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.

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1851.

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Mr. W. said, having offered such reasons as were convincing to him, that the House had the Constitutional right to withhold and control appropriations for foreign intercourse, he would proceed to make a few observations as to the expediency of the amendment under consideration, and state why he thought it inexpedient at this time, which alone induced him to vote against it.

He said, there were reasons which operated strongly on his mind to show the inexpediency of the amendment, which at any other time, and under any other circumstances, would not.

Our situation with foreign nations was at this time a critical one; we were already viewed by them as a divided people, and he thought it a very improper time to be wrangling about our own Government.

He said there was a further reason which he would mention. A change had lately taken place in the Executive of this country, in the election of whom other nations had extended their views, in a manner improper for him to mention at this time; that, on this question, the people of this country were very equally divided. To attempt such a restriction on the Executive, at the first ordinary session of Congress after that change, would appear as if done in consequence of it, or the choice, especially when we advert to the reasons given by the mover of the amendment, (Mr. NICHOLAS.) All which, he said, would tend to keep up the opinion of our being a divided people, and appear as though we were not disposed to be reconciled to the acts of the majority, which he supposed the good sense of the people of this country would always dictate as the first principles of their Government. He said, one of the objects of this amendment, as expressed by the mover, is to make a stand against Executive influence; and this was paraphrased by saying, "There is a tendency in all Governments like ours to a union and consolidation of all its parts into the Executive, to the destruction of the rest." He said, he did not think this was the nature and tendency of such a Government as ours, for the reasons which he had before mentioned. He said the mover had also stated, "an opposition was necessary to be kept up, in order to rouse the people to a sense of their danger, and cause the public mind to be respected." This would be to declare our Government a Government of political warfare and opposition, instead of peace and harmony; and this, he said, would be the way to verify another principle, stated by the member from Virginia, "that a representative Government may become more expensive and burdensome than a monarchy or despotism." Mr. W. said, that a free representative Government might be necessarily more expensive than a monarchical or despotic one, he would admit, but not more burdensome. In the former the people have all power, in the latter very little or none. In a representative, the powers of the Government were distributed into the hands of many; it of course created a number of offices and officers, all of whom must be paid something. But this is what the people choose to pay to secure their liberties, being jealous of trusting too much power in the hands of any one man or body of men. In the latter character of Governments it is quite the reverse.

Mr. W. said, as to Executive patronage, and the selection of men only of certain politics to office, he did not see how the proposed amendment would remedy that. But he could not believe the existence of the fact; it was too base in principle, and too absurd in practice. If such should be the case, every change in the Executive, if of different politics, ought to produce an official revolution. He said, it had been stated that the President, by patronage, might form majorities in the Legislature, from which he would draw his diplomatic corps, and carry his schemes. If this should be carried on to any tolerable extent, he believed the President would soon find himself in a minority. But the amendment would not remedy that either; it did not propose to restrict the Executive as to Ministers Resident, and an abuse of power might be exercised in them as well as in Ministers Plenipotentiary. Mr. W. said, our Government was a Government of experience; it supposed wrong to be done, and, when it did take place, it ought not always to be attributed to improper or base motives. Every department was liable to do wrong. The people knew they had the power to alter their Constitution, when its defects appeared; the modes of doing this were easy and various. He said he was no friend to foreign diplomatic intercourse, and he wished to get clear of it in the most advisable manner, and at the proper time. If the amendment was adopted, it could have no effect for one year, and he was willing to pass the law as usual, and limit it to one year, which would answer every purpose. He was not, he said, for high or extravagant salaries to officers. He would not say, as some gentlemen had said, that expense was no object; for with him it was. Mr. W. concluded by observing, that he believed most of our foreign intercourse and treaties had been a disadvantage to us; for, if no other way, they were constantly interfering with the ordinary objects of legislation in that House; as of late, scarcely any subject could come before them, but some treaty or other was brought into view; and if they never were to have done arguing about them, he thought it might be as well not have any. He hoped the amendment would not prevail; he should vote against it, because he thought it unnecessary and inexpedient at this time.

When Mr. WILLIAMS had taken his seat,

Mr. BAYARD rose, and spoke as follows:

Mr. Chairman, I shall not follow the example of the gentleman who has just sat down, (Mr. R. WILLIAMS,) in assigning reasons against the vote which I design to give, but shall content myself in stating and maintaining the grounds upon which I am opposed to the amendment under consideration. I had thought and still believe that the principles upon which gentlemen differ are well understood. We do not deny the power of this House in the appropriation of money, nor the discretion which they may Constitutionally exercise in fixing the proper amount of salary for a Minister Plenipotentiary, or for any other officer

employed by the Government. On the other hand, gentlemen who differ from us do not contend that $9,000 per annum is too great a salary for a Minister Plenipotentiary, but they say that no Minister is necessary at Berlin or Lisbon, and that therefore they will not appropriate for their support. If this House has not a right to judge of the grade of Ministers, or the places at which it is proper to employ them, no reason will remain for our refusing to appropriate in the manner contemplated by the bill in its original shape.

The first question, therefore, which naturally presents itself in this discussion is, whether the power of fixing the number and grade of foreign Ministers belongs in any degree to this House, or exclusively to the Executive.

By the Constitution, the right of receiving foreign Ministers is given to the President, nor is there any pretence under which this House can claim a share of that right or its incidents. The obligation to appoint foreign Ministers may frequently arise from the communications they make to the Power which receives them. The powers, therefore, of appointing and receiving seem to me co-relative, and essentially belong to the same branch of Government.

But the power of appointing is as expressly given to the President as the power of receiving Ministers. As Ministers, however, cannot be employed abroad without money being appropriated for their support, as money cannot be appropriated but by law, it is therefore said we may inquire into the propriety of the appointments before we appropriate.

Now, sir, I apprehend whenever an office, created by the Constitution or by law, is legally filled by the President, that we are bound to provide a reasonable compensation for the officer. The gentleman from Pennsylvania, however, has told us that the office of foreign Minister is created by the President, and does not exist under the Constitution. This is one of those bold assertions which we so often hear from that quarter, and intended to impose upon the easy credulity of a part of the House. I ask the gentleman whether the power of creating offices is of an Executive nature? And, if not, I beg him to point out to me the clause in the Constitution which in any case gives such a power to the President. But, in order to oppose the assertion, I will beg leave to refer to the provision of the Constitution on the subject.

[Mr. B. here read the following passage from the 2d section of the 2d article of the Constitution: "He," 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."]

By this clause it explicitly appears that the power of appointment extends only to offices provided by the Constitution, or which afterwards should be established by law. The place of Minister, then, is an office created by the Constitution. But it is contended by this gentleman that Ministers stand upon the same ground with Judges of the Supreme Court, and, as we had limited the number of the latter, so we have a right to restrain the number of the former. Now, sir, by referring again to the Constitution, I apprehend I can show that the cases stand on different grounds, and that there is a power given to us to interfere in the case of Judges, which does not belong to us in the case of Ministers.

[Mr. B. here cited the 3d article of the Constitution, section 1st, as follows: "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish."]

It appears from this clause that a Supreme Court is provided, but the mode of its establishment is expressly left to Congress. Beside, it is evident from the Constitution that the framers of it frequently referred to things as known. As when they provide in criminal cases that the trial shall be by jury, it was understood that the jury should consist of twelve men, and a verdict be the unanimous opinion of the whole. And so in the case of the Supreme Court, that the number of Judges could not be indefinite, and of consequence must be limited by Congress. This is certainly not the case as to foreign Ministers. Their number can be no more limited than the number of foreign Powers. By lessening the number of independent nations (which is a work going on very fast) the Constitutional power of the President on this subject will be restrained.

If the doctrine be well founded that this House has a right to refuse to appropriate for the salary of foreign Ministers, I ask gentlemen to reconcile it with their admission that no such right to refuse exists in the case of the President or Judges. A distinction has been attempted. It is said that, in the case of these officers, the Constitution has provided that their compensation shall not be diminished during their continuance in office. But it strongly appears to me, and I do insist, that by conceding that in the case of the President and Judges, we are bound to appropriate, the whole argument on the other side is given up; because it allows that, notwithstanding we have an express power on the subject of appropriation, that yet there are cases in which that power must be passively exercised without the use of the discretion which it is strongly contended essentially belongs to it. And now, sir, as to the distinction between Judges and Ministers, I beg leave to remark that, in the case of Judges, the provision of the Constitution goes only to the quantum of the salary, and prohibits the diminution of it during their continuance in office. But as to the principle that a reasonable compensation shall be allowed, the cases stand on the same footing. The only difference is, that in the case of the Judge we have not the power of saying the salary is too great, but we are bound to appropriate to the last farthing; whereas, in the case of a Minister, we have the right at all times of reducing the amount of his pay. I believe, sir, it can hardly be denied, that

when the framers of the Constitution created an office, or gave a power to create one, and directed the office to be filled by the President, that they contemplated a reasonable compensation being provided for the officer. It was a thing so well understood, that it would have been folly to have expressed it, as great folly as to have provided that it should be the duty of the Judges to expound the law. And, therefore, I hold that, in the case of Ministers and all other officers legally appointed, this House is bound to concur in an appropriation for a reasonable compensation.

In order to maintain their ground, gentlemen on the other side have descanted largely on the subject of checks, and persuaded themselves that the right to refuse an appropriation in the present case sprung from the general spirit of the Constitution, which designed that one branch of the Government should operate as a check upon another.

The doctrine, as contended for, has emphatically been styled an imported doctrine; but I hope it will not be smuggled into this House without inspection and examination. The cases of checks to be derived from the Constitution, I apprehend, may be classed under three heads:

1. Where an express power is given to one branch to control the operations of another.

2. Where a branch of the Government exceeds its powers, and

3. Where a general power is given to one branch and a substantive power, included within the terms of it, given to another.

Thus, in the first case, in the Legislature the Senate is a check upon this House and this House upon the Senate, and the President upon both; in the Executive, the Senate on the President, as to treaties and appointments; and, in the Judiciary, one Court upon another. Upon the second head, a case mentioned by the gentleman from Virginia, and much relied on, furnishes a striking example. Even the Judges, the gentleman said, are a check upon the Legislature. This arises from the nature of the Legislature, the powers of which are limited. If the Legislature transgress the bounds of their authority, their acts are void, and neither the people nor the Judges are bound by them. So if the President should commission, after an appointment non-concurred in by the Senate, the commission would be void. And in all cases where an act is done without power, a check may be found wherever we please to look for it. The third case which has been mentioned, is, where the general power of one branch is controlled by a particular power given to another branch. To this head may be assigned another case much relied on by the gentleman from Virginia. The case I refer to, is that of a treaty made by the President having war for its object. Now, as the exclusive power to declare war is vested in Congress, I have no hesitation in saying, the President has not the power to make a treaty of offensive and defensive alliance. For though such a power may be embraced in the general terms giving the power to make treaties, yet, as the right to declare war is distinctly given to Congress, it must operate as an exception to the general treaty-making power.

These are the cases of legitimate checks which occur to me. But, as to the wild doctrine which has been contended for, that, wherever one branch of the Government possesses any degree of power, a discretion necessarily accompanies the exercise of it, nothing, I conceive, can be more dangerous, or have a more direct tendency to disorganization. If the principle were asserted by each branch, the operations of the Government must cease. The President might say he was not bound blindly to execute laws which he conceived to be absurd or impolitic. We create offices, he refuses to fill them; we appropriate money, he refuses to apply it; we declare war, he refuses to carry it on, because, consulting his own judgment, he conceived our measures to be unwise, and that it would be better for the country to check us, by refusing the aid of his Constitutional power to carry our schemes into effect. I beg leave to put a case which comes up to the strongest point of the argument on the other side.

Suppose Congress declare war? This can be done by a majority of both Houses. The President participates the power of appropriating money. Now, suppose war actually declared by a power competent, and expressly allowed to judge of its expediency, and the President, afterwards conceiving the war to be unjust or the declaration premature, refuses to concur in an appropriation to support it? In such case, we should be Constitutionally at war, and Constitutionally restrained from carrying it on.

Such are the absurdities which flow from the imported doctrine of checks. Consequences which tend to paralyze the powers of the Constitution, and effectually to stop the wheels of Government.

I have no doubt, sir, for my own part, that this House has any right to interfere, upon the principle of the amendment; but I will, notwithstanding, consider the expediency of the measure it contemplates.

It has been contended by the gentleman from Pennsylvania, that it would be better for this country to renounce all foreign intercourse. This, I conceive, is going far beyond any point of discussion before the committee. The amendment is not designed to abolish foreign intercourse. It supposes three Ministers Plenipotentiary, and as many Ministers Resident and Consuls as the President shall think proper to appoint. Indeed, it affects only the grade of the Ministers at Lisbon and Berlin.

Sir, I could have wished to avoid any imputation upon the motives which produced the present amendment. But, it strikes me as singular that gentlemen should be satisfied with restraining its operation to two characters, and that such mighty efforts should be made to accomplish an object attended with so little saving to the Treasury, and at best equivocal, as they must acknowledge, as to its operation abroad. I cannot well account for what I have seen, but in recollecting that the Minister at Lisbon was formerly a distinguished member of this House, whose eminent talents having been employed in the support of Government, has rendered him obnoxious to the friends of the

amendment; and that the Minister at Berlin is the son of the present President of the United States, a man as much hated by one party as venerated by the other. I should have been willing to have discarded any suspicions which these recollections occasioned, had I been able to discover any plausible reason at this time for introducing and so strongly maintaining the amendment.

Gentlemen have talked of annihilating foreign intercourse. Do they call to their minds our seacoast of 1,700 miles? Do they remember the commercial temper and habits of the people? Do they recollect how many imported articles, though perhaps once luxuries, are now become necessaries of life? Do they calculate the portion of our food and raiment which is brought across the ocean? Can they sit down to a meal in a day, or examine the clothes on their backs, without being sensible of the strength of our foreign connexions? I beg gentlemen, after having duly appreciated these considerations, to tell whether they seriously imagine that any force in the Government could break our connexion with foreign countries. I believe, for my part, that while the ocean is navigable, that our people will be commercial, and that foreign connexions cannot be prevented. The only question which seems to me to exist is, whether, as there will be intercourse with foreign countries, it does not admit of beneficial regulations from the interference of Government.

The gentleman from Pennsylvania has considered this subject under two heads, commercial and political, and has endeavored to show, that our connexions with Europe, commercial or political, do not require a diplomatic establishment.

Commercial intercourse, he continues, might be as well regulated and protected by the employment of Consuls as of Ministers. Very little consideration, I apprehend, will satisfy gentlemen, that Consuls are inadequate to the protection of the commerce of a great country. Consuls are little more than private mercantile agents. They are frequently the subjects of the country in which they are stationed, subject to its laws, as well in civil as in criminal cases, not privileged, and scarcely noticed by the law of nations, and representing, in no degree, the country which employs them. I will then ask, if Consuls are competent to insist upon the rights of the nation, or its citizens, or to remonstrate against their wrongs? Whether they could demand, or are so likely to obtain justice, as if they were clothed with a representative capacity of the country? Beside, let me tell the gentleman, that if our establishment abroad were reduced to Consuls, in effect they would only have foreign Ministers under new names, for they would soon be employed for political, as well as commercial purposes. It would end in their exercising the powers of Ministers, without their responsibility.

The gentleman from Pennsylvania has said, that the only use of Ministers is to form treaties. This is certainly not true. I conceive that a Government is bound to extend its care and protection to its citizens abroad as well as at home. One purpose, therefore, of Ministers is, to secure to our citizens in foreign countries the rights which they derive from treaties or the law of nations. They are designed also to watch the actions of foreign Governments, and to discover their schemes, and to give notice to their own Government of anything which may threaten the peace or safety of their country. They are again the organ of communication between Governments, by which explanations are demanded, and by which accidental differences may frequently be avoided without the extremity of war.

When the gentleman from Pennsylvania spoke of our political connexions, he spoke of those arising from treaties. He conceived that we had no occasion for treaties with foreign countries, and, consequently, Ministers were not wanted to frame them. Upon this ground I will now meet him. It seems to have escaped the observation of the gentleman and his friends, that we have a choice only of one of two grounds, upon which we will stand in relation to Europe. The one is the treaty, the other the law of nations. If we will not subject ourselves to treaties, we must still be bound by the law of nations. To me it appears much more rational, that nations should agree on the terms upon which their intercourse shall be conducted, than to leave it to the determination of a law derived from authorities uncertain, ambiguous, and contradictory. Treaties are designed to supply the defects and explain the doubts of the law. They dispense with a rule injurious, perhaps, to both countries, and introduce a regulation equally beneficial to each party. If disputes arise in the construction of treaties, which are expressed with all the caution of studied language, how much more contention is to be expected upon the law of nations—a law consisting in loose customs, arising from the dicta of authors whose opinions were warped by the peculiar interests of their country—a law, the general principles of which may be perverted to justify every act of power however flagitious?

The gentleman from Pennsylvania, in order to support his position on this subject, has cast his eyes upon our treaties, and selected those parts which he thought he could reprobate with the most success. And the subject was probably introduced for the purpose of giving him an opportunity of doing so.

I am not, however, alarmed at meeting the gentleman upon this ground, and inquiring into the advantages and evils which have resulted from treaties which we have formed.

The gentleman has not given himself the trouble of adverting to any treaty, or to any one article in a treaty, by which the country has been benefited. It has served his purpose to exhibit the dark side of the picture.

The gentleman has even complained of the treaty with France, and spoke of the disputes which the construction of it has involved us in. Nothing could astonish me more than that that gentleman and his friends should complain of this treaty. I cannot help pitying the short memory which allows them to forget the language they held on a former occasion, removed from us but

by a small interval of time. At the last session of this Congress we were told, by those gentlemen, that it was to our treaty with France that we owed the liberty and independence of our country, and we were strongly reminded of the debt of gratitude which remained unpaid. Will those gentlemen now tell us that the evils which resulted from that very treaty overbalanced its advantages? If so, we are to be grateful when we have been more injured than benefited.

I shall not be repelled by any popular prejudice from saying, that advantages have been derived from the British Treaty. I consider the war from which that treaty preserved us of an importance incalculable. A war which must have annihilated our commerce, desolated our seaport towns, ruined our finances, while it increased our debt, depressed the value of our produce and of the labor of our citizens; and, multiplying the burdens of the Government, while it diminished the ability of the people to support it, might have ended in the loss of our Constitution, and of our unity and independence as a nation. No sacrifice which we have made, can be put in the scale against the evils which we have escaped. That every treaty will be composed of concession as well as of acquisition, every reasonable man will expect. It cannot be supposed that a powerful nation will grant anything and ask nothing in return.

[Mr. GALLATIN explained, by saying that nothing which he said had any relation to our treaty of alliance with France, but merely to commercial treaties.]

Mr. B. I understood the gentleman to say that he was averse from all foreign intercourse, and, generally, that our treaties had been injurious to the country. But even if his strictures were confined to commercial treaties, yet, as the question regards generally our foreign connexions, it is proper that political advantages derived from our treaties should be taken into consideration. I have spoken of one benefit which might be attributed to the treaty with Great Britain. I will mention another. That treaty has given us possession of the western posts, which for years have been so cruel a thorn in our side, which have cost us so many millions of dollars, and so much blood. Again, the treaty has provided for our mercantile brethren a compensation in case of illegal capture of their property by British vessels during the present war, and reinstated families that otherwise would have been irreparably ruined.

One provision in the treaty is a striking instance of the necessity of treaties. It has made provision that our northern boundary shall be amicably fixed by ascertaining the true river St. Croix. Had we been left to the law of nations to fix this boundary, as each country would have insisted on its pretensions, force must have settled the controversy.

I will next ask whether the country has derived no advantage from the Spanish Treaty? Whether nothing was gained by the surrender of several armed posts, the establishment of our southern boundary, the cession of a large territory, and the acquisition of the free navigation of the Mississippi? And I particularly beg gentlemen to point out the evils which balance the benefits of this treaty.

It is plain to me that foreign intercourse cannot be prevented, and equally plain that treaties necessarily arise out of that intercourse. But at this moment, of all others, I conceive that the amendment to the bill, which goes to restrain the appointment of Ministers Plenipotentiary to London, Paris, and Madrid, is peculiarly improper. Sir, the Message of this day, laid on the table, from the President, informs us of the dangerous state of our country. It informs us, also, that the interests of other neutral nations are implicated in the injustice of the decree which is about to pass the French Councils. We have suffered and are suffering aggressions, from a Power undoubtedly formidable, which menace the peace and safety of the country. We have been driven to the brink of war, and should the mighty Republic (which God forbid!) force us to hostilities, I hope we shall have sense enough to increase our strength by an alliance with those neutral nations, with whom it may be found that we have a common interest. I trust that the spirit of the country is not so broken by the humiliations to which we have already submitted, and that the passion for wealth has not so far extinguished every nobler feeling, that we are prepared tamely to submit our necks to the yoke, and barter the liberty and independence of the country for a state of peace as inglorious as it is insecure.

