated. Any construction which shall except a single case, shall restore our discretion in all.

Can any fatal consequences attend the full exercise of the Constitutional discretion of Congress, in granting money? Its general effect must be to diminish the expenditure of public money. By restraining it, you take away the most efficient check, provided by the Constitution, to control and to keep within proper bounds that expenditure. Thus, applied to the present amendment, the exercise of that discretion may prevent too large a sum of money being applied to the support of foreign Ministers. It never can be used to increase that sum. Thus it may prevent an appropriation for the payment of a subsidy to a foreign nation; it may prevent an extension of our political foreign connexions; it may prevent the raising of troops, or the equipping of a fleet; it may prevent a war. But it never can create an expenditure of money, an army, a navy, a war, which, upon the ground of the doctrine supported by our opponents, would not equally take place. The checks intended to prevent those evils, and their inseparable attendants, taxation and public debts, cannot be too strong. For it is the natural tendency of Governments, and, I will add, it is the natural tendency of every Administration, and of every Executive, to increase the rate of expenditure beyond the necessary demands, and the real abilities of the nation. It is here, indeed, that we may appeal to the history of other countries: it is here that it will afford us instructive lessons, applicable to all times, and to every form of Government.

Wherever the Executive have acquired an uncontrolled command over the purse of the people, prodigality, wars, excessive taxes, and ever progressing debts, have unavoidably ensued. Not to speak of Spain and Holland, weakened by those causes; not to speak of France, whose example is still more awful, the fate of England is sufficient to warn us against the dangers of that system.*

---

* The Funding System of Great Britain, like that of the United States, originated during the war which resulted from their Revolution (that of 1688) and established their liberty.

In 1701, at the conclusion of the reign of William III. after the end of the Revolutionary war of Great Britain, and before they had been involved in any new contests, the debt of that country amounted to £16,394,702, equal to $72,865,342. At that time the revenue of that nation was £3,895,205, equal to $17,312,022.

On the first of January, 1796, the debt of the United States (after deducting the stock of the Bank held by the United States and the sums redeemed by the Sinking Fund) amounted to $79,811,187, and the revenue for the year ending on the 30th September, 1796, amounted to $6,665,685.

Thus the apprehension of a fate similar to that of Great Britain cannot be looked upon as unfounded, when we find that our debt at the end of our own Revolutionary war, of the war which gave the first birth to that debt, exceeds by seven millions of dollars that contracted by England during the war which also created their debt; at the same time that the population and resources of that country, at that time, were more than double, and their revenue almost treble of our own. The present situation of Great Britain is as follows:

| | |
|---|---|
| Total amount of the debt contracted before 1788 | £255,789,287 |
| Funded and unfunded debt, contracted during the present war | 177,778,225 |
| | 433,567,512 |
| Deduct Stock purchased by Com. Sinking Fund | 23,334,200 |
| Due in 1797 | 410,233,312 |

And if to that sum be added the Imperial Loan, and the enormous expenses attending the latter part of 1797, and the beginning of 1798, estimating the same in proportion to the expenses of the war establishment for 1796, viz: (£32,837,994, of which £14,952,776 were expended with, and £17,885,218 without the previous consent of Parliament,) the sum of 450 millions sterling, cannot much exceed the present amount of the public debt.

The amount of annual taxes is as follows:

| | |
|---|---|
| Nett amount of land tax | £1,950,000 |
| Malt ditto | 600,000 |
| Customs | 4,000,000 |
| Excise | 6,800,000 |
| Stamps | 1,300,000 |
| Miscellaneous | 1,800,000 |
| | 16,450,000 |
| Nett produce of taxes imposed in 1793, 1794, 1795 | 2,400,000 |
| Ditto of ditto in 1796 and 1797 | 3,700,000 |
| Nett revenue in 1797 | 22,550,000 |
| Expenses of collection of all taxes laid before the present war, bounties, &c. | 2,350,000 |
| Total of taxes, exclusively of charges of collection on new taxes | 24,850,000 |

Those taxes which, therefore, exceed twenty-five million sterling full short of the expense of the peace establisment by a sum of £2,200,000.

For the permanent expenses are—

| | |
|---|---|
| Interest and charges on funded debt | £15,500,000 |
| Ditto on unfunded debt | 2,700,000 |
| Peace establishment, navy and army | 5,650,000 |
| Civil list | 900,000 |
| | 24,750,000 |
| From which deducting the nett revenue | 22,550,000 |
| Leaves a deficiency of | £2,200,000 |

Which last sum, added to the 1,200,000*l.* annually appropriated for the sinking fund, makes an annual deficiency of near three millions and a half sterling. The additional tripled assessed taxes,

In vain did the insular situation of that nation preserve it from foreign invasions; in vain did she alone, among the great Powers of Europe, enjoy the advantages of laws which protected property and encouraged industry; in vain did her agriculture arrive to a superior degree of perfection; in vain did she obtain the commerce of the world; in vain were the treasures of India poured in her bosom; in vain did the industry of her inhabitants, and the incalculable effects of machinery, raise her manufactures to their unrivalled present state; in vain did she enjoy a century of uninterrupted and unparalleled prosperity. The folly and extravagance of Government have kept pace with all the efforts of industry, with every improvement of the individuals. The whole surplus of the labor of the industrious part of the community has been destroyed by expensive wars; or, if any part escaped annihilation, it was what was plundered by the direct or indirect agents of Government, and was applied to the accumulation of wealth in the few unproductive consumers. And now she stands on the brink of ruin, overburthened by a debt of four hundred and fifty millions sterling, and by taxes amounting to twenty-five millions sterling a year, and yet insufficient to support her peace establishment.

Can we hope for a greater prosperity—for a more fortunate concurrence of circumstances? Have we any security that we shall be preserved from those evils? And yet, this is the system which flows from the doctrine which would wrest from the Legislature their exclusive control over the expenditure of money; that would vest in the Executive, in certain specific but widely extended cases, the power of raising and applying money. It is the system which seeks for support in the influence of patronage, by increasing the number of offices, and avowing a determination to distribute them exclusively as rewards, amongst men of a certain description. It is the system which entangles us in new political connexions, raises standing armies, builds navies, squanders the public money, swells the public debt, and multiplies the burdens of the people.

Shall we be told that the frequent elections of the Executive are a sufficient safeguard against every danger? Doubtless they are, provided we are not altogether lost to ourselves. They afford us that remedy to which hereditary Governments cannot resort. But should we, on that account, suppose that we are not open to danger? No one can set a higher value on the benefits resulting from an elective Government than myself. But let us never forget that the forms of a Constitution afford us security, only as they preserve us from abuses, and that they will become useless, whenever they shall be applied to cover, protect, and defend abuses.

May we not be alarmed, when we hear the gentleman from Delaware, (Mr. BAYARD) in accents of regret, telling us that our Executive is the most weak, the infirm branch of Government, and that danger is to be apprehended from its weakness; contrasting the scanty provision and insignificant patronage of our Executive, with the immense army, the incalculable navy, the church patronage, the nobility creating power and the civil list of the monarch of Great Britain? And concluding, by delivering an opinion that, notwithstanding all those sources of corrupting influence, the House of Commons, were the venal boroughs abolished, would lop off every prerogative of the Crown, till, though the features of monarchy might remain, the substance would be gone.

A Government, which loses the substance, however it may retain the features of monarchy, is in substance a Republic; and the least idea of that gentleman is only, that a pure representation and monarchy are incompatible. But in his opinion, provided an equal representation is established, monarchy is destroyed, and a substantial Republic may exist, notwithstanding an accumulation of power and influence equal to those possessed at present by the King of England. And, when this follows his declaration of the dangers to be feared from the weakness and infirmity of our Executive, are we not irresistibly forced to infer, that he thinks that the introduction of armies, navies, patronage and civil list, are necessary to strengthen our Executive, and would not injure the principle of our Constitution?

To such doctrines avowed on this floor, to such systems as the plan of Government which the late Secretary of the Treasury (Mr. Hamilton,) had proposed in the Convention, may perhaps be ascribed that belief in a part of the community, the belief, which was yesterday represented as highly criminal, that there exists in America a Monarchico, Aristocratic Faction, who would wish to impose upon us the substance of the British Government.

I have allowed myself to make this last observation, only in reply to the gentleman who read the paper I alluded to. It is painful to recriminate, I wish denunciations to be avoided, and I am not in the habit of ascribing improper motives to gentlemen on the other side of the question. Never shall I erect myself into a High Priest of the Constitution, assuming the keys of political salvation and damning without mercy whomsoever differs with me in opinion. But what tone is assumed, in respect to us, by some gentlemen on this floor?

If we complain of the prodigality of a branch of the Administration, or wish to controul it by refusing to appropriate all the money which is asked, we are stigmatized as disorganizers; if we oppose the growth of systems of taxation, we are charged with a design of subverting the Constitu-

---

estimated at seven millions sterling, are not included in the above account.

We need not be astonished at that immense increase of debts and taxes, when we find that since the Revolution of 1688 to 1797, the war expenses of Great Britain have exceeded 614 millions and a half sterling, viz: for the navy 244,380,685*l.* before, and 44,926,955*l.* during the present war, in all 289,307,640*l.*, and for the army and ordnance 270,272,512*l.* before, and 55,001,765*l.* during the present war, in all 325,279,277. And to these sums should be added, 500 millions sterling, paid during the same period, for interest, charges and principal of the debt, (viz: 390 millions before, and 110 millions since the year 1788,) making the enormous aggregate of 1,100 millions sterling, consumed in the wars of about a century.

tion and of making a revolution; if we attempt to check the extension of our political connexions with European nations, we are branded with the epithet of Jacobins. Revolutions and Jacobinism do not flow from that line of policy we wish to see adopted. They belong, they exclusively belong, to the system we resist; they are its last stage, the last page in the book of the history of Governments under its influence. It is after centuries of extravagance, vice, and oppression, that the people make revolutions, and it is then, it is during the general convulsion that ensues, that the dregs of the nation rise to the surface, and overwhelm in a common ruin both the oppressors and the deliverers of the people.

Are gentlemen serious in their fears? Do they, from us, apprehend revolutions, plunder, and massacre? Have we not an equal stake with themselves? I speak not of myself; but I will ask, what benefit could those men, who are commonly called Jacobins, derive from a convulsion? Have they less property? Have they less to lose or more to hope from a change? If you think us deprived of common integrity, you might at least allow us some share of common sense. But if no confidence is to be placed in ourselves, some might be put in the people of America and in their situation. In a country, where a scattered population covers an extensive territory; where the means of subsistence are easy; where the dangerous class which constitutes an European mob does not exist; where actual oppression is yet unknown, the people who enjoy those advantages, who enjoy a better Government and more happiness than any other nation of the globe, are not the people ready for a revolution. Nor should it be forgotten that those parts of the Union that are commonly charged with a design of oversetting the Constitution are those which, on account of their peculiar situation, on account of the unhappy race of men they contain, would be exposed to the most dangerous convulsion by an internal revolution.

But the evils we wish to prevent are precisely those which attach to a nation in our situation; they are such as are easily engrafted in the body politic in its infancy; not calculated in their origin to create much alarm, and supported by a powerful number of men who derive an immediate benefit from them, and to whom they are the means of acquiring wealth and power.

Still, in the same style of denunciation, by whom, it is triumphantly asked, by whom are those charges made? By men who have rendered services to their country? A Hampden or a Sidney alone have a right to assume the language of opposition. Was I to answer in the name of those gentlemen, with whom I generally agree in political principles, a recapitulation of their services would easily repel this attack. Was I to answer as an individual, I would say that I can claim no right of that kind; I derive none from birth, none from personal merit, none from personal services. But, as a Representative of the people, I feel it a right, and not less a duty than a right, to resist, upon every occasion, those systems which, if adopted, must, in my opinion, prove fatal to America. Should I ever, from any personal considerations, think myself unauthorized to exercise that right, I would tell my constituents, Resume your trust; send as your Representative a man who, to the same zeal and to the same principles, may unite those qualifications which I want, and which will enable him to fulfil his trust. And, notwithstanding the partiality they have heretofore evinced in my favor, they would find no difficulty in supplying my place.

But by what strange fatality did the gentleman from Connecticut (Mr. GOODRICH) mention Hampden and Sidney? Surely his evil genius must have suggested the names; for, in the long list of English patriots, no two could be more applicable to the present discussion.

Whenever we hear of Hampden, we must recollect that event in his life which has immortalized his name. The doctrine of the Crown, in the case of ship-money, the doctrine against which Hampden made his noble stand was, that the King being, by his constitutional authority, entrusted with the defence of the country, was the sole judge of the danger and of the necessity of the measures proper to be adopted; that he must possess the means necessary to carry into effect his constitutional powers; that he had a right to fix the sum of money necessary for that purpose; and that he might by a tax raise that money from the people. It is true that it is not attempted here to claim this last power for the Executive. Hampden's trial has settled this point. But in all its other parts the doctrine of ship-money and the modern doctrine supported on this occasion are the same, the object the same, the arguments on which they are grounded the same. It is still the power of raising and applying money claimed by, or for the Executive, in certain cases, with the only difference that Charles the First exercised it by levying a tax without the consent of Parliament, and that here it is to be carried into effect by depriving the Legislature of the right of withholding their consent through the means of a moral obligation imposed upon them.

Sidney has left in his writings a still more permanent monument of his talents. Permit me, since his name has been mentioned, to trouble the committee with a quotation from that work, written against the divine right of Kings, which brought him to the block.

"Men are naturally propense to corruption, and if he whose will and interest it is to corrupt them, be furnished with the means, he will never fail to do it. Power, honors, riches, and the pleasures that attend them, are the baits by which men are drawn to prefer a personal interest before the public good; and the number of those who covet them is so great, that he who abounds in them will be able to gain so many to his service as shall be able to subdue the rest. 'Tis hard to find a tyranny in the world that has not been introduced this way; for no man, by his own strength, could ever subdue a multitude; none could ever bring many to be subservient to his ill designs but by the rewards they received or hoped. By this means Cæsar accomplished his work, and overthrew the liberty of

his country, and with it all that was then good in the world. They who were corrupted in their minds, desired to put all the power and riches into his hands, that he might distribute them to such as served him.

"They speak of employing the revenue in keeping the King's house, and look upon it as a property to be spent as he thinks convenient—which is no less than to cast it into a pit, of which no man ever knew the bottom. That which is given one day is squandered away the next. The people are always oppressed with impositions to foment the vices of the Court. These daily increasing, they grow insatiable, and the miserable nations are compelled to hard labor in order to satiate those lusts that tend to their own ruin.

"The base, slavish, and so often subdued Asia, by the basest of men revenged the defeats it had received from the bravest; and by infusing into them a delight in pomp and luxury, in a short time rendered the strongest and bravest of nations the weakest and basest. I wish our own experience did not too plainly manifest, that these evils were never more prevalent than in our days, when the luxury, majestic pomp, and absolute power of a neighboring King must be supported by an abundance of riches torn out of the bowels of his subjects, which renders them in the best country in the world, and at a time when the Crown most flourishes, the poorest and most miserable of all the nations under the sun. We too well know who are most apt to learn from them, and by what means and steps they endeavor to lead us into the like misery. But the bird is safe when the snare is discovered, and if we are not abandoned by God to destruction, we shall never be brought to consent to the settling of that pomp, which is against the practice of all virtuous people, and has brought all the nations that have been taken with it into the ruin that is intended for us."

The gentleman from Connecticut, (Mr. GOODRICH,) actuated by the purest motives, has invited us to state our grievances, and to meet on some ground of reconciliation. To operate at once a reconciliation of parties, inflamed as they now are, is perhaps impracticable, but we may not be altogether unsuccessful in establishing at present some principles, which may hereafter produce that desirable object. Yet had I no other hearers but the gentleman of Maryland to my left (Mr. CRAIK) and the gentleman who spoke last from New York, (Mr. WILLIAMS,) I would not make any observation on that point.

The first of those gentlemen going upon the ground of an organization of parties, avows an intention of opposing party by party. He looks upon us as incorrigible. He declares that his observations are not addressed to the House, but to his constituents, and I believe it is the first time that a gentleman told the House that he meant to use them only as a medium through which to make an electioneering speech. When that gentleman made that declaration, I could not think him in earnest, and I waited with impatience for arguments, or something that approached towards arguments; but half an hour of patient hearing convinced me of his sincerity and of my mistake. Whilst he remains blinded by such rooted prejudices, no observations of mine could, I am sure, produce any effect upon him.

The gentleman from New York, in the extraordinary history of parties he gave us, seems to have described the fluctuations of his own mind rather than those of other men, and he appears to have laid a claim to a knowledge of the motives of all parties, because he had, by turns, been acquainted with all. A great portion of his speech was employed in proving the unconstitutionality of refusing an appropriation for the purpose of carrying into effect the powers of the President, or an existing law. The first attempt of the kind which I witnessed, was that made, two years ago, to withhold the appropriations for the support of the Mint established by law. That gentleman cannot have forgotten who made the motion for that purpose, and by whom it was most strenuously supported? I need not address that gentleman on the subject of a reconciliation of parties. He may safely be trusted on that point to himself. His own good sense and the next vibration will, doubtless, bring him back to support our principles. Whatever difference of sentiment may exist between us on a variety of topics, there is a ground on which we must certainly meet, on which, throughout the United States, there can be, there is but one opinion. The importance, the necessity of preserving the Union, are too universally acknowledged to require any comments at this time. The Constitution, which binds us together, cannot, in my opinion, be made an instrument to sow divisions of a fatal nature. If it met with strong opposition when it first made its appearance, the objections have long been buried in oblivion, and it is a fact that they have never since been made the instrument of opposition. Nor do I apprehend any real danger from the geographical situation of the different States. The natural bonds of union, which result from their mutual wants and from their relative situation, will forever counteract the effect of the slight diversity of interests which may exist.

Without recurring to any abstract discussion, has not experience taught us, that the two important subjects of division have heretofore been, money systems and foreign politics? May we not, with truth, ascribe to those two causes, the party spirit which now rages in America? Is there any real danger to be apprehended from any other quarter? And if we are satisfied that the systems of debt and taxation, which have been so obnoxious to us, shall be permitted to subsist without any attempt on our part to disturb them; if we are satisfied that our subsisting compacts with foreign nations, however dangerous some of them may have appeared to us, shall remain inviolate, will the gentlemen with whom it is our misfortune to differ, agree, that those money systems, those foreign connexions, shall not be extended beyond their present state? We ask not for the redress of past grievances, but, with the late President we exclaim, "Here let us stop."

May we not hope that a fixed determination to prevent the increase of the national expenditure, and, so far as our present engagements will permit, to detach ourselves from any connexion with European politics, will tend to reconcile parties, and that our united efforts may then prove not

altogether unsuccessful in promoting the happiness of America, and conciliating the affections of every part of the Union?

When Mr. GALLATIN had concluded, the Committee rose, and had leave to sit again.

---

FRIDAY, March 2.

## IMPEACHMENT OF WM. BLOUNT.

The following message was received from the Senate, by Mr. OTIS, their Secretary:

Mr. SPEAKER: I am directed to communicate to this House certain proceedings of the Senate, relative to the impeachment against William Blount, late a Senator of the United States, for the State of Tennessee.

The said proceedings of the Senate were read, in the words following, to wit:

"CONGRESS OF THE UNITED STATES,
"*In Senate, March* 1, 1798.

"Mr. Livermore, from the committee to whom was recommitted the report of the committee appointed to prepare rules of proceedings in the case of the impeachment against William Blount, reported, in part, that a writ of summons issue, directed to the said William Blount, in the form following:

"*United States of America, ss.*

"The Senate of the United States of America, to William Blount, late a Senator of the United States, for the State of Tennessee, greeting: Whereas, the House of Representatives of the United States of America, did, on the seventh day of July last past, in their own name, and in the name of all the People of the United States, impeach you, the said William Blount, of high crimes and misdemeanors, before the Senate of the United States: And whereas the said House of Representatives did, on the seventh day of February, of the present year, exhibit to the Senate their articles of impeachment against you, the said William Blount, charging you with the high crimes and misdemeanors therein specially set forth, (a true copy of which articles of impeachment is annexed to this writ;) and did demand that you, the said William Blount, should be put to answer the said crimes and misdemeanors; and that such proceedings, examinations, trials, and judgments, might be thereupon had, as are agreeable to law and justice—You, the said William Blount, are therefore summoned to be and appear before the Senate of the United States of America, at their chamber, in the city of Philadelphia, in the State of Pennsylvania, on the third Monday of December next, at the hour of eleven of that day, then and there to answer the said articles of impeachment, and then and there to abide by, obey, and perform, such orders and judgments as the Senate of the United States shall make in the premises, according to the Constitution and Laws of the said United States. And hereof you are in no wise to fail. Witness, the Honorable Thomas Jefferson, Esq., Vice President of the United States of America, and President of the Senate thereof, at the city of Philadelphia, the first day of March, in the year of our Lord one thousand seven hundred and ninety-eight, and of the Independence of the United States the twenty-second.

"Which summons shall be signed by the Secretary of the Senate.

"That the said summons shall be served on the said William Blount by the Sergeant-at-Arms of this House, or a special messenger, who shall leave a true copy of the writ, and the articles annexed, with the said William Blount, if he can be found, shewing him the original; or at the usual place of residence of the said William Blount, if he cannot be found. Which messenger shall make return of the writ of summons, and of his proceedings in virtue thereof, to the Senate, on the appearance day therein mentioned.

"And that a message be sent to the House of Representatives, giving information that the Senate have directed the said writ to be issued, and of the day mentioned therein for the appearance of the said William Blount.

"And the report was adopted.

"On motion,

"*Resolved*, That the Secretary do issue the summons hereinbefore directed, and that service thereof be made sixty days, at the least, before the return day mentioned in the said writ of summons.

"Extract from the Journals of the Senate.

"Attest, SAM. A. OTIS, *Secretary.*"

Mr. SITGREAVES believed it would be proper to take some step in this business, in order to get an alteration of the day mentioned in the writ. It must be known, he said, that the day of the return of the summons could not be the day of the trial. Previous to the trial, Mr. Blount must be called upon to answer to the impeachment, and a day could not be assigned for the trial before issue was joined. The distance between the two periods must be considerable, because, until a day was appointed for trial, subpœnas could not be issued for the attendence of witnesses who were at a great distance.

The next session must of course be a short one, as the powers of the House will expire on the 3d of March, and will scarcely allow time for serving the process upon the witnesses, and to procure their attendance. It would, therefore, be desirable that Mr. Blount should be required to appear before the Senate during the present session. He did not know how the demand from this House ought to be made for the appointment of an earlier day in the summons; but he thought it would be well to commit the message to a select committee; which committee, if the House thought proper, might be the managers of the impeachment.

Mr. D. FOSTER hoped this course would be taken.

Mr. NICHOLAS had no objection to the message being referred to the managers; but he wished to enlarge the instruction to the committee beyond a mere reference. He doubted whether it would not be proper that some permanent law should be passed for regulating this business. If the court which was to try the impeachment had the power of fixing all the rules of trial, the business might be so much retarded as to render the prosecution useless. He wished the committee, therefore, to be instructed to report the propriety of passing a law for regulating the manner of proceeding in the trial of impeachment.