The gentleman from Pennsylvania, in his argument against foreign intercourse, alleged that we had nothing to do with the balance of power in Europe. I believe, sir, I can refer the committee to cases which will satisfy both sides of the House that we are intimately connected with that balance. I will call to the recollection of gentlemen opposed to me that period of the war when the Duke of Brunswick was marching to Paris, when the rebels were successful in La Vendee, when Toulon was in possession of the combined Powers, when victory seemed to have declared for the allied Princes, and fate to have numbered the days of the Republic, and ask them whether they were not then sensible of the balance of power in Europe being destroyed? Was there a gentleman among them who did not attribute the aggressions of England to the depression of the power of France? But when the fortune of war changed—the Duke of Brunswick retreated, Toulon recaptured, the Netherlands subdued, Holland invaded—to this change have they not said it was owing that the famous decree of November, 1793, was revoked, and that the storm which was gathering round us was dispersed?

At that time, in what manner did the Republic behave towards us? Did they recall their own Ministers, or banish ours? Did they invent pretences to destroy our commerce? On the contrary, did they not invite us to draw closer the bands of alliance? But, sir, since the full tide of prosperity has risen in favor of France; since she has added millions of men to her population, and of

money to her revenue; since she has humbled the Crowns of half the Potentates of Europe, and rendered many of them her tributaries; since she has found herself able to break the pillars of Governments which had lasted for centuries, and to erect new States upon their ruins; since, in fine, she has perceived that there is no weight in Europe to balance her power, has not this country felt the effect of the mighty change?

Gentlemen cannot deny that the system which England formerly pursued, France has since adopted, with circumstances of increased aggravation. When I regard the facts which a short period of time has presented to our eyes, I am astonished that any one should assert that we have nothing to do with the balance of power in Europe.

I will now call the attention of the committee to some points introduced into the discussion, which were principal grounds of argument with the gentleman who moved the amendment, but which have lost much of their importance in the course of the debate.

The first was Executive patronage. This was attacked upon two principles. 1. That it had increased, and ought to be diminished. 2. That it had been, and was designed to be, abused.

I hope it will be remembered that the attempt on the present occasion is not to add to the patronage of the President, but to take from the Executive a power which it is not denied belongs to him under the Constitution. The gentleman from Pennsylvania not only admitted that a power to fill the office belonged to the President, but asserted that the President had power to create the office itself; so that the question is as to preserving, and not as to increasing, the Constitutional power of the Executive.

The same gentleman has been pleased to say, that, when I expressed an opinion that the Executive was the weakest branch of Government, it was with "regret;" and thence came to an easy conclusion, that it was my design to promote Monarchy in this country. I am at a loss to know how that gentlemen discovered my feelings when I delivered the opinion. But it was necessary to his purpose to attribute those feelings to me, and that gentleman has no weak delicacy, as to the means, when he has a purpose to accomplish. I did, indeed, say that the Executive was the weakest branch of the Government, and this I repeat; but I neither said it with joy nor sorrow, but stated it as a fact. I did not say that the Executive was *too weak*, nor expressed any wish that its power should be increased. Suppose I should say, that the Pope is the weakest Potentate in Europe—would it follow from thence that I wished the territories of his Holiness extended, or his power enlarged to a balance with that of the mighty Republic? Or, if I affirmed, of the two sexes, that the female was the weakest, is it to be concluded that I regret that woman is not as strong as man? I believe the Executive is at the mercy of this House; that, if the House were united, and resolved to bind the hands of the Executive, no resistance could prevent them; but I do not apprehend that any effort of Executive authority could make an impression on the rights of this House. Nay, it is even observable that "feeble minorities" can shake the foundations of Executive authority, though supported by a majority of the House.

Another gentleman from Pennsylvania (Mr. FINDLEY) had also thought proper to infer, from the comparison I made between the patronage of our Executive and that of the Crown of Great Britain, that I was desirous of seeing the patronage of the President increased to the magnitude of that of the English King.

It is not a little surprising that this gentleman, who professed himself the model of candor and moderation in the opening of his speech, should suffer himself to be guilty of so gross a misrepresentation. The true inference from my argument is directly the reverse of the one which has been made. I observed, that, notwithstanding all the patronage which the King of England derived from the nobility, the church, the army, navy, civil list, &c., that the Monarchy could not be preserved, if the principle of equal representation were introduced into the House of Commons. I have no objection to use the obnoxious expression attributed to me, that, if the venal boroughs were abolished, there would soon be an end of the Monarchy.

I do not believe there is a man of sense on the other side of the House of a different opinion. But this opinion is perfectly consistent with a wish to see the Monarchy destroyed. It is an opinion simply upon the operation of certain causes, and their tendency to produce certain effects, which has no connexion with the wishes of the person who forms it.

I am very ready to confess that I am not one of those enthusiasts whose insatiable thirst for liberty allows them to wish the desolation of a country, and the massacre of its inhabitants, in order to establish in it a new form of government. If the English love their Monarch, I have no objection to their living under Monarchy. It is enough for me that I live in a Republic; and, if the people of England will suffer us to live in peace, under the Government of our choice, we cannot be justified in wishing to see the throats of half the nation cut, and their property plundered, in order that a Government may be there established more conformable to our taste.

As to myself, I have no interest out of the country, nor in a form of Government different from what we possess. I was bred during the Revolutionary war, and my first impressions were republican. No man can have less motive to wish a monarchical Government; and, being completely satisfied with the existing Government, I am disposed to repel every innovation upon it, from whatever quarter it comes.

But, sir, is it for those gentlemen who were born under monarchical or corrupt Governments of Europe, whose necks were early broke to the yoke, whose germ of republicanism is engrafted on a monarchical stock, to bring forward the charge of aristocracy. I think, if the sincerity of their apostacy is not questioned, it becomes them to be

silent as to others. I trust, however, that the people of the United States have sense enough to judge men, not by their professions of faith, but by their actions.

I confess, sir, I am so far from dreading Executive patronage, that I do not believe that any power which can be given to the President will render him dangerous to this House, while it is composed of Representatives equally and freely chosen by the people. Not that I suppose that a President is exempt from ambition, or indifferent as to power; but, while the people have the power of purging this House every two years, and regard it as themselves, there is no patronage which can corrupt it, nor Executive power which can threaten it. Give to the Executive every officer of the Government, and every man whom they can influence, and what is the weight in the scale against the body of the people?

The charge of aristocracy brought against me, and those with whom I act, I look upon as a spectre conjured up to alarm timid imaginations. If, indeed, the charge had been made against the other side of the House, there might be some ground to believe it; against men born in a land of slavery, whose cradles had been rocked by slaves, and who had been habituated from infancy to trample on the rights of man. Sir, when I look around this hall and observe how parties are composed; when I see some men who come from a land of real equality, many of whom have been educated in laborious employments, and none of whom can boast of but a few paternal acres, and find that they are called aristocrats, while, on the other hand, men who can count in their train a hundred slaves, whose large domains, like feudal baronies, are peopled with the humblest vassals, are styled democrats, I am astonished that the weakest of mankind can be imposed on by such an abuse of words. I know that this is a delicate subject, and wished to have avoided it; but when I see these high-priests of liberty so zealously proclaiming freedom on one hand while on the other they are rivetting the chains of slavery, I cannot forbear tearing aside the veil which conceals the truth from the world.

The gentleman from Pennsylvania has amused us by descanting on the histories of Greece and Rome, and assigning causes of the downfall of those republics. These are discussions which, for my part, I conceive had better be left to the schools and lyceums; but, since the subject has been introduced, I beg leave simply to remark the admission of the gentleman that those republics were destroyed, not by Executive encroachments, but by the licentiousness of the people. This is an admission of everything in dispute on the subject, because it proves that the people were the instruments made use of to destroy republics. Were I an enemy to the free Government of my country, I should not seek to subvert it by supporting, or in attempting, by artful constructions of the Constitution, to increase, the Executive power. If a project of this kind could be finally successful, it would require centuries to accomplish it. No, sir, I would adopt the means which have produced the effect before. The people would be the instrument I should make use of. I would address myself to their prejudices, their follies, and their passions. I would tell them that the Government was corrupt; that it was a faction under the influence, or in the pay of a foreign Power. I would tell them that their interests were neglected and despised, that hence they were burdened with grievous excise laws and odious stamp acts. I would call upon them to erect liberty poles and refuse obedience to a Government which was administered by an aristocratic junto. And could I be successful in these artful calumnies, and, deluding a well-meaning people, excite them to insurrection and rebellion against the laws, I might hope to see one of the best Governments in the world torn to pieces, and a wretched people burying their liberties in its ruins.

From ancient history we were brought to that of modern Europe, and were told that, except in England, from which we have received the germ of liberty, every semblance of representation has been swallowed up in the Executive power.

But I will ask the gentleman whether the Cortes of Spain, or the Parliaments and Councils of which he spoke, represented the people, or were not connected in interest with the higher classes of society alone? Those shadows of representation were destroyed because the people, deriving no benefit from them, had no motive to support them. But in England, where the body of the people were represented, though imperfectly, the popular branch grew up in the very shade of despotism. This vital principle of liberty survived the tyranny of Henry VIII. and the power of Elizabeth. It soon gave a weight to the Commons which balanced the power of the Crown. English history strongly proves the principle for which I contend, that the branch of Government connected in interest with the people, and supported by them, has nothing to fear from Executive power.

Is there any instance in English history of the House of Commons being abolished by the Crown? And, on the contrary, have you not seen the Commons able to subvert the Throne and Nobility, to extort, at times, from the King his most precious prerogatives, and at all times to force on him Ministers of their choice, or from him those who were his favorites? The very corruption which the gentleman spoke of proved the weakness of the Crown and the strength of the Commons. It was not on the army, the navy, or the nobility the Crown could rely; it was obliged to purchase the support of the Commons. It was a purchase made upon the same principle of weakness that we pay for the peace we enjoy with the western savages or the Barbary Powers.

But the gentleman has gone so far as to contend that, from the nature of their respective duties, this House is more liable to incur popular odium than the Executive. That being obliged to impose taxes, often of an obnoxious kind, we are peculiarly exposed to the resentment of the people. In making this remark the gentleman certainly forgot that, though we lay the taxes, it is

the Executive that collects them. And that it was not so much the letter of a tax law which was offensive to the people, as the hand of the tax gatherer which compelled them to pay. I apprehend, however, that the observation is wholly unfounded. The connexion between this House and the people is too intimate, a common interest binds them too closely together, to suffer the remark of the gentleman to be verified. I can conceive it more than possible that individuals of this body may lose their popularity by voting for measures to which their constituents are averse; but, in reprobating the conduct of a part of the House who acted against their wishes, their affections will accumulate in favor of those whose conduct was conformable to their sentiments. When the Senate ratified the British Treaty, they were not, in consequence less popular as a body. For, though a majority, perhaps, were burnt in effigy, yet the virtuous ten acquired all the favor which they lost.

The gentleman has laboriously provided for us an account of the amount of Executive patronage. The fees of every deputy's deputy are collected in the estimate, in order to increase the dimensions of the phantom. The salaries, compensations, and fees to persons in the service of the Government are stated to amount to $850,000. This, to be sure, is a frightful sum distributed over such an immense country. But the fact is that this money is laboriously earned. No services are so badly paid for as those which are rendered to the public. The system which we are pursuing will starve all talents and merit out of the Government.

I believe that several offices are held from patriotic principles alone. I believe that a favor is done the Government by every man of talents who accepts an office, and I am convinced that no man can turn his abilities and industry to less account than in accepting of places which the Government is disposed to give him. The contracts of the Government have been stated at $1,300,000. But the gentleman has cautiously concealed the idea of equivalent received by the Government. Supposing a profit of 5 per cent. to the contractor, the amount of this branch of patronage does not exceed $65,000. And this is to compensate an advance of capital and personal service. I believe it may be safely affirmed that our Government derives little influence from this source.

An abuse of Executive power has been loudly complained of in a determination attributed to the President to appoint none to office who do not profess his political creed. That the President has determined to employ no more the enemies of the Government, I think very probable. Men perpetually opposed to the Administration, who indiscriminately condemn every measure adopted, who insidiously labor to alienate the affections of the people from the Government, who, absorbed in a fanatical attachment to a foreign country, have lost all regard for their own, I conceive are properly avoided as objects of public trust and confidence.

The President, on this subject, will act on a principle from which the people never depart. In choosing the electors who appointed him, did they not exact, where they had not a perfect knowledge, a declaration of the political creed of the candidate? Does not every election bear witness that the principle is ever adhered to by the people? And I will ask gentlemen, if any officer appointed by the President were left to the choice of the people, if his politics would not be the first object of their attention, and an invincible objection if different from their own? But, sir, there is no reason to suppose that the principle is carried to the extent, so warmly fancied by a gentleman from Virginia, (Mr. BRENT,) "that the Executive will employ no one who will not sing hallelujahs to every Executive object." No, sir, I should presume that the determination of the President reached only to those whose patriotism consisted in denouncing their own Government and applauding a foreign one; who celebrated, with fêtes and songs, successes which exalted another country upon the humiliation of their own; and who, pursuing a phantom which they call liberty, forget that they possess all the freedom which rational men could wish, and are willing to subvert everything which is valuable in society, in order to establish a system under which everything possibly might be hoped for, but nothing certainly could be enjoyed.

I hope I shall be excused for saying a word as to the reflections, it has been said, we have cast upon the foreigners who are members of the House. I certainly am not one of those who would deny the rights of hospitality to any foreigners who shall please to come among us. I do not know that I have any objection to their acquiring the rights of citizenship; but I must be allowed to say, that, in my opinion, no man who was born in a foreign country can love America equally with a native American. I do believe there is such a thing as a love of our native soil, and a man who can discard a love for the land which gave him birth, will never have much affection for the country which adopts him. However, if, in looking round this House I could discover a solitary proof against my position, I might be led to doubt it; but I am sorry to say that my observations on this floor have confirmed the opinion.

The gentleman from Pennsylvania concluded, with telling us, that he had but two objects in view—the one to destroy foreign intercourse, the other to save money. As to the first, were it possible, I might join with him; and, as to the last, I believe I perfectly understand the gentleman. It was a fine declaration to tickle the ears of his constituents; I should certainly offend those of mine were I to deliver a different sentiment. But still we differ on this head. I believe the gentleman so sincere in what he said, so well disposed to act up to it, that he would readily agree, not only to save money, but to spend no money at all. I believe he would agree to lock the doors of the Treasury, and to throw the keys into the ocean. I believe he would consent to starve every man

out of office; and then, I believe, the consequence would be, that the wheels of Government would be stopped.

For my part, though I value money, I certainly value the liberty and independence of the country more; and as I believe that those objects cannot be better secured than by supporting the best Government in the world, and as I know that that Government cannot be supported without the expenditure of money, I shall certainly never be so far carried away by the passion of saving as to refuse an appropriation of money required for any necessary purpose of Government, and especially in a case where I cannot refuse without violating the Constitution.

At the conclusion of Mr. BAYARD'S speech, the question was loudly called for.

Mr. BRENT rose, and was about commencing some observations in reply to Mr. BAYARD, when the cry of "the question" was still continued. He sat down, and some conversation took place for and against the committee's rising; but on Mr. B.'s saying he did not wish the committee to rise on his account, the question for rising was put and negatived.

The question was then put upon Mr. NICHOLAS'S amendment, and negatived—52 to 48.

A motion was then made for the committee to rise and ask leave to sit again, which was negatived.

The bill was proceeded with.

Mr. S. SMITH moved to strike out certain words, and to insert others to this effect:

"That the President of the United States shall not allow to any Minister Plenipotentiary to France, Great Britain, or Spain, more than $9,000 per annum, nor to any other Minister Plenipotentiary more than $6,000."

This amendment was negatived, there being only 48 votes in its favor.

The blanks in the bill were next to be filled; the first, which was the permanent allowance, was filled with $40,000; the next, which was an extraordinary appropriation for this year, with $28,650. Before the latter sum was agreed upon,

Mr. LIVINGSTON inquired whether the sum of between two and three thousand dollars, which he thought had been lavished away, said to be expended on persons taking leave from this country, was included in the incidental expenses which were contained under this head? He thought such an expenditure of money forbidden by the Constitution.

Mr. HARPER believed the incidental expenses mentioned in the estimate were expenses of our Ministers abroad.

Mr. NICHOLAS understood that three Secretaries were allowed the mission at present in France. He thought this was as novel as it was unnecessary; as he believed one Secretary was sufficient for the whole. The United States had employed a number of missions at different times, but never allowed more than one Secretary to each. He had thought the law would not have warranted the practice; but on examining it, he supposed it did.

Mr. HARPER said, every Minister employed was entitled to a Secretary, the President had accordingly appointed one to each, and he could not see upon what ground, the House could object to appropriating for their salaries.

Mr. NICHOLAS answered, that as the law admitted of it, he should not object to the appropriation: but he should move an amendment to prevent more than one Secretary to a mission in future.

The committee then rose and reported the bill with the amendments; which being taken up in the House and agreed to, Mr. NICHOLAS renewed his amendment to limit the salaries of Ministers Plenipotentiary to London, Paris, and Madrid, to nine thousand dollars a year, and all others to four thousand five hundred dollars, and called the yeas and nays upon it, which were taken and resulted, yeas 48, nays 52, 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, James Gillespie, Andrew Gregg, John A. Hanna, 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, Josiah Parker, Tompson J. Skinner, Samuel Smith, William Smith, Richard Sprigg, jun., Richard Stanford, Thomas Sumter, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, and Abraham Venable.

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, John Dennis, George Dent, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, William Barry Grove, Robert Goodloe Harper, Thomas Hartley, Wm. Hindman, Hezekiah L. Hosmer, James H. Imlay, Samuel Lyman, 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, Peleg Sprague, George Thatcher, Richard Thomas, Mark Thomson, Thomas Tillinghast, John E. Van Alen, Peleg Wadsworth, John Williams, and Robert Williams.

Mr. S. SMITH then renewed his motion for limiting the salaries of Ministers to London, Paris, and Madrid, to nine thousand dollars, and others to six thousand dollars, and called the yeas and nays upon it, which were taken, and were exactly the same as upon the former question.

Mr. NICHOLAS then made his motion to confine future missions to one Secretary, which was negatived—50 to 45.

The bill was then ordered to be engrossed for a third reading to-morrow.

TUESDAY, March 6.

The bill providing the means of intercourse with foreign nations, was read the third time and passed.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, enclos-

ing a statement of the exports of the United States from October 1, 1796, to September 30, 1797, which was ordered to be printed.

A message was received from the Senate, with a bill which had originated in that House, for the amicable settlement of the claims of Georgia, and for the establishment of a Government in the Mississippi Territory, which was read, and referred to the same committee to whom has been referred the subject of the Natchez country.

Mr. SITGREAVES moved, that the Committee of the Whole on the state of the Union be discharged from the further consideration of the Message of the President of the United States, of yesterday, with the documents accompanying it, and that they be referred to the select committee to consider the means for the protection and defence of the country, as they had already measures relative to this subject under consideration. Agreed to.

Mr. LIVINGSTON moved the order of the day on the bill supplementary to the act for establishing the Judiciary of the United States; but, after some objections from the members from Connecticut, (the bill is intended to provide for a trial now pending between citizens of the States of New York and Connecticut, by allowing a jury to be taken from a State uninterested in the cause) the subject was postponed for a week.

Another message was received from the Senate, informing the House that they have passed the bill for erecting a light-house and certain buoys; and also the bill for the relief of the widows and orphans of certain deceased officers and soldiers, both with amendments.

STAMP DUTIES.

The House then resolved itself into a Committee of the Whole on the bill supplementary to the act for laying a duty on stamped vellum, parchment, and paper, and the clause for allowing — per cent. on purchases of stamps to the value of — dollars being under consideration,

Mr. HARPER proposed to fill the last blank with twenty dollars.

Mr. J. WILLIAMS suggested the propriety of making the sum ten or twelve dollars, instead of twenty.

Mr. HARPER thought that any person purchasing stamps for the purpose of retailing them, would not wish to do it to a less amount than twenty dollars. It was the sum the Secretary of the Treasury recommended.

Mr. THATCHER was in favour of ten dollars.

Mr. BLOUNT would propose a motion, which he supposed would supersede the present; it was to strike out the first section of the bill, as he did not approve of the principle of it.

The question was put and negatived.

The sense of the committee was then taken on filling the blank with twenty dollars, and negatived, there being only twenty-two votes for it.

Fifteen and ten were then proposed.

Mr. BLOUNT said, to allow this discount was to lower the duty, and he could not see why those who purchased a small quantity, ought not to have the same allowance with those who purchased a larger.

The question on fifteen was negatived; and it was then taken on ten, and carried, there being fifty-six votes in its favor.

Mr. HARPER moved to fill the blank fixing the amount of the discount at seven and a half.

Mr. BLOUNT thought two and a half would be sufficient.

Mr. OTIS was in favor of seven and a half.

Mr. MATTHEWS proposed ten per cent.

Mr. BAYARD was of opinion that ten ought to be fixed upon at first, in order to induce persons to purchase, and by that means get the stamps well distributed. The discount might afterwards be lowered. He believed, that in England ten per cent. was originally allowed; it had since been reduced to five.

Mr. J. WILLIAMS was opposed to ten. He supposed merchants, and others using any considerable quantity of stamps, would always take advantage of this discount. He thought seven and a half would be sufficient.

Mr. BLOUNT said, it had been observed that a large discount would facilitate the distribution of stamps. To do this, he supposed was the duty of the Secretary of the Treasury and the Supervisors. He wished to know whether there was anything in this bill, or the law, to prevent stamps from being sold at a higher rate than the law directed?