Mr. SITGREAVES had no objection to regulating the proceedings by law. He thought it important that this should be the case. But whether the delay which would be occasioned by preparing the details of a bill of this kind would not too

much protract the business, he submitted to the House. Besides, he believed there was a bill before the Senate for this purpose, which, of course, they might expect to have before them in the course of the session.

Mr. NICHOLAS thought it would be wrong to proceed in the business without a law.

Mr. SITGREAVES consented to the instruction being added, and the reference was made accordingly.

## FOREIGN INTERCOURSE.

The House then again resolved itself into a Committee of the Whole on the bill providing the means of intercourse with foreign nations, Mr. NICHOLAS's amendment being under consideration; when

Mr. OTIS rose and spoke as follows: Having been absent during a very elaborate and protracted discussion of the present amendment, and having observed that all arguments pertinent to the subject had been long since exhausted, he had been gratified by the belief that the occasion would not require him to express an opinion. But gentlemen not appearing to be content, even with the very ample examination already bestowed on this question, without reviewing and copiously enlarging upon it, he would claim the indulgence of the committee in listening to a few observations on his part, though he was apprehensive that his powers of utterance in the present state of his health would not enable him to do justice either to the subject or to himself.

The objects of this amendment were ostensible and real. The ostensible motive is to reduce the salaries of two of our foreign Ministers, at Lisbon and Berlin; but various real motives, and of a contrary and inconsistent nature, were assigned by gentlemen who supported it. Some avowed that it was a preparatory measure to the discontinuance of the whole system of foreign intercourse; others confessed the probability that this intercourse, to a certain extent, would always be indispensable, but that it might be reduced, and the destination of the Ministers fixed by the House; others again contended for the right of specifying the amount of their salaries; but all must agree that one real object was to try the strength of parties; and another, to sanction the practice of an annual invective against the Executive, and to confirm their right to interfere with his measures.

Strange as were some of the arguments used by gentlemen, he should think there had been more color for them, upon an original proposition to establish or to extend our foreign intercourse, though in that case he should contend that they were not warranted by the Constitution; but this question was not upon the creation of a new establishment, it was upon changing one which already exists. The date and duration of its existence are immaterial; the debate and deliberation which accompanies its adoption were also unimportant. It was to him a new doctrine, that laws must be repealed and systems unsettled, on the ground that principles had not undergone a sufficient discussion. Should this doctrine of surprise be suffered to prevail, there would be no stability in our laws, and no consistency in our conduct. When an act has passed the Legislature without debate, the presumption is that its expediency was too evident to be disputed; and he who would effect a repeal of such an act, like a plaintiff in error, should be precluded from any objections that might have been urged against the original process, and be confined to a demonstration of experimental mischiefs. In the present instance, however, he was not restricted to this ground—the appropriation for the Minister at Berlin was the subject of debate at the last session; and though no opposition was made to the appropriation for the advanced grade of the Ministers to Lisbon and Madrid, yet the principle on which it was granted provoked a controversy which engaged all the abilities and ingenuity of both parties. This last appropriation was made on the 1st of June, 1796, pursuant to the President's Message of May 28, in that year; but, in the same month of May, the House had decided in favor of the appropriation for the British Treaty, after a debate that continued many weeks, and which involved the same principle. It was, indeed, a curious argument of the gentleman from Maryland, (Mr. S. SMITH,) that the vote of the majority upon the call for papers, showed the opinion of the House with respect to the right of refusing an appropriation. The contrary inference was certainly more just, from the decision upon the main question, on which some of that same majority voted in favor of granting the money, and did actually grant it. He should, therefore, persist in his assertion, that the friends to the amendment ought to have demonstrated the inconveniences resulting from our foreign intercourse with Lisbon and Berlin, instead of descanting upon the dangers attendant on Executive patronage; for, if these inconveniences were seriously alarming, and if they had a right to interpose, the Ministers ought to be recalled, be the patronage ever so inconsiderable; but, if advantages had resulted from their mission, they ought to be continued without regard to the patronage; and if it were uncertain whether they would promote the public welfare or not, time should be allowed to them to make the experiment under the direction of the proper department. In this first and most proper view of the question, he would inquire what evils had arisen from the present establishment of our foreign intercourse? The answer was plain and conclusive. None from our intercourse with Lisbon and Berlin, the only countries implicated in the amendment; we were in perfect harmony with them. Great Britain, Spain, and France, are the three countries from which our embarrassments have arisen, and these, in the two first instances, cannot be imputed to our stationary Ministers, or our treaties; and in the last, gentlemen themselves will be unwilling to admit that the public interest has suffered injury. The British depredations had never, as he understood, been imputed to our treaty with France; it was more natural to ascribe them to a

spirit of violence and injustice, which is too common to powerful nations engaged in war, and to apprehensions of our making a common cause with France—apprehensions that were unfortunately countenanced by the conduct of French Ministers and citizens, by the enthusiasm of clubs, by the equipment of privateers, by civic feasts, and by loud and unequivocal demonstrations of joy upon every fortunate event that befel their arms, which rebounded from one extreme of the continent to the other.

If from Great Britain we went to Spain, it would not be pretended that our late misunderstanding with that nation was to be imputed to our Ministers residing there, but entirely to her Ministers and officers in this country.

With respect to the agency of our late Minister to the French Republic, in our present controversy, he was aware that a great difference of opinion prevailed. There were those who believed that he had betrayed the interests of his country, and that he was either the dupe or the tool of that nation; that he had bad designs or weak nerves; that he was dazzled by the splendor of their victories, or cajoled by the ardor of the fraternal embrace; that he suppressed communications which it was his duty to have made, and contracted obligations which he was not authorized to fulfil. There were those who thought that the disclosure of his instructions was not only injurious to his country, but a measure for which a Minister in Europe would be hooted by all parties, and in France would lose his head; that it was a measure which even the most unjust accusation should not have prompted, and for which injured innocence could claim no excuse. But there are others who contend that he has acted a part becoming the Minister of a free country, that a Republic should have no secrets, except such as might be disclosed to our magnanimous ally, with the confidence that a lover whispers his tale in the ear of his mistress. It was of no moment which of these opinions he espoused. Gentlemen who supported the amendment did not believe in the former. But if his private sentiments were required, he was ready to profess his sincere persuasion that our difficulties with France were not to be imputed to any one man, but to a desperate and misguided party, existing in the bosom of our own country, who were in league with other bad citizens resident in France, and with the French nation; and he had no doubt that regular information and instructions were conveyed from this country to influence the measures of the Directory, and impede our attempts to negotiate with success.

The British Treaty was not the cause of the measures adopted by the French in relation to our commerce, but an apology for those measures. They had captured our vessels and laid embargoes upon them prior to the ratification of that instrument; nor was this treaty deemed a justification of their conduct until many months after they were acquainted with its contents.

But we are challenged to show any advantages gained by our treaties and intercourse with foreign nations. He thought it easy to specify many, and to show the probability of others, which might still be expected: And

First. France still continued to manifest a disposition so hostile and injurious, that he could not rely at present upon any instance in our connexion with that nation to aid his general position.

Secondly, Great Britain. He did not feel it incumbent on him to become the encomiast of the British Treaty, nor was he to be deterred from expressing his opinion upon it, through fear of giving offence to its warm and numerous adversaries. Had the provisions of that treaty been more beneficial to the country, had we been able to make a treaty to suit our own wishes and circumstances, he should have been more happy, but this was to say nothing that would not apply to every treaty. But, had no advantages resulted from that compact? Had we not obtained the Western posts? Has not at least a partial compensation been made for the spoliations upon our commerce? Is it not probable that we have been saved from a war with that nation, whose powerful navy would have proved more formidable to our commerce than the whole force of any other nation? Or, if gentlemen now believe that we should not have been at open war, will they maintain that the British depredations would not have swept off the greater part of our navigation? On the contrary, we have gained three years time, in the course of which our commerce has prospered under all disadvantages, and in the last of which our revenue has increased by nearly two millions of dollars. These advantages were not slight or contemptible; but a more important acquisition had been secured by means of that treaty. It has been instrumental in correcting our unfriendly prejudices against one nation, and our blind admiration and affection for another. It has restored the equilibrium of sober judgment. It has given scope for the American character to unfold itself, and taught us the value of our own rights, in preference to those of any other nation.

Thirdly, Spain. He believed that the advantages secured to us by the Spanish Treaty had never been doubted or denied. It had been said that, for this we are indebted to an Envoy Extraordinary, and not a stationary Minister; but who can say, that the talents and address of his respectable friend from South Carolina (who was not then in his place) could have accomplished this object with the same facility, had not the good will of the Spanish cabinet been conciliated by familiar discussions of the controverted points with our Minister Resident? Or who will pretend that our interest does not require us to preserve the beneficial relations of that treaty, at the expense of supporting a Minister constantly at that Court? This is now contemplated by the amendment, as new-modelled, but the arguments originally applied against this establishment in common with others.

Fourthly, Portugal. Lisbon is the observatory from which we must watch the variable aspects of the Barbary Powers, and protect our increasing commerce to the Mediterranean; by our connexion with that country, we had procured the advantage of pacifying those Powers. She also accord-

ed an asylum to our vessels in time of war with those States, and not unfrequently the protection of a convoy.

Fifthly, Prussia. What employment can we have for a Minister at Berlin? He would mention some of the useful provisions to be found in our treaty with Prussia—it stipulates to grant convoy in certain cases; it contains no list of contraband articles; it agrees that the effects of our merchants dying in that country shall not be confiscated. And this treaty, in common with the treaty with Sweden, recognises the great and important principle that "free bottoms make free goods," a principle which is allowed to be of the highest importance to the commerce of the country, and the dereliction of which in another case, had drawn forth the heaviest censures. But other reasons for renewing these treaties had been assigned by the President, in his Message at the last session, which he considered deserving the highest attention. But the gentleman from Pennsylvania (Mr. GALLATIN) had asserted that this Message was at variance with the Valedictory Address of the late President, and, to prove his assertion, he had grossly perverted the meaning of the Message. The President had never intimated that we should interfere in the adjustment of the political balance of Europe; but that caution was proper to prevent our being thrown into the scale of either of the Europeau Powers. A sentiment perfectly in unison with the whole tenor of the Address, and with the system of his predecessor, in whose time the grade of the Minister at Lisbon was advanced, and whose advice was, that in extending our commercial connexions, we should beware of political compacts.

It is for the public to decide upon the motives of that gentleman, in attempting to prove the existence of a different policy under the late and present Administration.

The same gentleman had allowed that it might be necessary to maintain Ministers at all the Courts with which we have commercial treaties, but that Consuls are adequate to all purposes in other countries. We have treaties of commerce, or of friendship, with all the countries to which we have sent Ministers, except only with Russia, (the treaty with which has lately expired, and ought to be renewed,) and Portugal, where the gentleman himself would not seriously contend that a Consul would be competent to the business. It is well known that Consuls are intended merely to accommodate private disputes, and are not under the protection of the law of nations. Whenever they receive credentials for transacting public business, they are Ministers and not Consuls.

But, say gentlemen, Ministers Resident, or Ministers with reduced salaries, will be adequate to the management of our affairs at Lisbon and Berlin. He wished to know from what source the gentleman from Maryland derived this information? Did he correspond with the Prince of Peace, or the Cardinals or grandees of those countries? Or did he acquire his knowledge from the captains of his own vessels or any of the passengers? He wished, at least, for more precise information on this subject, and thought the change ought not to be made upon slight suggestions, or on account of personal prejudices against either of the persons now in office; he added that Ministers Resident were going out of fashion. Holland alone gave commissions of that grade. The lowest diplomatic rank now usual, is that of Ministers Plenipotentiary; and if we mean to preserve any foreign intercourse, it must be done by such agents as are accredited at the Courts near which they reside, who can have ready access to the fountains of power in those countries, and be placed on a footing in rank and consequence with their associates.

The project of totally abolishing our foreign intercourse, he considered as perfectly chimerical, and when a resolution should be offered to that effect, it should be accompanied by a proposal to encompass our seaboard by a magic circle, and to build a Chinese wall on our frontier. We are a member of the great family of nations, and our comfort and convenience require, no less than the genius of our people, an extensive commercial intercourse with other countries; and this gives rise to rights, regulations, and controversies which must be explained and adjusted by such Ministers as, by the customs of those countries, have a claim to attention and respect. It has already been shown that our Ministers sent for the purposes of commerce, and of acquiring information, would not increase our political connexions with Europe; but, said the gentleman from Pennsylvania, "it is natural for man to act in whatever sphere he is placed, and if they cannot do good, they will do harm;" Mr. O. believed that this principle might be more applicable to individuals in a Legislature, where responsibility was divided, than to a public and responsible Minister.

Mr. O. contended that this view of the question was sufficient to satisfy the calm and dispassionate inquiries of those who limited their right to interfere with this power of the Executive to cases of actual abuse. It would be satisfactory to say to those, point out the abuse, and we will unite with you in devising a remedy; and where they failed to do this, it would be more than satisfactory to assume the burden of proof, and demonstrate that the authority has been exercised for the public advantage. But there are other men whose enjoyment of the present is always clouded by a gloomy anticipation of the future, and who are never contented with the most ample measure of present liberty and security; but brood over the histories of Kings and the oppressions of arbitrary power, until their imaginations are heated by day and their visions disturbed by night, by the spectre of tyranny stalking over their country: "Whence and what art thou, execrable shape?" is the question proposed by their startled fancy to every proposition and measure of the Executive. This jealousy is uncomfortable to themselves, and inconvenient to those with whom they are called to act, but it is sincere; it therefore deserves to be reasoned with, to be pitied and forgiven. There are also other men, much less innocent, who real-

ly feel no such jealousy, but who expect to promote their views by an apparently noble and patriotic affectation of it. These are the exclusive guardians of the public welfare, the sentinels who forewarn us of future danger, the political quacks who acknowledge the body politic to be in perfect health, but at the same time foretell its untimely dissolution, unless they are permitted to surfeit it with their nostrums, and to bleed and blister it into long life. These men make a loud outcry against all influence which they do not share, and all patronage under which they do not bask. Now, between these two descriptions, these overheated believers and hypocritical professors, it is extremely difficult to distinguish. They utter their lamentations in the same language, and they avail themselves of the same occasions. In times of alarm and danger, when the public mind is agitated, when the storm approaches and men grow anxious for the safety of their families and their country, these two orders of men are ever found to talk loudest and increase the existing ferment. He had no doubt that some men of this latter description had insinuated themselves into every Legislature but the present. If he supposed that any of them were in that House, he should deem all argument lost upon them. He should merely say to them, "Gentlemen, go on with your speeches; they are the same in substance that were made two thousand years ago. Show me a well assorted library, or even a set of the Parliamentary Debates, and I will find you an hundred models of such speeches. They are the same which banished from Greece her best and most virtuous citizens, which filled Rome with proscriptions and bloodshed; which excited revolutions in England, and turned Paris into a charnel-house; which have done some mischief in our town meetings and State-house yards, but which, upon the sober sense and cool reflection of the American people, produce no impression that is deep or visible." He should say to them, "you declaim against corruption, and profess views of alleviating the burdens of the people—so did the tribunes of the Roman people and all the race of reformers from their times to the present. This was the language of Oliver Cromwell, who was once a leader of a feeble minority; it was the language of Sidney, whose book the gentleman from Pennsylvania has read, and who, after writing the fine things in that book, has left an equivocal character, and has been charged by the pen of history with receiving bribes from the French. It is the same language that is used in the British House of Commons by Sheridan and Fox, possibly with good intentions; and it was the favorite theme of Marat and Robespierre, in the French Convention, who certainly had the very worst intentions. Perhaps your meaning is perfectly honest; but no faith is due to professions; we must adhere to the old standard of truth, 'by their works shall ye know them.'"

But, upon the presumption, that there are some in that House who are seriously alarmed upon the subject of Executive patronage, and who prophesy future danger from that source, he begged leave to ask for a precise definition of the meaning of those words. Do these gentlemen mean by patronage, the right vested in the President by the Constitution of nominating to certain offices? Surely not; for this would be an insidious reproach upon the Constitution itself. Do they then mean the natural influence acquired by a fair exercise of that power? They will not allow this to be their meaning; for the influence to a certain extent being the inevitable consequence of the right, an objection to one is an objection to the other, and both again are objections to the Constitution. The only obnoxious meaning which, in his view, could be applied to Executive patronage, was an undue influence arising from an improper and unconstitutional exercise of that power, and this could happen but in two modes, either by the appointment of improper characters, or by making the appointments too numerous. With respect to the characters of the persons appointed, it was not suggested by any gentleman that the President, with the advice of the Senate, had not a Constitutional discretion; it was not contended that the authority of the House extended to that point; no person had yet openly avowed this design of breaking down all the barriers of the Constitution, of opening all the flood-gates of innovation; if any gentleman would hazard such a pretension, he must be prepared to order the President and Senate to take their seats in this House. Had, then, the appointments been too numerous? He had attempted to show that our connexion with other countries required them all; but if he had failed to convince gentlemen of this truth, it would not follow that the Executive was solely culpable on this score; for, upon their principles, the House could have refused an appropriation in the first instance, and they were, therefore, self-convicted as accessaries before the fact. Further, the amendment would not diminish the number, or the patronage. The present Ministers might, indeed, resign, and the vacant offices might gain over, or confirm two other proselytes to Administration.

But we are directed to take precautions against the future abuse of powers that are at present used with wisdom and moderation. So, then, we must do evil that good may come of it. This may be agreeable to the modern theories of political justice. We must, also, bind our successors, and legislate for the next generation. This was not consonant to the modern theories of the rights of man. Gentlemen must be careful, lest their favorite authors betray them into contradictory theses. Did not the framers of the Constitution foresee that all its powers were liable to abuse? Did they attempt to change the nature of the human passions? No; they were content to furnish the departments with checks sufficient to prevent instant danger, and to remedy actual abuse; but they never intended that they should speculate beforehand upon the mischief which they might respectively do each other. To anticipate such cases, was to amend the Constitution; and if gentlemen could be indulged, there would be no end to the passion for amendment, every seam in the

Constitution would be unripped, every ornament lopped off, new cloth would be added to the old garment, and the rent would be made worse.

Again, said Mr. O., it is edifying and amusing to remark the great uneasiness entertained by gentlemen at the danger of the Executive power, and the composure with which they regard the powers in their own hands; it was another proof of the control of prejudice over the imagination. The gentleman from Pennsylvania, according to the humor of the moment, might imagine a period in which the Executive should arrogate all the powers of that House, and make treaties and raise armies without their consent. On the contrary, with a less violent effort of the imagination, he could suppose, that, at some future day, there might exist within the walls of that House a furious and inveterate party, whose ruling passion should be an invincible hatred of a wise and virtuous Administration; a party opposed to every measure calculated to raise the drooping honor of their country; a party infatuated by the politics of another nation, and indifferent to the degradation of their own; a party forever active to embarrass and divide the people, and always inventing means to distract the public councils, and to sever the Union. But as there was room for imagination, there might be some for hope; he therefore invited that gentleman to hope for, and to join in, promoting a better state of affairs; and to place before his view the picture of an Administration full of energy; a Legislature harmoniously moving within its appropriate sphere; looking to their Government with confidence and affection in trying exigencies; a Government organizing, by prompt and vigorous operations, the resources of the country for the protection of its liberties; beloved and prosperous at home, respected and feared abroad. This was the prospect on which he delighted to dwell; this was the hope he sometimes cherished at his heart.

Let us, said he, descend from the regions of imagination, and reason from analogy and facts. He believed the position to be sound and tenable, that in a Government constituted like ours, the danger of an unjust assumption of power was on the side of the popular branch, and did not arise from the Executive—and for this opinion, he would submit a few obvious reasons. In the first place, a House of Representatives has stronger inducements to extend its powers. The love of power, he would suppose equal in all men; and this fondness arises, not merely from the pleasure of possessing it, but from the satisfaction of displaying what we possess. The ordinary business of legislation is a remote operation, the execution of the laws is a direct operation. In the latter, the hand that moves is more visible, more feared, more respected; and as men affect power, not only for the sake of strength, but ostentation, a House of Representatives is not likely to be insensible to this charm. On the other hand, the Executive possessing this advantage under the Constitution, has no motive to enlarge the bounds of his authority.

Again, a House of Representatives would generally possess a greater share of the confidence of the people. Its members, chosen from the body of the people, are presumed to be actuated by the same feelings and interests with their constituents; and in doubtful cases, they have the daily advantage of pleading their own causes before the tribunal of the public, while the Executive is heard only in formal messages and addresses. This advantage inspires them, in the third place, with greater confidence in themselves, and, their responsibility being divided, bold pretensions are advanced by individuals, the merits of which, if successful, they claim for themselves, while the discredit of a bad experiment is divided among their companions. One other reason had been often mentioned, to which he would slightly allude, though it was very important and conclusive: the greater facility of extending the legislative power, by reason of its general and comprehensive character. The power of the popular branch was, in this respect, like a river which sometimes overflows and sometimes undermines its banks; while that of the Legislature might be compared to a lake whose margin was defined, and which never rose above a certain level.

The gentleman from Pennsylvania had ventured an assertion repugnant to this doctrine, and had assigned two reasons that should render the popular branch less able to usurp an excess of power than the Executive department. It had not the *esprit de corps*; and the privilege of imposing taxes was odious in its nature. He utterly denied the fact, that no *esprit de corps* existed in such bodies as that House. On the contrary, it was always clear and undeniable. Did not that spirit exist in the British House of Commons; and was there not another House in which a party was seen obedient to the very *wink* of its *corporals?* There was not more weight in the other objections; for those members of a House of Representatives who were most ambitious of popularity and influence, had the address to be in a minority upon all questions of taxation, and to escape the odium attached to the imposition of public burdens.

He would not follow gentlemen who had preceded him in their illustration of this doctrine, by examples taken from the Republics of Greece and Rome. It was true, as the gentleman from Pennsylvania had asserted, that no great resemblance could be found between those States where the principle of representation was unknown, and a representative Government constituted like ours. But the comparison might become just, when a House of Representatives should engross the whole power of the country. Representation was the greatest improvement in the science of government, when modified and divided into different departments; but he could see no difference between a single House of Representatives and the *Comitiæ* of Rome, or the popular assemblies of Athens, except as the former would unite greater abilities and address, faction might seize its prey with greater certainty.

But if the resemblance did not hold between ancient and modern Republics, there was still less

between our Government and the feudal Government of Europe. He would however quote one or two examples from history, which he thought applicable to this position. In the time of Charles the First of England, the Parliament conceived the design of reducing the undue influence of the Crown. They began with abolishing the more odious and oppressive prerogatives; but did they content themselves with a wise and necessary reform? No, the work of reformation was taken from the hands of those who began it, and was prosecuted by one set of fanatics succeeding another, until the constitution was subverted, the monarch was brought to the scaffold, and the Government fell first into the hands of the Parliament, who were deprived of it by Cromwell; and after the people had groaned for years under the despotism of this patriotic and republican reformer, they called in their young king, who became more arbitrary than his father; and so disgusted were all ranks of men with the abuses of usurpation, that though some concessions favorable to liberty were obtained at the accession of the Prince of Orange, yet the Crown has acquired an influence which is now truly overbearing; but which could not, perhaps, be reduced with safety to the country.