Mr. HARPER replied, that, by the law, the Secretary of the Treasury was directed to cause the stamps to be distributed and sold all over the country, at the price fixed by law, and no more, without any charge for paper. And persons being appointed all over the country to sell them at this price, (for the trouble of doing which they were to have an allowance not exceeding five per cent.) a competition would be produced between them and persons who bought them on their own account, which would be a security against a higher price being demanded, than the real price of the stamp. Mr. H. thought ten per cent. too much, and that seven and a half would be a proper allowance.

The question for filling the blank with ten was negatived, there being only 19 votes in favor of it.

"Seven and one-half," and "five," were then mentioned.

Mr. GORDON thought that five per cent. would be sufficient, which, with other expenses attending the business, would produce a deduction of at least ten per cent. from the amount of the duty.

Mr. A. FOSTER said, it ought to be recollected, that, by allowing this discount, more money would be brought into the Treasury than the bare amount of stamps really used would amount to, as not only those made use of, but those on hand would be paid for.

Mr. LYON would be willing to allow ten per cent. if he was assured that stamps would not be sold at a higher rate than that at which they are stamped; but he thought there was no security against this.

Mr. MACON differed in opinion from gentlemen who thought this per centage would operate an injury to persons who used but few stamps, and consequently could not avail themselves of the

discount. He believed they would be most benefited by it, as shopkeepers would be induced to keep them for the sake of the profit; for if they could only be had of supervisors and collectors, persons in the country would, upon an average, have to ride twenty miles for a stamp whenever they had occasion to use one.

Mr. SEWALL said, it ought to be considered that persons purchasing a quantity of stamps, took upon themselves the risk of paying for what they might not use or dispose of. Besides, losses might be sustained by persons entrusted to sell stamps by commission, but none could be had from purchasers, as cash was to be paid at all times for them.

Mr. S. SMITH said, that he was in favor of repealing the law altogether; but as this could not be done, he wished to make it as palatable as he could. Nothing would render it more odious than to make it difficult for the people to obtain the stamps. He hoped, therefore, a sufficient profit would be allowed to induce storekeepers in general to keep them.

The motion for filling the blank with seven and one-half was carried without a division.

The clause for repealing that part of the law which laid a stamp duty upon debentures, (which was found would operate very unequally) and enacting in its stead that ——— per cent. should be retained in addition to the one per cent. now retained on drawbacks.

Mr. HARPER moved to fill the blanks with three-fifths, which would produce a sum equal to that proposed to be raised by the stamp duty.

Mr. S. SMITH hoped the blank would be with one quarter, which, upon the debentures of last year, would produce the sum of $10,000. This would be a direct tax upon the merchants, which they could not get repaid from their customers. He had also doubts as to the principle. Besides, it might be forgot, a few years hence, that this was a compromise for a stamp duty, and these instruments might hereafter be taxed.

Mr. HARPER had no objection to one quarter. The committee thought it a high duty; but they believed it right to say what would be equal to the stamp tax proposed.

Mr. J. WILLIAMS renewed the motion for two-fifths. The amount of drawbacks allowed exceeded one-third of all the revenue. He had an intention of bringing this subject of drawbacks before the House on some other occasion, in order to have some alteration introduced into it. He thought two-fifths ought to be agreed to.

Mr. SEWALL said, he had also his doubts as to the propriety of taxing debentures, as it was well known they were given to secure the drawback upon goods re-exported. The export business is of great importance, and as to the present drawbacks amounting to one-third of the revenue, this was of no consequence, since the duty on goods imported are intended to be paid by the consumer, and not by the merchant. At present one per cent. of the duty is retained, which more than pays all the expenses attending the collection of the impost duty. Two-fifths per cent. would be more than the proportion which had been observed in taxing of notes. He hoped one-quarter per cent. would be agreed to.

Mr. J. WILLIAMS said, that though the one per cent. retained on drawbacks paid the expense of collecting the duties as far as the per centage on the ad valorem amount, it did not pay also for weighing, measuring, and gauging. He had made some calculations on this subject, but he had not them now before him. He thought this drawback a great advantage given to merchants, and he was not for lowering the proposed duty.

Mr. LYON observed, that he had opposed the stamp tax here, but he had endeavored to make it the best of it to his constituents—who disliked it exceedingly—by telling them that it would fall heaviest on the merchants; but if this article was to be lowered, this apology would be done away.

Mr. COIT was in favor of the quarter per cent.

Mr. J. WILLIAMS moved that the committee might rise; but after some observations he withdrew his motion.

Mr. S. SMITH said, the gentleman from New York seemed to be much concerned as to the drawback allowed on goods re-exported. The two last years left to the revenue at one per cent. an average of $40,000 per annum. One quarter per cent. additional would produce $10,000 more. The whole estimate of duty to be produced by stamps was $100,000; so that upon one single article alone one-tenth part of the amount was to be raised; yet gentlemen wished to increase this sum by $6,000, though out of eighteen articles upon which a stamp duty was imposed, thirteen of them fell exclusively upon the merchants. The gentleman from New York needed not to be afraid of the landed interest; there was scarcely anything in the act which could affect them. But that gentleman was opposed to the bill, and he wished to make it as odious as possible. Mr. S. said his policy was different; since it must pass, he wished it to be as unexceptionable as possible, as he had now no idea that the stamp law would ever be repealed.

Mr. BLOUNT said, the Committee of Ways and Means had no intention of lowering the duty; they only wished to equalize it. It was calculated to produce upwards of $13,000 as the law now stands, and the present proposition of an additional deduction of two-fifths would produce upwards of $12,000. He hoped, therefore, two-fifths would be agreed to.

The question on two-fifths was put and negatived, there being only twelve votes for it. One quarter was then carried without a division.

Mr. S. SMITH then moved to add an additional section to the bill to this effect:

"That no note, other than bank notes, made payable at or within 60 days from the date thereof, shall be liable to any stamp or duty; and no bill of lading liable to pay more than ten cents, anything in the said act to the contrary notwithstanding."

Mr. SEWALL said, that the part of the law which this clause went to repeal, imposed a duty upon a set of men who could not reimburse it. The duties laid upon merchants were generally

considered as refunded to them by the public; but in this case no such reimbursement could take place. Our merchants had been greatly injured, it is well known, by the spoliations committed upon our commerce by the French, and many of them are consequently under considerable embarrassments, and being under the necessity of continuing their contracts from time to time, would be obliged to pay a high duty upon renewing their notes. This would add to the hardships they already suffer. As to bills of lading, he always thought the duty excessive, and hoped the amendment would be agreed to.

Mr. CHAMPLIN complained that merchants and bankers (who are often the same persons) are taxed in a three-fold degree. Many of them are stockholders, and their certificates pay a duty; bank notes are also taxed, and if they borrow money they pay a duty on their notes or bonds.

Mr. S. SMITH believed it would be proper to divide the question.

It was accordingly divided, and the former part was under consideration, when

Mr. HARPER said, the gentleman from Rhode Island seemed to confound a bank as an institution with the individuals who compose that institution. Individuals may doubtless pay taxes in three or thirty different ways; but he could not see the force of this observation. With respect to the motion itself, he believed it ought not to be adopted. He could not see why notes at 60 days should not pay a duty, though he did see why they ought not to pay so high a duty as others, which was the reason why the distinction had been made in their favor. The merchants were the mere payers of this duty, as they would charge it upon their merchandise in the same way as they charged other duties and expenses. He saw no reason why the alteration should be made with respect to bills of lading.

Mr. S. SMITH observed that it was very difficult to convince theoretical gentlemen of their errors. Practical men will tell you that it is impossible to charge these duties to their customers. There was a duty charged on instruments which admitted lawyers to practice; he wished to know how they could be charged to their clients? When this subject was originally before the Committee of Ways and Means, after well considering the subject, sixty days notes were excluded; but when the bill came into a Committee of the Whole, gentlemen, desirous of defeating the bill, introduced such things into it as might have a tendency to damn it, and this was the reason why sixty days notes were introduced. These notes, he said, did not come under the design of other bonds and notes. They were now become the passing medium of this country. To tax them was the same as to tax every dollar that went through his hands, as all purchases and sales were made by notes of this description. Mr. S. said he was aware of the difficulty of impressing a body like this, in which there is so little commercial interest, with the impropriety and hardship of a measure of this kind. And as insignificant as some gentlemen might think this duty, he could inform the committee that one merchant in Baltimore had gone into a calculation of what the stamp duty would stand him in, and he supposed it would be at last 800 dollars; and a house in Philadelphia had informed him that their stamp duties would amount to 1,200 dollars, of which they would never be able to get a cent from their customers.

Mr. HARPER could not help congratulating the House upon this information. He hoped there would be many persons of the description which the gentleman from Maryland had mentioned. If so, this tax would prove an extensive source of revenue. With respect to the lawyers, he believed they might be safely trusted to get back whatever they paid.

After Mr. CHAMPLIN had said a few words in reply to Mr. HARPER, the question was taken on each part of the section separately, and negatived.

Mr. J. WILLIAMS then moved an additional section, to exclude from duty all bonds, bills, and notes under $50; which was negatived without debate.

The committee then rose, the House agreed to the amendments, and the bill was ordered to be engrossed for a third reading to-morrow.

WEDNESDAY, March 7.

The bill to amend the act for laying a duty on stamped vellum, parchment, and paper, was read the third time and passed.

A bill was reported for continuing in force the law for prohibiting for a limited time the exportation of arms and ammunition, and committed for to-morrow.

The amendments of the Senate to the bill for erecting a light-house on Eaton's Neck, and for placing certain buoys in the places therein mentioned, were taken up and agreed to.

Mr. J. PARKER stated that (owing to his late indisposition) he was not in the House when the bill for erecting a light-house on Eaton's Neck was passed; but as he had received instructions from the merchants of Norfolk to endeavor to get a light-house erected on Old Point Comfort, in Virginia, he should propose a resolution which would direct the Committee of Commerce and Manufactures to inquire into the expediency of erecting such a light-house. He accordingly presented a resolution to that effect; which was agreed to.

RELIEF OF WIDOWS AND ORPHANS.

The House took up the amendment from the Senate to the bill providing relief for the widows and orphans of certain deceased officers and soldiers, which proposed to strike out that part which relates to the widows and orphans of militia officers.

Mr. D. FOSTER hoped this amendment would be concurred in, as the part proposed to be struck out introduced a new principle; and if it were not concurred in the bill would probably be lost.

Mr. W. CLAIBORNE said, the services of our militia officers were certainly as valuable to the country as those of the regular army, and justice

and policy required that the same attention should be paid to their widows and orphans. In case of danger, he supposed the militia of the country were principally to be relied upon, and he thought it would not be good policy to reject a provision intended for the relief of widows and orphans of militia officers, in case they should fall in the defence of their country. He would rather the bill was rejected altogether than that partial justice should thus be done; but he hoped, if the amendment was disagreed to, and a conference took place between the two Houses, the Senate would recede from this amendment.

Mr. HARPER did not think the amendment ought to be concurred in from a fear of losing the bill, because, if the Senate persisted in their amendment, the House could afterwards determine whether they would agree to it or lose the bill.

Mr. GORDON was in favor of the amendment from the Senate. He thought there was a strong reason why relief should be given to the family of an officer in the army in preference to an officer in the militia. When a man went into the army he gave up all other business, and, of course, if he fell in his country's service, his widow and children were left destitute. It was not so with the militia.

Mr. T. CLAIBORNE thought this an extraordinary reason for agreeing to the amendment; for though militia men were not constantly in service, they were frequently called upon at a time when to leave their plantations was attended with great loss and inconvenience; and if the officers of the army were in constant employ, they also received constant and good pay.

Mr. FINDLEY wished as much as any man that widows and orphans of militia officers should be provided for, but because he could not obtain relief for them, he should not wish to deny it to other unfortunate families.

Mr. COIT said, it was his opinion, that the widows and orphans of deceased militia officers ought to be provided for, but the present bill was not the proper place of doing it, as this bill was intended only to make more complete a former law, which did not contain anything respecting militia officers. If this was a general provision, the clause in favor of militia officers might have been proper.

Mr. LYON could not concur in the amendment of the Senate. Jealousies already existed among the people that the Federal Government had a preference for a standing army, to the discouragement of the militia, and to concur in the amendment would strengthen those jealousies. The militia officers, he said, are as respectable a set of men as any in the community, and ought not to be offended. He would rather lose the bill altogether than strike out the militia officers.

The Senate's amendment was disagreed to.

HEALTH OFFICER FOR MARYLAND.

The House went into a Committee of the Whole on the bill to continue in force the law declaring the consent of Congress to the law appointing a health officer for the State of Maryland. The bill was agreed to without debate or amendment, and ordered to be read a third time tomorrow.

IMPRISONMENT FOR DEBT.

Mr. N. SMITH called for the order of the day on the report on the subject of making some alterations in the execution of the law for the relief of persons imprisoned for debt; which being agreed to, the House resolved itself into a Committee of the Whole on that subject, and the report was read as follows:

"The committee appointed to inquire into the expediency of making alterations in the act for the relief of persons imprisoned for debt, beg leave to report: That, in their opinion, the said act ought to be so amended as to extend its provisions, in express terms, to persons imprisoned in civil causes at the suit of the United States; also, that the several District Judges ought to be authorized to issue their warrants, commanding the jailers to bring the prisoners before them, at such time and place as they shall think proper to appoint, for the purpose of executing the business assigned them by the said act. And in case of prisoners confined in the cities of Philadelphia, New York, Boston, Baltimore, and Charleston, the Judges ought to be empowered to appoint two commissioners to do the business, under the said act, when it shall be inconvenient for the Judges to attend on the said business, by reason of other judicial duties, absence, sickness, or inability. Your committee are also of opinion that provision ought to be made by law, for the support of poor prisoners during their confinement, previous to taking the oath provided for them by the said act."

On motion, the report was amended by striking out Philadelphia, New York, &c., making the provision general.

Mr. LIVINGSTON observed, that he supposed this report would go further than was intended. When this business was first introduced, on the petition of William Bell, the Committee of Commerce and Manufactures reported to the House that one of two courses might be taken, either to give relief specially to the petitioner, or admit the principle now recommended. The objections they had to the latter course were strongly fortified by the letter of the Attorney General of the United States, who was strongly of opinion, that though the United States were not specially named, they were bound by this act. What then, would be the effect of the doctrine arising out of an adoption of this report? It would be, that in cases where the United States are not named, they are not bound, directly contrary to the opinion of the Attorney General. If it did not establish that opinion, it would, however, have a tendency to establish it, though this House had not at all examined the opinion. Indeed, the opinion of the Attorney General of this State was directly different. The Committee of Commerce and Manufactures thought, therefore, that it would be best that a determination should first be had in the Supreme Court, upon which the Legislature might act; but that any previous proceeding would not have the certainty which such decisions ought to have.

Mr. N. SMITH said, it was true there was a dif-

ference of opinion in respect to the Insolvent Law, as it respects debtors of the United States. The District Judge of this State is of opinion that the United States are not bound, except mentioned by name. In consequence of this opinion of the District Judge, several debtors have long been confined in jail, though it is agreed on all hands they are worth nothing. It was true, he said, the Attorney General of the United States is of a different opinion, and the District Attorney concurred with him. Mr. S. said he was himself of opinion that the United States were bound by law, whether expressly named or not; but as this difference of opinion was the means of keeping their persons in prison, he thought it best to extend the provision. Nor did he believe, that in doing this, the House would implicitly adopt the doctrine of the District Judge. This would depend upon the wording of the bill. It might be expressed in the preamble of the bill, that the law was passed to clear up doubts, &c., which would avoid such a conclusion.

The report was agreed to, and the committee was directed to report a bill accordingly.

USEFUL ARTS.

On motion of Mr. COIT, the House went into a Committee of the Whole on the bill in addition to, and alteration of, an act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose. This bill proposes to repeal the ninth and tenth sections of the present law, and to add a section inflicting a penalty on any person who shall make, use, devise, or sell anything, the exclusive right of which has been secured by patent.

Some debate took place as to the propriety of striking out the ninth and tenth sections of the present law, which provide for a reference to arbitrators, when two or more persons apply to the Secretary of the Treasury for patents for the same invention, and for redress in case of any person obtaining a patent for an invention to which he is not entitled. Mr. GORDON moved to strike out the first section. After some debate, Messrs. GORDON and SEWALL being in favor of retaining the ninth and tenth sections, and Messrs. COIT and LIVINGSTON for repealing them, the question for striking out the first section was negatived—35 to 30.

Mr. LIVINGSTON then moved an additional section allowing the legal representatives of any person, entitled to a patent, to obtain it; which was agreed to.

The committee then rose, and the House took up the amendments and agreed to them.

Mr. GORDON again moved to strike out the first section, and Mr. SEWALL called the yeas and nays upon the question; but as one-fifth of the members did not rise in favor of this motion, it was not carried.

Mr. SEWALL then stated that he had no particular wish to have the yeas and nays taken; he wished only to call the attention of members to the question.

The question for striking out the first section was then put and carried—37 to 33.

The bill was recommitted to the select committee, and two members added.

THURSDAY, March 8.

The bill to continue in force, for a limited time, an act declaring the consent of Congress to the act of Maryland appointing a health officer, was read the third time and passed.

On motion of Mr. LIVINGSTON, the House resolved itself into a Committee of the Whole on the report of the select committee on the amendments of the Senate to the bill for the relief of refugees from Canada and Nova Scotia, and the report having been agreed to, the committee rose, and the bill was re-committed to a select committee.

ENTRY OF STILLS.

Mr. DENNIS moved that the Committee of the Whole, to whom was referred the bill to alter the manner of making entries of stills, be discharged from a further consideration of the subject, and that the following resolution be referred to the Committee of Ways and Means:

"*Resolved*, That the Committee of Ways and Means be instructed to report a bill altering the time of entering stills from the month of June to the months of August and September."

Mr. D. said his reasons for making this motion were these: He found the Secretary of the Treasury had objections to the doing away the annual entry of stills, as he looked upon the regulation as essential to the security of the collection of the revenue, and to a due control over the collectors. Mr. D. found the Committee of Ways and Means had differed in opinion from the Secretary of the Treasury, and had reported a bill, which had been found to contain provisions more objectionable than the annual entry. As he believed it would be impossible to do away the annual entry, he wished to make such alterations in it, as should make it less objectionable. He believed this would be effected by altering the time of making the entry, in the manner proposed by the resolution which he had offered to the House, as in those months distillers had occasion to take out their licenses, and they could make the entry required at the same time.

Mr. MACON suggested whether it would not be more agreeable to the usual manner of proceeding, to re-commit the bill to the Committee of Ways and Means, with an instruction to report in the way proposed.

Mr. HARPER seconded the motion to commit the bill; because he was convinced that no plan for abandoning the annual entry could be adopted, without introducing regulations which would be more inconvenient than the entry itself. He thought it would be proper, therefore, to inquire whether a different period might not be adopted, which would be more convenient to distillers for making the entry; as the Secretary of the Treasury was of opinion that if a different time for every different district in the United States was fixed upon, if it should be found more accommodating to individuals, it would not be attended with any

material inconvenience in the collection of the duty.

Mr. DENNIS had no objection to this course being taken, and the bill was re-committed to the Committee of Ways and Means, with instructions generally, to report a new bill.

CITY OF WASHINGTON.

Mr. CRAIK, from the committee to whom was referred the Message of the President of the United States, enclosing the memorial of the Commissioners appointed under the act for establishing the temporary and permanent seat of Government of the United States, representing the situation of the city of Washington, and requesting Legislative assistance, reported a resolution for the adoption of the House, appropriating $200,000 for the completion of the buildings now carrying on in the city of Washington, provided that not more than one-third thereof be expended in any one year. Referred to a Committee of the Whole on Monday.

SUNDRY BILLS.

The House severally resolved itself into Committees of the Whole, on the following bills:

The act declaring the assent of Congress to an act of the State of Massachusetts, for keeping in repair a pier in Kennebunk river;

The bill limiting the time within which claims against the United States for credits on their books shall be made; and

The bill for the relief of Sylvanus Crowell.

All which bills were agreed to in Committees of the Whole, and in the House, without debate, and were ordered to be engrossed for a third reading to-morrow.

SICK AND DISABLED SEAMEN.

On motion of Mr. LIVINGSTON, the House resolved itself into a Committee of the Whole on the bill for the relief of sick and disabled seamen; when, after some conversation on the subject of the Marine Hospital, proposed to be established by this bill, as to the best manner of securing a support of it from the whole body of sailors of the United States, a proposition was adopted, enacting, "that every owner or master of a vessel arriving from a foreign port into any port of the United States, shall, before the vessel is permitted to be entered, pay —— cents per month during their voyage, for every man whom he has on board his vessel, which he shall be authorized to retain out of their wages." The committee then rose, and the bill was re-committed to the select committee, to make it conformable to this principle.

PROTECTION OF COMMERCE.

Mr. SEWALL, from the committee to whom was referred so much of the President's Speech as relates to the protection of our commerce and the defence of our country, and also the Message of the President of Monday last, reported in part as follows:

That, considering the increasing dangers which threaten the peace and security of the United States, and to which their extensive seacoast, and their domestic as well as foreign commerce, are alarmingly exposed, the necessary provisions of a maritime defence ought to receive the earnest and immediate attention of Congress; and especially, recommend a concurrence without delay in the resolutions now before the House of Representatives, reported to them on the 12th day of January last.*

The committee further report, that a considerable sum remains unexpended of the sums heretofore appropriated for fortifying the ports and harbors of the United States, as appears by the statement from the Department of War, exhibited herewith: and that, in the opinion of the committee, a further appropriation, and a more vigorous regard to this important object, has become immediately necessary.

They further report, that in the view which, on several occasions, this committee have taken of the subject of providing a naval armament, they have not failed to observe the apparently enormous expenses, and unaccountable delays, which have attended every attempt of this kind. It has appeared to them that a better economy might be introduced in this branch of the public expenditure, by establishing, in the War Department, some efficient officer who should be employed in the immediate superintendence of the naval concerns of the United States.

The Department of War, as at present established, is unsuitable to this purpose, especially considering its stationary situation, and how much it is occupied by numerous cares of a nature very different.

On these subjects, they recommend the following resolutions to be adopted, viz:

Resolved, That the sum of ———, in addition to the sum of ——— remaining unexpended of former appropriations, be appropriated to fortifying the ports and harbors of the United States.

Resolved, That there be established in the Department of War, a Commissioner of Marine, who shall have charge of the construction, equipment, and supplies of the public vessels of the United States, and all other matters relating to their naval concerns, which shall be entrusted to him, according to law.

WAR OFFICE, *Feb.* 27, 1798.

SIR: The Committee to whom was referred "so much of the President's Speech as relates to the protection of commerce and the defence of the country," desire to know the amount of the money expended since the last session of Congress on the maritime fortifications, and whether, in the opinion of the Secretary at War, any further appropriation is required for the same object. The following information and remarks, are therefore respectfully submitted:

That there remained unexpended of the preceding appropriation for maritime fortifications, on the 6th June, 1797 - - - - - $22,065 58

Appropriations of June, 23, 1797 - 115,000 00

$137,065 58

* The purport of these resolutions was as follows, viz:

The first recommends the appropriation of 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 crews 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 seacoasts, 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 some eligible situation, a foundry, to be employed in 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.

That of this sum there has been expended, viz:

At Mud Island	$23,640 87
Baltimore	188 93
Charleston	9,978 00
Portsmouth, N. H., (balance of account)	488 46
Newbern, (on account of balance)	800 00
Norfolk, (balance of account)	266 50
St. Mary's, Georgia, (do)	4,018 89
	39,381 65
Balance unexpended Feb. 27, 1797	97,683 93
	$137,065 58

The committee will perceive that the principal sum expended since the last session has been upon Fort Mifflin, in the State of Pennsylvania. This fortress, from several considerations, seemed entitled to particular attention. The ground on which it stands, and necessary to it, has been ceded to the United States. The works, as far as they have been erected, were composed of good materials, and put together in such a manner as to promise long duration and utility. An experiment had likewise shown where the works were most vulnerable, and that this fortress may be rendered competent with certain auxiliary works, to afford essential protection to an important commercial city, against the operations of a powerful naval armament. It has therefore been deemed proper, under the trust committed to me by the President, to contemplate completing this fortress as expeditiously as possible.

The Secretary has suggested, on a former reference, that to derive real advantage from any considerable expenditure of money for completing the seaboard fortresses, the military establishment should be such, as to admit of their being occupied by garrisons equal to keeping them in a tenable situation, and to the preservation of their stores and artillery. It is certain, that this cannot be done by militia, unless when called into actual service, and that no part of the regular force employed on the western frontiers can be transferred from thence for such purposes, without endangering the peace of the Union, and opening the way, in that quarter, to the immediate execution of projects and enterprises, contrary to law and treaties, and subversive of all order and government. It is but too evident also that the course of things and circumstances, peculiar to the frontiers, shuts out any well founded expectation, that we have approached near to the time when the military force may be safely diminished or withdrawn.

Independent, therefore, of considerations resulting from our present situation, with respect to foreign nations, it would appear necessary and proper, that the seaboard fortifications should be generally improved, and this defence of our country rendered respectable, and also that the Army should be proportionably augmented. A regard to ultimate economy will require, that such of the fortifications as may be always important to the general defence, should be constructed, like Fort Mifflin, of the most durable materials.

It may be proper to mention, that, besides the want of men to garrison these forts, there is another difficulty which it is desirable should be removed. But few of the States have made cessions of land, on which forts have been or ought to be erected for the protection of their harbors, a circumstance calculated to impede such undertakings, and embarrass the intentions of Government to provide for their defence. Neither is it known to the Secretary that any of the States which were found indebted to the United States, on a settlement of the accounts between them and the respective States, have thought of availing themselves of the 3d section of the "act to provide for the further defence of the ports and harbors of the United States," passed the 23d June, 1797.*

The committee will perceive, that many good causes have prevented a greater expenditure of the appropriations, and that while these continue to exist, they must interrupt the completion of our maritime defence by fortifications. With respect to the last inquiry of the committee, a full consideration of all circumstances, induces the Secretary to an opinion that a further appropriation should be made, to be in readiness, and commensurate to meet such a state of things, as may require our ports and harbors to be promptly and completely fortified, whether proper sites be ceded or not by the States more immediately concerned. With great respect, I am, sir, your most obedient servant,

JAMES M'HENRY.

SAML. SEWALL, Esq. Chairman
of the Committee, &c.

The report having been read, a motion was made to refer it to the same Committee of the Whole to whom has been referred a former report on this subject.

Mr. HARPER believed it would be most proper to refer all these subjects to the Committee of the Whole on the state of the Union, as this was a committee which had always a preference to all others. He therefore moved to discharge the Committee of the Whole who had heretofore had this business under consideration, in order to refer the whole to a Committee of the Whole on the state of the Union.

Agreed to, and referred accordingly.

FRIDAY, March 9.

A message was received from the Senate informing the House that they had receded from their amendment to the bill providing relief for the widows and orphans of certain deceased officers. This was a proposition to strike out "militia officers;" which being receded from, relief will now be granted to the widows and orphans of militia officers.

The following bills were read the third time, and passed, viz:

The bill declaring the assent of Congress to an act of the Commonwealth of Massachusetts;

The bill limiting the time within which claims against the United States for credits on the books of the Treasury shall be presented for allowance; which was fixed for the 1st of March, 1799; and

The bill for the relief of Sylvanus Crowell.

Mr. GILLESPIE proposed a resolution for in-

* "*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, on a settlement of the 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 and places on which such fortifications shall be so erected, in cases where the lands are the property of such States."

structing the Committee of Commerce and Manufactures to inquire into the expediency of passing a law declaring the assent of Congress to the appointment of a health officer at Wilmington, in North Carolina, and to report by bill or otherwise; which was agreed to.

Another message was received from the Senate informing the House that they insisted upon their amendment, which had been disagreed to by this House, to the bill for the relief of refugees from Canada and Nova Scotia.

HENRY HILL.

On motion of Mr. HARPER the House resolved itself into a Committee of the Whole on the report of the Committee of Claims on the petition of Henry Hill, and the several reports thereon; when the following resolution came under consideration:

"*Resolved*, That the accounting officers of the Treasury cause the sum of $9,768 81 cents, charged to the contract account of John Banks, on the 31st day of December, 1783, to be credited to the said John Banks; and that the sum so credited be charged to the accounts of such other person as in their opinion shall be justly chargeable therewith; and that they charge the said contract account with all such sums as have been paid by the United States, to indemnify the estate of General Greene for debts by him paid or secured to be paid of the said John Banks, or of John Banks and Company."

The question was divided, and the sense of the committee was taken upon the first part, ending with the words "chargeable therewith," and carried without a division.

After a long debate on the subject, in which the claim of Henry Hill was advocated by Messrs. HARPER and OTIS, and opposed by Messrs. COIT, DANA, NICHOLAS, VENABLE, J. WILLIAMS, and SPRAGUE, the latter part of the resolution was agreed to, there being 64 members in favor of it.

MONDAY, March 12.

Mr. BALDWIN, from the committee to whom was referred the bill from the Senate, providing for the amicable settlement of the limits of Georgia, reported the bill without amendment. It was committed to a Committee of the Whole for to-morrow.

Mr. CHAMPLIN presented a petition from the inhabitants of Warren in Rhode Island, praying that the Warren river may be staked out at the expense of the United States. Referred to the Committee of Commerce and Manufactures, with power to report by bill or otherwise.

HOLDERS OF BILLS OF CREDIT.

On motion of Mr. D. FOSTER, the House resolved itself into a Committee of the Whole on the report of the Committee of Claims, to whom was referred the memorials and petitions of Joseph Ball, and others, holders of bills of credit, emitted in pursuance of a resolution of Congress of the 18th of March, 1780. The report was read as follows:

That a statement of the case of the holders of bills of this description is contained in a report of the accounting officers of the Treasury, made on the 24th day of December, 1795, in pursuance of an act entitled "An act relative to claims against the United States not barred by any act of limitation and which have not been already adjusted," in the words following, to wit:

"Class 8. The claims of this last are founded on bills of credit, commonly called bills of the new emission, issued on the funds of individual States, pursuant to an act of Congress of the 18th of March, 1780. The following clause of the said act shows in what event the United States were to become answerable for the payment of these bills, 'that the said new bills issue on the funds of individual States for that purpose established, and be signed by persons appointed by them, and that the faith of the United States be also pledged for the payment of the said bills in case any State on whose funds they shall be emitted, should, by the events of war, be rendered incapable of redeeming them.'

"The interest accruing on them was to have been paid by the United States annually if called for, in bills of exchange on Europe, and the amount charged to the States respectively. It does not appear, however, that any such payments were made.

"It is understood that the several States concerned have passed laws for the redemption of their respective portions of this money, and it is presumable that the far greater part thereof has been redeemed accordingly. The bills for which payment is now claimed are chiefly of those issued by the States of New Hampshire, Massachusetts, and Rhode Island.

"This species of paper has never been considered as forming any part of the debt of the United States."

In the various arrangements which have been made since the establishment of the present Government, relative to the debt of the United States, no provision has ever been made for these bills; they appear from the face of them to be evidences of debt against the States individually who had issued them, and could not be provided for by the United States, without raising a charge against those States; and it was reasonably to be presumed that the States concerned would make such provision as the justice and equity of the case required.

The Secretary of the Treasury in his report of the 16th of January, 1795, recommended that such of these bills as had been exhibited at the Treasury, in pursuance of the act, entitled "An act relative to claims against the United States, not barred by an act of limitation, and which had not been already adjusted," amounting to the sum of $90,574, should be provided for by taking the principal sum of them, without interest, on loan at five per centum, payable quarter-yearly, redeemable at the pleasure of the United States, and payable in thirty years, he remarks:

"That the resolutions of Congress and the endorsement upon those bills engage the absolute promise of the United States for the payment of the interest, indefinitely, and their eventual guarantee of the principal, in case any State on whose funds the bills should be emitted should, by the events of war, be rendered incapable to redeem them; which is in effect, though not in form, an absolute guarantee of the principal; for the United States are bound to pay the interest, perpetually, till that is discharged.

"Good faith demands that the United States should supply the omissions of the States which issued the bills,

by providing themselves at least for the interest upon them; but it is not as easy to pronounce on what terms they ought to be provided for.

"On their face, and according to the unrevoked resolutions of Congress, they are of specie value equal to their nominal amount, bearing five per cent. interest.

"But it is known that they were issued by different States, at different inferior values, fixed by previous laws.

"The true nature of the contract, therefore, and the true equity of the case, are, from these circumstances, involved in some question."

The proposition of the Secretary on this subject was not adopted by Congress.

It is a notorious fact that these bills sunk in the same vortex of depreciation with the old Continental bills; and while they continued to circulate, were generally in the ratio of forty of the old for one of the new.

This unfortunate depreciation, which operated upon all the paper money, notes, and certificates, issued during the war, necessitated the United States to adopt principles relative to them which cannot apply in cases of ordinary contract. The States, individually, have assumed similar principles, and, in making provision for the bills in question, in some instances, have considered them as a depreciated currency.

The committee are informed that all the States who issued bills of this description, have already made provision for their redemption, either at their nominal amount, or at a certain ratio of depreciation, except the State of Rhode Island; and they think it fairly to be presumed that the States have made as liberal a provision as the nature of the case demanded.

The United States have once made allowances to the several States, in settlement of their accounts for the supplies for which those bills were issued. Should they make any further provision, they must consider the several States indebted to them for the amount of such provisions.

From an attentive consideration of all the circumstances of this case, (which the committee have endeavored fully to examine and present to the view of the House,) they are of opinion that it will not be expedient for Congress to make any provision for the payment of said bills. They therefore recommend that the petitioners, respectively, have leave to withdraw their petitions.

The report was advocated by Messrs. COIT, MACON, NICHOLAS, GORDON, and GALLATIN; and was opposed by Messrs. D. FOSTER, SEWALL, LIVINGSTON, OTIS, J. WILLIAMS, and DAYTON.

The latter gentleman thought the report of the committee was incomplete, as it did not appear sufficiently to have distinguished between the principal and the interest of these bills. He agreed with the committee with respect to the principal, but was of opinion the United States were bound to pay the interest, and that, as the States which had neglected to make due provision for these bills were creditor States with the United States, any sum which Congress should agree to pay might be justly set off against what was due to them. He hoped, therefore, the report would be recommitted, and a distinction made between the principal and interest.

After some conversation on this subject, in which it was stated that there would be no end gained by a recommittal, and if the report was not sufficiently explicit, it might be made so, the question on agreeing to the report was put and carried—there being 62 votes for it.

The committee then rose, and the House took up the report; which, after being amended by adding, after the word "bills," *or any interest thereon*, it was agreed to—there being 52 votes in its favor.

COMMERCE AND NAVIGATION.

Mr. LIVINGSTON said, he was instructed by the Committee of Commerce and Manufactures to ask for the appointment of a member upon that committee in the place of Mr. SWANWICK, whose ill state of health did not permit him to attend the House. Agreed to; and Mr. OTIS was appointed.

Mr. L. added, that he wished to ask an explanation of the House respecting an important subject. Two acts of the British Parliament had been referred, generally, to the Committee of Commerce and Manufactures, and there had been some doubts in the committee as to the proper course to be taken. Some members thought the object of the reference must have been for them to state facts relative to their operation, or to report what measures may be necessary to be taken in consequence of their operation, which would seriously affect the commerce and navigation of the United States. In order to determine this point, he proposed the following resolution for the adoption of the House:

"*Resolved*, That the Committee of Commerce and Manufactures be instructed to examine the two acts of the British Parliament referred to them, and report the operation thereof on the commerce and navigation of the United States."

On motion of Mr. OTIS, it was ordered to lie on the table.

TUESDAY, March 13.

Mr. LIVINGSTON observed, that the Senate having insisted on their amendments to the bill affording relief to the refugees from Canada and Nova Scotia, he wished a committee of conference to be appointed to confer with the Senate.

The SPEAKER said, it was first necessary for the House to determine that they would not recede from their disagreement to their amendments.

The sense of the House was accordingly taken, and having determined to insist on their disagreement, a committee of conference was appointed; to which the Senate subsequently announced their agreement.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, enclosing a report on the petition of the Portland Marine Society, who pray for certain buoys to be placed in Portland harbor. The report is favorable, recommending the placing of six buoys in the said harbor, the expense of which is estimated at $400. The report was referred to the Committee of Commerce and Manufactures, with instructions to report by bill or otherwise.

RELATIONS WITH FRANCE.

Mr. SEWALL wished the House to go into a Committee of the Whole on the state of the Union,

in order to take into consideration the resolutions which had been referred thereto.

Mr. NICHOLAS hoped the House would not go into a Committee of the Whole on the state of the Union to-day, as they had some reason to expect further information from the President of the United States, with respect to our dispute with France. The letter communicated from our Commissioners refers to other letters. It says, "we see no better prospect of our being received than when we wrote last." He wished to have the information to which this letter refers; since, if it was true that all negotiation was at an end with the French Government, it was proper the information should be laid before the Legislature. He hoped, therefore, the House would wait for a day or two to see whether or not further information would be sent to the House on this subject.

Mr. SEWALL said, that the House were already informed, that, in the opinion of the Commissioners, all prospect of negotiation with the French Government had ceased; but, as further communications on the subject might be expected, the select committee did not wish the House at present to go into any new measures, but merely to go into a consideration of the resolutions reported in January last, which might be done without any further information from the President. He supposed the information which had been sent to the House was intended to hasten their proceedings in taking measures for the protection of our commerce and the defence of the country; and if no information at all had been received from France, he supposed the House would have thought it necessary to have gone into the defensive measures proposed, though they might, in that case, have driven it till towards the close of the session.

Mr. HARPER said, if he could be of opinion that all the members of this House were satisfied as to the necessity of going at present into the measures proposed, he should be ready to go into a Committee of the Whole on the state of the Union. He himself thought there was information sufficient in the communication which had been received to authorize the House in immediately acting upon the business; but as he doubted whether other gentlemen were of this opinion, and as more might be expected, he wished to wait for it, as it might produce greater unanimity as to the necessity of the measures which it might be thought proper to take.

Mr. DANA said, though the Commissioners had written a folio before, the letter which had been laid before the House was the result of the whole, as they tell the President they have abandoned all hope of an accommodation. And he thought we were brought to that situation in which we must say whether we will take any means for the preservation of our rights and liberties, or submit to the depredations and insults committed upon us by a foreign Power.

Mr. J. WILLIAMS hoped the House would wait for the further information which might be expected from the President, as it was desirable that when the House went into this subject, they should do so with as much unanimity as possible.

Mr. NICHOLAS justified what he had before observed with respect to the letter of our Commissioners, which, he said, contained no facts, but referred to their former communications, and again urged the impropriety of going into the business at present.

Mr. RUTLEDGE could not agree with the gentleman from Virginia that the letter of our Commissioners contained no facts. He thought it contained a most important, a very mournful fact. It stated that the representatives of this country had been four months in Paris soliciting for an audience, and could not have it. What, he asked, had the House to do with the previous information? The result was known, viz: that our Commissioners would not be received, and that was sufficient. Besides, what gentlemen were now called upon to do was no more than was intended to have been done some time ago, but was postponed for the purpose of obtaining some information as to the expenditures which had already taken place with respect to the frigates. Whether any further information was received on the subject of our dispute with France or not, gentlemen would certainly think it necessary to equip and man the frigates, and to have some vessels for the protection of our coasts. Why then should not the business be in a state of progression? For though the President had said he would make a further communication on this subject, he might not think it wise to do so at present. Besides, it is well known that continual depredations are committed upon our vessels on our coasts, and the Governor of South Carolina had lately informed the Executive that a vessel had been destroyed by a pirate in the harbor of Charleston. If the House were not unanimous in taking measures of defence, when such was the state of things, he feared they never would be unanimous on measures of this kind. The eyes of the American people were placed upon Congress, and impatiently waiting to see what measures would be taken by them. Post after post was expected to gratify this anxiety; and should it now be said that Congress was waiting for further information before they would agree to go into a Committee of the Whole on the subject of defensive measures? Something more, he thought, was necessary, and something more was expected from them by the public.

Mr. HARTLEY said, the House might safely go into a Committee of the Whole on the state of the Union. A resolution for equipping the frigates was the first in order, and he supposed there would be no objection to taking up that subject. The purchasing of vessels would be another consideration. He believed the people were much surprised at the delay which had taken place in this business. When we had a dispute with Great Britain, he said, an Envoy Extraordinary was sent to that country, and our differences were accommodated; but the French refuse to receive our Commissioners, which is a proof that they must despise this country, and he feared it would

be necessary to take very strong measures before Congress rose. At present, he supposed, there would be no objection to the taking of measures for the protection of our coast.

Mr. OTIS.—If he was disposed on any occasion to examine the motives of gentlemen, he should say that it appeared to him they were desirous of inventing apologies for prolonging the state of degradation to which the country was reduced. This seemed to be the tendency of their objections. It had always occurred to him that it would have been wise and politic to have considered what our situation required, without a particular reference to any foreign country, and to have adopted such measures for our defence as necessity, and a respect for our national honor, required, without appearing to point them against any one nation. He was still of the same opinion. Certain defensive measures may be agreed upon, without forcing into view our situation with respect to any other nation, and without any occasion to assume a hostile appearance. Considering the subject in this light, what are the resolutions proposed to be considered? A proposition for finishing the frigates, an appropriation of a sum of money for a foundry, (of which no commercial nation ought to be destitute,) and another for improving our fortifications. Two of these measures, he said, had long since been sanctioned by the House, and they were all necessary for the protection of our commerce, which was now in danger of being utterly destroyed. The city of Philadelphia alone, within the last sixty days, had lost half a million of dollars. The measures now proposed were merely defensive, and had already undergone discussion; but little difference of opinion could exist upon the propriety of principles which had been settled and agreed upon. It would be time enough to expatiate upon the subject of our Commissioners to France when new measures shall be brought forward, originating in the failure of their mission. As to the wishes of his friends from South Carolina and New York, for unanimity, he confessed he did not contemplate any great unanimity with respect to all the measures that would be necessary to be pursued in the present crisis. He believed it would be incumbent on those who considered the nation as placed in a dangerous situation to advocate such measures as shall appear to them necessary, whatever might be the conduct or sentiments of others; and however sincerely he might wish for the event, he saw nothing which encouraged him to expect unanimity in their determinations. He believed, therefore, gentlemen must dispense with this advantage, and do what was requisite for our national defence and honor—they must do their duty and leave the event to Providence.