But why do we refuse to go for instruction to France? Is it from motives of policy that we decline to moralize upon the scenes which have happened in our time? Or does not the instance apply? It is well known, that a very large majority of the first National Convention consisted of men whose intentions were very distant from a destruction of the regal power. They intended to limit that power within wholesome bounds, and to reform the great and enormous abuses of the old Government. They attempted to frame a constitution, after deciding in favor of a legislature with one branch, which destroyed the hope and possibility of a constitution, and when the wretched instrument that was called by that name was produced, and the only good feature which it contained was, the negative given to the King; the legislative body, intoxicated with power, and impelled by its furious leaders, compelled the monarch to renounce it. This sacrifice was soon sealed with his blood? Popular leaders then squabbled for the supreme power; the people looked on with horror. Robespierre prevailed; the same Robespierre who had so often ranted against corruption and waste of public money. I draw a veil over the mournful, well known scenes that followed. It is sufficient, that the people, flying for refuge from anarchy back to despotism, have permitted the Executive Directory to take all the powers of the nation into their hands, to hold the prize, to command the Army, and to dispose of the lives of the citizens. It is, therefore, for our common interest, to extend the powers of the House with the greatest caution, otherwise precedent will follow precedent, one innovation will lead to another, and when the people see their Executive prostrate, they may come in to his protection, and furnish him with means of supporting himself that would be truly formidable.

Mr. O. observed that he should have attempted to show that these Legislative encroachments had sometimes happened in our own country; but the gentleman from New Jersey (Mr. IMLAY) had read the authority on which he meant to rely. It was Mr. Jefferson's Notes on Virginia. He would, however, take occasion to read another passage to another point. When the gentleman from Maryland (Mr. SMITH) was pleased to compliment the Virginia members with the puff direct, he did not know but that some invidious reflections had been made upon that State. The design, however, was understood by him, when he perceived that a gentleman from Virginia (Mr. T. CLAIBORNE) by a *rider* annexed to his written speech, returned the compliment to the people of Maryland. For his part, he thought it highly improper to criminate the designs of the people of any one State. He presumed the people of Virginia were like other people, and with some of their Representatives it was his pride and his pleasure to think and to act. There were others from whom he differed in politics, and whose measures and opinions of Government he believed to be pernicious and unsound. But for them he found an apology in that book. Mr. O. then read the passage in Jefferson's Notes, page 194, where it is hinted that the Government of Virginia is an *elective despotism;* and a passage, page 195, to this effect: "that the direction of the Executive during the whole time of their session has become habitual and familiar." It was, therefore, natural for gentlemen educated in those habits of dictating to their Executive upon all occasions to form erroneous ideas of Government and of the Federal Constitution. Mr. Jefferson has indeed remarked, in the same book, that this conduct of the Legislature of Virginia "proceeded from the best intentions, and that they were misled by art and design in others." He did not mean to dispute upon the subject of their intentions, but their measures he could never approve.

After so much had been said upon the subject of Executive patronage, Mr. O. would add but a few observations. The patronage of the Executive was fairly presumed to be the patronage of the people. When a man, after rendering the most important services to his country for a series of years, is elected at an important crisis of national affairs to the high office of President of these States, his political opinions, in general, and his sentiments upon the existing state of affairs, must have been known to the people by whom he was elected. It must also have been foreseen that he would pursue such a system of administration, and by the aid of such means and agents, as would be best calculated to give efficacy to his own sentiments and system. His system, therefore, may be considered as sanctioned by the previous assent of the majority of the people. His Constitutional patronage is the patronage of that majority, and to increase that majority, by all fair means, is to increase the chance of public tranquillity. It is an important duty, that should be judiciously exercised, and not an offence to be disavowed.

The gentleman from Pennsylvania, as a proof of the patronage already enjoyed by the Execu-

tive, had exhibited an aggregate amount of the salaries of the public officers and contractors in the United States. But a large proportion of these officers were not appointed by the Executive, nor did they feel any dependence upon him. In many instances they would be found among the most zealous opposers of his measures, and enlisted under the banners of his adversaries. Numbers of them, appointed by the heads of departments, were unknown to the President, and feeling morally sure of retaining their offices, except in cases of gross misbehaviour, they were often led, by the violence of opposition, to prepare for a change of men and measures, and to be more solicitous for the favor of members in that House, who might attempt to raise or diminish their salaries, than of the Executive himself.

After so much had been said respecting the Constitutional right of the House to refuse an appropriation, Mr. O. observed that he should add but a few remarks. To prevent confusion on this subject, it might be well to state the points in which both sides of the House were agreed, and those in which they dissented. It was not denied that the President had the right of nominating public Ministers; nor had it been contended that the House possessed the right of fixing their salaries; the doctrine of his friends was merely that the appointment of a Minister imposed a moral obligation to give a reasonable salary, and that being once determined, it was unjust to reduce it without the best reasons. It was doubted by the gentleman from Pennsylvania, whether the office of Minister was created by the Constitution, and whether it was not competent for this House to fix the destination of a Minister, and it was asserted by him that in all cases the House had an authority to refuse every appropriation. On these last points they were at issue. To explain the reason of his doubt respecting the right of the President to designate the Courts to which the Ministers should be sent, that gentleman had relied that the same clause in the Constitution which gives the power of appointing Ministers to the Executive, also gives that of appointing Judges of the Supreme Court, which he never pretended to exercise until the number of Judges had been ascertained by law. In this argument he hardly appeared to be serious; but he would answer, that the same Constitution provides that "a Supreme Court shall be established by law," and it has no existence until created by law. A Court is a jurisdiction committed to one or more persons; the jurisdiction is constituted by a law, which describes the number of persons to whom it shall be committed; the Executive then appoints those who are to exercise this legal jurisdiction. In case of foreign Ministers, if their destination must be established by the Legislature, the objects of their mission must also be understood and ratified by the same authority, or it must be exercised without discretion; and the whole power of negotiation would thus be attracted as incident to the other.

It was further urged by the same gentleman, that in all cases the House might refuse to appropriate; otherwise the Executive might absorb all the powers of the Legislature, might form treaties of alliance, maintain an Army and Navy, and expend all the public treasure.

Let us consider, on the other hand, the consequence of that gentleman's doctrine. Every appointment made by the Executive becomes a nullity, unless ratified by that House; in the face of the Constitution which excludes them, and confines this duty to the President, with the advice of the Senate.

It was owing to the apparent contradictions arising from a theoretical view of Constitutions like ours, that they were pronounced to be impracticable by some of the best writers of antiquity. And these abstract questions and extreme cases were not calculated to reconcile the minds of our citizens to our excellent form of Government. It is a plain and conclusive reply, by which all such objections are obviated, that the Constitution is not predicated upon a presumed abuse of power by any department; but on the more reasonable confidence that each will perform its duty within its own sphere with sincerity, that division of sentiment will yield to reason and explanation, and that extreme cases are not likely to happen.

One word in relation to the motives of gentlemen, and he would finish his observations, which, he was admonished, by his voice and feelings, had been too much extended. Why, said gentlemen, do you charge us with designs to subvert the Constitution? Have we not our share of wealth and of power? He was not one of those who had imputed such designs to gentlemen; nor would he pretend to say whether the part of the Union represented by those gentlemen was rich or generally involved in debt. But he would say, that wealth was not always a security for public or private virtue. Was not the Duke of Orleans rich? Was not his income equal to the revenue of a kingdom? But he was not satisfied with his elevated rank or princely fortune; he conspired with others, men high in station, who possessed both riches and their share of power, and promoted a revolution, which, like a whirlwind, swept them off into swift destruction. It is not easy to discern, and therefore not always necessary to impeach, the motives of men. When, therefore, a gentleman exclaims, we want no revolution, we wish for no change, we wish to keep things quiet, he was not authorized to dispute the assurance, and say it was not true.

But when, in the same breath, he heard insinuations comparing the President of the United States to Charles I., and the mild exercise of a Constitutional power to the odious claim of *ship-money*, in that reign; and when he heard further, the opposition to the present bill compared to an opposition to that odious measure, he would not say that he discredited the professions of gentlemen; God only knew their hearts, but their language was full of danger.

The gentleman from Pennsylvania had concluded with an invitation to his friends to unite with him in two objects—in preventing the increase of

foreign influence, and in diminishing the expenditure of the public money. He would meet that gentleman; and, if he and his friends would discover a real disposition to join in measures to prevent the increase of foreign influence, he should almost be inclined to secure that advantage, by consenting, for himself, that they should dispose of the money upon their own plans.

When Mr. Otis had concluded,

Mr. Harper rose.—It was my wish and my hope, Mr. Chairman, when this subject was again called up, some days ago, after an intermission of three weeks or more, that we should at length be permitted to come to a decision without further debate, on a question which had so long occupied the attention of the House, and already, perhaps, exhausted the patience of the public. I, and those with whom I think on this occasion, were willing, for the sake of an early decision, to pass by, unanswered, many things which, though susceptible, in our opinion, of an easy refutation, were calculated to make an impression to our disadvantage. We were even content to leave unnoticed the violent philippic of the gentleman from Virginia, (Mr. Nicholas,) who introduced this motion, and who, in support of it, has allowed himself so great a latitude of invective against its opposers and their adherents. We, therefore, repeatedly called for the question, and did all in our power to close a debate in which such immoderate use had already been made of the indulgence of the House.

But it did not seem good to the gentleman from Pennsylvania, (Mr. Gallatin.) He, yesterday, pronounced a discourse of three hours and a half long, in which he repeated assertions formerly refuted, and made them the ground of a long train of reasoning; and advanced many new positions equally untenable, but equally capable, if left undetected and unexposed, of misleading the mind. These assertions, which the gentleman from Pennsylvania has not attempted to prove, though they are the ground-work of all his reasonings, were advanced with a boldness which nothing but a belief that he was to remain unanswered, could have produced. His speech, when prepared in his closet, was evidently intended for a concluding speech; and hence he has laid down positions which he knew to be unfounded, with a boldness whereof even he himself has heretofore exhibited no example. On these positions, he has built a gigantic structure of argument to support the present motion; a structure which, like a vast edifice resting on loose blocks, must fall and crumble in the dust, as soon as some person shall take the trouble to discover and knock away its frail and temporary props.

It is for this purpose, that I now rise once more to trespass on the indulgence of the committee. The loose blocks which support this edifice I mean to knock away; an operation which requires neither strength nor skill, which may be performed by any person who stands near enough to discover the defect; and then it will be seen with what speedy ruin a structure so large, and appearing so solid, when viewed from a distance, will tumble to the earth.

Though called up, however, Mr. Chairman, by the assertions of the gentleman from Pennsylvania, I shall not confine myself wholly to them, but shall incidentally notice such observations of other gentlemen as may appear reducible to any head of argument. There are some parts of the last speech of the gentleman from Virginia, (Mr. Nicholas,) on which, though they appear to have no necessary connexion with the subject, I cannot omit to make some animadversions. Those I shall, in the first place, submit to the committee, and then proceed to other and more important parts of the discussion.

The gentleman from Virginia, (Mr. Nicholas,) perhaps, foreseeing that ample retribution of praise which he has since received, employed a considerable part of his last speech in a most pompous panegyric on his friend from Pennsylvania, (Mr. Gallatin.) Had he stopped here, Mr. Chairman; had he contented himself with extolling the virtues and talents of his friend and political associate, even at the expense of every body else, I should have been disposed to pass it by unnoticed. The gentleman from Virginia, no doubt, entertains this exalted opinion of his friend from Pennsylvania, and I should never deny him the right, or begrudge him the pleasure of expressing it; nor have I any disposition to detract from the merit of the gentleman from Pennsylvania, or diminish the reputation which he may be supposed to possess. But the gentleman from Virginia did not stop here. Not content with extolling his friend above all that is great and distinguished in the country, he went on to impute the worst of motives, the most base and contemptible passions, to those who do not partake in his enthusiastic admiration. He told us that frequent attacks were made, in this House, on the gentleman from Pennsylvania, and that those attacks, proceeding from envy of his superior talents, were a tacit acknowledgment of that pre-eminence of ability, which every day's debate rendered more and more conspicuous.

Mr. Chairman, I might, I know, be excused from taking any part of this observation to myself personally; for it will be remembered that I have made none of those attacks which are spoken of on the gentleman from Pennsylvania. Perhaps this has been because I have, for my part, never felt that superiority, never perceived that pre-eminence, from which the attacks are supposed to proceed. That the gentleman from Pennsylvania has merit nobody will deny, and nobody can be less disposed to deny it than me; but I confess that I have never observed that superiority over many other members of this House, much less over all, whereby the gentleman from Virginia has been so much dazzled. And I would remind that gentleman, that all greatness is by comparison, and that the comparison, in cases of this kind, is generally made, not between a man and his antagonists, but between him and his associates. Even a rush-light may seem a resplendent luminary, when compared to a glow-worm; and in a dark room, the smallest spark becomes bright and distinguished. I would submit it to the gentle-

man from Virginia whether he has not committed some mistake of this kind. Amidst the thick gloom that is observed to rest on a certain description of persons, a certain class of political opinions in this country, I will not say in this House, is it to be wondered at, if the glimmerings of sense and capacity which are sometimes emitted from that quarter by the gentleman from Pennsylvania, should dazzle the eyes of his associates? But they must not judge of the eyes of the community by their own eyes, nor conclude that the brightness of the sun is to be found in those flashes of light which, undiscernable amidst the full blaze of day, are indebted for all their apparent resplendency to the blackness of that night from whose bosom they are sent forth. Let me advise the gentleman from Virginia, Mr. Chairman, to forbear his panegyrics. They produce no effect on the decision of the American public, before which the gentleman from Pennsylvania, with his associates, and his opponents, stands to be judged. This judgment will be formed on better premises than the panegyrics or the invectives pronounced in this House. It will place the gentleman from Pennsylvania, and those who appear with him on the political scene, in their true positions; it will not only be impartial, but final and conclusive; and to it all of us, whatever we may think or say of ourselves, or of each other, must implicitly submit.

The gentleman from Virginia, having paid this large tribute of flattery to his friend from Pennsylvania, who, to do him justice, has not been unmindful of the proper retribution, went on to select from among his political associates another object of enthusiastic adulation, whom he has extolled in terms still more extravagant, and with allusions still more offensive. I mean, sir, the late Minister to France; and as I shall have occasion to make some observations, of no very startling nature, on the conduct of that gentleman, I beg leave to remark, in the first place, that for anything which I may say here, I shall not claim the protection of my seat, or shelter myself under its privileges.

The gentleman from Virginia has represented the talents and accomplishments of this person, the late Minister to France, as so pre-eminently superior, not only to the distinguished character (General Pinckney) who was sent to succeed him, but to every other character in this country, to any person who might have been sent, his qualifications as so extraordinary, his services as so great, and his conduct as so exemplary, that his recall could be considered in no other light, than, as the act of an *assassin*. Yes, Mr. Chairman, the gentleman from Virginia has declared that the recall of the late Minister to France, was the act of an *assassin*. And who is this assassin? It is Washington: for by Washington, this Minister was recalled; and for this exercise of his Constitutional powers as President, he is branded by the gentleman from Virginia with the name of *assassin*.

Mr. Chairman, were I to give way to the feelings which naturally arise in the breast of an American, at hearing the epithet *assassin* affixed to the name of Washington, I should apply expressions to the gentleman from Virginia little suitable to the dignity of this place, and little consonant with the respect which I entertain for his personal character. But I will repress them; and instead of giving vent to a just and natural indignation, I will content myself with repelling this rude, this unlooked-for attack upon the administration of this Government, and its late venerable and illustrious Chief.

This I am fortunately enabled to do, in a manner the most easy and complete; for the late Minister to France has written a book. "*O that mine enemy might write a book!*" was the affecting exclamation of a virtuous and suffering man of old, unjustly accused, but conscious of rectitude, and wishing ardently for an opportunity of confounding his accusers out of their own mouths! "*Oh that mine enemy might write a book!*" ought also to be the exclamation of the American Government; which, to use the expression of its late illustrious Chief, "requires nothing but a knowledge of the truth to justify its measures, and cannot but be desirous of having this truth frankly and fully displayed." The American Government has been more fortunate than Job. His enemies wisely confined themselves to the strongholds of dark, vague, and general abuse. They practised the "*Ambiguas in vulgum spargere voces*" of the poet, and wisely avoided the open field of facts and specific accusations. But not so the late Minister to France. Prompted by that restless vanity for which demagogues of an inferior order are always remarkable, he has rashly and foolishly challenged his enemy to combat on the open plain of dates and facts, and has written a book. In this book is to be found the most complete justification of the Executive for his recall, in every respect, except that it was so long delayed; for the most singular display of incapacity, unfaithfulness and presumption, of neglect of orders, forgetfulness of the dignity, rights, and interests of his own country, and servile devotedness to the Government of the country to which he was sent, that can be found in the history of diplomacy. By this book, it appears that the late Minister to France took every occasion of thwarting the views of the Government by which he was sent, that he forebore to do much that he was ordered, and did much that he was expressly forbidden; that he, in all cases, set up his own judgment above the judgement of his Government; that he assured France, "that this country was ready to submit to any violation of its rights, to any infractions of its treaties which she might think fit to practise, and that, if she thought these violations and infractions advantageous to herself, she ought to persist in them, for in that case, we should not only submit, but acquiesce with cheerfulness and pleasure:" that he made a direct attempt to render this country tributary to France, in order to gain her assistance for accomplishing, by force, objects which our Government was then striving to accomplish, and actually did accomplish, by amicable negotiation: that he did everything, in his power, to involve this country in a war against England,

pursuant to the wishes and policy of France, and directly contrary, not only to what he knew to be the desire and determination of our Government, but to the express letter of his instructions. All this, Mr. Chiarman, appears from this book; and it is but a small part of the catalogue which might be presented. The book lies before me; its disgusting pages I will not open to the House; the members, no doubt, have perused it, and to their own recollection I refer for the truth of all that I have advanced. The late Minister to France stands self-convicted of everything short of selling his country for a price. Of this I do not accuse him, but nothing else, which his incapacity permitted him to do, has he left undone.

And this, Mr. Chairman, is the man, for recalling whom the epithet of assassin is applied to the name of Washington!

[Mr. NICHOLAS explained, by saying, that he had said that after the full disclosure of the conduct of Mr. Monroe, he was sorry to find that gentlemen thought it necessary to make insinuations against him; but that since gentlemen made it necessary to give an opinion on the subject, he had no hesitation in declaring that, in his opinion, the publication had proved that it was in the power of the Executive to have preserved peace with France, but that they had wantonly thrown it from us. He had said that he was convinced that the discovery was a very unpleasant one to gentlemen who had advocated certain measures; but he thought it could not be condemned after the attacks made on that gentleman; and that the effect was like the wounds of the assassin, who finds his enemy unexpectedly prepared.]

I do not think (continued Mr. HARPER) that the gentleman from Virginia has made the matter better by his explanation. It appears, by that very explanation, that he did apply the term *assassin* to General Washington for having recalled the late Minister to France; a term which, some years ago, surely could not have been expected ever to be applied to that name within the United States, much less within these walls.

I must beg leave, Mr. Chairman, to conclude these remarks with the declaration wherewith I began them, that I do not intend to shelter myself under the privileges of my place for anything that I have said on this subject. If the remarks which I have made on his friend should appear harsh to the gentleman from Virginia, let him recollect that he himself provoked and gave occasion for them, by declaring that General Washington had acted the part of an *assassin*.

Having disposed, Mr. Chairman, of this part of the subject, I will next advert to the Constitutional ground taken by the gentleman from Pennsylvania (Mr. GALLATIN.) That gentlemen prefaced his observations by declaring that the amendment under consideration went no further than to reduce the salaries of certain Ministers Plenipotentiary from $9,000 to $4,500; but, unfortunately, he forgot his tenet before he arrived at the middle of his speech, for he soon confessed that the object of the amendment was to restrain and control the Executive in the exercise of the power of appointing foreign Ministers, which is vested in it by the Constitution; and, having made this acknowledgment, so contradictory to his first position, the gentleman from Pennsylvania proceeded to show, by the utmost exertion of his powers, that it was right and proper for the House thus to interfere, thus to control the Executive, and to use its power over appropriations for effecting that purpose. Indeed, the gentleman from Virginia, (Mr. NICHOLAS,) at the outset of the business, expressly stated this to be the sole object of his amendment. With a candor and openness characteristic of his usual conduct he avowed that his object was not to save money, but to restrict the President in the exercise of this power. He told us that the diplomatic corps had been improperly increased; that the number of Ministers had been improperly extended; that there was danger of a further extension, whereby a dangerous Executive influence in the House was likely to be produced; and that it was right for the House to interfere, prevent this extension, and bring back the establishment to its original limits. This he stated to be the object of his amendment. Hence, then, Mr. Chairman, it is manifest, not only from the arguments of the gentleman from Pennsylvania, but from the express declaration of the mover of this amendment himself, that the question now agitated is a question of power, and not a question of money. It is manifestly not a question to know whether a Minister Plenipotentiary shall have this, that, or the other salary, but whether this House shall direct the President where he shall appoint Ministers Plenipotentiary, where Ministers Resident, and where no Ministers at all. The question goes this whole length; for if the House say, as the amendment declares it can and ought, that no Minister Plenipotentiary is necessary at Lisbon or Berlin, it can say, with the same propriety, and on the same principle, that no Minister Plenipotentiary is necessary at London, Paris, or Madrid, or that no Minister is necessary anywhere.

That such is the object of the amendment, that the question between us is a question of power, and not of money, is further evident from the mode of argument whereby the amendment is supported. Gentlemen do not pretend that nine thousand dollars is too much for a Minister Plenipotentiary at Lisbon, or Berlin—on that ground we should cheerfully meet them, and agree to a reduction of the salary, if it should appear to be too high; but they tell us, and attempt to prove, that there is no need of a Minister Plenipotentiary at Lisbon, or Berlin. In answer we allege, that, by the Constitution, the President and Senate are solely authorized to judge where Ministers of this, that, or the other grade ought to be employed, and that this House has nothing to do with the business but to fix their salaries, which it is bound to do in a suitable manner. This gentlemen deny; and thus the question of power, the sole question which has been agitated, or is considered of any importance, arises between us.

I say "the only question which is considered as important;" because the supporters of the amend-

ment have laid no stress whatsoever on the question of expense. They have, on the contrary, shown themselves ready to abandon it, for the sake of gaining the least additional chance of support in the great question, the question of power. This is manifest from the motion of the gentleman from Maryland, (Mr. S. SMITH,) which was immediately agreed to by the mover of the amendment. By the amendment, as first proposed, Ministers Plenipotentiary were to be allowed only at London and Paris. The gentleman from Maryland proposed to allow one at Madrid also, because he had observed that the impropriety of recalling our Minister from that Court had been particularly insisted on by some who opposed the amendment. The gentleman from Virginia immediately consented to modify his amendment, so as to locate a Minister Plenipotentiary at Madrid. From which it would appear most evidently, if we did not know it before, that gentlemen care not how many Ministers Plenipotentiary there are, nor how much money is spent in maintaining them, provided the House of Representatives can obtain the power of controlling and directing the appointment. It is to obtain this power, and not to save public money, that gentlemen struggle; and, provided the principle can but be established, they are content to have as many Ministers Plenipotentiary as anybody pleases; for they know that the principle may be as completely established in the case of one Minister, as by turning out the whole diplomatic corps.