Mr. PINCKNEY could not agree with the gentleman who had just sat down, in throwing any imputation upon gentlemen who wished to protract the consideration of the business proposed.

Mr. OTIS explained by saying that he had expressly stated that *if on any occasion* he thought it justifiable to investigate the motives of gentlemen, he should be inclined to do it at present.

Mr. P. could have wished that he had omitted that part of his observations which might bear that construction. Allusions of this kind were best kept out of sight. He believed all had the same views. All, he believed, wished to avoid war. He was sure this was the desire of both sides of the House. Unfortunately they differed in the means best to be pursued for preserving peace. Some gentlemen think it is wisest to be prepared for the worst. He was of the latter opinion; but he believed that the motives of gentlemen who differed from him in opinion were equally pure with his own. Perfect unanimity as to the means to be pursued, could scarcely be expected; but, he believed there was perfect unanimity both in that House, and throughout the country, in a wish to avoid war. With respect to the question before the House, it did not go to the point which gentlemen apprehended. It went only to the providing of the means of protection at home; and the reason why this subject was now brought forward, he believed, was owing to the unusual unanimity which had appeared in the select committee as to the propriety of the measure. The consideration of any other measures which might be necessary in consequence of our dispute with France, such as arming our merchantmen, an embargo, or convoys, would be postponed until it was seen whether any farther information would be received from the President. Mr. P. said, it appeared to the committee that there was, at least, a probability that this country might be involved in war; and they thought we ought not to exhibit the extraordinary spectacle of remaining, notwithstanding this apprehension, in a state of unpreparedness. Under this idea, Mr. P. thought there was no necessity for postponing the measure, and hoped gentlemen would, therefore, see the propriety of going into a Committee of the Whole at present. If there was a difference of opinion as to the propriety of entering upon any particular subject, it might be postponed; but he supposed there would be certain measures upon which there would be a pretty general agreement.

Mr. GILES did not suppose a few days delay would make any difference in the present business. So far as self-defence would go, he was as ready to act as any member in the House; but there were different ideas of self-defence. It was his idea that it could not be carried beyond our coast—where, however, he did not expect any assault. But defence there was always proper. It had been said that there was little probability that any unanimity could take place as to the measures necessary to be taken. He asked the gentleman from Massachusetts (Mr. OTIS) whether his hypothetical way of treating the subject, and those who differed from him in opinion, was calculated to produce unanimity? Mr. G. said he differed in opinion from the gentleman from South Carolina, (Mr. PINCKNEY). He did not believe that all the members of that House were in favor of peace. He believed some of them were in favor of war. He had formed this opinion from a variety of declarations which he

had heard in that House, and from the variety of measures which had been proposed. No gentleman could satisfy his mind that he was in favor of peace, when he took arms in his hands to go to war. He believed that there was not only a part of this House, but a part of Government, determined on war. He was himself for peace; and gentlemen might ascribe to him what motives they pleased. On the other hand, those in favor of war, at all events, would take the responsibility of that measure. If, then, there was a *war motive*, and a *peace motive*, it was vain to expect unanimity. He had some reason for objecting to this measure under this view. He considered the present propositions as intended to afford a defence beyond the limits of the United States, as a part of that system which had a direct tendency to involve us in war. It was said this was only the commencement of a system, and it was this system which gave him most alarm.

But it was said, there is great impatience in the public to know what Congress intend to do. If this is the case, this impatience, he said, ought not to be indulged. He did not wish to be hurried into measures by any such suggestion. He believed if there is an impatience in the public, it is in favor of peace, and produced by the fears of war.

Mr. G. asked whether the House had all the necessary information before them. The gentleman from South Carolina (Mr. RUTLEDGE) informed the House that our Commissioners had not had an audience. He did not know the technical meaning of the word *audience*. He supposed they had addressed themselves to the Minister of Foreign Affairs; but, perhaps, after some objections as to their power, they may not have been received. The gentleman says the letter of our Commissioners exhibits a lamentable fact. This is true; but is it not necessary to know what led to it? Ought not the House to be in possession of a history of the proceedings? It surely ought. Suppose those Commissioners were not possessed of proper powers, could it be expected they would be received? When the House knew the ground upon which our Ministers had been refused, they would be able to speak upon the subject.

He would mention another circumstance, in which he, for once, coincided in opinion with the gentleman from Massachusetts, viz: that the House ought to take up the subject without reference to any foreign Power, and merely as it respects our commerce. But had they, he asked, all the information which they could wish on this subject? He believed not. There were two acts of the British Parliament which were more alarming even than the decree of the French Directory. The French had made an attack upon our neutral rights; that was, however, temporary, but the other was fixed. And the real injustice to be apprehended was infinitely greater from the British statutes, than from the decree of the Directory.

And before he sat down, he would remark, that though those acts passed in July last, and it might be presumed that our Minister would not be dilatory in transmitting them, so that they must have been received in August or September, yet they were not till lately laid before the House, and that after a proposition was brought forward to call for them. They have since been referred to the Committee of Commerce and Manufactures, and they will not report, and the chairman has laid a resolution upon the table for the purpose of producing a report.

Mr. HARPER said, it was not unusual for the gentleman from Virginia to display his ignorance of facts. If it was, it would appear wonderful that he should be ignorant that these acts had long since been before the public in the newspapers.

Mr. GILES did not suppose that the gentleman from South Carolina would get much from his *polite* method of expressing himself. He knew it was usual for him to suppose he had a monopoly of knowledge; but he did not suppose his telling an enlightened assembly this, could produce any effect in his favor. He could only say he had not seen these acts in any newspaper, though he was in the habit of seeing a great number of papers. He should be glad to see them there; and he should have sent them for publication, only that he waited for the committee's report upon them.

Mr. G. concluded by saying, he disdained what might be said by any one as to his motives; for they must possess more ingenuity than he to discover any interest which he could have separate from the interest of the country, especially as it related to the landed interest of the country.

Mr. S. SMITH said, he understood it was the wish of the chairman of the Committee for the Protection of Commerce and the Defence of the Country, to call up the resolution for completing and equipping the frigates, and that for the fortifications, and not the one for the purchase of additional vessels.

Mr. SEWALL said, he should not insist upon any other, if it should not meet with the wishes of the committee.

Mr. S. SMITH was in favor of going into a Committee of the Whole on the frigates and the fortifications. He supposed the chairman of the committee would be able to give the necessary information with respect to the frigates; but with respect to the other matters referred to the same committee, he did not think the House had sufficient information upon which to act. As to the two acts of the British Parliament which had been mentioned, he believed they would be more injurious to the commerce and navigation of the United States than the *arrête* of the French Directory; though, perhaps, some means might be taken to get clear of them. He thought it proper that this subject should be before the Committee of the Whole on the state of the Union. As to the publication of these acts, he himself had seen one of them published so long ago as last August. Immediately upon his coming to Congress, he proposed to have called for them. He

made a verbal call, and they were promised, but they were not received till five or six weeks afterwards, in the way which had been stated.

Mr. Champlin said, there was no difference of opinion in the Committee of Commerce and Manufactures as to these acts being in strict conformity to the treaty; the only difference was with respect to reporting a remedy to the evils arising from them.

The Speaker complained that gentlemen did not confine themselves to the question. What was the opinion of the Committee of Commerce and Manufactures, with respect to the British acts, had nothing to do with the present question.

Mr. J. Parker thought the House ought to go into a Committee of the Whole on the state of the Union, in order to take up the resolution with respect to the frigates. In the present critical state of our country, he thought it was necessary they should be finished, in order to defend our commerce against the pirates of one nation as well as those of another; for he wished to oppose the unjust attacks of all. Officers, he said, were appointed for the frigates, and they were in a state of readiness. The one at Baltimore is ready to bend her sails, and might be got into the ocean in four or five weeks. He hoped, therefore, the House would go into this business; though the other subjects, he thought, would be best deferred until the House had further information.

Mr. Harper had not the least objection to going into a Committee of the Whole, for the purpose of voting a sum of money for completing and equipping the frigates. It was to any new measures which might be necessary with respect to a foreign nation that he alluded; and, though he felt prepared to go into any of the measures proposed, and much stronger ones, yet he saw there were gentlemen who wished to have farther information before they acted. And when they had the history of the business before them, they would, probably, be convinced of the propriety of joining to carry into effect the measures proposed. If a few votes could be gained by this delay, he was desirous of obtaining them, and he believed the House would arrive at the end of the business as soon as if they were now to go into it.

Mr. H. justified the Executive against the charge of delay in not communicating the British acts, and said they were well known to the merchants of the country, as their correspondents in England took care to give them every interesting information.

With respect to the question of war or peace, he would state his opinion. The gentleman from Virginia had said that he did not believe his colleague, when he said he was in favor of peace. As to himself, he had several times acknowledged that, if gentlemen meant by peace that we should submit to the insults of a foreign Power, he was not for peace; though he wished to preserve it, and would do all he could to preserve it, if we could obtain redress for our grievances. But if nothing was left to us, but either to submit or go to war, he certainly would be for going to war. He believed that this was the sentiment of the American people, which would be re-echoed from all parts of the Union. He believed that state of things was arrived when this country must either submit or resist. He was willing, however, that a delay should take place for the communication which might be expected from the President.

Mr. Livingston said, until this moment, he had determined to give his vote in favor of going into a Committee on the state of the Union, for the purpose of voting a sum to equip and man the frigates, believing that that measure would have no relation to any foreign nation; but when he heard gentlemen say they were prepared for *war*, and that the period *was arrived* for it, he dreaded to put arms in their hands, lest they should be made ill use of. If, from a knowledge of the late despatches, the gentleman last up is convinced that all negotiation will be ineffectual, [Mr. Harper said he had no other knowledge than other gentlemen on this subject,] and that a declaration of war must take place; with such impressions, he wished to keep back arms. For, since these sentiments were avowed on this floor, how did he know but the Executive might concur in the opinion?

[The Speaker said, it was not in order to allude to the opinion of the Executive.]

He believed if these means of offence or defence were put in the hands of the Executive, that, provided he concurred in opinion with these gentlemen, they would be employed in bringing the country into a war, as they think the only means of preserving the honor and safety of the nation lies in war. Knowing this, and willing for peace, would it not be insanity to put arms into their hands? He believed it would, and he could not in his conscience do it.

Mr. Otis was ready to declare his opinion, that, in the present situation of this country, this House ought daily to resolve itself into a Committee of the Whole on the state of the Union, whether they were likely to adopt any particular resolution, or not. Surrounded as we are by danger, agitated by alarm, insulted abroad, and divided at home, the House ought constantly to show to the people that the anxious cares with which they are at this time oppressed rest also upon the minds of the members of that House, and that they are desirous of inquiring with constant solicitude whether they could, or could not, do anything to serve their country. Yet, notwithstanding this perilous, unprovided state of the nation, he was sorry to find gentlemen studious to avoid all measures upon which the peace, the liberty, and the happiness of the country depend.

With respect to the gentleman from Virginia: To those who recollected the asperity with which he generally chose to express his opinions; to those who remembered the temper which he discovered the last session, it would not be a subject of surprise that he should have discharged for the first time those "phials of wrath," which he has been engaged in filling from that time to the present, in a bold, ungraceful, and, in his opinion, disgraceful assertion, that not only gentlemen in that House, but the Executive of the United

States, were desirous of war. The attack was unkind, cruel, and outrageous.

The gentleman had proceeded to remark that he generally differed from him in opinion. Mr. O. said that to proclaim this fact was to do him honor; and that, in the same proportion that his political sentiments approached to those of that gentleman, they would approximate a vortex of prejudices and errors, and recede from those which he had been taught to consider most nearly connected with the happiness of his country; and that whatever personal respect they might entertain for each other, he hoped they should continue to differ upon political topics.

The gentleman had blamed him for imputing sentiments to him which he afterwards acknowledged. They were, that gentlemen were anxious to find motives of delay against providing the means of protecting our commerce. This he had avowed, by saying he was in favor of defending the country by land, but not by sea. But, said Mr. O., we can defend ourselves by sea; and the people of America will defend themselves by sea, as well as by land; and when declarations are made which are calculated to palsy the efforts of the people, they ought to be repelled. And, if that gentleman, or some others, were determined not to take measures for the defence of our commerce, he hoped there would be found a large majority in that House who would do it. He would himself sooner lose his right hand than it should not be done; indeed, if gentlemen should decide that commerce should not be protected, the country would not long be worth the pains of defence; it would become disunited, and there would be an end of its propriety.

If the gentleman from Virginia wished him to declare whom he thought in favor of war, and whose measures led to it, he would say it was those who constantly impeached the Executive authority—who uttered sentiments which had a tendency to dispirit the people, and lead them to believe they could not be defended, and that commerce was not worthy of protection. These measures, he said, led to war—not to foreign war—but to civil war; a war of friend against friend, and State against State.

Mr. O. thought it extremely improper, at this time, to introduce anything relative to the future operation of the two acts of the British Parliament, which were referred to a different committee, and of course would come under a separate consideration. What was the object of this allusion? It was intended to show that we had as much cause of complaint against one country as against another, and that therefore we ought to sit patiently down under the outrages of all; that we should tamely suffer ourselves to be divided and parcelled out, and become the humble slaves of a foreign Power. Before this would be suffered, he trusted the spirit of the people of America, which had heretofore been displayed, would be called out in defence of their injured country.

In regard to what had fallen from the gentleman from New York, (Mr. LIVINGSTON,) Mr. O. had a respect for his private character, and hoped he would see the impropriety of changing his mind, even admitting that one gentleman had said the crisis had arrived when it would be necessary to submit or go to war. This opinion could be no reason for voting against his former opinion. Indeed, he believed his friend from South Carolina was misrepresented. He understood the sentiment to be that which every American ought to repeat, "that when the crisis arrived, rather than sacrifice the liberty and independence of this country, we ought to go to war." He hoped, therefore, the House would go into a Committee of the Whole without delay.

Mr. GILES said the gentleman last up had said some things in relation to him which he found it necessary to notice, and for which he did expect he would have been called to order. He had charged him with using disgraceful expressions. This was a charge which neither that gentleman nor any other dare make in any other place. [A loud call to order.]

The SPEAKER declared it in vain that he endeavored to confine gentlemen to order Almost every member who had spoken had transgressed in this respect.

Mr. DANA observed, that the gentleman from Virginia had objected to going into a Committee of the Whole because the two acts of the British Parliament were not before that committee, and referred to what had taken place in another committee. [The SPEAKER observed that everything which had been said in relation to these acts, with respect to the opinion of another committee, was out of order.] Mr. D. added that he had seen these acts published before he came to Congress this session, and he thought it extraordinary that any gentleman should wait for the opinion of a committee upon a subject before he formed his own. Mr. D. said the question was not whether the House would adopt any of the resolutions, but whether they would agree to discuss them.

Mr. KITTERA said, the House had already spent half the day in debating whether they would go into a Committee of the Whole, and he hoped further time would not be spent on the subject. He thought the best way of avoiding war was to be prepared for it. He wished, therefore, to enter upon the business and proceed with it.

Mr. GALLATIN did not believe too much time could be spent upon this subject, if it was thought to lead to war measures. The variety of subjects which had been referred to this Committee of the Whole, had given rise to a number of observations on these different matters. The Chairman of the Committee for the Protection of Commerce and the Defence of the Country had declared that, out of these subjects, he only meant to call up what related to equipping the frigates, to the establishment of a foundry, and to the purchase of a number of vessels in aid of the frigates.

Exclusively of these, there were other subjects referred to the same Committee of the Whole; one of them relates to our fortifications, another to the establishment of a Commissioner of Marine, and another to the arming of merchant vessels. He considered some of these subjects as uncon-

nected with our relations to any foreign nation, so far as relates to any change which may have taken place since the last session; but with respect to any proposition which was rejected at the last session, or any new proposition which may have been produced on the ground of a change of our situation, he was not ready at present to act upon it. And it would be recollected that not only the arming of merchant vessels, but the proposition for the purchase of vessels, was rejected at the last session.

Mr. G. agreed that a change in our situation had, in a certain degree, taken place since the last session; he agreed this change was of importance; it consisted in the intelligence received from our Envoys Extraordinary that they had not been officially received by the Government of France, though they had remained in that country about three months. The question was, whether that intimation in itself is sufficient to induce Congress to adopt new measures, or to take up such as were rejected at the last session. To him there was not sufficient reason for this purpose, because he expected further information upon the subject; and unless the House knew, not only that our Ministers had not been received, but why they had not been received, whether it was from the want of powers, or any other circumstance not known to us, it was difficult to say what measures ought to be taken.

Another reason was, that though our Ministers themselves inform the Executive that they have not been received, nor have any hopes of it, or that the objects of their mission will be accomplished, they still remain in Paris; and so long as they remain there, however feeble the hope, they have some hope of being received; or they would leave the place, as it must be unpleasant to them to sacrifice their feelings by remaining there any longer than the occasion requires. So long as we had not information that they had left the country he did not think any new measures ought to be gone into, or measures which, in their tendency, must lead to war. When he said this, he did not mean to say anything against taking measures of self-defence. We ought to take every measure of this kind; but, unfortunately, however easy this was to be done on land, it could not be carried to sea without danger of war. Such is the nature of self-defence at sea that if it be carried out of our own jurisdiction it is intimately connected with offensive operations.

Thus, with respect to the arming of merchantmen, by putting arms into the hands of individuals, it might lead to war, while it was intended only for self-defence against attack. Indeed, such is the law of nations with respect to the searching of vessels, that it is difficult to distinguish between lawful and unlawful searches. Other gentlemen, who believe it possible to guard against this danger, and who wish for a defence at sea, not only wish the measure now to be adopted, but they wished it at a former session. The same reason, however, which led the House to reject this measure heretofore would lead them to oppose taking it up at this time.

It remained to be considered whether it would be proper to go into a committee on those measures which were agreed to at the last session, but which now required further appropriations. There were two such measures, namely, the frigates and fortifications. With respect to the fortifications, he was always willing to appropriate as much as was necessary for this object. No difference ever took place on this subject, except as to the amount to be appropriated. He should, therefore, have no objection to this measure; but it was not necessary to be gone into at present; it will do to be considered at any time during this session, as there remains a balance of $90,000 unexpended of the last appropriation.

The only measure which seems necessary to be gone into at present is the frigates. The objection made to this measure had been that the Executive might employ the frigates in an improper manner. This apprehension he supposed to be grounded upon the first section of the act of last session, which gives the President the right of employing them without restriction. If it was their opinion that the President would employ the frigates in a manner dangerous to the peace of the country, it would be a good argument against appropriating the money; and it would be within the recollection of members that the sense of the House had been twice taken in favor of restricting the use of the frigates; but, through fear of losing the bill, the point was given up. Though, however, he was at that time against the President's having the discretion to use the frigates as he pleased, he was not now afraid of their being employed improperly. He had always opposed the building of the frigates in every stage, because he thought the expense attending them would be greater than the advantage to be derived from them, but he did not wish now to oppose the motion for going into a committee on this subject.

With respect to the question of war, Mr. G. did not believe any gentleman could wish for it as an abstract good. He believed every one thought it an evil; but he believed there were gentlemen in the House who would be willing to go to war for causes which others did not think justifiable. He did not know, indeed, but when they come to go into the subject that they might all agree; but he believed this was the distinction to be drawn between the different opinions of different gentlemen.

Two other reasons might, perhaps, be alleged why the House should not go into a committee on this subject; the one was, because the subject had been postponed for an inquiry into the subject of former expenses, and the committee of inquiry have not reported. For his own part, he believed there had been much extravagance in the expenditure; but, as no report had been made, and as it could not be soon expected, he believed those gentlemen who wished to see the frigates equipped, had better proceed in the business without this report. The other reason was, that he thought the House had not sufficient information relative to the pay and subsistence of the Navy. When

the account was formerly laid before the House, the rations were charged twenty cents, they were now charged twenty-eight cents, and it was well known that there had been no advance in the price of provisions to warrant the addition. And though he had been unsuccessful in his attempts to prevent the building of the frigates, since they are built and must go into service, he should wish to keep down the expense as much as he could with propriety do it. He had, therefore, no objection to go into a committee on the resolution for completing and equipping the frigates, though he should at present be opposed to do so with respect to that providing for the pay of the crew, as he wished for further information on the subject, and as there were yet $90,000 of the former appropriation unexpended.

Mr. SEWALL said, when he first proposed to go into a Committee of the Whole on the state of the Union, he suggested that his principal object was to provide for the completing and equipping the frigates, and he thought it was sufficient, according to the rules of the House, to mention one object as a reason for going into a Committee on the state of the Union. He thought this debate had, therefore, been of a very unusual nature.

Mr. NICHOLAS had no objection to go into a Committee of the Whole, to take up the subject of the frigates. His objection was to the going into other measures which had been suggested by the Chairman when he made his motion, such as purchasing vessels, &c.

The question for going into a Committee of the Whole was put and carried, there being 64 votes for it; when the resolutions for completing, equipping, and manning the frigates, and then for the pay of the crews, &c., were agreed to, and a bill was directed to be reported accordingly.

THE JUDICIARY.

The House, then, on motion of Mr. LIVINGSTON, went into a Committee of the Whole on the bill supplementary to the act for establishing the Judicial Courts of the United States; but not having gone through the bill the committee rose, and had leave to sit again.