And, notwithstanding all this, the gentleman from Pennsylvania (Mr. GALLATIN) tells us that this is merely a question about salaries, a question of saving nine thousand dollars, and wonders how it could lead to a controversy about the Constitutional powers of the President and the House! This proves that the gentleman from Pennsylvania intended his speech for a concluding speech, or that he entertains a most contemptuous opinion of the understanding of the House.

I shall, therefore, Mr. Chairman, consider this amendment as having for its object, and its sole object, too, the establishment of this principle: "that the House of Representatives, by its power over appropriations, has a right to control and direct the Executive in the appointment of foreign Ministers." I shall treat the question which arises upon this amendment as a question of power between this House and the President and Senate, and I shall endeavor to show that the amendment, if carried, would be a direct breach of the Constitution, an alarming usurpation by this branch on the Constitutional powers of the Executive Department.

The supporters of this amendment, avowing its object to be the establishment of a control over the appointment of foreign Ministers, contend that this House have a right to exercise that control, and rely on that part of the Constitution which provides that "no money shall be issued from the Treasury without an appropriation by law." As this House, say gentlemen, must concur in passing all laws, it follows that it may refuse its assent to appropriations. In judging whether it will give or refuse this assent, it must be guided solely by its own discretion, by its own opinion about the necessity or utility of the object for which an appropriation is wanted. If it should think this object unnecessary, or hurtful, it is bound in duty to withhold the appropriation. Consequently, it may refuse to appropriate for a Minister to Lisbon, Berlin, or any other place, if it should think such Minister, though appointed by the President and Senate, unnecessary or injurious. This I take to be a fair state of the argument.

But gentlemen, while they lay such stress upon this part of the Constitution, seem entirely to forget another part—that part which provides that "the President, by and with the advice and consent of the Senate, shall appoint foreign Ministers and Consuls." It will, however, be admitted that these two parts of the Constitution are equally authoritative, and must both have effect; that the whole instrument, like all other instruments, must be taken together, and so construed that none of its provisions may be defeated or rendered nugatory. These two powers, therefore—the power of appointment by the President and the Senate, and the power of appropriation in the House, must be reconciled to each other—must be made to act as mutual helps, not as mutual obstructions. How is this to be done? Certainly not by admitting the doctrine of this amendment, which would utterly destroy one of the powers—would give the House an absolute control over the appointment of Ministers, and reduce the President and Senate to the mere power of making a nomination, which the House might refuse or agree to, according to its good pleasure. This is the plain and necessary consequence of admitting the principle, contended for in support of this amendment, that the House, when called on to appropriate for an officer, legally appointed, may, in the first place, inquire whether the appointment is necessary.

Some other way of reconciling these powers must, therefore, be found out; and which is it? We contend, Mr. Chairman, that it is thus: An office must first be authorized by law; for nobody pretends that the President and Senate can create offices. When the office is thus authorized, the President and Senate exercise their power of appointment, and fill the office. The House of Representatives then exercises its Constitutional power over appropriations, by providing an adequate compensation for the officer. In the exercise of this power, they cannot inquire whether the office was necessary or not; for that has already been determined by the law which authorized it. Neither can they inquire whether the office was properly filled; for that would be to invade the powers of the President and Senate, to whom, by the Constitution, the right of choosing the officer is exclusively referred. What, then, is their power, and into what may they inquire? They may inquire what is a proper and adequate compensation for such an officer. They may fix the amount of his salary; and, in fixing it, they must be guided by a proper discretion, by a sense of duty, by the nature of the office, the circumstances of the country, and the public service.

Thus the Constitution would be reconciled, and each department would act within its proper sphere. The President and Senate could make no appointment till the office should be authorized by law, consequently there would be no danger of abuse. When they had made the appointment, they could not fix the amount of salary, or order the money to be paid out of the Treasury—another guard against the danger of abuse. When the appointment should be duly made, the House, on the other hand, would be bound to provide an adequate salary, and could not, by refusing it, defeat the law and the appointment, because they might think the one unnecessary, or the other unwise, and this principle would be a guard against any abuse of the powers of the House, would prevent it from invading the province of the other departments, and subverting the principles of the Constitution.

Had gentlemen confined themselves within these limits—had they carried their inquiries no farther than to the adequacy of this or that salary—this debate would never have existed. We should have met them on the ground of sufficiency of salaries, without any reference to Constitutional points, or contention about Constitutional powers. But this was not their conduct. They expressly declared, not that the salaries were too high, and ought to be reduced, but that the appointments themselves were unnecessary, and ought to be abridged; and thus they drove us into the Constitutional question, and compelled us to defend the Executive powers against their attacks in this House.

But, say gentlemen, is the House always bound to appropriate? If the President should appoint an hundred Ministers Plenipotentiary, must the House, without inquiry, give money to support them all? What guard would there then be, they exclaim, against an enormous and abusive extension of the diplomatic establishment?

To this I answer, Mr. Chairman, in the first place, that we have a security in the responsibility of the President. He is elected by the people, and elected every four years. All these appointments, though sanctioned by the Senate, must originate with him, and therefore he is particularly, and almost solely, responsible. His character is at stake. He is a single actor on a most conspicuous theatre, and all eyes are upon him. He is watched with all the jealousy which, in this country particularly, is entertained of Executive power. He is watched by the gentlemen themselves who support this amendment, and who are sufficiently prone to find fault with him and abuse him, even when he acts properly. This he well knows, and consequently will take care to do nothing which may strengthen their hands by giving them ground for censure. Should he act improperly, make foolish or unnecessary appointments, he must disgust his friends and supporters, forfeit the public esteem, and lose his election. He may be even turned out by impeachment before the time for a new election arrives. These, I apprehend, are sufficient securities against wanton misconduct.

I answer, in the next place, that if the President should think fit to abuse his powers, it is his own concern, and no business of this House, unless indeed, we choose to impeach him. We are sent here by the people to exercise our own powers, and not to watch over the President, who equally with us derives his powers from the people, and is amenable to them and not to this House for the exercise of those powers. We may, indeed, as individuals, censure his conduct, as we may that of any member on this floor, and endeavor to prevent the people from re-electing him; but, as a body, we have nothing to do with him or his conduct but impeach him. If he proposes measures to us which we do not approve, we may reject them, in the same manner as he may reject bills which we send up to him; but we have no more right to prevent him, either directly or indirectly, from making such appointments as he pleases than he has to prevent us from passing such votes or resolutions as we please. The interference in one case is equally unconstitutional with the other. It has, indeed, become fashionable with some gentlemen on this floor, to consider this House as "the people," and to speak and act as if the people had delegated to us their general superintending power over the other departments; but this doctrine is unknown to the Constiiution, to the utter subversion of which it directly leads. It directly leads to that concentration of powers in one popular body, which it was the main object of the Constitution to prevent, and which it was and is the main object of those gentlemen to introduce; that concentration whereto this amendment is considered and intended, by its supporters, as an introductory step.

I answer, in the last place, Mr. Chairman, that if the President should appoint an hundred Ministers Plenipotentiary, or commit any other such wanton and foolish abuse of his power, it would be an extreme case, which would speak for itself, and dictate the line of conduct which this House and the country ought to pursue. But we never can legislate on extreme cases. They must be left to suggest and provide their own remedies when they occur. Suppose two-thirds of both Houses, under the influence of some unaccountable madness, should pass a law, in spite of the President, for building fifty ships of the line, to be given to France in order to augment her Navy, or for any other violent purpose, how ought the President and the country to act? I do not know; these would be extreme cases, and they would carry their own evidence and the indication of their own remedies with them. We may as well suppose extreme cases of one kind as of another, and however our own self-love may induce us to think that there is less danger from us than from the President and Senate, and that power, however dangerous in their hands, is perfectly safe as soon as it comes into ours, the Constitution, and the framers of it, judged otherwise, and they judged rightly. It is infinitely more dangerous in our hands when uncontrolled, because we have less personal responsibility, and are far more liable to the influence of passion. When, therefore, these extreme cases occur, we will act accordingly, and

should they obviously require the breach of a law, the necessity will be universally felt and acknowledged, and we must break it. All that I contend for is, that the present is not an extreme case, and that these appointments being authorized by law, a law must be broken before we can defeat the appointments, according to the avowed object of this amendment. I contend that when we undertake to defeat these appointments we must consider them as authorized by law, as much as the appointment of a Judge or a Secretary of the Treasury, and must inquire whether the motives are sufficiently urgent, the case sufficiently extreme, to induce the necessity of breaking a law. This is denied by gentlemen who support the amendment. They contend that these appointments of foreign Ministers are not to be considered as completely authorized by law, and consequently that the House may withhold the appropriation without breaking any law. This is the very point in dispute, and to this point I shall direct such remaining observations as seem necessary to be made on the Constitutional question.

The question then is, Mr. Chairman, from what source is the office of Minister Plenipotentiary, or any other foreign Minister derived? The officer, we well know, must be appointed by the President and Senate; but the office and the officer are distinct things; and before an officer can be appointed an office must exist, unless gentlemen are disposed to admit, what I certainly am not, that the President and Senate can create offices. The gentleman from Pennsylvania, (Mr. GALLATIN,) well aware that if the office of foreign Minister could be considered as legally existing previous to the appointment by the President and Senate, and independently of it, the conclusion that we contend for would irresistibly follow, has denied this position; has denied that the office of foreign Minister becomes a complete and legal office as soon as the officer is appointed by the President and Senate.

[Mr. GALLATIN explained. He had asserted, he said, the very contrary; and had admitted, though he considered it as a disputable point, that the office was like that of a Judge, and became complete on the appointment by the President. But he had denied that the House was bound to appropriate for the officer.]

Mr. HARPER continued. I know, Mr. Chairman, what the gentleman denied and what he admitted; and it appears, by his explanation, that I was right in my first statement. The gentleman contended, and that was the leading point in his argument, that the office of foreign Minister was derived from the appointment of the President; and why did he contend for this? Because he knows that the President cannot erect offices; and, consequently, if the office of foreign Minister had no other origin than the appointment of the President, it could not be considered as a legally existing and complete office until this House had concurred in it. This was the scope and object of the gentleman's argument, and hence his solicitude to establish the position, that the office of foreign Minister originates in the appointment of the President. He said, indeed, that he would admit these offices to be analogous to those of judges; but he immediately denied it again, by denying that the House was bound by any law to appropriate for these offices, as they evidently are for judges; and in denying this he denied everything. The gentleman admitted in form but denied in substance, and contended for principles directly at war with his seeming admission. These are complete offices, according to the gentleman, but they were derived from no legal authority, nor is the House bound by any law to appropriate for their support. That is, they are legal and they are not legal; they are offices and they are not offices; and that is the amount of the gentleman's admission and of his explanation. Thus he told the House, on a former occasion, that he did not dispute the power of the President and Senate to make treaties; he only contended that those treaties, when made, were not binding till the House had concurred in them by granting appropriations: in other words, that the President and Senate could *make* treaties, which, however, though *made*, were in fact not treaties till ratified by the House; that is, that there might be treaties, which were not treaties. This was the substance and amount of that gentleman's reasoning on a former occasion; and it exceedingly resembles his present argument, as just now explained by himself.

The question, therefore, between the gentleman from Pennsylvania and us, is whether the office of foreign Minister be derived from the appointment of the President and Senate, concurred in by this House; or whether it must be traced to a higher origin, and considered as completely existing before the appointment takes place, in the same manner as the office of Secretary of the Treasury, or of State, which completely existed as soon as the law was passed establishing those departments, and before any officer was appointed? We contend for the latter doctrine, and the gentleman from Pennsylvania for the former. If he be right, it follows that the appointment is incomplete until this House gives its sanction; for we well know that the President and Senate cannot of themselves create an office. If we be right, it follows that as soon as an appointment is made to fill this office, this House is legally bound to supply an adequate salary, in the same manner as for any other office created by law.

There are two modes, Mr. Chairman, by which an office may exist; either by law, or by the Constitution; and from one or the other of these sources the office of foreign Minister must be derived. It is not derived from the Constitution, like the office of President, Vice President, or Speaker of the House: for the Constitution speaks of it as already in existence. The Constitution does not say there shall be foreign Ministers, and then go on to direct how they shall be appointed, as in the case of President; but, considering the office as already existing, it merely directs how it shall be filled. "The President (it says) by and with the advice and consent of the Senate, shall appoint foreign Ministers and Consuls." Unless,

then, gentlemen are disposed to deny that there were foreign Ministers previous to the Constitution, they cannot contend that the office of foreign Minister is derived from the Constitution. It must, therefore, be derived from the law.

But from what law? Not from any act of Congress; for we know there is no such act. Congress has never done anything more than to fix salaries for foreign Ministers, and vote money to pay them; and besides, the Constitution, which is previous to all acts of Congress, recognises the office of foreign Minister as already existing, and directs in what manner the appointments to fill it shall be made. From what law, then, is this office derived? Mr. Chairman, it is derived from the law of nations.

In every civilized state there are two sorts of law, derived from two distinct sources; the municipal law and the law of nations. The law of nations, deriving its origin and its force from the consent of nations themselves, mutually given to each other, is independent of their municipal laws, which have relation to their own internal affairs, and depend upon the acts of their respective Governments. The municipal laws of the United States consist in our acts of Congress, and are derived from the authority given by the Constitution. The law of nations, as it respects us, has a higher origin, and became binding on us from the moment when we erected ourselves into an independent State, and entered into the pale of civilized nations. We then gave our consent to that law, when we began to send and receive Ambassadors and to form treaties with other Powers. This law, then, became binding on us by our own consent and our own acts; and this law establishes the office, regulates the duties, and defines the privileges of foreign Ministers. That office, consequently, was established among us as soon as we submitted ourselves to the law of nations. Accordingly we had foreign Ministers before we had a President, before we had a Congress, and before we had a Constitution. Even before the first articles of Confederation were entered into, we considered this office as existing; for those articles do not establish the office, but merely declare how it shall be filled, by whom foreign Ministers shall be sent, by whom they shall be appointed.

The gentleman from Pennsylvania, indeed, has told us that the office of foreign Minister originated in the appointment of the President and Senate. But where did that gentleman learn that the President and Senate can create or originate offices? He has said that the office becomes complete when sanctioned by an appropriation in this House. But all offices, not existing by the Constitution, must be created by law; and where did he learn that this House could concur in a law by any other means than by having a bill before them and passing it with the usual forms? Where did he learn that this House could, in this indirect way, by voting a sum of money, legalize an act not otherwise legal, and give the force of a law to what otherwise would not be a law? The gentleman has neither learned this in the Constitution, nor in the proceedings of the House; but though we know not where he learned it, we are well apprized of the purpose for which he introduced it here. That purpose I have already explained.

It being manifest, then, Mr. Chairman, that the office of foreign Minister is established by the law of nations, it only remains to inquire whether that law is complete and binding. Can there be a doubt that it is so, within its proper sphere? Do not our Courts of Justice acknowledge its existence, and yield to its authority as to all objects on which it is calculated to act? Is any aid required from acts of Congress or other municipal laws, in order to give it efficacy? Certainly not. These two kinds of law, the law of nations, and the municipal law, are each supreme in their respective spheres. They operate, indeed, upon different objects, and are executed in different modes; but each is complete in its operation. From hence it results that an office existing by the law of nations, has an existence as completely legal, as one which exists by act of Congress; that the office of foreign Minister is as much a legal office, exists as much by the laws of this country, as the office of Chief Justice, or Secretary of State; and that when one of these offices is filled by the appointment of the President and Senate, the House is under as complete a legal obligation to provide an adequate salary for it as for the other. This House can no more say this, that, or the other Minister Plenipotentiary is unnecessary, and we will not provide for him, than it can say a Chief Justice or a Secretary of State is unnecessary, and we will not provide for him. It would as much be guilty of a violation of law in one case as in the other.

But, Mr. Chairman, if these conclusions and the premises whereon they are founded should be erroneous, if the doctrines of the gentleman from Pennsylvania should be correct, still this amendment cannot be supported. It is in direct contradiction with the principles whereon its supporters rely, and is refuted by the very arguments adduced to defend it.

What is the doctrine of the gentleman from Pennsylvania? That the office of foreign Minister originates with the appointment of the President, and becomes completely established when this House has sanctioned it by an appropriation. I state this to be his doctrine, though he did not lay it down in these express words. This is the substance, for otherwise he must admit, in direct contradiction to his whole argument, that the office not only originates, as he says, but also becomes complete, by the appointment of the President and Senate: in other words, that the President and Senate can create offices. When the gentleman from Pennsylvania, therefore, told us that, although the office of foreign Minister originates with the appointment of the President and Senate, yet the House is not bound to appropriate a proper salary, as he admits it to be bound in case of an office erected by law—the office of Chief Justice, for instance—he told us, in substance, that this office, though originating with the appointment of the President and Senate, remained *inchoate*, did not become a complete and legal office, till sanctioned by an appropriation in this

House. This, Mr. Chairman, is the true doctrine of the gentleman from Pennsylvania; and it is precisely analogous to his doctrine of *inchoate treaties*, about which we heard so much on a former occasion. His doctrine about treaties was this: that a treaty, though made by the President and Senate, is but an *inchoate* act, till completed by the assent and sanction of this House. The House, he said, was in nowise bound to give this assent; but when it should be given, the treaty would then become complete. Accordingly, after this House had assented to the British Treaty, by passing an appropriation for carrying it into effect, the gentleman told us that the treaty was complete, and had become as much the act of this House as of the President and Senate. This position he has repeated more than once; and in the debates on the President's Speech, during the Summer session, he laid it down in the most emphatic manner. I presume, Mr. Chairman, that an "inchoate office" is like an inchoate treaty, and may become perfect in the same manner. The gentleman admits, nay contends, that what he calls an inchoate treaty, becomes perfect and binding, to all intents and purposes, on this House and everybody else, as soon as the House gives it its sanction by an appropriation. Hence it irresistibly follows that this inchoate office of foreign Minister—this office originating, according to the gentleman from Pennsylvania, in the appointment of the President and Senate, but not binding on the House, and therefore not complete—must become complete and binding from the moment when it receives the sanction of the House. If not, it never can be complete and binding—must always remain an inchoate thing, which would be a most manifest absurdity.

If, therefore, the sanction of the House can legalize and complete the office of foreign Minister, which originates in the appointment of the President, this sanction has already been given, and these offices of Minister Plenipotentiary to Lisbon and Berlin, which it is the object of this amendment to destroy, have already been legalized and completed by the assent of this House. They are, consequently, at this time, according to the principles of gentlemen themselves, completely legal offices—as much so as those of President, Chief Justice, or Secretary of State; and these gentlemen, in attempting to destroy them, by withholding an appropriation, are guilty of as direct, and as great an infraction of the law and the Constitution, as if they were to attempt to drive the President of the United States from his office, by refusing the annual appropriation for the payment of his salary. An office must either be legal or not legal. If legal, it is equally binding in whatever mode it become so, whether by the law of nations, an act of Congress, or the appointment of the President and Senate, sanctioned by this House. And there exists the same obligation on this House to provide an adequate salary in one case as in the other.

Will gentlemen ask when these offices of Minister Plenipotentiary to Lisbon and Berlin received the sanction of this House? Lest they should have forgotten, I will tell them. The first received it in May, 1796, and the second from this present Congress, in June, 1797. It will appear, by a reference to the files of the House, that on the 28th May, 1796, the President of the United States sent a Message to the House, informing it that he had appointed Ministers Plenipotentiary to Madrid and Lisbon, instead of Ministers Resident, and that this augmentation of the grade would require an additional appropriation. In consequence of this Message, a bill was passed on the 5th June following, by which the necessary appropriation was made. Thus, the office of Minister Plenipotentiary to Lisbon received the express sanction of this House.

Surely we cannot have forgotten what passed in this House last June, during the first session of this Congress. We were informed by the estimates from the Department of State, that $13,500 would be wanted for the salary and outfit of a Minister Plenipotentiary to Berlin. A bill was brought in containing this appropriation. The appropriation was opposed, but after full discussion it was carried by a great majority, and the bill passed. Thus, the office of Minister Plenipotentiary to Berlin received the express sanction of this present House of Representatives.

If these offices, therefore, were *inchoate* before, according to the doctrine of the gentleman from Pennsylvania, they became complete, on his own principles, as soon as these appropriations were consented to by this House; for he has told us, over and over, that an *inchoate* treaty becomes complete as soon as this House gives its assent by an act of appropriation; and by the whole tenor, and the very terms of his argument, he places an *inchoate* treaty and an *inchoate* office on the same footing; consequently, he is now bound to appropriate for this office as much as he admits himself to be bound to appropriate any sums which may still be wanted for carrying into effect a treaty once sanctioned by this House. And yet that gentleman, and those who agree with him on the present occasion, are content, for the sake of effecting their favorite object, the establishment of a control over Executive appointments, to act in direct opposition to their own principles—in manifest inconsistency with those very doctrines for which, on former occasions, they have so strenuously contended! The truth is, that they shape their doctrines to the purposes of the moment, and abandon them, without difficulty, when those purposes require it. When they had resolved to defeat the British Treaty in this House, they introduced the doctrine of *inchoate*. They alleged that the House was under no obligation to carry a treaty into effect, because it was only an *inchoate* act till sanctioned by this House; but they admitted, in the most explicit manner, (and made it a part of their doctrine of *inchoate*,) that when this House had given its sanction, the treaty became complete and obligatory.* Now, that their object is to turn certain Ministers Plenipotentiary out of office, and to establish a precedent of the control of this House over the Executive, in the exercise of its Constitutional functions, they discard their favorite doc-

trine of *inchoate* which is no longer adequate to the purpose. They go further, and contend that the House, by its power over appropriations, has a right to control all the acts; to stop all the movements of the other departments; that it may withhold appropriations, in all cases, according to its own good pleasure or caprice, which the gentlemen dignify with the name of discretion. There cannot be a doubt that the doctrine now contended for would enable this House to drive the Secretaries, the Judges, and even the President, from office, by withholding the appropriation for their salaries, if ever they should become personally obnoxious to a majority of this House. The step from the present doctrines to that point would be far shorter than from *inchoate* to the present doctrines; and the right of encroachment being once established, there will be nothing to set bounds to it but the good pleasure of the House. I have heard it avowed, Mr. Chairman, that the affairs of this country can never prosper until all the present Heads of Departments shall be driven from office; and I have no doubt that the means of effecting that purpose (so desirable to these gentlemen) are intended to be furnished by this amendment. Should it prevail, it will establish a precedent that may easily be extended to that or any other object; and have we reason to believe, from what we now see and have witnessed on former occasions, that the extension will not be attempted?

Let not gentlemen, therefore, Mr. Chairman, accuse us of too much jealousy, when we zealously oppose these attempts, and charge them with supporting principles which lead to the utter overthrow of the Constitution. I view their principles in that light; and in this view I am fully confirmed by the most mature reflection, not only on the consequences of those principles, but on the manner in which they have been introduced and supported here.

But, say gentlemen, what interest can we have to subvert the Constitution? Why should we harbor designs of overthrowing the Government, and introducing anarchy and confusion? Have we not as much at stake, as much to lose, as you? Have we not equally concurred in the establishment of this Government? And what inducement can we have to wish for its destruction?

Since gentlemen, Mr. Chairman, make this appeal to their motives, I must be permitted to offer a few observations on that subject, before I dilate, as it is my intention to do, on the object and tendency of their political system.

As to motives, Mr. Chairman, I have no difficulty in declaring that I believe the far greater part of these gentlemen to be actuated by the purest motives. I do not say all; because I am not bound to answer for the motives of all. There are some among them of whose motives I know nothing; but far the greater part of those who support the system whereof this amendment is a leading member are actuated, in my opinion, by motives as pure, I will not say as my own, because, perhaps, those gentlemen may deny me the merit of pure motives, but as those of the best and purest men in this country; and, if I could find security against the consequences of men's actions in the uprightness of their intentions, I never should apprehend harm from these gentlemen. But, Mr. Chairman, does history, experience, or common sense, inform us that such security can be found? Do we not confine lunatics, and keep knives and razors out of the hands of children? Why? Not because we are afraid of their intentions, but of their actions; because we are justly apprehensive of their doing mischief without intending it. Is there a description of people on earth, who have inspired the world with a firmer confidence in their good intentions than the Quakers? And yet we dread the consequences of some of their attempts. This society, so virtuous, so praiseworthy, and whose institutions are formed on principles so beneficial and benevolent, have, however, adopted it as part of their creed, have made it a tenet of their religion, that personal slavery ought to be abolished; and they go forward with unwearied perseverance to the accomplishment of this object, without regard to risks or consequences. In vain do we tell them that their attempts, if successful, must render the Southern States a new St. Domingo—a mournful scene of massacre, pillage, and conflagration—must end in the common destruction of the blacks and whites, the slaves and their masters. In vain do we hold up to their view the recent and neighboring example of the French Islands, where similar maxims have reduced the most flourishing and beautiful provinces to one great slaughter-pen—have everywhere mingled the blood and bones of the wretched inhabitants with the ashes of their dwellings. They answer, that they have no intention to produce these consequences, and do not apprehend them; that it is their duty to proceed, and that the consequences are with God. Suppose the agents and missionaries of this society, whom we see so often attending this House, should address themselves to the gentleman from Virginia who moved this amendment, or to his friend from North Carolina, (Mr. MACON)—who claim so much indulgence for their system on the score of their good intentions—and should say: "We have the best possible intentions; nothing can be more pure than our motives. We mean, no doubt, to free all your slaves, but good, not evil, will result from the measure. We can have no interest to produce massacres, plunder, and conflagration, throughout your country; and you ought, therefore, to be perfectly easy as to the consequences of our attempts." Those gentlemen might believe all this, and, no doubt, would believe it as firmly as I believe them when they make similar protestations; but would they think it sufficient reason for indulging the Quakers in their wishes, or sufficient security against the consequences of their system? I believe not. I believe those gentlemen would act like men of sense, and would say to the Quakers: "We have no doubts about the purity of your motives; but while we remain persuaded, as we now are, that your plans, however well-intentioned, lead to the most direful calamities, not only to us and our families and our country, but also to the objects

of your care, we shall oppose them with all our might." This would, no doubt, be the language of the gentlemen, and it would be the language of good sense; and this same language I now address to them.

In fact, Mr. Chairman, does not history teach us there is nothing more common than for men to do mischief when they mean to do good? Did the Lafayettes, the Rochefoucaulds, the Liancourts, the Lameths, and the Clermonts, of France, when they first taught the doctrines of insurrection, and stirred up the mob to resist the Government, intend to pull down ruin on their country, their families, and themselves? Did they intend to procure their own death or banishment, and the confiscation of their estates; to send to the guillotine hundreds of thousands of the best citizens, including their own families and friends, to drench the whole country in blood, and transfer the most absolute power into the hands of the vilest of mankind? Certainly they had no such intentions; and yet we find that these consequences did result from their measures; France and the world have groaned and are groaning under these consequences; nor are they less real, or less deplorable, because their authors intended to do good and not mischief. Fanatics never, or very rarely indeed, intend to do mischief; and yet all experience proves that no description of men is half so mischievous. They rush blindly on, without reflection or hesitation, and aim directly at the accomplishment of their designs, without being delayed or turned aside by any considerations of the result.

This, Mr. Chairman, is the nature, the peculiar characteristic of all fanatics, whether religious or political. It hurries on its votaries with an impetuous and inconsiderate fury, which renders them equally deaf to the voice of reason, and blind to the consequences of their actions. Thus the Quakers rush forward to the liberation of the blacks; thus the falsely-named philanthropists of France involved the French colonies in flames and slaughter; and thus a set of political fanatics, in the same country, in pursuit of their wild and visionary theories, put arms into the hands of the mob, taught the populace the doctrine and practice of insurrection, overthrew the Government, and were themselves, with their families, their fortunes, and their country, crushed under its ruins. Their fanaticism impelled them to pull down a stupendous fabric, the work of fourteen centuries; which by its fall spread death and devastation over the whole extent of the finest country on earth.

With these awful examples before us, shall we trust fanatic men with power by reason of their upright motives; or sit regardless of the consequences of their actions, because we are convinced that their intentions are pure? So far otherwise, Mr. Chairman, that, in my opinion, their honesty is an additional reason for dreading them. Of your cool, calculating, political knaves, I am never afraid. Such men are not apt to be much trusted, and, moreover, they never do mischief but when there is something to be gained by it. They never do mischief for mischief's sake; and being, for the most part, men of sense and reflection, you may generally convince them that their own interest lies in avoiding mischief. But it is the sincere, the honest fanatic whom I dread, and whom I think myself bound to restrain, as I would confine a maniac. His honesty, his zeal, and his good character, enable him to inspire confidence and gain proselytes: the consciousness of upright intentions renders him as bold as he is blind. He rushes directly forward, without looking to the right hand or the left; pulls down all that stands in his way, regardless on whom it may fall; destroys a country, in order to make it free; inflicts unheard-of calamities on the present generation, for the happiness of posterity; and makes experiments on Governments and nations, with the *sang froid* of an anatomist dissecting the body of a malefactor. These are the men of whom I am afraid, and whom I think it my duty, at all times and places, to withstand: men whose projects and experiments have brought ruin on other countries, and will bring it on this, unless they are resisted and restrained by the sober and reflecting part of the community.

After all, Mr. Chairman, I am not much afraid of these men. There was indeed a time when their efforts might have been formidable; because that frenzy of revolution which seemed to have been poured out upon the earth like a vial of wrath, which had passed upon mankind like a plague, did once extend its dreadful influence to this country, where, in a greater or less degree, it infected every description of people, and made them eager for change and ripe for revolution. But it has passed away never to return. Fortunately, before the disease had risen to its height here, time was given for observing its terrible effects elsewhere; and the American people, profiting by example, and aided by the peculiar happiness of their situation, first resisted, and have finally subdued this dreadful malady, the love of revolution.

In this, I repeat again, they have been aided no less by their own happy situation, than by the mournful experience of other countries. For revolutions, Mr. Chairman, are brought about in all countries by three descriptions of men; philosophers, jacobins, and *sans-culottes*. They exist in all countries, and accordingly in all countries are to be found the materials of revolution; but they exist in different proportions, and according as these proportions are great or less in any country, so is the danger of revolution wherewith it is threatened.

The philosophers are the pioneers of revolution. They advance always in front, and prepare the way, by preaching infidelity, and weakening the respect of the people for ancient institutions. They are, for the most part, fanatics, of virtuous lives, and not unfrequently, of specious talents. They have always, according to the expression of an ancient writer, "*Satis eloquentia, parum sapientia;*" eloquence enough, but very little sense. They declaim with warmth on the miseries of mankind, the abuses of government, and the vices of rulers; all of which they engage to remove,

provided their theories should once be adopted. They talk of the perfectibility of man, of the dignity of his nature; and entirely forgetting what he is, declaim perpetually about what he should be. Thus they allure and seduce the visionary, the superficial, and the unthinking part of mankind. They are for the most part honest, always zealous, and always plausible, whereby they become exceedingly formidable. Of the three classes employed in the work of revolution, they are infinitely the most to be dreaded; for, until they have shaken the foundations of order, and infused a spirit of discontent and innovation into the community, neither the jacobins nor the *sans-culottes* can produce any considerable effect. The army cannot find entrance until these forerunners have corrupted the garrison to open the gates. Of these men we, in this country, have enough and more than enough.

Of Jacobins we also have plenty. They follow close in the train of the philosophers, and profit by all their labours. This class is composed of that daring, ambitious, and unprincipled set of men, who, possessing much courage, considerable talents, but no character, are unable to obtain power, the object of all their designs, by regular means, and, therefore, perpetually attempt to seize it by violence. Tyrants when in power, and demagogues when out, they lay in wait for every opportunity of seizing on the Government, *per fas aut nefas*, and for this purpose use all implements which come to their hands, neglect no means which promise success. Unable to enter at the door of the sheep-fold, they climb in at the windows, and devour the flock. Although they use the assistance of the philosophers in gaining entrance, they dread their honesty, their zeal, and their influence with the public, and accordingly the first use they make of power when they can obtain it, is to destroy the philosophers themselves.

As the philosophers are the pioneers, these men are the generals of the army of revolution; but both pioneers and generals are useless without an army; and, fortunately, the army does not exist in this country.

This army is composed of the *sans-culottes*, that class of idle, indigent, and profligate persons, who so greatly abound in the populous countries of Europe, especially the large towns; and, being destitute of everything, having no home, no families, no regular means of subsistence, feel no attachment to the established order, which they are always ready to join in subverting, when they find any one to pay them for their assistance. These were the men, who, in the pay of a wealthy Jacobin, and under the guidance of fanatic philosophers, overturned all order and Government in France, and will overturn it in every other country where they exist in great numbers, and are not opposed with great force and unceasing vigilance.

But, fortunately for America, there are few *sans-culottes* among her inhabitants, very few indeed. Except some small portions of rabble in a few towns, the character is unknown among us; and hence our safety. Our people are all, or very nearly all, proprietors of land, spread over a vast extent of country, where they live in ease and freedom; strangers alike to oppression and want. Those who reside in the largest towns are possessed of property, have homes, families, and regular plantations, and among such a people the principles of *sans-culottes* never did and never will make much progress. If a new Duke of Orleans were here, with a Mirabeau for his privy-counsellor, and an annual revenue of three hundred thousand guineas to supply the means of corruption, he could not raise a mob sufficient to drive this body from their seats, or over-awe their deliberations. We have Jacobins in plenty, and philosophers not a few; but while we are free from *sans-culottes*, and it is probable that the nature of our Government and the abundance of untilled land in our country will secure us from them for ages, we need not apprehend great danger. We ought, no doubt, to watch and withstand the enterprises of the pioneers and generals; but while they remain without troops they are not much to be dreaded.

Having made these observations on the purity of gentlemen's motives, observations which were due not only to candor and truth, but to the respect I feel for their personal characters, I hold myself at full liberty to explain the tendency of the present amendment, and of that system of policy whereof it is a part; and I mean not to impute any ill intentions to gentlemen when I declare, and attempt to prove, that this tendency is to the utter subversion of the present Government. It is my firm and most deliberate opinion, that the amendment now under consideration, and the principles of that system to which it belongs, lead directly to the introduction of anarchy and revolution in this country, and if not steadily opposed, must sooner or later produce that effect. This opinion it is my purpose to support by the observations which I am about to offer; and it is by a full conviction of its truth that I have been induced to consider it as a most sacred duty, to combat the system at all times, and by all the means in my power.

The gentleman from Pennsylvania (Mr. GALLATIN) has denied this to be the tendency of his system, and contends that our principles, not his, lead to revolution and anarchy. Revolution and anarchy, he tells us, in emphatic language, are the results of a system of expense, of war, of oppression, and of arbitrary sway; the last leaf of that book in which are written the excesses of tyranny. I agree fully with the gentleman in this position; but there is another question anterior to this, which he has omitted to discuss. It is by what means tyranny, by what means the excesses of arbitrary Government, are most likely to be produced? This question I propose to discuss with the gentleman from Pennsylvania; I mean to compare his system, his principles, with ours, and to inquire which of the two is most likely to introduce arbitrary Government into this country. And I hope to convince, not that gentleman himself, but the House, that if ever arbitrary Government should exist here, it must owe

its existence to the system of policy which that gentleman supports.

How, let me ask, Mr. Chairman, have the Governments of other countries been converted from free into arbitrary Governments? By one of two ways; either a military chief, possessing little political authority, but hereditary, and having at his disposal the military force of the State, has availed himself of the frequent wars, whereby neighboring States are so frequently afflicted, has augmented that military force, and finally employed it in extending and confirming his own authority; or, in States where no military chief of this description existed, popular leaders, possessed of talents, and actuated by an inordinate ambition, have formed a strong party among the people, have invaded and finally subverted the authority of the Government, and erected to themselves an absolute dominion. Every State that has lost its liberty since the foundation of the world to the present day, except in cases of conquest by a foreign Power, has lost it by one or the other of these two methods. The first is the natural death of free monarchies, the second of free republics; and both ancient and modern history furnishes many examples of both. It was by the first that all the feudal States were converted into absolute monarchies except England and Poland, the former of which was protected, by its insular situation, from the necessity, and also from the consequences, of a great military power in the hands of its chief, and thus preserved its liberties, while in the latter powerful individuals retained the military force in their own hands, divided it among themselves, kept their chief in subjection, and at length, by their feuds and civil broils, destroyed the strength of the State, and delivered it over to be subdued and divided by the neighboring Powers. It was by the concentration and exercise of military force in the hands of an hereditary chief, that the Cortes of Spain were broken under Ximines, and the States General of France under Richelieu and Mazarin. It was thus that the great princes of Germany became absolute in their respective dominions, and that the Russian despotism was founded on the ruins of feudal aristocracy.

This danger, however, does not exist in popular Governments. They have no great military chief, of hereditary power, who, disposing absolutely of the public force, may use it for the extension of his own authority; and of all republics that ever have existed, none ever was so little threatened with danger from that quarter as ours. It is needless to dwell on the reasons of this peculiar advantage, for they are obvious to every one. When republics fall, they fall by other means; by gradual inroads on the principles of their Governments; by popular encroachments on regular authority; by the concentration of their powers in some popular body, where artful, able, and aspiring demagogues, obtain sway, and establish arbitrary power under the name of the people. This is the quarter from which all popular Governments have been assailed, for the most part with success; and from which ours will be successfully assailed should the principles of the gentleman from Pennsylvania ever be adopted. Thus fell Rome under the power of Cæsar; thus fell the Republic of England under the power of Cromwell; and thus will fall the United States under some future Cæsar or Cromwell, unless a steady opposition be given to the system of the gentleman from Pennsylvania, whereof this amendment, let it be repeated, forms a part.

When the examples of the ancient Republics was adduced by my friend from Massachusettts, (Mr. THATCHER,) the gentleman from Pennsylvania denied it to be applicable, because the Governments of those Republics were different from ours. I know, Mr. Chairman, that the Government of our country is different from that of Athens or Rome, and I wish to keep it so. That is the object of all my exertions—of all my zealous opposition to motions like the present. To make our Government like those of Athens or Rome, is, in my apprehension, the object and tendency of the system advocated by the gentleman from Pennsylvania. How is this to be effected? By inducing this House, sometimes under this and sometimes under that plausible pretence, to establish precedents of encroachments on the other departments; to practise on these precedents, and extend them further and further, until at length all power shall be concentrated in this House, and exercised according to the good pleasure of those members who can obtain influence here. In Athens, all power was concentrated in the hands of one body, and it was abused at the pleasure of those who, by their eloquence, their wealth, or by any other means, could obtain the confidence and influence the determinations of that body. In Rome, the case was somewhat different; but even there, for the want of a well-fixed balance in her Government, the mass of the people gradually usurped all power, and transferred it to their favorites or their purchasers. By pursuing the principles of the gentleman from Pennsylvania, the same effect must be produced here. This House first begins the attack on the President; it controls his appointments, directs his measures, gives him orders under the name of advice, and if he refuses to obey them, withholds all the supplies for the service of the Government. All this is justified under the gentleman's doctrine of appropriations. A favorable moment is seized for laying the corner-stone—for fixing the principle—and plausible pretexts are adduced. A treaty is made, and a popular clamor is excited against it. Advantage is taken of this clamor to refuse an appropriation for carrying the treaty into effect, and thus a precedent of interfering in treaties is attempted to be established. A foreign Minister is appointed, the reasons for whose appointment are capable of being obscured or misrepresented. The occasion is seized to deny an appropriation; and, under the pretence of saving public money, and preventing the expense of an useless appointment, an attempt is made to acquire a control over the appointments of officers. These points being carried, the precedents are soon drawn into practice, and further enterprizes are undertaken in due season. Every

success gives further strength and boldness for new assaults; the cannon of every bastion that is taken is immediately turned on the remaining works; and, finally, the President is reduced to the condition of the chief officer of this House, and the Heads of Departments become the first clerks of its committees.

The President being demolished, the party proceeds with new vigor and greater forces to attack the Senate, which, deprived of the support of the Executive, is speedily overthrown. The House says to the Senate, "Unless you conform to our will, we lay our hands on the purse-strings, and stop the wheels of Government. Should a contest ensue, we are sure to be uppermost; for we are the immediate representatives of the people; we adore the people; nay, we are the people themselves. Therefore, beware of a contest in which you have everything to lose, and we are certain of gaining."

The Senate, enfeebled and dismayed, yields by degrees to these powerful arguments, and this House remains victorious with all power in its hands. It proceeds to appoint a Committee of Exterior Relations, a Committee of Interior Relations, a Committee of Justice, a Committee of Finance, and so on, and a new French Convention arises to view, where principles are set at naught, caprice is law, and the whim of the moment disposes of all public and private rights. Then follow confiscations and banishments, and the long train of tyrannical excesses ever attendant on popular bodies in whose hands the whole powers of Government have been concentrated, from the assemblies of the people at Athens, and the *Comitiæ* at Rome, down to the Rump Parliament of England and the French Convention. Then will the member who shall possess the most art, the greatest eloquence, and the most daring spirit of enterprise, speedily form a party, by means of which he will enslave the House and rule the country. Should there be several of equal or nearly equal strength, they will first divide the power among themselves; but their union will be fallacious and short. They will be employed in attempting to circumvent or undermine each other; divisions will soon arise and mortal quarrels will ensue; till at length the rest will sink beneath the overbearing genius of one, and he will establish his dominion uncontrolled. This is the liberty which gentlemen, should their schemes succeed, will, sooner or later, bestow on the country; the liberty of a few bold, able, ambitious men, to do what they please, and of the rest of the community to obey them. This, Mr. Chairman, may be very pleasant liberty for those who are to be possessed of power; but for me, and the rest of the community, it has no charms; and I shall, therefore, omit no opportunity of resisting its first and most distant approaches.

Should any one object that this state of things must be extremely distant, I beg him to recollect how short a space intervened between the throne of Louis the Sixteenth and the scaffold on which he bled; between the absolute power of Neckar and the despotism of Marat; between the splendid fortune of so many distinguished families and the dungeon or the guillotine. Governments like ours, Mr. Chairman, may be compared to the planetary system, whose preservation depends entirely on the exact preservation of its balance. The exact balance between the centrifugal force and the power of gravitation, retains the planets in their orbits; but should some angel of destruction push them out of those orbits, though in ever so small a degree, the balance is lost; one power gains what is taken from the other; and these immense bodies, whose beautiful and regular play furnishes the greatest wonder of creation, fly out, and are lost in boundless space, or rush to the sun with increasing and incalculable velocity, and there are mingled in one mighty ruin. Should the gentleman from Pennsylvania succeed in his present attempt, he becomes the angel of destruction to our beautiful Constitution. He destroys the happy balance of its powers; and the approximation of the different departments, though slow and gradual at first, would become more rapid as it advanced, and speedily produce that concentration of power in this House, which seems to be the object of all that gentleman's labors and cares.

It is this view of the subject, Mr. Chairman, that stimulates me to oppose this amendment with the utmost perseverance and zeal; not that I apprehend great mischief from this particular measure, could it be viewed singly and by itself; but that I regard it as a part of a system wholly incompatible with the existence of this Government, or the happiness of this country. I regard the gentleman from Pennsylvania and his friends, in the light of an enemy who has commenced a siege against the fortress of the Constitution. He proceeds at first by cautious steps, and endeavors to make a lodgment by surprise in some strong and advantageous outwork, from whence he may direct a more efficacious attack against the citadel itself. On this advanced ground, in this outwork, I hold it wise to resist him; convinced as I am that success here would be the prelude to a bolder and more dangerous assault, and that all the guns which he can now command will immediately be turned upon our remaining fortifications.

I must now be allowed, Mr. Chairman, to say a few words as to the expediency of this measure—as to the utility of foreign Ministers. To one side of the House, to myself and those with whom I usually act, it is sufficient to say that the President has thought fit to appoint foreign Ministers; for we are convinced that the right of judging on this subject has been given exclusively to him and the Senate by the people of this country, and that when he and the Senate have thought fit to exercise this right by appointing a Minister to this or that place, or of this or that grade, nothing is left for this House but to provide an adequate salary. But other gentlemen hold a different opinion, and contend that we may not only inquire how much the salary ought to be, but also whether the appointment itself be necessary. To gentlemen who sincerely hold this opinion I address my remaining observations.

The gentleman from Pennsylvania (Mr. GALLATIN) has asserted that Ministers have nothing

to do with the interests of commerce except to make commercial treaties; while the care of seeing those treaties duly executed, and the commercial rights of individuals properly protected, belongs to Consuls. Hence he infers that foreign Ministers are useless, because we have no need to form more commercial connexions, and ought to have no political connexion, with foreign nations. In order to prove that we ought to make no more commercial treaties he contends that we have received much more harm than good from those already made. This is the whole amount of this part of the gentleman's argument, which includes two-thirds of his long and ingenious speech; and it is wholly built on the assertion that "commercial interests are managed by Consuls, while Ministers have nothing to do with commerce except the making of treaties for its regulation." This assertion has been already refuted, and the gentleman from Pennsylvania, though he has made it the ground-work of his whole reasoning, has not attempted to prove it. For this he had very good reasons; for he well knows it to be wholly unfounded; and therefore he has contented himself with asserting it, and taking it for granted. I say he well knows it to be unfounded, because that gentleman is well read in the law of nations, the writers on which, as well as its maxims and doctrines, we often see him adduce with much dexterity and learning when they suit his purpose. Now, Mr. Chairman, I may, I think, venture to affirm that there is no student in any college, who has read the indexes of some elementary books on the law of nations, but knows that it is the peculiar business of Ministers, not only to make commercial treaties, but to watch over their execution, and to take care that the commercial rights of their country, under the law of nations as well as under treaties, are preserved inviolate. This is a business with which Consuls never interfere, and to which they are wholly inadequate; not only from the nature and powers of their appointment, but also from their local circumstances and situation. All this the gentleman from Pennsylvania well knows; and yet he has asserted that every thing respecting the interests of our commerce in foreign countries, except the formation of commercial treaties, can be, and is, transacted by Consuls, without the interference of Ministers. This assertion is the loose block whereon, for want of a better foundation, he has rested the whole edifice of his reasonings; and this block I mean to knock away. A very slight stroke will be sufficient for the purpose.