WEDNESDAY, March 14.

Mr. N. SMITH, from the committee appointed for that purpose, reported a bill supplementary to, and in alteration of, the act for the relief of persons imprisoned for debt. Committed for to-morrow.

Mr. SEWALL, from the committee appointed for that purpose, presented a bill for an additional appropriation to provide and support a Naval Armament; which was read twice, and committed for to-morrow.

The House again resolved itself into a Committee of the Whole on the bill supplementary to the act for establishing the Judicial Courts of the United States; when, after undergoing some amendments, it was agreed to; and, the committee having risen, the bill was ordered to be engrossed for a third reading to-morrow.

A message was received from the Senate informing the House that they had passed the bill making alterations in the law imposing a duty on stamped vellum, parchment, and paper, with an amendment; which was concurred in by the House.

They also sent a bill to the House for granting certain land to Stephen Monro, and others, at Galliopolis, in the Northwestern Territory; which was twice read and referred to the Committee on the subject of Northwestern Territory land.

CITY OF WASHINGTON.

Mr. CRAIK moved that the House go into a Committee of the Whole on the report of the committee to whom was referred, on the 23d ult., the Message from the President of the United States, enclosing a memorial from the Commissioners appointed under the act for establishing the temporary and permanent seat of the Government of the United States; which motion being agreed to, the House went into a Committee of the Whole on the subject, and the memorial and report having been read, the following resolution was under consideration:

"*Resolved*, That two hundred thousand dollars be appropriated for completing the buildings requisite for the Government of the United States, at the city of Washington, to be subject to the draughts of the President of the United States, for the time being, not exceeding one-third of the said sum in any one year."

After some observations by Mr. J. WILLIAMS against agreeing to this resolution, on the ground that it was never expected that Congress was to be at any expense in erecting the public buildings; but that the States of Maryland and Virginia who had ceded the land for the purpose of the city, had engaged to provide them, and except they did provide them, Congress was not obliged to remove there at the time appointed,

Mr. GORDON proposed an amendment, to strike out $200,000, and insert "$66,666." as it was stated that only one-third part of the $200,000 were to be expended in any one year.

This amendment occasioned considerable debate, and was at length negatived, there being only 22 votes for it. The resolution itself was then carried, by 58 members voting in its favor; and a committee was appointed to bring in a bill accordingly.

The resolution was advocated by Messrs. NICHOLAS, THATCHER, RUTLEDGE, S. SMITH, HARPER, CRAIK, and T. CLAIBORNE, and opposed by Messrs. LIVINGSTON, VARNUM, and J. WILLIAMS.

THURSDAY, March 15.

Mr. CRAIK reported a bill making an appropriation for completing the buildings necessary for the accommodation of the Government at the city of Washington; which was committed for to-morrow.

THE JUDICIARY.

The bill supplementary to the act establishing the Judicial Courts of the United States, was read the third time, and the yeas and nays were called on

the question of passing. [This bill originated upon a resolution brought forward by a member from New York, (Mr. Livingston,) in order to provide for the trial of causes in which two States are concerned, in the next adjoining State, in order to obtain an impartial trial. What gave immediate cause to the bill was a case which is now pending between the States of New York and Connecticut.] After considerable debate, the yeas and nays were taken, and stood 29 to 58, as follows:

Yeas—James A. Bayard, David Brooks, Christopher G. Champlin, Matthew Clay, James Cochran, George Dent, Lucas Elmendorph, Henry Glen, Robert Goodloe Harper, David Holmes, Hezekiah L. Hosmer, Walter Jones, Matthew Lyon, John Nicholas, Harrison G. Otis, Isaac Parker, Josiah Parker, John Rutledge, jr., Samuel Sewall, Tompson J. Skinner, Peleg Sprague, Richard Sprigg, jr., Thomas Tillinghast, Abram Trigg, John Trigg, John E. Van Alen, Philip Van Cortlandt, Joseph B. Varnum, and John Williams.

Nays—John Allen, George Baer, jr., Abraham Baldwin, David Bard, Bailey Bartlett, Thomas Blount, Richard Brent, Nathan Bryan, Stephen Bullock, Demsey Burges, John Chapman, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, Joshua Coit, William Craik, Samuel W. Dana, John Dawson, John Dennis, Thomas Evans, William Findley, Abiel Foster, Dwight Foster, John Fowler, Jonathan Freeman, Nathaniel Freeman, jr., Albert Gallatin, William B. Giles, James Gillespie, Chauncey Goodrich, Andrew Gregg, Roger Griswold, William Barry Grove, John A. Hanna, Thomas Hartley, Joseph Heister, William Hindman, James H. Imlay, John Wilkes Kittera, Samuel Lyman, James Machir, Nathaniel Macon, Blair McClenachan, John Milledge, Lewis R. Morris, Anthony New, James Schureman, William Shepard, Thomas Sinnickson, Nathaniel Smith, Samuel Smith, William Smith, Richard Stanford, Thomas Sumter, Richard Thomas, Abraham Venable, Peleg Wadsworth, and Robert Williams.

Friday, March 16.

Mr. Macon, from the Committee of Revisal and Unfinished Business, made a further report, stating that a part of the law respecting post offices and post roads, would expire before the next session of Congress. This report was referred to the committee on the subject of post offices and post roads, to report by bill or otherwise.

NAVAL ARMAMENT.

On motion of Mr. Sewall, the House went into a Committee of the Whole on the bill making an additional appropriation to provide and support a Naval Armament; when, the bill having been read,

Mr. S. moved to fill the blank appropriating money for the pay and subsistence, for the term of one year, of the officers and crews, with $216,679. Some objections had been made to the price at which the rations had been fixed, when the subject was formerly before the House. He had, in consequence, made inquiries on the subject, and had been informed that twenty-eight cents per ration was the lowest price at which they could be obtained.

Mr. Gallatin asked whether the gentleman's inquiry had extended to the price paid for the rations to the troops stationed in the forts, other than those on the frontiers. The contract for these would be the best data for the price to be allowed in this case.

Mr. Sewall did not think it necessary to make this inquiry.

The question was put and carried.

Mr. Sewall then moved to fill the blank to defray the wear, losses, expenditure of ammunition, and other contingent expenses, with $63,700.

Mr. Gallatin said the estimate before him for contingent expenses was $60,000. There were $3,700 for other specific purposes, viz: for the salaries of clerks, and for the rent of the naval yards at different places. He thought it would be best to distinguish between contingent expenses and salaries, and also whether the clerks were authorized by law, or whether they were established by this bill. If the offices were already established, the salary should be provided by law; if not, the law should first be passed to establish the offices.

Mr. Sewall said that while there remained on hand materials which had been purchased for the use of the frigates at New York, Portsmouth, and Norfolk, it would be necessary to have persons there to take care of them. He supposed the clerks were authorized by law.

Mr. Gallatin said if the clerks were authorized by law, their salaries would be included in the ordinary appropriations. He therefore moved to fill the blank with $60,000, as the items which were mentioned separately, could not properly be included under the head of repairs and contingent expenses of the naval armament, as this related to the frigates only, and not to the taking care of any materials on hand.

Mr. J. Parker hoped this motion would be agreed to, and the other withdrawn. The clerks employed at the places which had been mentioned, might at present be necessary; but he thought some provision ought to be made with respect to the disposal of these materials, in order to do away the necessity of employing persons to take care of them.

Mr. Sewall withdrew his motion, and that for filling the blank with $60,000 was carried.

Mr. Gallatin then moved to add the following words: "also that a sum not exceeding $2,200, to pay the salary of persons having charge of the naval yards at New York, Portsmouth, and Norfolk, and the rents of the same;" which motion was carried.

Mr. Varnum moved to strike out the words "for sea, with all convenient speed." He thought these words were a direction to the President to send the frigates to sea, at any rate, with all convenient speed, though the occasion for doing this might depend upon some future consideration.

Mr. Isaac Parker said the only natural construction of these words was, as to the manner in which the vessels were to be equipped. It did not follow that when they were equipped they would be sent to sea, except there was a necessity for it.

Mr. J. Williams thought the words immate-

rial. If they would produce any effect in accelerating the business, he thought they ought to be retained, as all allowed it had heretofore been sufficiently tardy.

Mr. GALLATIN said the law of last session went no further than to direct the vessels to be "manned and employed;" whereas this bill, though only making an additional appropriation to enable the President to carry the former law into effect, seemed to go further. It appeared to direct that they should "be equipped for sea with all convenient speed," while the former law left it to the discretion of the President to employ them as he pleased. If it were wished that the business should be left on its former footing, these words might with propriety be struck out; because, after the money was appropriated, the President might use what speed he pleased in equipping the vessels.

Mr. HARPER said it would seem that the gentleman from Pennsylvania did not know the difference between preparing the vessels for sea, and employing them after they are prepared. He was persuaded, however, he did know the difference. Though that House had not the power to direct how the vessels should be employed, yet they could direct them to be prepared with all convenient speed. It was the business of that House to prepare, and of the President to employ; but the object of this motion went to show that they were both the same thing. Much complaint had been made, and justly, at the great delay which had taken place in this business, and he could now see no objection, therefore, to directing them to be equipped with all convenient speed. When they were equipped, the President would use them in such a way as the state of the country shall require. If the Legislature chose to put the country in a state of war, the vessels would be employed accordingly; or if it remained in peace, their employment would accord with such a state. He hoped, therefore, the words would be retained.

Mr. SEWALL said, the same words were contained in the resolution upon which the bill was founded, and in the act of 1796 a similar expression was used. He thought the gentleman from Pennsylvania had not sufficiently attended to the distinct appropriations contained in the bill.

Mr. DAYTON (the Speaker) said, the law of last session went further than it was contemplated by this bill to go. The words "equip for sea, with all convenient speed," related only to the manner in which the vessels were to be equipped, as it was well known that equipping for sea and equipping for guard-ships (which was the sole purpose for which some gentlemen had wished them to be employed) was wholly different. The law of the last session went to say they should be manned and *employed;* which he believed, with the gentleman from South Carolina, was an unnecessary and improper direction, as the President of the United States, being the Commander-in-Chief, was the only proper judge of the manner of employing them.

Mr. THATCHER did not think that directing the vessels to be equipped with all convenient speed indicated any great haste, but the contrary.

Mr. VARNUM said, gentlemen had on former occasions, been very tenacious of giving the President directions, how he should act. He was unwilling to do it on the present occasion; and he thought if these words were struck out, no one would understand that the frigates were to be fitted out as *guard-ships*. But if the bill was agreed to as it now stood, he was of opinion that it would appear to their constituents that the Legislature believed the crisis had arrived at which it was necessary to send out frigates to sea against a foreign nation. If this period had arrived, he wished it to be declared openly, and not in any sideway manner. Such a clause was very unusual in an appropriation bill.

Mr. GALLATIN believed it was perfectly true, as stated by the gentleman from Massachusetts, that words of this kind were never inserted when an appropriation only was wanted. In the law of 1796, he admitted that similar words were used, and there they were proper, because that was a law for the construction and equipment of the frigates; but in all the subsequent laws, which were merely appropriation laws, no such words had been used. This was a bill to grant a sum of money, and it was not intended to say that the money should be granted with all convenient speed. He believed, since they were to be equipped, the sooner they were done the better; but he did not think it proper to insert such a clause in an appropriation bill.

Mr. BAYARD thought the gentleman from Pennsylvania made a nice distinction without a difference. He admitted, that if the bill was for constructing the frigates, such words might be proper, but that in an appropriation bill they were improper. He saw no difference between the two cases; and if it was the wish of the House to have the frigates equipped speedily, it was certainly not improper to say so. In his opinion, the situation of the country required that every exertion should be made in the business.

The question was then taken on striking out the words, "with all convenient speed," (the mover having agreed to exclude the words, "for sea" from this motion,) and was negatived—47 to 38.

The committee then rose, the House agreed to the amendments, and the bill was ordered to be engrossed for a third reading. Monday and to-day were mentioned for the third reading. The sense of the House was first taken on the most distant day, and negatived—43 to 42. It was accordingly ordered to be read a third time this day. Before the House rose, it received its third reading and passed—there being 57 votes in its favor.

Mr. J. PARKER proposed a resolution to the House directing the committee which had been appointed to inquire into the expenditure of the money heretofore appropriated for a naval armament, and into the cause of delay which had taken place; to inquire and report what materials remain on hand which will not be wanted for the three frigates now nearly finished, designating what the articles are, and where they are; and also what materials have been disposed of; which was agreed to.

IMPRISONMENT FOR DEBT.

On motion of Mr. N. SMITH, the House went into a Committee of the Whole on the bill supplementary to, and in alteration of, the act for the relief of persons imprisoned for debt; when, the bill having been read,

Mr. J. WILLIAMS moved to strike out the first section of the bill. He was persuaded that if this bill passed it would be very injurious to the revenue, and in the end prejudicial to the fair trader; for, if such a law had been in being the last year, Government would have lost half a million of money; and if such losses were sustained, it would lead to the passing of laws which would be injurious to commerce. It became the House to be cautious, therefore, in making alterations which might so materially affect the revenues of the Union; especially, as the debentures given by the custom-house must be allowed, whether the duties are paid or not.

This motion was negatived, without a division.

After the bill had undergone several amendments, one of which was to provide that the benefit of this law shall not extend to persons imprisoned for debt due for money by them received for or on account of the United States, the committee rose, and had leave to sit again.

MONDAY, March 19.

RELATIONS WITH FRANCE.

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, 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 patriotism, abilities, 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 commercial and seafaring 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 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 casses, 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, 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.

This Message was refered to the Committee of the Whole on the state of the Union.

INSOLVENT DEBTORS.

The House again resolved itself into a Committee of the Whole on the bill supplementary to, and in alteration of, the act for the relief of persons imprisoned for debt; and, after some discussion, the committee rose, and the bill was recommitted to a select committee.

CITY OF WASHINGTON.

On motion of Mr. CRAIK, the House went into a Committee of the Whole on the bill making an appropriation for completing the buildings necessary for the accommodation of the Government at the city of Washington. The bill having been read,

Mr. GALLATIN moved to strike out the words, "for completing the buildings," in order to insert the same words which were used in the original act for establishing the permanent seat of Government, viz: "for providing suitable buildings for the Government of the United States." His object in this amendment was, not to give any sanction to the buildings now going on for Government in the city of Washington, and oblige the Commissioners, under the direction of the President of the United States, to proceed in finishing them, however improper they may deem them for the purpose. He wished, on the contrary, to leave the Commissioners and the President at full liberty, either to go on with the present buildings, or to prepare others upon a more suitable and economical plan.

Mr. CRAIK had no objection to this amendment, and it was accordingly carried.

The committee rose, and the bill was ordered to be read a third time to morrow.

RELIEF TO NON-COMMISSIONED OFFICERS AND SOLDIERS.

On motion of Mr. D. FOSTER, the House resolved itself into a Committee of the Whole on the report of the Committe of Claims, to whom was referred the petitions of Samuel Abbot and others, John Bennet, in behalf of himself and Abraham Sutton; Samuel Edy, Francis Guillow, Thomas Roche, Lemuel Snow, Joshua Whitney, by Timothy Winn, his agent, and Thomas Wells. The report was read, as follows:

"The object of these petitioners is to obtain from the public the arrears of pay, &c., due them for their services during the last war. Their accounts were duly and properly liquidated; certificates for their respective balances were issued by the proper commissioner, and deposited in the hands of the regimental agents, pursuant to an act of Congress of the third day of November, 1783. But the petitioners allege that they never received their certificates, by reason of the default of the agents of the regiments to which they respectively belonged.

"The committee having been instructed to report on this subject, generally, have not confined their inquiries to the special merits of the individual claims, but have considered it with a view to all similarly circumstanced, and alike unfortunate.

"By the establishment for the Army, made by Congress on the 27th of May, 1778, it was directed, 'that the paymaster of a regiment be chosen by the officers of the regiment out of the captains or subalterns, and that the officers should risk their pay in their hands.' Every officer being thus interested in the ability and integrity of the agent, as well on his own account as on account of the soldiers, was an inspector of the conduct of the paymaster. The choice was generally good; there were but few well-grounded complaints against the persons appointed; and for those, prompt, and probably judicious remedies, were administered by courts martial.

"At the end of the war it became expedient to disband the Army, whom the United States could not then pay, without even delivering to the individuals the evidences of the debts respectively due to them for their services. Accordingly, on the third of November, 1783, Congress resolved, 'that the Paymaster General deposit in the hands of regimental agents the certificates for the arrears of pay due to the officers and soldiers of their respective lines, to be by them delivered to the individuals to whom they belonged, or deposited, for their benefit, as the supreme Executive of the State to which the respective agents belonged should direct.

"The last-mentioned resolution is silent as to the mode of electing regimental agents. In pursuance of a general order, the agents were appointed by a majority of the officers of each regiment, as in the case of the regimental paymasters. They were therefore to be considered as the legal representatives of the commissioned officers: but the non-commissioned officers and privates neither voted, nor were they consulted in the choice; they could not of course equitably be made answerable for the fidelity of the said agents. Some of those agents proved unfaithful to their trusts, and some of the non-commissioned officers and privates have thereby been prevented from receiving their just dues.

"The question now results, whether the public are not, upon the principles of equity and justice, under obligation to make good to the non-commissioned officers and privates who have suffered by the defaults of the said regimental agents, the arrears of their wages, &c., to which they are entitled.

"From the nature of the contract between the United States and the soldiers who engaged in the service; from the circumstance of the election of the paymaster having, by act of Congress, been vested exclusively in the officers; and from the express declaration that the officers should risk their pay in the hands of the paymasters, and from the circumstance of the same mode having been observed in the election of the agents whose deficiencies are complained of, it seems but reasonable to infer, that the soldiery, who were excluded from any participation in the election of either the paymaster or agent, were not considered as liable to be affected by their delinquencies.

"Upon an attentive and deliberate consideration of the subject, the committee cannot find any just principle upon which the public, without just payment, can be exonerated from the obligation to provide for that suffering class of citizens; they are therefore of opinion that provision should be made by law to afford relief. Great caution on the part of the officers of the Treasury to prevent abuses would undoubtedly be requisite. It is the opinion of the committee, that such caution might be exercised, and such checks provided, as would prevent any great danger of imposition. They therefore submit for the consideration of the House the following resolutions:

"*Resolved*, That provision ought to be made by law for the relief of such non-commissioned officers and soldiers *of the late Continental Army, as have not received their certificates from the regimental agents, to whom the same were delivered, pursuant to the act of Congress of the third day of November*, 1783.

"*Resolved*, That the officers of the Treasury be authorized to issue registered certificates for such sums as shall be ascertained to be justly due to any non-commissioned officers and soldiers who, by default of the regimental agent, were prevented from receiving their certificates, issued as aforesaid."

After some debate, and having amended the first resolution by striking out the words printed in italic, and inserting, "whose certificates of pay were delivered to the regimental agents, pursuant to the act of Congress of the 3d of November, 1783, which shall appear to have been embezzled by those agents, and who, in consequence, remain unpaid." the committee rose, and reported the amendment. The House agreed to the amendment. After some objections to the resolution, it was negatived—47 to 32.

This report was supported by Messrs. D. FOSTER, OTIS, SEWALL, SHEPARD, SKINNER, and VARNUM; and opposed by Messrs. DAYTON, GALLATIN, and MACON.

Mr. HARPER, from the Committee of Ways and Means, made the following reports, viz:

An unfavorable report on the petition of the Sergeant-at-Arms and Doorkeeper for an increase of salary; and on a petition from the distillers of Providence, Rhode Island, praying for an increase of duty on foreign spirits; both of which were concurred in by the House.

Mr. H. also reported the three following bills, viz: for continuing in force the 13th section of the act making certain regulations in the collection of internal duties; for reviving and continuing in force an act respecting the compensation of clerks;

and a bill altering the time of making entries of stills. All which were committed for to-morrow.

Mr. THATCHER reported a bill to continue in force the 5th section of the act respecting post offices and post roads, which was also committed for to-morrow.

TUESDAY, March 20.

The bill appropriating a sum of money for providing suitable buildings for the Government at the city of Washington was read the third time and passed.

FOREIGN CONSULS.

On motion of Mr. OTIS, the House resolved itself into a Committee of the Whole on the report of the committee to whom was referred the subject of our foreign Consuls abroad; which, having been read, and a resolution being under consideration for appropriating —— dollars to reimburse advances for the relief of sick and disabled seamen,

Mr. OTIS moved to fill the blank with $30,000, which was the sum which the Secretary of State had estimated necessary.

Mr. GALLATIN rose to move an amendment to this resolution. It appeared, he said, from the Speech of the President of the United States; by the letter of the Secretary of State to the committee, and by different letters enclosed therein, that the resolution before the committee would not be adequate to the end proposed to be effected. Two objects were contemplated. The Secretary of State mentions that there have been advances made by our Consuls in making and supporting the claims of our citizens on account of captures. The Secretary of State had said that $30,000 would cover these advances at present, for both objects, whereas only one was inserted in the resolution; and it was evident the committee do not mean to report another resolution for the other object, since the Chairman proposed to fill the blank with the whole sum estimated for both purposes.