In what manner, Mr. Chairman, is the observance of a treaty of commerce with any country to be enforced? In what manner are infractions of such a treaty or of the laws of nations, to be prevented or redressed? Is it not by applications to the Government of that country—by representations, by remonstances, by negotiations? The gentleman from Pennsylvania will not answer in the negative. I know he will not. By whom then, and where, are these applications to be made, these representations, these remonstrances, to be presented, these negotiations to be carried on? Must it be at the seat of Government, by agents residing there; or at the seaports of the countries where the Consuls reside? If the former, these agents will be Ministers. You may call them by a different name, but the thing will be the same; for a public agent of one country, charged with the management of its affairs, and residing at the seat of Government of another, is the very definition of a foreign Minister, by whatever name you may think fit to call him. As these transactions are, from their very nature, to be with the Government itself, let us see whether they could possibly be managed by Consuls.

In the first place, Consuls, by the established law and usage of nations, have no public official character, and cannot be admitted to any intercourse whatever with the Governments of the countries where they reside. We may, if we please, exclaim against this usage, and call it absurd and foolish; but it is the established usage of nations, and while it remains so we must conform to it. Suppose, therefore, that any injury should be done to the commerce of our citizens by French privateers, for instance, or French municipalities, in contravention of our treaty, or against the law of nations, but under color of certain acts of the French Government. Could redress be obtained by means of Consuls? So far from it, that it could not even be applied for, since the Consuls could have no access to the Government. And yet the gentleman from Pennsylvania tells us that the interests of our commerce in foreign countries can be managed by Consuls!

In the next place our Consuls in foreign countries are, for the most part, natives of the countries where they reside. With a very few exceptions, they are mere private merchants; and, except in the single case of the Consuls to the Barbary Powers, who, according to the established usage, are a species of Ministers, they receive no salaries. Are men of this description adequate to the protection of our commercial interests? Can they be expected to possess the requisite knowledge for conducting affairs of this kind, or the requisite influence or weight of character? Will they abandon their own private affairs to attend at a remote capital, and solicit the restitution of vessels, the revocation of injurious orders, or indemnification for improper seizures? If they were qualified for this business, and willing to undertake it, they certainly would not do so at their own expense. When our Consul at Bordeaux, Nantes, or Marseilles, for instance, should be applied to on any business which would require an application to the French Government, would he go to Paris and remain there to finish the business at his own expense? Certainly not. We must pay him, not only his expenses, but a compensation for his time and trouble. As these applications would frequently occur, he could not go specially for each one, but must remain always there, and we must give him a salary sufficient to induce him to do so. He would then be a Minister in fact, and in expense. He would want nothing of the character but the name, and the capacity of usefulness. This is the establishment which the

gentleman from Pennsylvania wishes to substitute in the place of our present diplomatic appointments. The Consuls, in order to perform the duties, which he says ought to be assigned to them, must be turned into Ministers, equally expensive with the present corps, but far less efficacious.

In the third place, we should have a multitude of these new-fashioned Consul Ministers, for we have a variety of Consuls in each of the great maritime nations of Europe. There is one in every considerable trading town. In France, for instance, we have six or seven; perhaps a much greater number. Each of these, upon the plan of the gentleman from Pennsylvania, must reside at Paris; for it would be impossible for them to be perpetually running backward and forward between their respective seaports and Paris, as often as any affair might occur requiring an application to the Government. If any gentleman should doubt of this, let him look at the list now on the table, of between four and five hundred American vessels carried into the different ports of France, or detained there, contrary to the Treaty, and redress for the capture and detention of which must be obtained, if obtained at all, from the French Government by means of either a Minister or of Consuls. The Consuls, therefore, if they are to do the business, must all reside at Paris; and, instead of one Minister, we should have nine or ten; perhaps a greater number. These observations will apply, with a greater or less degree of force, to every other country with which we have a considerable commerce. And yet the gentleman from Pennsylvania tells us that our commercial relations ought to be left to Consuls!

Having seen, Mr. Chairman, what the duty of Consuls is not, let us now inquire, for a moment, what it is. We shall find them very necessary agents, though wholly inadequate to the business usually committed to Ministers.

In the first place, it is their duty to settle disputes which may arise between seafaring people of their own nation, arriving in the foreign ports where they respectively reside. These disputes, we know, are apt to arise between the masters and crews of ships; and these the Consuls are usually empowered to terminate in a manner less tedious and expensive than could be done by the local laws of the country.

In the next place, they are to assist seafaring people of their own country, who may happen to have any disputes with the people of the place; they are to make advances to them when in distress, and to procure redress for them in all cases where it can be afforded by the local authorities of their respective ports.

And lastly, they are to act as agents between the people of their country and the Minister; to inform him of cases which require his interference with the Government, and to facilitate to the sufferers the means of applying to him. They are to be his agents in all the seaports; while he is the general and immediate agent of his country with the Government. They are to keep him informed of all the cases, which occur in their respective ports, of violations of treaties or of neutral rights; so that he may be enabled to take the proper steps for obtaining redress.

The duties of these agents, whom we call Consuls, are, therefore, distinct from those of a Minister, so necessary in themselves, and so incapable of being performed except by persons residing in the seaports, that were all the present Consuls, according to the plan of the gentleman from Pennsylvania, to be immediately sent to the capitals, and converted into Ministers under a new name, their place must instantly be supplied by other agents, whom, perhaps, the gentleman would not choose to call Consuls, but who must be invested with the same powers and perform the same duties. Such is the wise and notable scheme of the gentleman from Pennsylvania; and thus it is he is to rid us of the expense of Ministers!

Let me be permitted, Mr. Chairman, to propose another question to the gentleman from Pennsylnia. If Ministers have nothing to do with commercial relations except making treaties of commerce, how comes it to pass that the gentleman is willing for us to have Ministers of the highest grade with those two nations with whom we have treaties of commerce, and where, according to him, Ministers can have nothing to do?—I mean France and England; with both of which nations we have commercial treaties, and where the gentleman consents to our retaining Ministers Plenipotentiary. To be consistent with himself, he ought to attempt the recall of these two Ministers, by refusing an appropriation for their salaries, and to leave untouched those of Lisbon and Berlin, who may possibly have something to do. But this is not the gentleman's object. He has another; which is to establish the principle of controlling the Executive in the exercise of this part of his Constitutional functions, and thus effect a breach in the intrenchments of the Constitution; and he will pardon me for considering this doctrine, about which he has discoursed so much, and with such ingenuity, as a mere pretext to cover his attack.

So much, Mr. Chairman, for the utility of Ministers in general, who appear to me essentially necessary, not merely for making commercial treaties, but for protecting the rights of our citizens in foreign countries, according to treaties where there are any, and under the law of nations, where there are none.

But gentlemen point particularly to the mission to Berlin, and triumphantly demand what benefit is to be expected from sending a Minister to Berlin? What have we to do, say gentlemen, with the King of Prussia, or the politics of Germany? To me, Mr. Chairman, let me repeat it, it is enough that the President has judged it proper to send a Minister to Berlin; for to him and the Senate, in my belief, and not to this House, has the Constitution confided the right to decide on this subject. But to gentlemen who are not satisfied with this answer, I will give another, and one which, I promise myself, they will find satisfactory. Have gentlemen, who object to this motion, adverted to the peculiar situation of Europe at this moment? Have they adverted to our own peculiar situation? We have a most disagreea-

ble dispute with the French Republic. France has made peace with the Emperor; and a Congress is now sitting, if not already terminated, to settle the affairs of Germany, and adjust the balance of Europe. In this Congress interests of the utmost magnitude in themselves, and in the highest degree important to France, are to be discussed; no less than to determine whether France shall extend her borders to the Rhine, or be restricted to the Meuse; whether more than two millions of souls, formerly subjects of the German empire, shall become citizens of the French Republic. In this Congress the King of Prussia is mediator; a youthful monarch, enterprising, warlike, and ambitious, at the head of three hundred thousand of the finest troops in Europe, and with a treasury replenished by four years of peace, while the coffers of his neighbors are in a most exhausted condition. With these advantages, joined to his local position, he holds in his hands the balance of France and Germany. Prepared to strike in every direction, he is dreaded and courted by all parties; and especially by France, who feels that after Austria, now exhausted and desirous of repose, he is the only Power capable of checking her ambitious designs. Hence she has the greatest possible interest to soothe and conciliate him. This monarch possesses all the finest ports in the Baltic, and a great extent of maritime territory. His predecessor, the great Frederick, sensible that commerce alone can supply money, the sinews of military strength, always felt the greatest solicitude to render his States commercial; and one of the means by which he hoped to effect this purpose, was to form connexions with commercial nations. This was the spirit of his Government, and became a standing maxim in his system of policy. Accordingly, having discovered that the United States must speedily become a great commercial nation, he was among the first to form a treaty of commerce with us.

Is there not reason to expect that the same views may be entertained by his successor now on the throne? And was it not wise to do every thing in our power for keeping up a good understanding with a monarch who has it in his power to serve us so essentially? How is this to be done? By sending a Minister to his Court, renewing our treaty with him which is about to expire, and holding out to him the prospect of commercial arrangements, not injurious to us, but perhaps highly desirable to him, and sufficient to procure his good offices and interference in the adjustment of our differences with France. Would this interference be unavailing? I apprehend not; for France has too much interest in keeping well with this monarch to refuse attention to his mediation. His interference, if he should choose to interfere seriously, would, on the contrary, be more efficacious, in all probability, than fifty ships of the line.

I do not know, Mr. Chairman, that this interference will be obtained, or ought much to be expected; but I am fully persuaded that it was wise to use the means, to send the Minister, and make the attempt; from which I have no idea that we ought to have been deterred by the paltry consideration of saving nine or ten thousand dollars.

But gentlemen constantly repeat that we ought to have no political connexions with the nations of Europe. This is about as wise as to say a man ought never to have a fever. A fever, no doubt, is a very bad thing, and political connexions may also be bad things; but we already have them, and the question is not whether they are good or bad, but how we shall get rid of them. We not only have political connexions, but disputes of a most disagreeable nature, growing out of those connexions. This is attested by all the papers on the table, by various acts of the House, and, more strongly still, by the universal capture and condemnation of our property. It is vain and foolish, therefore, to repeat continually that we ought not to have foreign connexions; but our business is to inquire how they may be best got rid of. How is this to be done? I answer, by settling our present differences, and avoiding new ones. Unless gentlemen mean to submit, and if they do, I have nothing to say to them, having already had opportunities, on former occasions, to say all that seemed necessary on that subject. Unless they now mean to submit, I repeat, that the only method of getting rid of those foreign connexions, about which they so loudly exclaim, is to settle our present differences in the best manner we can, and avoid new ones. For this purpose we must employ Ministers; and none could be more wisely employed than the one to Berlin.

This diplomatic intercourse, therefore, about which gentlemen raise so great an outcry, is perfectly consistent with a wish to get rid, as fast as we can, of foreign connexions; and if gentlemen were sincere in that wish, it appears to me that, instead of opposing these appointments, they would applaud and support them. Gentlemen must excuse me if I say I do not think them sincere; that, in my opinion, foreign relations are merely a stalking-horse, behind which they advance to attack the Administration, and the system of policy which it has adopted. To foreign relations and foreign intercourse, in my opinion, gentlemen have no objection, provided those relations can be such as they wish, and conducted in the manner which they desire. It is against the nature of these connexions, and not to foreign connexions in themselves, that the hostility of gentlemen is directed. For the proof of this position, I appeal to the history of the measures pursued by those gentlemen since the commencement of this Government.

I ask gentlemen, Mr. Chairman, who think with me that the present attempt ought to be resisted, whether they can separate it from that system of measures which its supporters have so zealously and perseveringly pursued since the commencement of the war between France and England? I cannot. I am compelled to view it in connexion with that system, and it is this connexion which makes me dread it. Viewing it in this connexion, the time which is chosen for making the attempt is, to me, its most alarming feature. This extension of foreign intercourse, which

is made the pretext for the present attempt, is not a measure of this day. It was adopted in May, 1796, and that was the time for opposing it, if the reasons for the opposition were really such as gentlemen allege. But no opposition, or at least none of any consequence, was made at that time. I have looked over the debate which took place on that occasion, and I find that, although some objections were made, they rested on a ground wholly different from that now taken. They were confined to the expediency of the measure; but not one word was said of the danger of Executive influence, or the necessity of checking Executive patronage. Among others, I was most struck by the observations of a gentleman from Pennsylvania, (Mr. FINDLEY,) which agree precisely with our present doctrines, and appear to me so solid and important, that I cannot forbear presenting them to the committee. They are found in the debate of May 30, 1796, on the extension of foreign intercourse, and in these words:

"Mr. Findley said that he had voted against this measure, in the Committee of the Whole, and he thought he was right in doing so; but he was now of opinion, that except the House had information sufficient to convince them that the appropriation was necessary, they ought to grant it. He wished as much as any one to save the money of the public, but he believed our Government was, in some degree, obliged to conform to European practices. If we had Ministers Plenipotentiary at one Court, he did not know where to draw the line. He believed they should do best in leaving the Executive to settle this matter."

The committee, Mr. Chairman, will doubtless be struck, as I have been, with the contrast between these sentiments and those which the same gentleman, and those with whom he acts, have expressed on the present occasion. The gentleman, no doubt, has good reasons for his change of opinion, but as I do not know them, I must seek for them in the change of our situation. I should be sorry to say, or believe, that it is to be found there; but the appearance of the thing to my mind is so singular, and so alarming, that I cannot conceal it. At that time we had no dispute with France; now we have. At that time the French Government had not declared us to be a people divided from our Government; now it has. At that time we were not on the eve of a conflict in which it was to be proved whether the people of this country shall be governed by France, or themselves; now it is to be feared that we are. In this awful, this momentous situation of our country; when we know that France, in her hostile measures, proceeds on the persuasion that our people are divided from our Government, and this House against the Executive; when we see measures here introduced and prosecuted with unequalled zeal, whose plain and direct tendency is to set this House at war against the Executive; to degrade the President, and hold him up to public view as the enemy of liberty, and unworthy of confidence; can we avoid observing how exactly these attempts are calculated to promote the views of France? Can we avoid the impression of a concert with those on the other side of the water, the impression that gentlemen are playing into the hands of a foreign Government, which is pursuing every hostile measure against this country? This impression I wish to resist; but I fear that the public mind will not resist it; nor can I easily resist it, when I advert to that system of alliance with France and war against England, which was at an early period imported into this country, and has been ever since pursued with so much activity and perseverance in this House.

When I say this system of alliance and war was *imported* into this country, I have no allusion to any member of this House. I have no doubt that it was imported by a member of this Government, but not of this House; and it was a part of the system adopted by the revolutionists of France, when they resolved to wage war against all their neighbors, especially England, for the purpose of subverting the Government of their own country, and gratifying their own personal ambition. This war, we know, was resolved on long before it was declared; and it was then determined that the United States should engage in it on the part of France. A regular scheme was concerted, according to every appearance, for drawing them into it. The missionary arrived, who was to convert us to this new faith; and this missionary was a citizen of our own, who was recalled from a public employment in that country, to fill a high official station here.* Not long after, a French Minister was sent over to second his efforts, and he came furnished with ample instructions, and fortified with ample means of seduction.

Before this Minister arrived, accounts reached us that the war between England and France was commenced. As we had extensive and important relations, both of a commercial and political nature, with these two nations, it immediately became a question of the greatest importance and solicitude, how we should act in this critical situation. In the deliberations which took place on this subject, in the cabinet of the Executive, two very opposite opinions immediately appeared; one for war on the side of France, and the other for a firm neutrality: and there were two men† at that time in the councils of the President, who supported these two opinions. The advocate of the war system did not venture openly to oppose the system of neutrality, which he knew to be the

*For avoiding mistakes, I declare, that in this and the succeeding passages, I allude to the present Vice President of the United States, whom I consider as the author and secret mover of this system of war against England, and alliance offensive and defensive with France—a system which, far from being abandoned, is, in my opinion, now pushed with more zeal than ever, by the same party. Hence all their efforts to keep the country disarmed, to deprive the Government of the public confidence, and to compel it, by those means, to break anew with England, in obedience to the orders of France. For when this breach is once made, they know that a war must be the next step, and then the alliance with France, or rather subjection to her under the name of an alliance, follows of course; and these gentlemen would rule the country under the orders of a French Minister, as is now actually the case in Holland. I consider the letter to Mazzei, and Genet's charge about "a language official and a language confidential," joined to the general tenor of this gentleman's conduct, and the book of his friend, Mr. Monroe, as full proofs that my opinion is well founded.

†These two men were Jefferson and Hamilton. The first was for war, the second for neutrality.

wish of the country. To have opposed it openly; to have declared, in plain terms, that we ought not to remain neutral, but to engage in the war, with finances so deranged, a Government so imperfectly established, and a condition of affairs so unsettled, would, as he well knew, have disgusted and alarmed the people, and ruined the project. He therefore acted with more art and address. He labored to the utmost to induce the President not to decide, himself, upon the question of neutrality, but to convene Congress, and refer the decision to them. Why? Because it was known that a popular body, like Congress, was infinitely more susceptible of enthusiasm, more easily wrought on by management and intrigue, more obnoxious to the influence of popular clamor, mobs, and venal presses, than the cool, deliberative councils of the President. It was also known that in case of a reference to Congress, the neutral system would lose the aid of its author's talents, who was precluded, by his official station, for a seat in that body. To this point then the author of the war system directed his whole force. He labored to convince the President that it did not belong to him to decide the question of neutrality, but to Congress, to whom the Constitution required it to be referred; and in this effort, it is well known that he was aided, to the utmost, by that description of people who have, since that time, omitted no opportunity in their power of hurrying us into a war against England.

Fortunately, however, the President saw and avoided the snare. His sound judgment, and penentrating discernment, enabled him to perceive all the hazards of such a reference; his good sense prevented him from entertaining a doubt about his Constitutional power to decide this question; and his firmness enabled him to make and support the decision. The Proclamation of Neutrality accordingly appeared.

It no sooner made its appearance, than the war party and their chief raised an outcry against it from one end of the continent to the other. The French Minister, (Genet,) who arrived soon after, remonstrated; the popular societies formed under his auspices, published resolutions; and the venal presses, the principal of which* was under the immediate direction of the author of the war system, poured forth abuse against the Proclamation of Neutrality, the Minister who advised it, and the President by whom it was issued. In short, Mr. Chairman, no expedient which disappointed intrigue and an artful, enraged spirit of party could devise, was omitted for raising a universal popular indignation against this proclamation of neutrality, and for preparing Congress to condemn and reverse it. The changes were rung from town to town, from State to State, and from one end of the Union to the other, on pusillanimity, on national degradation, on ingratitude to France, on servile submission to England. And this proclamation was furiously assailed with the very same weapons which we have since employed against the British Treaty, which was justly considered as a part of the same system of neutrality. The efforts of the friends of war, and their chief, were, however, unavailing. The people of America, indeed felt a warm, an almost enthusiastic, partiality for France, whom they considered as contending for liberty, and on this partiality the party founded strong hopes of success. But the good sense of the people enabled them to discern that, whatever might be their wishes for the success of France, the interest of their own country lay in preserving peace; and they gave, throughout the Union, the most unequivocal proofs of approbation to the proclamation of neutrality. When Congress met, this sentiment had become so strong and universal that the war party did not dare to oppose it. The proclamation was approved of by Congress, and the party and their chief once more had a hook put into their nose.

Though a second time disappointed, they did not, however, lose courage, nor abandon their schemes. But, as a system of neutrality had now been adopted, it was too late to talk of war; and the next step, therefore, was to explain this neutrality in such a manner as would render it, in effect, an alliance with France, and a state of hostility against England. This was attempted accordingly; but, as the author of the war system held an official station under the Executive, he could not openly appear in it. The French Minister came forward, and advanced the pretensions, which it was the part of the other personage to second and support in the President's Council. A right was claimed on the part of France to arm, fit, and commission ships of war in our ports; to exclude British ships of war under pretences which would have applied to every possible case; to enlist crews among our citizens; to raise armies in our country; and to preclude our courts of justice from all cognizance of prizes taken and brought in by vessels acting under French commissions. It was contended on the part of France that we ought to resist, by force, the right claimed by England, and clearly acknowledged by the law of nations, to take the goods of her enemies when found on board of our neutral vessels. It requires no discernment, Mr. Chairman, to see that these pretensions, had they been agreed to, would have placed the direction of our affairs in the hands of France, and must instantly have induced a state of war between us and England. This was well understood by the war party; and, therefore, as everybody recollects, they aided and supported the French Minister to the utmost of their power. These pretensions, indeed, were repelled by the President, who adopted a system wholly different—a system of national independence and fair neutrality; but it was well known to have been adopted contrary to the opinion, and in spite of the efforts, of the chief of this party. When it was adopted, he did indeed defend it, in his official character; but he has taken care to declare* his abhorrence of it, and the French Minister did

* The National Gazette, whose editor, Philip Freneau, was a confidential clerk of Mr. Jefferson. This paper was the vehicle of all the most violent attacks against the Proclamation of Neutrality.

* In the letter to Mazzei, where he stigmatizes this very system, as a system of ingratitude and injustice to France

not fail to accuse him of duplicity for having written officially in its defence.†

While officially defended by their chief, the party themselves assailed it with the most persevering violence. The haranguers exclaimed, the self-created societies resolved, the presses devoted to the party teemed with abuse; and that, in particular, which was under the immediate direction of the chief, poured forth one continued torrent of virulent invective. Afraid to attack the head of the Executive department himself, whose tried virtue, whose splendid services, whose great and well-earned popularity, could not fail to rouse the public indignation against any who might impeach the purity of his conduct, all the shafts were levelled at the counsellor by whose advice the system was supposed to have been adopted, and by whose talents it was ably supported. It was everywhere declared, and everywhere most industriously propagated, that this person had enslaved the mind of the President, and misled his judgment. Everywhere, by every press, and every club, was this person branded as a speculator, as a thief, a plunderer of the public Treasury, which was under his superintendence—a wretch, in the pay of England; in fine, the most profligate of traitors, the most dangerous of public enemies. These calumnies, asserted within these walls, circulated by members of this House, were industriously wafted from State to State, for the purpose of overwhelming with obloquy and public hatred the author and prop of the neutral system, as an essential step towards the destruction of the system itself.

When the public mind was thought to be sufficiently prepared, a direct attack was made on him in this House, for the purpose of driving him from his office, so that the President, deprived of his counsels, might the more easily be brought to concur in the designs of the war party and of France. The charges, before circulated in a vague and indirect form, were reduced to specific accusations, and brought before this House, as the grounds of a vote of impeachment. But, although the party had met with some success while they confined themselves to their stronghold, to the "*ambiguas in vulgum spargere voces*," which I mentioned in the beginning of my observations, yet, when they ventured to fight on the open plain of fact and proof, they were totally routed; when their vague calumnies assumed the shape of resolutions, they were easily refuted. Every charge was repelled by a vast majority of this House; and the wise and virtuous statesman, to whom his country is so much indebted, rising triumphant from the contest, established his fame and his system on a basis more solid than ever—like some mighty oak, whose roots are more strongly fixed, and new vigor added to its growth, by those storms which seem to threaten its overthrow.

Thus the war party were again discomfitted; and, in spite of all their efforts, aided by the efforts of the French Minister, a system of fair and impartial neutrality, calculated to preserve justice to all, and keep peace with all, was completely established.

Though beaten, however, Mr. Chairman, they were not subdued; nor could they be induced to relinquish their favorite object of war and alliance. They waited for a more favorable opportunity of renewing the attack, and that opportunity the unjust aggressions of England on our trade too soon supplied. These aggressions, joined to the remembrance of our former contest with that Power, and the resentments remaining from her former injuries, raised a flame of indignation throughout the country, which, pervading all classes and distinctions of people, prepared the public mind for measures of hostility. The occasion was seized by the war party, and used with an activity and zeal which gave them the fairest prospects of success. The attempts were not direct; because in that case the people might have been brought to reflect. The great object, then, as before, was war against England, and alliance with France; but not one word was said about war or alliance, words which might have created alarm, and given rise to hesitation. But measures were proposed whose direct and inevitable tendency was to widen the breach with England, and inflame the two countries more and more against each other. These measures assumed various shapes, to suit the feelings and catch the passions of particular individuals, or classes of men, and were urged with unremitting zeal and indefatigable industry. Sometimes commercial restrictions on the trade of England were attempted; sometimes the intercourse between the two countries was to be cut off; and sometimes confiscation and sequestration were resorted to. Many of our best citizens, and the firmest friends to peace and neutrality, were impelled by the warmth of the moment, and the insinuations of this party, to favor, and even to propose or advocate, these measures; and nothing was omitted to raise a storm of popular resentment and public odium against all those who had the firmness to withstand them. To speak of negotiation was branded as pusillanimity; to speak of attempts at amicable adjustment, was pronounced to be little short of treason. Gentlemen, for their opposition to these hostile measures, were stigmatized on this floor as the agents of England; mobs were hired to burn them in effigy in various towns in the Union; the presses devoted to the war party assailed them with continued volleys of calumny; their names were coupled with every disgraceful epithet, with every vile accusation, in the toasts of clubs and the resolutions of societies; and, finally, by all these means, aided by the continued aggressions of England, an universal flame was excited in the country, and the party saw itself approach rapidly to the moment of its triumph over the system of peace and neutrality.

When the country was thus on the point of rushing down the precipice, the President of the United States, destined so often to become its saviour, again stretched out his paternal hand, and

† See Genet's letter to Mr. Jefferson, of September 18, 1793—pages 70 and 73, of the printed correspondence.

prevented the fall. Interposing the powers of his office and his immense personal popularity, between the Legislature and the gulf, at the very brink of which it had almost arrived, he arrested its career, and afforded the country time to recover from its delirium. He sent an Envoy Extraordinary to make one further attempt at an amicable adjustment of our differences with England, before we should resolve to terminate them by the sword; and by this step he again broke the measures of the war party.

Their rage was proportioned to their disappointment, and it hurried them into the most furious invectives against the President, against the Envoy, and against all who were understood to favor the measure. Everybody remembers, Mr. Chairman, how they accused this Envoy of being a tool of the British Ministry, an enemy to liberty, and even an opposer of the independence of this country. Everybody remembers what clamors were raised about the unconstitutionality of his appointment; how the clubs toasted, the orators harangued, and the societies resolved. Every body remembers how all the presses under the influence of this party loudly alleged that the friends of the negotiation were a faction devoted to England, and that the President of the United States, by sending the Envoy, had placed himself at the head of this faction. Every one remembers how the leaders of this party did not refrain from repeating these accusations within the walls of this House, and even on this floor. It was in vain that the friends of the measure, and of peace, spoke to them in language like this: "Let this attempt at negotiation be made, and if it fails, we will join you in war. Should England refuse to do us justice, when thus peaceably applied to, we will join you in every measure of compulsion. We consider this as the last effort at negotiation; and so the President has announced it in his Message for nominating the Envoy." No! these gentlemen, now so peaceable, when France repels with contempt two successive efforts at negotiation, and meets all our advances by new measures of hostility, could then be satisfied with nothing less than immediate measures of coercion and irritation against England. A single attempt to negotiate they reprobated as pusillanimity, and the very idea of a compromise they treated as a surrender of the rights and honor of the country. When the Envoy arrived, and presented a memorial, stating all our claims, and urging satisfaction, but urging it in the usual forms of diplomatic civility, these forms were converted into a cause of accusation; a most violent outcry was raised against this civility by the very gentlemen who now proclaim their unbounded, and even enthusiastic approbation of the conduct of the late Minister to France, who, in his first address to the Government of that Republic, assured it solemnly and publicly that this country was ready to submit, and to submit cheerfully, to any infractions of its treaties or violation of its rights, which France might think it for her own advantage to commit! Whence this strange inconsistency, but from an eager desire of war against England, and a blind servile devotedness to France? And will gentlemen, after all this, deny that the whole scope of the measures, the whole drift of the system of their party, has been war against England and alliance with France?*

The Envoy, however, continued to negotiate, and at length concluded a treaty, whereby ancient difficulties were adjusted, and the foundation laid for amity in future. No sooner did this treaty arrive in the country than every artifice was used to inflame the public mind, and excite against it the popular prejudices. Nothing was omitted to defeat it in the Senate, and when ratified by that body, it was attacked by every coffee-house politician of the party before it was published, by all their presses, and by the resolutions of all the clubs. When made public, the most unheard of means were used to overwhelm it with general odium, to raise an universal cry against it, and deter the President from giving it his sanction. In every town mobs were assembled under the more respectable name of town meetings; those of a different opinion were silenced by clamor, intimidated by threats, or actually driven away by violence; and all opposition or discussion being thus prevented, these assemblages of ignorant and illiterate men were prevailed upon to vote by acclamation for resolutions which they were incapable of understanding, and could not even hear.

Thus the appearance of a formidable popular rising in various parts of the continent was exhibited, and the frenzy caught. It spread wider and wider, and, aided by various auxiliary passions, drew into its vortex great masses of the best and most well-intentioned citizens. The country again seemed on the point of rushing down the precipice; but fortunately its guardian genius yet presided over its affairs. The President of the United States again placed himself in the breach, and received on his buckler all the strokes aimed at the happiness of the country. He spoke to the people; they heard the voice of their father; they listened and became calm. He ratified the treaty, and the people said, "It is done, and must it not be supported? He has done it, and is it not right?" They listened, and were appeased; they read, and were convinced; they discovered their first errors, acknowledged and renounced them.

But not so the party whose object was war against England at all events. They saw in this treaty the death of their hopes, the final frustration of all their projects; for this treaty took away all cause of quarrel between the two countries, and they resolved to make one grand effort for its destruction; which being accomplished, all the ancient disputes would be reinstated with new aggravation, and a rupture would be rendered by so much the more certain, as there could be no faith in any new accommodation. To this object they bent their whole force, and this House was the place for the attack. When the treaty came before this House to be carried into effect,

* See Mr. Monroe's book, pages 10, 24, and 35, where this declaration is acknowledged and justified.

doctrines new to the Constitution, and incompatible with its existence, were introduced in order to destroy it. The treaty-making power was attempted to be rendered subject to the control of this House, as the power of appointing foreign Ministers is now attempted to be rendered subject. The treaty was attacked through the sides of the Constitution; a war was sought by the overthrow of our Government and the violation of our plighted faith. But a firm resistance was given to these attempts. Enlightened discussions spread the truth before the eyes of the people. Warned by the errors into which they had before been drawn, and roused by the magnitude of the danger, they rose in their might, and the party was dismayed; they spoke and it trembled; they put forth their hand and touched it, and it sunk to the earth.

Thus, again, Mr. Chairman, were the projects of the gentlemen confounded. Thus again were they prevented from effecting their purpose, so much desired, of driving this country into a war with England and the fraternal embraces of France.

The remaining history is known. The French, under pretexts so frivolous that not one gentleman on this floor had been found hardy enough to defend them, have quarrelled with us on account of this treaty, because, by terminating our differences with England, it cuts off all hope of our being drawn into the war against her. In this quarrel, France, proceeding avowedly on the ground of our being a divided people, opposed to our own Government, and attached to her, repels all our amicable advances, meets them with new injuries, and declares that before she will listen to us, we must tread back all our steps, reverse our whole system of policy, break our treaty with England, and admit her own construction of her treaty with us. In this critical and alarming situation of affairs, the same description of persons, the same individuals even, who have so perseveringly attempted to bring us into a war against England according to the views of France, who have so uniformly, and with so much zeal, supported all the pretensions of France, now come forward and make a direct attack on the Executive, the tendency of which necessarily is to divide it from this House, when there is the utmost need of union, and withdraw from it the confidence of the people, when that confidence is most essential. What is this but a continuation of the same system? And can we be blamed for seeing in this attempt a new effort to throw this country into the arms of France, by rendering the Government unable to resist her; by forcing it, from weakness, to submit to her mandates; to break, in obedience to them, its treaty with England, and substitute, in its place, an alliance offensive and defensive with her?

If this be not the object of gentlemen—if it be not their intention thus to serve their country by reducing it to the situation of Holland—how are we to reconcile their present with their former conduct; their eagerness for hostile measures formerly, with their tame submissive spirit now; their zealous opposition to everything like negotiation formerly, with their equally zealous opposition to everything like resistance now? If this be not their system, then all I can say about their present measures, contrasted with those pursued by them on a former occasion, about their former eagerness for alliance with one foreign nation and war with another, contrasted with their present declamations against all sorts of foreign connexions or intercourse, is to exclaim, in the eloquent language of the gentleman from Pennsylvania, that those measures form the last leaf of that book wherein are written the inconsistencies of party.

Whether this system of war and alliance, this system of fraternity with France, such as the Dutch now enjoy, and hostility, under her orders, against all her enemies; this system, so steadily pursued, but so often defeated, shall now at length begin to triumph, I consider as the question now to be decided. It is now to be decided whether an important step shall be taken towards compelling our Government, through debility, to submit implicitly to France, towards laying this country, bound hand and foot, at the feet of that haughty, domineering nation. To take this step, to commence the triumph of the fraternal system, I take to be the object, as I know it to be the tendency, of the inroad on the Executive power attempted by this amendment. Hence it is that I oppose it with the warmest zeal and with all my might; and if my opposition shall contribute in the smallest degree to its defeat, I shall neither regret the time I have occupied, nor apologize for the trouble I have given to the committee.

At the conclusion of Mr. HARPER's speech the question was called for; but on motion to rise and ask leave to sit again, it was carried by 50 members rising.

---

MONDAY, MARCH 5.

## ENCOURAGEMENT OF FINE ARTS.

Mr. DWIGHT FOSTER observed, that he thought it proper that attention should be paid to the encouragement of the fine arts, and particularly to the arts of designing and engraving, which had already made considerable progress in this country. The proper way of doing this, he supposed would be to secure to artists a property in their works. In order to bring this business before the House, he proposed a resolution for appointing a committee to inquire into the propriety of passing an act for this purpose, which was agreed to, and a committee of three appointed.

## RELATIONS WITH FRANCE.

The following Message, with the documents accompanying it, were received from the President of the United States:

*Gentlemen of the Senate, and*
*Gentlemen of the House of Representatives:*

The first despatches from our Envoys Extraordinary, since their arrival at Paris, were received at the Secretary of State's office, at a late hour the last evening. They are all in a character which will require some days to be decyphered, except the last, which is dated the 8th of

January, 1798. The contents of this letter are of so much importance to be immediately made known to Congress, and to the public, especially to the mercantile part of our fellow-citizens, that I have thought it my duty to communicate them to both Houses without loss of time.

JOHN ADAMS.

UNITED STATES, *March 5th*, 1798.

---

PARIS, *January* 8, 1798.

DEAR SIR: We embrace an unexpected opportunity to send you the "Redacteur," of the fifth instant, containing the Message of the Directory to the Council of Five Hundred, urging the necessity of a law to declare as good prize all neutral ships having on board merchandises and commodities, the production of England, or of the English possessions, that the flag, as they term it, may no longer cover the property. And declaring further that the ports of France, except in case of distress, shall be shut against all neutral ships, which, in the course of their voyage, shall have touched at an English port. A Commission has been appointed to report on the Message, and it is expected that a decree will be passed in conformity to it.

Nothing new has occurred since our last, in date of the twenty-fourth ultimo. We can only repeat that there exists no hope of our being officially received by this Government, or that the objects of our mission will be in any way accomplished.

We have the honour to be, with great respect, your most obedient servants,

CHARLES C. PINCKNEY,
J. MARSHALL,
E. GERRY.

TIMOTHY PICKERING, Esq.

---

[TRANSLATION.]

*Message of the Executive Directory to the Council of Five Hundred, of the 15th Nivose, 6th year, (4th January, 1798.)*

Citizen Representatives: To-day, the 15th Nivose, and at the very hour at which the Executive Directory addresses this Message to you, the municipal administrators, the justices of the peace, the commissaries of the Directory, and the supervisors of the customs, are proceeding, in all the chief places of the departments, and in all the principal communes of the Republic, to seize the English merchandise now in France, or introduced upon its territory in contravention of the law of the 10th Brumaire, 5th year (October 31, 1796.)

Such is the first act by which, when peace is given to the Continent, the war declared a long time since against England is about to assume its genuine character. The French will not suffer a Power, which strives to found its prosperity upon the misfortune of other nations, to raise its commerce upon the ruin of that of other people, and which, aspiring to the domination of the seas, wishes to introduce, every where, articles of its own manufacture, and to receive nothing from foreign industry, any longer to enjoy the fruit of its culpable speculations.

The English Government has kept in pay, during the war, the coalesced forces, with the produce of her manufactories. It has violated all the principles of the law of nations, in order to shackle the relations of neutral Powers: it has caused to be seized the provisions, grain, and commodities, which it supposed to be destined for France: it has declared contraband everything which it thought useful to the Republic: it desired to starve it. All the citizens demand vengeance upon it.

When it had to fear the capture of vessels sailing under its flag, it corrupted foreign Captains to induce them to take on board their vessels English merchandise, and thus to introduce it, by cunning, by fraud or otherwise, into foreign States, and especially into the French Republic.

The neutral Powers should have perceived, that, by this conduct, their merchants took a part in the war, and that they lent assistance to one of the belligerent Powers. We serve a party, as well when we procure for him the means of augmenting his forces, as when we unite ourselves to those which he has. The neutral Powers should have perceived, that England, by stopping the vessels of other Powers, laden in their respective ports, and destined for France, by permitting articles coming from her own manufactories alone to circulate, aimed at an extensive commerce, and that it would be necessary to seek reparation for such an attempt.

The ordinance of the marine and the regulation of 1794, have declared to be good prize, the vessels and their cargoes in which is found English merchandise belonging to enemies. These provisions should be extended. The interest of Europe demands it.

The Directory thinks it urgent and necessary to pass a law declaring that the condition of vessels in what concerns their quality of neutral or enemy, shall be determined by their cargo, and that the cargo shall be no longer covered by the flag; in consequence, that every vessel found at sea, having on board English merchandise and commodities, as her cargo, in whole or in part, shall be declared to be good prize, whosoever may be the proprietor of these commodities or merchandise; which shall be reputed contraband for this cause alone, that they come from England or her possessions.

It would be useful to declare at the same time, that, except in the case of distress, the ports of the Republic shall be shut to all foreign vessels, which, in the course of the voyage, shall have entered those of England.

The Executive Directory requests you, Citizen Representatives, to adopt these measures. No neutral or allied Power can mistake their object, nor complain of them, unless it be already delivered up to England. The infallible effect of the measure is to enhance the value of the product of their soil and of their industry, to increase the prosperity of their commerce, to repel every thing that comes from England, and essentially to influence the conclusion of the war.

Such are the motives which induce the Executive Directory to invite you, Citizen Representatives, to take the object of this Message into the most prompt consideration.

P. BARRAS, *President.*
LAGARDE, *Sec. Gen.*

This Message, was ordered to be printed, and committed to a Committee of the Whole on the state of the Union.

## FOREIGN INTERCOURSE.

The House again resolved itself into a Committee of the Whole, on the bill to provide the means of intercourse with foreign nations; when

Mr. REED rose and spoke as follows: The subject before the committee, I believe, is perhaps generally considered as nearly or quite exhausted. Nothing very new or important is further expect-

ed: however, resolving, so far as possible, to avoid repeating those arguments and observations which have already, in the opinion of some, been too often repeated, I feel disposed to make a few remarks.

The object of the amendment under consideration, as I understand it, is to control, or restrain the operations of the Executive Department, with respect to Ministers appointed to officiate at foreign Courts; and this restraint of Executive power is to be effected by reducing the sum, or by appropriating a less sum than hath been heretofore appropriated for that purpose.

The gentleman who brought forward this amendment, and they who have joined with him in the support of it, do not pretend to accuse the President of having violated his Constitutional trust, nor have they adduced any proof to show that the character of persons appointed to the office of Ambassadors is such, or the number so great, as really to endanger the Constitution or the rights and liberties of our country. The pretence is a fear or apprehension of abuse in future, which, in my estimation, is very far from being a reason sufficient to justify the measure in contemplation. Certainly the President is exclusively authorized by the Constitution to nominate Consuls and Ambassadors, and, with the advice and consent of the Senate, has an exclusive power to appoint them. What reason have we to think that this duty has not been or will not be discharged faithfully and properly? What reason have we to imagine that if the superintendency and direction of this business were taken into our own hands, it would then be transacted with more fidelity, with more propriety, and safety to our constituents? Have we more information upon this subject? are we more capable of judging rightly with respect to the number, the character, and the grade, of foreign Ministers? Or, is there a greater degree of responsibility and integrity attached to our station than to the Executive Department? These things will not be pretended. I am ready to acknowledge myself deficient in point of suitable information upon this subject, nevertheless, it does appear to me reasonable to suppose, considering the present peculiar state of Europe, our relations and connexions with the European nations, that the number of Ambassadors employed abroad is not too large, nor their grade too high, to manage well the difficult and interesting affairs of our national intercourse.

Responsibility is evidently a very important and distinguishing characteristic in a representative Government; and, it must be evident to every one that the President of the United States, in this respect, is placed in a different situation from the House of Representatives. It is, perhaps, a difficult thing to render so numerous a body as the House of Representatives sufficiently responsible. If a majority, or less number of individuals, should at any time be guilty of improper conduct in their Legislative capacity, the blame might be divided among themselves, or possibly be shifted from themselves to other members; so that the people at large could not easily ascertain who the persons really blameable were; besides, members who belong to the House of Representatives are chosen by districts, or by the State they represent.

The circle which they more immediately represent, and to which they are more particularly responsible, is comparatively small, whereas the President is chosen by the United States. He represents the whole Union, and to the whole Union he is accountable and responsible. His responsibility to God and men is of the most serious and solemn nature; his obligations to the faithful and proper discharge of duty are the greatest and motives the strongest conceivable; and, for my own part, I am unwilling to diminish that responsibility, which is, in some sense, our national security and safeguard, by controlling or restraining a power which, I am not suspicious, has ever been abused.

I am sensible it has been insinuated that our political intercourse is too extensive. That this intercourse always has and ever will prove disadvantageous; but, perhaps, these suggestions are without sufficient foundation. We might have been subjected to much greater evils without, and for the want of this intercourse with foreign nations, than we have suffered in consequence of it.

Political as well as commercial intercourse with other nations may possibly be carried to such excess as to operate disadvantageously; and, when not carried to excess, it may be the means of vitiating and injuring some individuals, and, perhaps, some particular places, but the community at large, I apprehend, will be benefited.

All nations have their improvements and virtues as well as imperfections and vices; a suitable degree of mutual intercourse would, therefore, in all probability, be of mutual advantage. In this way we as a nation may be rendered more respectable abroad; and I am persuaded that the more our foreign Ministers, and also the more the people of this country in general, see and know of other nations, of their manners and customs, of the nature and operations of their Governments, the more highly they will eventually esteem and admire their own.

In America free representative Governments exist, and we hope their existence will be perpetual. This extensive Continent, placed at so great a distance from other Continents, and discovered in so late a period of time, is favorable to the cause of liberty; it has proved an asylum for the oppressed and persecuted of other nations; and, from our political as well as commercial intercourse with other nations and Governments, they as well as we may be essentially improved and benefited.

Gentlemen in favor of the amendment now before the committee have urged its importance and the necessity of its being adopted at this time, in order to check, as they pretend, a very dangerous patronage arising from the exercise of Executive power, in appointing foreign Agents and Ambassadors. To me the suspicion appears totally unfounded. I can discover no alarming prospect of this kind. Corruption is not congenial to our

Government, nor is it requisite to support and render popular any part of its administration. Our State Governments preclude the necessity of many offices in the General Government. These offices are, comparatively, but few, and none of them very lucrative. No person, in or out of office, can reasonably expect to secure any real and lasting popularity by corrupting others, or by being himself corrupted.

If our Government had been founded in usurpation and upon arbitrary and oppressive principles, then it might have needed a variety of vicious measures for its establishment; then we might expect that the administrators would address themselves to the passions, to the avarice, and ambition of its subjects; then every species of artifice and intrigue, political and religious tests, with hereditary and exclusive privileges, might be necessary for the support of the Administration.

But the Constitution and Government of the United States need none of these means for its support. Formed by a free and enlightened people upon the noble basis of equal rights and privileges, it can only be supported by just and equitable laws, fairly and impartially executed. The President in his appointments cannot be supposed under the influence of favoritism. Every motive will induce him to have a proper regard, not only to abilities and information, but also to real and substantial merit and integrity of character. I apprehend we have no reason to doubt but that such men will be appointed by the Executive to the several offices, as, in their honest judgment, are best qualified and disposed to discharge the respective duties with the greatest propriety and most general acceptance to the people.

Under these and similar impressions the object of the amendment apppears to me not only unnecessary, but improper, and accordingly contrary to the intention and spirit of the Constitution. We find no violation of Constitutional trust in the Executive; no flagrant abuse of power is pretended; no instance of improper conduct which can, in the least degree, justify the measure in contemplation.

The method which gentlemen who advocate the measure propose for restraining the exercise of Executive power is, by reducing the sum heretofore appropriated for the support of foreign Ministers. In considering this proposition, a Constitutional question has been brought into view, different opinions have been advanced, and these opinions have been variously expressed. I feel, therefore, disposed to express my own opinion also, and in my own way, on this occasion, with respect to the doctrine of appropriations.

The Constitution says, no appropriation of money shall be made but by law. An appropriation is a law, or act of the Legislature, appropriating a sum of money for some particular purpose. A legislative act is, in its nature, voluntary and deliberative. Every member of the Legislature possesses the right of deliberating and deciding for himself.

It is acknowledged by all that the Legislature has what is termed the physical power of making or of refusing to make appropriations; but in certain cases, and in the present case, some pretend this House has not the moral power to refuse, or to appropriate a less sum than has been heretofore appropriated for the like purpose. If by moral power is here meant the right of doing a wrong and improper action, certainly no individual, or body of men, can possess this right in any case whatsoever. There is no dispute here, and for myself I believe it would be wrong and highly improper and inexpedient to reduce the sum proposed to be appropriated, according to the object of the amendment. But, if by moral power be meant the right of judging when and how the physical power ought to be exercised, (and I think this must be the meaning, if it means anything,) the right undoubtedly belongs to the Legislature. The Constitution has no where said the Legislature shall not exercise this power, nor has the Constitution said the right of exercising this power shall be vested in any other department of the Government.

In this view of the subject I do consider the Constitutional power of appropriating money as a sacred trust committed by the people of the United States to the discretion of the Legislative branch of Government. This power or trust is not to be wantonly abused and trifled with, but exercised according to the principles of justice and good faith—of sound wisdom and policy. In the exercise of this power there will sometimes be a difference of opinion among the members of the Legislature, but it is to be presumed that a majority will decide rightly, and legislate with propriety.