The resolution was objectionable in another point of view. It will appear, by recurring to the President's Speech, and to sundry letters accompaning this report, from our agents abroad, that the reason why sick and disabled seamen cannot be relieved is, not because sufficient money has not been appropriated for the purpose, but because the compensation allowed by law is not sufficient. It is only twelve cents a day. If, therefore, $30,000 were to be appropriated for this purpose, the object would not be answered, without an authority to allow sick and disabled seamen more than 12 cents a day. He would therefore move an amendment which should make the resolution read as follows. It only went to the relief of seamen. As he supposed gentlemen had another object in view, it would be necessary to have a separate resolution for that object. He submitted the following:

"*Resolved*, That the Secretary of State be authorized, under the direction of the President of the United States, to reimburse such reasonable advances as may have been made, or shall during the present year be made, by Consuls of the United States in foreign countries, for the relief of sick and disabled seamen, beyond the sums for that purpose allowed by law, and that —— dollars be appropriated for the same."

Mr. OTIS said, he would lay another resolution on the table, to answer the other purpose contemplated. The resolution had been submitted generally; but both objects were intended to be included in the bill, when brought in. He therefore proposed to fill the blank in the resolution which had been agreed to with half the sum, viz: $15,000.

Mr. GORDON thought it would be best to incorporate both objects in the same resolution, as the estimate had been made upon both, and it was impossible for the committee to determine how much would be wanted for each object.

Mr. GALLATIN observed, the resolution might be agreed to in blank, and filled up in the bill. Mr. G. said, it appeared that the Consuls had, in some instances, advanced money on account of the claims of our citizens, which it would be necessary for Government to reimburse. He understood, however, that merchants and owners of vessels usually reimbursed the money expended by our Consuls in making and enforcing their claims, and that all which was required of Government was to advance the money. Before any appropriation was made for this object, it would be necessary to authorize the expense, which might be done at the same time that the appropriation was made. Mr. G. proposed the following resolution:

"*Resolved*, That the President of the United States be authorized to reimburse certain advances made by the Consuls of the United States in supporting the claims of our citizens before the tribunals of foreign countries, and that the sum of —— dollars be appropriated for the same."

This resolution was also agreed to, and a committee appointed to bring in a bill accordingly.

ACCOUNTS OF WILLIAM CARMICHAEL.

Mr. HARPER said, he had received information from the Secretary of the Treasury, that the accounts of the late William Carmichael, Chargé d'Affaires of Spain, had been examined, and that there was found a balance due to his representatives of $9,664 14 cents. He, therefore, proposed the following resolution to the House, which he wished to be committed to a Committee of the Whole:

"*Resolved*, That —— dollars be appropriated for the balance found due to William Carmichael, late Chargé d'Affaires at the Court of Spain."

The House accordingly went into a Committee of the Whole on this subject, and after having filled the blank with the sum above mentioned, rose, and, the House having concurred in the amendment, a bill was ordered to be brought in accordingly.

EXPORTATION OF ARMS, &c.

The House, on motion of Mr. HARTLEY, resolved itself into a Committee of the Whole on the bill for continuing in force the act prohibiting for a limited time, the exportation of arms and am-

munition, and for encouraging the importation thereof.

No amendment being proposed the committee rose, and the bill was ordered to be engrossed for a third reading to-morrow.

SETTLEMENT OF LIMITS WITH GEORGIA.

On motion of Mr. HARPER the House then resolved itself into a Committee of the Whole on the bill for an amicable settlement of limits with the State of Georgia, and authorizing the establishment of a Government in the Mississippi Territory.

Mr. MILLEDGE moved to strike out the words "or under," in the last line but one of the first section, as no person had any legal claim upon any part of that Territory, and the retaining them would seem to sanction claims which had been declared not to exist, and would be offensive to the State of Georgia. Two different claims had been pretended, but they had been declared by the Legislature to be null and void, and he, as a Representative of that State, declared there was no claim upon it.

Mr. HARPER was opposed to striking out these words. Whether the claims of certain individuals upon this territory were well or ill-founded, was not now the question, their validity must be determined in a Court of Justice. That there did exist claims, in which a great number of persons were interested, was well known; and the question was, whether, when the United States were about to make an amicable settlement with the State of Georgia, it would not be good policy to hold out also an accommodation with those persons? Nor could he believe that the State of Georgia could take offence at this. The United States come forward to the State of Georgia, and say, you have a claim to a large territory, to part of which we lay claim, to other parts we have none, but we know that certain individuals have claims upon it. It is the desire of the United States to put an end to this dispute. Should we agree with you for the cession of this territory, and be placed in your situation, then we shall have on our hands the litigation with the persons who claim upon you, and will settle the business with them as well as we can. This, he said, could have no other appearance than that the Government of the United States were desirous of accommodating a difference which might not otherwise be easily settled. A negotiation would, of course, take place between the United States and Georgia. That State could not be expected to cede this territory without an adequate compensation, and when they had obtained this, our settling any difference with persons who lay claim to a part of this territory could not affect that State, and the retaining of these words would show to the persons claiming, that though the United States would not allow their claim, they were willing to refer it to amicable settlement. A very powerful part of Georgia, said he, are interested in these claims. Sales have been made, or alleged to be made, to a number of companies, which included a great variety of characters and interests, considerable for their number and for their activity. How will this clause operate upon that class of men? The State of Georgia, we know, has denied their right. They say the act by which the sale was made was obtained by fraud, and was unconstitutional. These men, therefore, have no hope while Georgia possesses this territory; but if the United States hold out in this act the idea of an amicable settlement with them, would they not be enlisted in behalf of the cession, and this by two words in the bill before the committee? Mr. H. said he had no interest in these claims. There was a period in which he had an interest in them, but when there was a prospect in the year 1795 of the business coming before Congress, he gave up his right to them.

Mr. VENABLE was in favor of the amendment. It was of much greater importance than the gentleman from South Carolina seemed to think it. He asked whether gentlemen were prepared to appropriate a sum of money to satisfy these Georgia purchasers, which would not be less than half a million of dollars. Nay, he supposed it would be considerable more, as part of the land had been sold out by the original purchasers, and considerable advances made, all which, he supposed, it was the intention of the bill to refund. The individuals having declined to take back the half million of dollars which they had paid for the land, choosing rather to risk the whole than give up their claim, it may be expected they will be high in their demands. Believing that these words were introduced with a view of indemnifying the purchasers of these lands, he thought it important that they should be struck out. He believed, besides, that it would never be a profitable thing for the United States to go into the purchase of back lands. They must calculate upon a certain loss in any such speculation. The expenses attending the sales, the difficulty of collecting money, insolvencies, &c., were considerations sufficient to deter the Government from engaging in such a business. Besides, if this amendment was agreed to, and Georgia made a cession of this territory to the United States, the claims of individuals would stand on the same ground as before the cession. If their claim was good, it would still remain so; and if not good at present, it ought never to be good. He hoped, therefore, the amendment would obtain.

Mr. NICHOLAS could scarcely believe that there could be a serious intention in any part of the committee to give the proposed power to the Commissioners to be appointed under this law, viz: to bind the United States to any amount, not only to the State of Georgia, but to individual claimants on this territory. And is it, said he, a business of this magnitude that engages so little the attention of the committee? If this was the object of the bill, it was one of the most important questions upon which he had ever been called to act; but he could scarcely think the subject could be of such magnitude, when he recollected what the gentleman from South Carolina had stated was the advantage to be derived to the United States from entering into this engagement; it was that these persons would use their influence with the State of Georgia to make the surrender. It was a little

remarkable that, for so little, the gentleman should be inclined to give so much. Indeed, instead of this gaining any advantage to the United States, the gentleman from Georgia had stated that even to glance at these claims would be offensive to that State. Before this power was given to the Commissioners the committee ought to be ready to appropriate at least a million of dollars for the purpose. He thought it would be very imprudent to embark in any such speculation, and thereby pledge themselves to provide money to any amount which it may please these commissioners to stipulate for. We have, said he, land enough already, and need not purchase more; especially as we find a slow sale for what we have. If the jurisdiction was wanted, let it be stipulated for separately, and not think of going to purchase an immense territory, one-half of which we have a claim to already, while we have several millions of acres more than we know what to do with.

Mr. MILLEDGE said it was the wish of the people of Georgia that a cession of the dominion and soil of this territory should be made to the United States, and the Legislature of that State are ready to meet the United States on the business; but if these words were retained they would prove an obstacle in the way of the cession of either the territory or jurisdiction, as the Legislature were determined to set their face against these pretended purchasers. Indeed, two of the individual purchasers are now contesting with each other; and, therefore, for the United States to interfere, would only be to involve them in difficulties and lawsuits; for the purchase is not only denied by the State of Georgia, but the individual purchasers themselves are denying to each other the legality of their purchases.

Mr. BALDWIN said, the committee would recollect the manner in which this subject came under consideration, by means of the Message from the President, who recommended that the right of soil and jurisdiction of this territory should be obtained, and when this was done, that the United States ought to establish a temporary government there. No notice was taken by him of any interfering claims. The present motion was intended, and he thought it best, to confine their attention to the objects recommended by the President. The other question would of course be left open. If the United States meant to go back to all the rights of the Natchez country, they might go back to the right of Great Britain, afterwards to that of Spain, and of different companies of individuals. He thought it best to confine the object of the bill. When a temporary government is established, and an amicable adjustment has taken place between the United States and Georgia, it will then remain a question with the United States, whether it will be best to settle the interfering claims by a general power given to Commissioners, or to leave them to be settled by the judicial power. He hoped, therefore, the words would be struck out.

Mr. HARPER fully concurred in opinion with gentlemen, that the other objects of the bill were more important to be obtained than the object which these words were intended to obtain. A cession of the right of jurisdiction alone would be desirable, if no other cession could be obtained, as such a cession and the establishment of a temporary government, would remove all the serious difficulties now experienced; but notwithstanding this, he believed the bill would be better as it stands than with the words struck out. This was, however, mere matter of opinion, and if the amendment was carried, he should still be in favor of the bill. If the amendment was carried, he knew the rights of those who claimed part of this territory would be as firm under the United States as they are now under Georgia, and we shall afterwards be at liberty to make an accommodation with them. But he thought it would be best now to make the attempt by connecting the two objects together. As to the fears of the gentleman from Virginia with respect to the extent of this bill, and as to the abuse which might be made of the power placed in the President and Commissioners, the same abuse might take place if this amendment was carried. They might then agree to give the State of Georgia ten millions of dollars by treaty for the territory in question. But because the power might be abused, that could not be admitted as an argument against giving it. Could it be supposed that the owners of this land were such favorites of the Executive that they will agree to give them a very extravagant price for property which we can do without? He thought no fear was necessary on this head, as the President would be sensible such a step would excite general censure. But was there no other way of settling these claims but by paying large sums of money? He conceived there was, and that they might be adjusted by a division of the land, as there could be no doubt these persons would be glad to relinquish one-half or two-thirds of the country for an undisputed title to the rest. But the gentleman from Virginia seemed to think we had land enough, and that we made no advantage of what we have. He said he knew we had obtained $50,000 from the sale of our land, and that individuals are still anxious to purchase, though not at the price at which it is fixed. But the United States are desirous of getting possession of this territory, not so much on account of the value of the land as for other purposes, and particularly for the establishment of a government at the Natchez. He wished, therefore, to retain the words.

After a few observations from Mr. FINDLEY, in favor of the amendment, the question was taken and carried, there being 59 votes in its favor.

Mr. NICHOLAS was not satisfied that the President and these Commissioners should have it in their power to pledge the United States to pay any sum of money they pleased. He would confide as much in the present President as any other, but his opinion might differ from the opinion of Congress as to the value of this territory to the United States, and it would be parting with a power which they ought to retain. He, therefore, moved to add to the end of the first section, "provided that the said Commissioners shall not

be authorized to bind the United States to pay any sum of money."

Mr. HARPER apprehended the gentleman from Virginia must be in jest. Such a provision would make the bill wholly nugatory, as the Commissioners would not be able to come to any contract with the State of Georgia. He hoped the Commissioners, under the control of the President, would be trusted to transact this business, or if the President was not to be trusted, somebody else; but he did not wish the three Commissioners to be sent to Georgia with their fingers in their mouths. He could not conceive a more nugatory or idle message.

Mr. MILLEDGE hoped this amendment would be rejected, as it would destroy the intent of the bill if carried. The country to be negotiated for, is an amazing tract of country of sixty or seventy millions of acres of land, as valuable as any in the world, which the State of Georgia could not be expected to surrender, or to yield the jurisdiction of it, without an equivalent. He hoped the Commissioners would be invested with full powers.

Mr. NICHOLAS assured the gentleman from South Carolina he was very serious in making his amendment; and if it would produce the effect stated by him and the gentleman from Georgia, he was ready to say the bill ought to be rejected. The gentleman from Georgia had stated that Congress were about to authorize Commissioners to purchase sixty or seventy millions of acres of the best land in the world. To bind the United States to pay for a purchase of this kind, would be an act of madness. Where was the money to be got? The President may act with discretion, yet he may think it his duty to give an equivalent for this land. The gentleman from South Carolina seemed not to mind where the power of acting on this business was placed, so that it was not in the House of Representatives, where, according to that gentleman's opinion, power could not be safely lodged. He trusted, however, the committee possessed sufficient prudence not to act upon this business until they had it more clearly before them.

Mr. GALLATIN observed, that the first section of this bill had two objects; the first goes to the amicable settlement of limits, as to that part of this country to which the United States lay claim. In this respect unlimited power is given to the Commissioners and the President. That part would not, therefore, be affected by this amendment. The next object goes to a relinquishment on the part of Georgia of the whole or any part of the territory, both as to jurisdiction and soil, to which the United States have no claim. Though it may be good policy to obtain a cession of this part of the country, yet it is not immediately necessary, since the Commissioners will be at liberty to treat fully as to that part of the country to which the United States have a claim. The amendment only went to say that no contract which involved the payment of money should be valid until sanctioned by Congress. He thought this a proper provision. This power of binding the United States to the payment of money in this concern, is not refused to the President from an idea that he will abuse the power, but because it is a business which belongs to Congress and not to him. As he has not the raising and providing of money, he is not so good a judge as Congress of what can be spared for any object. All cessions had heretofore been made in this way; those of Virginia and Connecticut under the old Government, and that of North Carolina under the present. All these cessions were accepted by Congress, yet these States did not decline to make their cessions conditionally; nor would Georgia. He wished the bill to pass; but except it contained some principle similar to this, he should vote against it.

Mr. VENABLE proposed an amendment which he thought was better calculated for the purpose intended than the one under consideration, which Mr. NICHOLAS would have consented to have admitted in place of his, but it was declared by the Chair not to be in order.

Mr. HARPER explained what he had said about trusting the power of negotiating in other hands than the Executive. The gentleman from Pennsylvania, he said, had discovered that the first section of the bill had two objects. It had; but he believed that gentleman had mistaken them both. The first, he stated, was to settle the limits between the United States and Georgia; and both of the gentlemen from Virginia who had spoken on this subject had repeated the same expression. From this, it would appear that the United States have a claim upon that country which the State of Georgia allows; whereas she does not allow us to have a single inch of land in that State. Therefore, all parts of the bill went to the same object, which was to obtain a cession of the territory, and jurisdiction both of what we claim, (and which she does not allow,) and what we do not claim; and this could not be obtained in any other way than by either giving Georgia a sum of money for the cession, or by taking it by the strong hand of force. This bill is, therefore, no more a bill for settling limits, than it is a bill for building ten frigates. Our interfering claim would certainly be considered in the adjustment of the price, though it was not allowed by Georgia to exist. That part to which we have no claim, would, of course, be fixed at a higher rate, and the President may or may not agree to purchase it. The gentleman from Pennsylvania had stated, this was no new doctrine, as Congress had always confirmed the cessions which had been made by the different States; but there was no need of a contract in those cessions, as they were all made without a price, as a sacrifice for the good of the Union. It was said that the Commissioners might do every thing but pay the money; but this was every thing, and except they had the power of completing their bargain, there would be no use in sending them.

Mr. J. WILLIAMS supposed, from the title of the bill, it was a bill for an amicable settlement of limits with Georgia; but, by the observations of the gentleman from South Carolina, it appeared it was to provide for the purchase of Georgia

lands. He did not feel willing to go to purchase lands of any State. If it were intended to settle a dispute about a boundary line, he should be in favor of it; but he could not think of empowering Commissioners to purchase sixty million acres of land. It was to be lamented, he said, that the State of Georgia had not long ago made a cession of that part of her territory to which the United States are entitled; but now they tell us if we want land we must purchase it. He was not for doing this. If it was theirs, let them hold it. If jurisdiction of a part of her territory was wanted for a provisional Government, he thought that State ought to come forward as others had done and make a cession of it, without price. He had no objection to the appointing Commissioners to inquire upon what terms the land could be got; but he would go no further. He hoped the amendment would be agreed to.

Mr. DAYTON (the Speaker) rose to make an amendment which he hoped would be agreed to by the gentleman from Virginia in place of his, as it would effect his object, and he thought be preferable to the one he had offered. It was to make the latter part of the first section, after the word "South Carolina," read, "and also to receive any proposals for a relinquishment or cession of the whole or any part of the other territory claimed by the State of Georgia, and out of the ordinary jurisdiction thereof."

This amendment was agreed to.

Mr. MILLEDGE moved to amend the 3d section of the bill, respecting the erecting of a temporary Government, by adding these words, "as soon as the consent of the Legislature of Georgia shall be obtained."

Mr. HARPER was opposed to this amendment, the effect of which, he said, would be to make this Government depend upon the settlement of its litigation with Georgia before a temporary Government could be established at the Natchez, where there are between four and five thousand souls, without government, as it is supposed the Spaniards have withdrawn themselves from the posts which they have so long held there contrary to treaty, and these people are at the distance of six hundred miles from the ordinary jurisdiction of the Government of Georgia, which distance is a continued desert, in which are several nations of Indians. It cannot be expected, therefore, that the State of Georgia will or can extend her Government thither. So that one of our most valuable frontiers will be left in an unprotected and disorderly state. The inhabitants have sent forward a memorial praying for a Government, and there is the most satisfactory evidence that a Government is necessary. Whether they shall have one or not, ought not, therefore, to depend upon the State of Georgia.

Mr. NICHOLAS said, it appeared to him that this bill was contradictory in itself, as it states we will not impair the jurisdiction of Georgia, at the same time that it proposes to establish a Government within her territory. The gentleman from South Carolina had shown that it would be very inconvenient for the Government of Georgia to hold this jurisdiction; but he supposed if the United States sent a Government there before they adjusted their difference with Georgia, that State would not look very cordially upon the transaction, and it would of course embarrass that adjustment. He hoped the State of Georgia would not be divested of her territory by the strong hand of power.

Mr. DAYTON wished the committee would rise, as this was too important a question to be decided when there was scarcely a quorum of members in the House. But he would say, that cases might exist, which would not only justify the United States in establishing a Government in the quarter alluded to without the consent of Georgia, but even within the ordinary jurisdiction of a State.

The committee rose; and upon leave being asked to sit again,

Mr. GALLATIN hoped it would not be given, as he wished the bill to be recommitted to the select committee in order to obtain some information which he understood was before the Senate, with respect to the title which the United States have to certain parts of the territory in question, as he wished before they proceeded to establish a Government at the Natchez to know something as to the title which they had to it.

Mr. HARPER thought there was no necessity to recommit the bill to accomplish this object, as the gentleman might go to the Senate and obtain the information he wished from thence. He believed they had nothing more than a copy of an extract which he had himself taken of an official copy of a grant given of West Florida by the British Government in the year 1770, which was now in the hands of a gentleman of New York who was Secretary to the Governor—the original of which he supposed was in the office of Trade and Plantations in London.

The question for leave to sit again was negatived by 43 to 36; and the bill was recommitted to the select committee for the purpose of obtaining certain information on the subject, relative to the title of the United States to a part of that territory.

WEDNESDAY, March 21.

Mr. DENNIS presented a petition from the inhabitants of Dorchester county, Maryland, praying for an alteration in the post road, and the establishing of a post office at Cambridge.

Mr. GALLATIN wished to propose a resolution to the House on the same subject, viz: to direct the Committee on Post Offices and Post Roads to inquire into the propriety of establishing a post road from Pittsburg to Presqu'Isle. He had no petition from that part of the country; nor was it on account of the new and extensive settlement which had recently taken place in that quarter that he proposed it; but because it is the shortest route from our garrisons there to the seat of Government, and it will be much cheaper to Government to establish a post road, than to be at the frequent expense of expresses. Agreed to.

The bill for continuing in force the act for prohibiting for a limited time the exportation of arms and ammunition, and for encouraging the importation thereof, was read the third time, and passed.

Mr. HARPER, from the Committee of Ways and Means, reported a bill making an appropriation for the payment of a balance found due to the legal representatives of William Carmichael, deceased; which was committed for to-morrow.

SUNDRY BILLS.

The House severally resolved itself into a Committee of the Whole on the following bills, viz:

The bill altering the time of entering stills, and for other purposes. [The time of entering was fixed from the first day of July to the last day of October, instead of from the last day of December to the first of March, which was struck out.]

The bill to continue in force the act for regulating the compensation of clerks, and for other purposes. [In this bill was introduced a clause making an additional allowance to the engrossing clerks of the Senate and House of Representatives, and to the Sergeant-at-Arms and Doorkeepers.]

The bill to continue in force, for a limited time, part of an act therein mentioned. [This clause authorized the President to make additional compensation to the collectors of the internal revenue, so as that the addition shall not exceed one-third of their ordinary allowance.]