I am sensible it may be objected that this power might be so exercised as to frustrate the most important Executive measures, and even stop the wheels of Government. It may also be said that if the Senate should refuse to concur with the House of Representatives, or the House of Representatives refuse to concur with the Senate, in making and repealing laws, then there would be an end of legislation, and the wheels of Government be entirely stopped.

The same unhappy effects would ensue if the Executive department should interfere with the Legislative, or refuse to discharge its particular duties.

But these evils are not predicated upon a Constitutional existence of power; they are predicated upon a presupposed possible abuse of power. Such abuses, I conceive, ought not to be thus anticipated. If they ever should arise, then will be the proper time to correct them; and, in the mean while, each branch of the Government should lay aside unreasonable jealousies, and have a suitable confidence in all the other branches.

Each department of the Government is equally important, and equally dear to the people of the United States; and their mutual co-operation is necessary to the public welfare.

The President and members of Congress are all chosen by the people. The Government is theirs, and in their hands, as clay is in the hands of the potter, and we must hope and expect that

they will mould and fashion both the legislation and administration, according to the true import and meaning of that most excellent Constitution which they have framed and adopted by mutual consent, and for mutual benefit, and which they still admire and revere as the only sure palladium of their dearest rights, liberties, and privileges.

Mr. Claiborne (of Tennessee) rose to offer a few remarks upon the question under debate, but more particularly to reply to some observations which had fallen from the gentleman from South Carolina (Mr. Harper.) And, notwithstanding the exhausted state of the patience of the committee, since it was his intention to occupy their time but a little while, he hoped to be favored with their kind indulgence and attention.

Some weeks ago, early in the investigation of the present subject, he had expressed an opinion favorable to the proposed amendment, and he had heard no reason to authorize a change of that opinion.

It was true that the opposition had been violent and uniform; that the most splendid eloquence had been called forth to defeat the amendment; and gentlemen, abandoning a plain system of reasoning which might tend to convince the mind, had vied with each other in exhibiting talents for declamation, and, indulging themselves in the visionary fields of fancy, had brought to the view of the committee a number of imaginary evils, well calculated to alarm timid men, and to communicate uneasiness to the people.

Thus we found that, while the gentleman from New York (Mr. Williams) feared the success of the amendment, lest it might overthrow the Government and destroy the Union, the gentlemen from South Carolina (Mr. Harper) wished its rejection, lest it should be accompanied with all the horrors of anarchy, and throw us completely into the arms of France.

Mr. C. begged leave to call the attention of the committee to the amendment itself, and he would ask whether such dangers could be rationally apprehended from its adoption? The simple question was, whether all our foreign Ministers should receive equal salaries with those residing at London, Paris, and Madrid. Is there not strong reason for a discrimination? Have we not been told that the Courts of France, Spain, and England are the most expensive in Europe, and that in Portugal and Prussia Ministers can move with dignity, and live in affluence and ease, on much smaller salaries than those residing among the first mentioned Powers? Has this information been denied, or has an attempt been made to confute it?

But, say gentlemen, we have not a Constitutional right to adopt the amendment; that the office of Minister is created at the will of the President, and we are bound to appropriate. To avoid an unnecessary discussion, he would concede this point. But did it follow that a Minister having been created, and his salary fixed, it could not be lessened during his continuance in office? Yet this doctrine was maintained by some members, and the gentleman from South Carolina promised to establish its authenticity so clearly that all the arguments of the worthy member from Pennsylvania (Mr. Gallatin) should fall to the ground and be of no weight. But, sir, how was this promise complied with? Why, we were told that the Ministers having been appointed, and their salaries fixed, it would be as unconstitutional to lessen them as it would be to diminish the compensation of a federal Judge And shall this assertion alone induce the committee to embrace an opinion that will not stand the test of the smallest inquiry. We all know, said he, that the Constitution prohibits the diminution of a Judge's salary during his continuance in office; but as to the compensation of Ministers, it was silent; hence the inference is fairly deducible that it is left to Congress to fix, heighten, or lessen that compensation at their discretion. But it is unnecessary to dwell longer on this point. The arguments of the gentleman from Pennsylvania (Mr. Gallatin) appear to me conclusive, and remain unanswered.

But we are told, adopt the amendment and our Ministers will retire. This event would give to him no regret—not that he disliked the characters employed—they were all honorable men, and their return to America would be a valuable acquisition. But Mr. C. was opposed to this diplomatic policy; he feared it would draw closer our foreign connexions, and extend our foreign political intercourse, which, in his opinion, foreboded much evil to our common country.

France, says the gentleman from South Carolina, commenced her intrigues in America at the organization of the present Government, and he would add, that England began her career about the same period. France, we were told, had acquired a powerful party in America, and that even within the walls of this House she had her votaries, whose zeal for her cause induced them to lose sight of the interest of their own country. If this was the fact it was unknown to him; but he would say, there was some ground to fear that there were men in the United States so much attached to the interest and policy of England as to be willing to entwine the fate of America with the destinies of that tottering and corrupted monarchy. For his part, he disclaimed and despised all foreign influence, and the great wish of his heart was to see it exiled from our country; the first step towards it was, to reduce our diplomatic establishment, and, by degrees, to do it away altogether.

But, says the gentleman from South Carolina, Ministers are the guardians of our commerce; without them Consuls would be of no use, since they are unknown to the Courts of Europe. I believe, said Mr. C., this statement is not strictly accurate. The foreign Consuls in America, before they acted in their offices, produced their credentials to our Executive, and were acknowledged. He believed a similar usage prevailed among other nations. The Consul General from France was well known in the United States, and it appears that our Consul General is known to the French Directory, and if my information be true, that

gentleman has rendered our commercial interests considerable service.

It had been asked, Where was the necessity of having a Minister at Berlin? and the member from South Carolina has given us the answer. He tells us "that the present Prussian monarch is young, enterprising, warlike, ambitious, and just grasping the most brilliant sceptre in Europe; that he held the balance of power in his hands; that he held it with a treasury replenished by four years of peace, and with three hundred thousand of the finest troops in Europe." All this might be true, and it might further be conceded, that these troops would, the first opportunity, retrieve the disgrace which the *sans-culottes* of France had brought upon them. But all this proved not the propriety of America's forming a connexion with him. She had nothing to fear, either from his power or ambition, unless she courts his favor.

Let this monarch preside at the Congress of Radstadt; let him prove the pacificator of Europe, and put an end to a war which has so much thinned the ranks of mankind; but for myself, I would wish him to lose sight of the interest of America. The friendship of Kings too often proves the bane of Republics. He said he was not well versed in history, but he would ask the learned member from South Carolina if numberless instances did not present themselves to his mind, where the friendship of Kings ultimately proved the ruin of Republics?

In tracing the historic page of ancient times, it will be found that some of the little Grecian States, when in imminent danger, had solicited the friendship of Philip, King of Macedon. He gave it; but what was the consequence? He acquired an influence in their councils which enabled him to triumph over liberty and enslave the people, and the last remains of dignity sunk in the Grecian world.

But we are told, the Prussian monarch has possessions on the Baltic, and wishes his commerce extended; and shall America make any sacrifices to gratify him in this wish? Have our merchants heretofore had any trade with this Power, and do gentlemen wish to force it? With regard to the commerce of America, he was of opinion, it was too soon in our history to see it splendid, or to turn our attention solely to its welfare.

Agriculture is the leading interest of our country, and requires our primary care. Agriculture is the favorite pursuit of man; and so long as extensive and fertile tracts of land remain unoccupied in America, so long will her citizens prefer a livelihood from the peaceful cultivation of the soil to an uncertain subsistence on the ocean.

It is necessity that occasions commerce to unfurl her sails. Thus we find, that while the flag of England is displayed in every quarter of the globe, the colors of France are seldom seen. The insular situation and contracted limits of the former, drive her citizens upon the ocean for support, while the extensive and fertile dominions of the latter afford for her inhabitants subsistence at home.

The gentleman from South Carolina, although he acquits the friends of the amendment of the motive, declares that their doctrine would overthrow the Government and introduce tyranny. What is this dangerous doctrine, so much dreaded, so pregnant with evil? It is only this: we claim a share in the care of the public purse; we see an impropriety in giving to all our foreign Ministers equal salaries, and some members are of opinion, of which number I am one, that an extensive foreign political intercourse is inimical to the interests of America. And can such doctrine lead to the destruction of the Government, supported as it is by the strongest bulwark—the hearts of the people? It is impossible! A doctrine, too, which flows from the Constitution, and confides to the Representatives of the people a power to limit the disbursement at the Treasury Department; a power that is safely committed, since, from the great responsibility attached to the Representatives, no abuse can be apprehended. This doctrine never could endanger the Government.

The committee were told by the worthy member from South Carolina, that political, like religious fanaticism, is equally destructive to the happiness of the people, and he cautioned gentlemen against the adoption of the present amendment. And had that the appearance of fanaticism? Certainly not. Why, then, were such observations heard? Are they made to alarm the citizens, and to excite their suspicions against the gentlemen who support the amendment?

France, says the gentleman, affords an awful example of the danger of fanaticism. There, a monarchy that had lasted for fourteen centuries, was hauled to pieces in a moment, and the nobles and the priests perished in its ruins; and, in pathetic terms, he exclaims, "The brilliant throne of Louis was not far distant from the place where he bled, and the splendid administration of Neckar was soon followed by the reign of Marat." How could these observations apply to the present question? But having been made, his respect for the gentleman led him to notice them. And does my friend really lament the downfall of a monarchy that held a brave people in servitude and chains for fourteen centuries; where not only human rights, but human life, were sacrificed at the pleasure of the monarch? And does he lament the ruin of a splendid administration, which enabled the Court, the nobles, and the favorite few, to revel in luxury on the hard earnings of the yeomanry of the country; which filched from the industrious citizen one-half the produce of his labor? If such be his disposition, and such his sentiments, all that I can say is, I envy not his feelings, and thank Heaven my partiality for the human family is too great not to rejoice at the liberation of thirty millions of people from so galling a yoke of bondage.

Fanaticism, says the member, once reigned in America; but he felicitated himself and his country that its reign was over. If the gentleman alluded to the spirit of 1776, Mr. C. believed he was mistaken; that spirit still existed, and if a time should come when liberty was in danger, it would burst forth in all its glory.

Mr. C. then called the attention of the committee to a country in Europe where history afforded a valuable lesson on the present subject. Switzerland, although in the neighborhood of European Princes, maintained no Ministers at their Courts; she neither courted their favor nor feared their power, and while this independency of conduct freed her from the disputes of Europe, Switzerland was respected by every nation.

Mr. C. said he might be told that the situation of Switzerland is dissimilar to America; that her riches consisted in a few sheep feeding in her valleys, and a few cattle grazing on her mountains; and as to commerce, she had none. But Switzerland had enjoyed the blessings of liberty and peace for several centuries, and where so much happiness dwells, the policy observed is entitled to remembrance, and worthy to be pursued.

Gentlemen tell us that attempts are continually making in this House to usurp the powers of the Executive. He was not a witness to them. It appeared to him that they too frequently delegated their powers. Look to the laws, and see the increase of influence and power in the hands of the Executive. It was this he feared. The power of the Representatives was safely placed, and ought to be held sacred, for, as he had before remarked, their responsibility was too great to apprehend serious danger.

Mr. C. said, if ever this Government should be shaken, the attack would come from the Executive and Senate, combined against the popular branch. Mr. C. wished not to be understood as wanting a confidence in the present Executive; the reverse was the fact; but if a period should arrive when a bold, intriguing, ambitious man, panting for uncontrolled sway, should work himself into the Presidential Chair, and two-thirds of the Senate be found wicked enough to favor his views—by means of the treaty-making power—the Government of America may be overturned, and her liberties lost forever.

Mr. R. WILLIAMS (of N. C.) said, although it had become very fashionable for gentlemen to apologize for delivering their opinions at this late stage of the debate, he should make none, but only say he should not have troubled the committee with any observations had it not been for the turn which the debate had taken, and the Constitutional principle which gentlemen on both sides seem to contend would be settled by the decision of this question, viz: whether that House had a right to withhold or control appropriations for foreign Ministers. He said, lest it should be thought that he meant to concede the principle, that it had not the right, he felt it a duty which he owed to his own opinion, as well as the interest of those whom he had the honor to represent, to state the reasons on which he should give his vote. From the best considerations which he had been able to give the question before the committee, he thought the proposed amendment ought not to obtain. It appeared to him to be a measure calculated in its effects, and from the manner in which it had been brought forward and argued, more to sound the disposition of that Legislature and the public at large, as to our own Government, and particularly its administration, than to produce any real good, or to avert any impending danger. And in proportion to this conviction on his mind should he feel himself at liberty to give his opinion, independently of any insinuations as to the purity or impurity of motives, which were so often the favorite theme of declamation on that floor.

With this view, he said, he would endeavor to direct such observations as he might make on the occasion, on a supposition that every member of that committee was actuated by similar motives—the good and welfare of his country; and that the differences of opinion which had taken place were merely as to the mode and manner of obtaining this great end, and were more the result of our free Government, and the independent and liberal manner in which they had a right to discuss all subjects which came before them, than from any improper motives. To suppose any thing short of this, he said, would be to suppose the people themselves did not know their own interest, or that gentlemen had forfeited that responsibility which they owe to their constituents, or have taken up opinions and principles hostile and foreign from those under which they were elected. He thought it much more proper to draw conclusions from arguments themselves, that might be admitted in support of any measure, as the true way to understand its merits and know the line of conduct to be pursued, than to be seeking after motives, which can only end in conjecture, and tend to confound and embarrass, rather than elucidate. He said it was in his opinion a thing to be lamented, that for some time past, not only since he had the honor of a seat in that Legislature, but before, scarcely one subject of importance had come before it, but immediately the doctrine of confidence and the independent rights of the Executive, or some department of Government, was introduced, as though we had no Constitution at all—or, if one, that they possessed a very imperfect knowledge of it. Some gentlemen contending as though they have unlimited confidence in the Executive, and therefore willing to cede almost all power; and that the Executive has no check. On the contrary, others seem disposed not to give up that which may be necessary, or heretofore in practice; both of which were on the extreme, and ought not to be countenanced. Thus one extreme begets another. That we ought to have confidence in every department of our Government, to a certain degree, he said, was right, and what the people intended in the formation of the Constitution. It is not the officer, said he, individually, whom we ought to regard, but the office or department. Thus he would have as much confidence in one Executive as another, in one officer as another, in their official character, and if they violated the duties and trust reposed in them by the Constitution and laws, punish them accordingly.

It is not, said he, that a thing has been done this or that way, or by one or the other of the departments of Government, which proves that it

is alone right to be done that way; for there are many things which may be done by either of two of the departments of Government, and yet be constitutionally right; this, he said, showed the mutual confidence which was intended to subsist between the different departments of Government, by which they might work together with that political union and harmony, so essentially necessary to promote the general good and welfare of the country, and happiness of its citizens. He said the people had placed confidence in every department of their Government, up to which he conceived it to be his duty to act, otherwise he should violate the fundamental principles of the Government, and the Constitutional rights of the people, which he was sworn, as a citizen, and a representative, to support.

Mr. W. said, these were his sentiments as to confidence in the different departments of the Government; and he hoped they would not be imputed to him as one of those who was willing to ascribe implicit perfection and infallibility in the administration of the Government, or sing hallelujahs to the Executive, as some gentlemen had been pleased to say. He did not believe the rights and liberties of the people were so endangered from their own Government as to be mourned over in that manner. He believed the Government competent to render them great as a nation, and happy as a people; and the only danger which he saw and apprehended was from meddling with European and foreign politics. He said, he had very early made up his opinion as to the proposed amendment; but the arguments and principles which some gentlemen had advanced against it, had almost induced him to abandon that opinion; but when he considered it would be wrong to sacrifice an opinion which he knew to be formed on pure motives, and in which not only himself and those he had the honor to represent, but the public in general were interested, he should not suffer any arguments foreign to the merits of the question, and which had been advanced merely for the purpose of crimination, to have any influence on his mind. He said, without any intention to dictate to gentlemen what observations they ought to make on any subject brought before that House, he would say he was sorry to hear the gentleman from Virginia (Mr. NICHOLAS) take the ground which he did, because he thought it extremely impolitic, at this critical juncture of our affairs, unless the occasion was more urgent. But, he said, it had been seized on with such avidity, and commented on with such severity and crimination, as almost to make that mild which otherwise, and at first, would not have appeared so, and had gone further to prove the truth of some observations which had been made relative to the existence of a certain fact, which he was yet disposed not to believe, than anything since said in support of it. He meant Executive patronage. He said it was certainly more proper to show the impropriety of any measure, by reason and argument, than by crimination; for, in proportion to the violence of the attack would the resistance be, and the exertion to persevere, though wrong, when reason would have a contrary effect, and in that proportion do you shut the door against conviction, and put reason at defiance. But this appeared to be the design of some, particularly the member from Maryland, (Mr. CRAIK,) who said he had no hopes of a reconciliation of sentiments in that House, and that it was necessary now to make a firm and decisive stand against a party within these walls, who wished to overturn the Government; to prove which he rummaged up the votes on all the important acts of that branch of the Legislature, or laws that have passed, and at once proscribes the minorities. The member from South Carolina (Mr. HARPER) had pursued the same line of conduct, and gone on to abuse and censure private as well as public characters, and was not content to confine his objects of abuse to this country, but leaps over the Atlantic and does the same there, and attacks foreign Governments. He asked, is this what the people expect to hear in their federal Legislature? Is this what we are sent together for? Does such conduct comport with the character and genius of American liberty and independence?

Mr. W. said, having made these general remarks, he would proceed to consider the amendment, in the two-fold point of view on which it had been argued: The Constitutionality and expediency. As to the first, he had no doubt but that this House had a right to restrict or withhold appropriations for foreign Ministers, and to exercise a discretion in all such cases; but that discretion ought to be exercised so as not to be a virtual violation of the Constitution: Such as to refuse to pay the President, a Judge, or other officer necessary to constitute any of the departments of Government, or to defray the expenses of the year 1798. There were cases in which this House was morally bound to appropriate. It had been said, that that House was as much bound to appropriate for foreign intercourse as for the Judiciary. He conceived the cases quite different. The Judiciary was one of the grand departments of the Government, as much so as the Legislative or Executive, and only different in its creation and duties. The people create the Legislative and Executive, and call on them to create the Judiciary; therefore, any act by either to defeat it would be a virtual violation of the Constitution.

He said, foreign Ministers were not necessary to constitute any one of the departments of the Government; it was as complete without as with them; they are only to be employed as may be expedient.

If we do not choose to have them, we may refuse, and our Government may still go on. But it was quite different as to Judges. There is no analogy in the cases. If we had no Judiciary, our Government could not go on; the people would have no tribunal to determine their rights, liberties, or property. The case of an appropriation for a treaty was also mentioned; that, he said, differed from the present case. By the sixth article of the Constitution, a treaty, when ratified by the President and Senate, is declared to be

the supreme law of the land, and the Judges in every State bound thereby. Here a law may be made independent of this branch of the Legislature, except as to the first act, that of appropriation to enable the President to form a treaty, which the Constitution gives this House a discretion in; and having made the appropriation, it had exercised all the power given by the Constitution, unless a treaty should be made to carry on or declare war, which expressly belongs to this House. But all these were extreme cases, and ought not to be supposed, because it was impossible to give power that might not be abused. He said, after a treaty was ratified, he then thought the obligations of that House to appropriate might be assimilated to that for a Judge. To show more clearly that that House was morally bound to appropriate for a treaty Constitutionally made, he would state a case. Suppose a treaty made, which required no money to carry it into effect, or did not require any for several years; how was that House to check its operation, or prevent the Judges from being bound by it, as by the Constitution they are? Or will gentlemen say, this House can only check such as require money, and not those which require none; and that after a treaty has been in operation for several years, this House can stop it? This certainly would be the effect of such a construction of the Constitution.

But it is said, for this House to refuse to appropriate for Ministers, when appointed, would be to check the other departments of Government. It might as well be said the other departments have no right to check this. Such a construction goes to do away the intended checks of the departments of Government on each other, and tends to destroy all confidence and render them independent in all their acts. He said our Government ought not to be construed as though one department was intended to destroy the other, but to aid and check it. The member from Delaware, (Mr. BAYARD,) in advocating the principle of the Executive's selecting men of certain politics to office, had talked of administering the Government by conscience; he believed such would be a new-fangled Administration; he thought the Constitution ought to be the conscience of every administrator of the Government. Mr. W. said, the bill, without the proposed amendment, was the same in principle as that first passed in the year 1790, and continued ever since; though there had been an increase of money granted, the principle was the same; where Ministers should be sent, and their grade was left to the Executive, the check which that House reserved to itself was as to the quantum of appropriation, which he thought would ever prove a sufficient one against abuse, for the Executive could make use of no more money than was given him. He said, this was one of the things which might be done either by this House, or given to the President, as was most expedient. It had been heretofore left to him, and he saw no reason for a change at this time. But some gentlemen seem very unwilling to allow that this House has the power to contract appropriations; they say there is always a tendency in the popular branch of the Government to encroach on the Executive. To prove which they go into Europe; England and France are particularly mentioned. He thought there was no necessity; nor was it policy to quote examples from those countries, to know how to administer our own Government. As to England, he said, the people have no power or liberty but what has been dealt out to them by mere acts of sovereign grace and prerogative mercy, but their Government is different. As to France, it is and has been for ten years in a state of revolution. He said the sources of power, and the means of obtaining it in this country and England, were quite different. Here it was in the people; there in the Crown. Here power was freely given to the Executive by the people; there it was taken from them by usurpation, which keeps up a constant jealousy between the governing and the governed; the one constantly on its guard, under a conviction of being in possession of what it has no right to; whilst the other is taking all advantages to regain what was forced from it. In this country no such jealousy exists, because all power is with the people, except what they have freely given up. He said, this principle would hold good in private life; for if the property or liberty of an individual was forced from him, he would never be contented at seeing another, or the one who had taken it from him, enjoy it, but would be constantly striving to get it back. These remarks he meant to apply as well to those who seemed to fear Executive power, as to those who feared the powers of that House. The member from New Jersey, (Mr. IMLAY,) as well as some others, had said this branch of the Government ought not to check the Executive. Mr. W. said, that this was not a correct opinion; to prove which he read a clause from Mr. Adams's defence of the American Constitution, which says, "That each of the three branches of the Government must be, in its turn, both master and servant, governing and being governed by turns." He said, although he had no great partiality for the politics contained in that author, yet he read it in order to show that even those who contended for a much stronger Executive than ours did not deny that each branch was to be a check on the other.

Mr. W. said, the gentleman from South Carolina (Mr. HARPER) charged all those who advocate the powers of the House as being ignorant of the effects of the measures they advocate, and compares their speeches to those of Fox and Sheridan in the English Parliament. The gentleman ought to recollect that with as much propriety might his be compared to those of *Pitt & Co.* And is that an Administration which he would wish to take place in this country?—a system which had kept the nation one-half of its time involved in war—which had drenched the world with blood; a system which had involved the nation in a debt which all the world could scarcely pay, and which had reduced one-half of the people to a state of poverty and want, whilst it raised the other to a state of luxury and dissipation.