These bills were severally agreed to, and ordered to be engrossed for a third reading to-morrow.

STANDING RULES.

On motion, the House resolved itself into a Committee of the Whole on the report of a select committee to whom was referred three several motions for amending the standing rules of the House, Mr. KITTERA in the Chair. The first of these motions was, to direct that no question should be taken for the reconsideration of any vote when a less number were present than when the original vote was passed. The second, proposed that no motion for adjournment should be received, unless by unanimous consent, whilst another motion was pending. The third, proposed that persons attending the House for the purpose of taking down the debates and proceedings should be permitted to take their places within the bar of the House.

The select committee recommended that the first should be adopted, and the two last disagreed to.

After a few observations, the report of the select committee on the first was disagreed to, and of course the proposition was negatived.

Mr. NICHOLAS moved that the committee should rise. He hoped this subject would not be acted upon at present. He believed his colleague, (Mr. DAWSON,) who brought it forward, had waived the calling of it up from an idea that the discussion of it might produce some personal irritation. He hoped, therefore, it would be postponed until the public business which was before the House was disposed of.

Mr. DAYTON (the Speaker) did not know what the gentleman meant by personal irritation. He hoped he would explain himself.

Mr. NICHOLAS replied, that the gentleman from New Jersey must recollect the manner in which he expressed himself when this proposition was brought forward. He required it to be committed, and made a declaration which showed that he himself considered his conduct as connected with it. When the importance of a faithful report of the proceedings of that House was considered, it must be allowed that it was of consequence that persons attending for the purpose of taking notes should be as independent as possible.

If, however, no gentleman considered his own feelings as concerned, he should have no disposition to waive the subject; but as he did not expect it would have been entered upon to-day, he hoped the committee would rise, and let it be taken up at an early period.

Mr. ALLEN hoped the committee would not rise until some information was given as to the method of doing this business. It was understood by the people abroad that the debates were published by the Clerk of the House, and authorized by the House. He wished the public might be undeceived on this point. He had seen persons in the House who appeared to take down the proceedings; but he wished to know how they came there. He thought the public had been abused by accounts of debates which had been published, and he wished the Clerk to be exonerated from any blame in the business.

Mr. DAWSON hoped the committee would rise, for the reasons which had been mentioned. When he first offered this resolution to the House, he declared he had no particular person in view. He thought it founded on propriety and sound reason, and therefore he proposed it.

Mr. GORDON hoped the committee would not rise. He was himself ready to vote upon the question. He did not wish by any means to give the sanction of the House to any debates which might be published. He did not think the question of that importance which the gentleman from Virginia seemed to attach to it.

Mr. DAYTON hoped that a decision might be had without delay, especially as the gentleman from Virginia (Mr. NICHOLAS) had given the business a turn and direction which the mover of the proposition himself had disavowed. He knew that the proposition would produce this effect, but he did not suppose the gentleman would have avowed, on this floor, that this question was to be connected with a late decision of the Speaker. If gentlemen intended this, why did they not do it in an open, candid, and manly manner, by an appeal from the decision of the Chair at the time? If the motion was intended to reinstate a man upon the floor whom the Speaker had discharged from it, he wished it now to be decided, and not to lie till the end of the session, to be called up or not, at the will of the mover, in

order to have it ascertained whether the Speaker had acted properly or otherwise.

Mr. Brooks saw no reason why the committee should rise. The gentleman from Virginia said the subject was important; if so, it ought now to be decided upon.

Mr. Nicholas thought what he had said might have satisfied the gentleman from New Jersey as to his intentions. As he did not bring forward the motion, he could not be justly charged with any design in the business. It must be evident to every one that the gentleman himself connected this question with a late decision. He wished it was not so connected. He thought the regulation proposed absolutely necessary, in order to secure a just and fair report of their proceedings. He should have no objection to take up the business to-morrow; but if the question for the committee to rise was lost, he should then make some observations upon the subject.

Mr. McDowell hoped the committee would rise. It was of importance that the debates should be taken accurately and fully, and he wished it to be ascertained whether a member had a right to introduce a person on the floor of the House, or whether the Speaker only could do it.

Mr. Harper was in favor of the committee's rising, not because he thought the question important, but because he thought it unimportant; and if the committee rose, he should move to postpone the further consideration of it to a distant day; for however unimportant he thought it, he perceived other gentlemen thought differently, and he supposed intended to produce a long debate upon it, and this he wished to avoid, in order to proceed with the business of the public.

The question for rising was then put and carried—44 to 36.

The committee rose accordingly, and, on leave being asked for the committee to sit again,

Mr. Harper hoped leave would not be granted, as he wished a postponement of the consideration to take place.

Mr. Otis hoped leave would not be given to sit again upon this subject. He did not know that any inconvenience had been pointed out as arising from the present mode of managing the business. All those who wished to come on to the floor of the House to take the debates had been permitted, except in some special cases. If this was the general practice, where could be the necessity for this rule? If any particular case of complaint existed, they ought to consider it by itself, and not adopt a general rule which might never again apply, in order to provide for it. There was no way of avoiding personality in this matter. It would always be a question between the individual who had been rejected and the House; for if the House adopted a general rule, and persons admitted behaved amiss, it would still be a question whether the Speaker had not the power to order them away. This determination, therefore, would produce no effect, except gentlemen wished to bring up every subject which could irritate the minds of members, and thereby prevent the public business from being done.

Mr. Nicholas said he believed it was impossible for the gentleman from Massachusetts to make a speech without some insinuations as to the motives of others. If it had ever been possible for him to have done so, he might have done it on the present occasion, when it had been wished to defer the consideration in order to avoid irritation. He would tell the gentleman what he wished to be done. It was not to ascertain whether the Speaker had done his duty heretofore, but whether the power of discharging short-hand writers from the House should be vested in the Speaker. With respect to the reports which were given of their debates, he supposed gentlemen were not always satisfied with them, but they were nevertheless valuable information to the public; and if it was important that this information should be published, it was to be considered whether the persons who attended the House to take notes should depend on the will of the Speaker, or upon a majority of the House, for the privilege. [The Speaker did not think this discussion proper while he was in the Chair.] Mr. N. said he did not wish to enter into the discussion. If it was the desire of the gentleman from South Carolina to postpone the consideration for a few weeks, he should agree to it; but he hoped the subject would not be got rid of without discussion in a Committee of the Whole, when the Speaker, who felt himself interested in it, might have an opportunity of speaking on the subject.

Mr. Rutledge said, if anything had taken place which, in the opinion of the gentleman from Virginia, made it necessary to act upon the subject of stenographers, it would be well for him to lay a resolution upon the table upon which the House might act. If there were nothing which made it necessary, it would be unwise to act upon it. The gentleman spoke as if there was no stenographer in the House. When the people saw this they would naturally ask, to whom then are we indebted for the debates which we daily read? Why, said Mr. R., is this subject introduced? It was generally believed that this resolution had reference to a particular act, which occurred a few days previous to its being brought forward. But the mover declares that he had not that transaction in view. If this was the case; if there was no complaint against the conduct of the Speaker, and every day's debate appears faithfully reported in the papers, what necessity was there, he asked, for this provision? If the gentleman from Virginia missed a favorite stenographer, and wished to see him reinstated, it would be well to bring forward a resolution to that effect. But, said he, while I see a stenographer taking down the words I am now speaking, and when I find our proceedings regularly laid before the public, I can see no necessity for any general regulation on the subject. But it was said that it was necessary to be determined whether the Speaker should have the power of driving stenographers from the House. If there be any circumstance which renders this determination necessary, let it be brought forward; then the House will know upon what ground they acted. If this was a true state of the

case he thought it would be highly improper to go into a consideration of this subject at all, as it would be giving a sanction to the proceedings of this House, which would be very inconvenient and improper. And if the mover (whose property it was) had no objection to let the motion lie, why should his colleague wish it to be considered?

Mr. NICHOLAS said, he had no right to expect the gentleman from South Carolina would listen to what he said; if he had, however, he might have saved his remarks. He had stated that it was not his desire to inquire into a particular case; yet that case had made it necessary to have a new rule. It was not intended to inquire into the conduct of the officer of the House, but to provide for the future. Mr. N. thought the gentleman from South Carolina understood the business of the House better than to say the resolution was the property of any one; it was the property of the House. With respect to the effect it would have, if agreed to, he was much mistaken. It could not be supposed to sanction the debate of any man. The resolution was passed before it was known who would come to take the debates; it could not, therefore, sanction any publication of debates. He was sensible, from the nature of the business, that there must be inaccuracies in reports of their proceedings; but they were nevertheless valuable to the public, and the House ought to render the reporters as independent and eligible as they could be. It was a business which was attended with great labor and fatigue, and required talents of a peculiar kind. He wished them therefore to be placed upon the best footing on which they could be put, and every encouragement given to them short of pledging the House for the accuracy of their reports.

Mr. MACON was in hopes as this question had not been debated in the Committee of the Whole, it would not have been debated in the House. If it was the intention of the House to give leave to the committee to sit again, it would be best to make the subject the order for some distant day.

Mr. SEWALL said, the gentleman from Virginia argued as if there was no rule existing on this subject. The Speaker had every power for preserving the order of the House which was not expressly provided for by rule, and could, of course, give leave to any person whom he thought proper to attend on the floor to take down the debates; but it was now wished that every person who called himself a stenographer should be admitted, without respect to decency of character or appearance; and if any person of this sacred character should attend, whom the Speaker thinks improper, the question must be taken before he can be discharged. So that a stenographer was to have an advantage over every other citizen, and to be independent of the Speaker. They were to be exalted even above the members themselves; for members were subject to the order of the Speaker. If, at present, any stenographer thought himself injured by being denied the right which others enjoyed, he might petition the House for redress, and, if he had been improperly treated, he would regain his situation in the face of the Speaker; but as they were permitted, under the good will of the Speaker, to come upon the floor of the House while they conducted themselves properly, he thought they had every privilege which they could desire; he therefore hoped no provision would be made on the subject, and the committee be refused leave to sit again.

Mr. GALLATIN observed, that the report of the select committee went to reject the rule proposing to admit persons who attended to take the debates, within a certain place within the House, which is open to everybody. For his part he never understood what was the rule on this subject. He knew that the galleries were open for strangers, and he knew there was a certain boundary which divided the gallery from the House. And he always understood that every individual in the galleries, as well as the members of the House, were under the inspection of the Speaker, so far as relates to decency and propriety of conduct; not only to call members to order, but to correct any disorder in the galleries, or to turn any person out of them. But there had been a distinction assumed which he did not understand, viz: that out of the galleries, and without the bar of the House, is a place in which strangers may come, and may not come; He understood that a member or the Speaker might introduce any person there. But he wished to have this matter ascertained, and to know whether any stranger may be admitted, how, and how excluded. He did not wish to restrict the authority of the Speaker within these walls; but he did not see the propriety of turning out any person that was not debarred admission by the rules of the House. He knew that the Speaker had a right to turn out any person that misbehaved himself; but if he were to have the power of excluding others, he wished to have it ascertained by rule; for if he himself were to introduce a gentleman on this floor, and the Speaker was, for some reason, to turn him out, he should not feel pleasantly. [The SPEAKER thought these observations improper while he was in the Chair.]

Mr. G. said he did not allude to any particular person, or to any particular Speaker. He spoke generally, and wished to ascertain whether it was not better to provide by a rule whether certain powers were in the Speaker, or in the House; and he was going to say that this was a question which might be settled without irritation. And it was because the Speaker was in the Chair, that he took a case which could not exist. He thought it best to take up the subject on a general ground, and to fix these regulations by rule, rather than leave them as they now are. If it was thought proper to vest this power in the Speaker, let it be so; or, if any provision was made in favor of note-takers, which, of course, would be for the interest of members, as it gave them a better opportunity of hearing and taking down the debates, they ought to do so. He said, he avoided taking any notice of the resolution with respect to debate-takers, as the question was on leave being given to the committee to sit again. Mr. G. said, before he sat down, he would notice one observation which he thought very extraordinary. It was,

that the people generally believed the Clerk of the House reported the debates, and that it was done under the sanction of the House. He himself lived in a very remote part of the Union, where the people had not access to such ample information as in other parts, but he never heard such an opinion uttered. The people at large pretty well understood that the debates are taken by persons who attended, for their own use, which were correct, or otherwise, in proportion as a speaker is perspicuous or not, or according as they hear and understand, or as they possess the ability to make the report. He hoped the committee would have leave to sit again, and that the question would be debated on a future day, when he trusted it would be discussed on general ground.

Mr. OTIS said, it appeared to him, that the gentleman from Pennsylvania had assigned reasons why some general rule ought to be established with respect to the admission of strangers; but he saw nothing of that kind contemplated by the resolution, therefore it could not embrace the objects he had in view. It was confined to stenographers merely, with respect to whom he saw no necessity of making any rule. They attended when they pleased, in the House. If any had been injured from a denial of this privilege, and that injury was shown to the House, it might be good ground for making a rule upon the subject. With respect to what had fallen from the gentleman from Virginia as to his habit of using irritating expressions; he believed it would be the best way of preventing irritation to take no notice of them; he would only say, that he believed the gentleman's own irritability gave rise to the remark, and not anything he had said.

Mr. DAWSON observed, the arguments of gentlemen showed the propriety of the committee's having leave to sit again. He should not, at present, reply to what had been said, because he thought the debate on this subject ought to take place in a Committee of the Whole. He would agree with the gentleman from South Carolina to take up the subject about the middle of April. If this was declined, gentlemen would force them into a discussion at present.

Mr. LYON hoped the committee would have leave to sit again, and that the further consideration would not be deferred to the time mentioned. He thought it of great importance that the proceedings of the House should be faithfully reported. When he first took his seat in the House, there were six persons who attended to take down notes; now, he said, there is only one, and if he should be taken sick, or stay away from any cause, the public would be unacquainted with the proceedings of the House.

Mr. BAYARD observed, that the gentleman from Pennsylvania had told the House a number of things he did not know; among these was the ground upon which the Speaker had a right to turn out strangers from the lobby of the House. Mr. B. was surprised that gentleman who knew so much, should be ignorant of this. There was scarcely a member in the House, he had thought, who did not know that the House was divided into different parts; one of which was for the members, and another for strangers. The part assigned to members was the floor and the lobby; and the galleries for those who chose to attend their proceedings. With respect to the lobby, the Speaker, as the general conservator of peace and order in the House, had the same charge over it, as over other parts of the House. If any person, who is not a member, were to take a member's seat, the Speaker would undoubtedly turn him out, and he had the same right to order any person out of the lobby. But the gentleman said there was no rule upon the subject. Nor could there be any; for though gentlemen sometimes introduced their friends into the lobby of the House, which was a thing of courtesy, they certainly had no right to do so.

With respect to the general principle, whether this power belonged to the Speaker or not, he was astonished that this should have been doubted, as it is a power so subordinate to others placed in that officer; and he could not account for the doubt without reference to another circumstance. Was he not an officer of great consequence, both as to his integrity and intelligence? Was not the power he possesses of calling any member to order, of appointing all committees, &c., of a far higher magnitude? And when he had these powers, could it be doubted that he had the power of discharging persons from the lobby of the House, and of preventing their being reinstated? Besides, let the worst use of this power be supposed. Suppose the Speaker to be so far forgetful of propriety and duty, as to order a stenographer out of the House without sufficient cause. Every order which the Speaker makes, is subject to the control of the House; and provided the person so turned out, complains by petition to the House, there could be no doubt but the order would be reversed, and the person reinstated. If the rule proposed were adopted, a majority of the House could do no more than they might now do. There was, however, too much reason to believe that this rule was intended to apply to a particular case; as, however, he was not sensible of any inconvenience from the present mode of doing business, he was not willing to change it, until he saw some evil arising from it. If gentlemen knew of any, they would of course produce it.

Mr. J. WILLIAMS observed, that two or three gentlemen had said, they did not know how stenographers were introduced into this House. It was not long since the House was engaged on this subject on account of an application from a stenographer from Virginia. A committee reported in favor of making this person an officer of the House to take the debates, but a majority of the House determined it was better to let the business stand upon its old footing, without the sanction of the House; he thought, therefore, gentlemen could not be ignorant on this subject. Mr. W. said he should notice an expression of the member from Vermont, who said that he did not wish the business to be postponed to a distant day, because it was proper the public should know what is done in this House. Did not that gentle-

man know that the proceedings of every day were regularly published? And will any gentleman say they are partially given? He believed not; he heard no complaint from either side of the House. He believed the business was as accurately done, as the nature of it would admit of; and when there were half a dozen note-takers, he had observed, and if that member had read, he would have observed, that the most of them copied the debates written by the stenographer now before him. He thought, therefore, there was no necessity for any change in the business. He wished for the greatest publicity possible, and that the people might not only know what they *said*, but also what they *did*.

Mr. GALLATIN replied to the observations of Mr. BAYARD, by stating, that he was acquainted with the rules of the House as they had been agreed to, and were before them, but ignorant of any other rule which was not contained there. He wished all their rules to be explicit.

Mr. GORDON hoped the committee would not have leave to sit again. He had heard no reasons to convince him that the committee ought not to be discharged from a farther consideration of the subject. All the arguments which had been offered went to the general ground of admitting strangers on the floor of the House, whereas the resolution before the House was confined to stenographers. He wished no regulation on this subject. The gentleman from Pennsylvania had said that if he were to bring a gentleman within the walls, and he were to be turned out, he should be very much hurt; he would venture to say, that if he introduced none but gentlemen, he would never have his feelings thus hurt.

Mr. HARTLEY hoped the Committee of the Whole would not be discharged, but have leave to sit again at a future day. The Speaker, he remarked, was in a very awkward situation in the discussion; he wished him to be at liberty to answer any insinuation which might be made against his conduct.

The SPEAKER thought it his duty to say, that he had heard no personal insinuation towards himself; if he had, he should not ask the House to go into a Committee of the Whole to get clear of them.

Mr. LYON denied having insinuated that the debates were at present improperly reported; he thought the business well done. All he had said was, that there were formerly six reporters, and now only one; and he wished the regulation to be adopted, lest that one should be driven away, by the same power which had sent off the others.

The SPEAKER said the remark of the member from Vermont was very improper and indecent.

The question for leave to sit again was negatived—46 to 40.

Mr. N. SMITH proposed to postpone the farther consideration of this subject to the 4th of March next.

Mr. HARPER was opposed to this motion; it was not his object to give the *go-by* to this question. He had no desire to avoid it. He was satisfied that whenever the business was gone into, the report of the select committee would be agreed to. He hoped, therefore, the third Monday in April would be preferred.

Mr. BROOKS would have no objection to discuss this business, if it had not already been discussed. He was in favor of the 4th of March, as he perceived the gentleman from Pennsylvania wished to introduce several regulations into the discussion, as to the admission of strangers, &c.

Mr. NICHOLAS said, he had avoided as much as possible entering into this discussion at present. He had asserted the necessity of a rule of this kind, in order to set the note-takers upon a more respectable footing than at present.

Mr. GALLATIN made some remarks against the postponement.

Mr. RUTLEDGE said he supposed that it was perfectly well understood that short-hand writers were admitted on the floor through the Speaker's indulgence, because it was a privilege not granted to the rest of our fellow-citizens, who were admitted into the galleries and lobby only, and that as by the rules he had authority to order any stranger to be turned out for disorderly conduct, or both galleries and lobbies to be cleared entirely in case of more general disorder, or where he could not distinguish and single out the unruly individual, so he had believed that no one doubted his authority to revoke the indulgence thus granted to stenographers.

He requested, however, that the Speaker, although in the Chair, would do the doubting gentleman from Pennsylvania the favor to state in what manner this business had been conducted, in order to dispel the debate of that member, or of any other who entertained them; although Mr. RUTLEDGE declared that he for himself had none, and was satisfied.

The SPEAKER rose from the Chair, and said that he felt very much disposed to gratify the gentleman from South Carolina in any request he might think proper to make, but that in this instance it would be useless, because he was sure that the gentleman from Pennsylvania, (Mr. GALLATIN,) notwithstanding his affectation of ignorance, knew perfectly well, through whose indulgence, and under what restrictions, short-hand writers were admitted on the floor of the House, and on what footing they stood there. The Speaker added, that as he had himself told this, long since, to that very member, it was consequently very certain that he did not seriously entertain the doubts he had expressed, but that they were suggested rather with a design to catch the popular ear, than with an expectation or wish that they should be dispelled.

Mr. GALLATIN said, he understood that it was under the courtesy of the Speaker that persons were admitted on the floor of the House to take the debates, and all his observations went to show that the business would be better placed on a different footing. If this was speaking to catch the *popular ear*, he had so spoken. With respect to the special use alluded to, he well knew that the power exercised by the Speaker had been exercised once before during the last session; but, be-

fore that time. he did not know that he had the power of discharging a stenographer from the House; and he had always since thought it was improper that he should have it.

Mr. N. SMITH made his motion, because he thought the question had been sufficiently discussed, and because he thought it too trifling a business to engage the attention of the House at this time.

The question for the postponement was taken by yeas and nays, when there appeared 44 for it and 44 against it, as follows:

YEAS—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, John Dennis, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, William B. Grove, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, James Machir, William Matthews, Harrison G. Otis, Isaac Parker, Thomas Pinckney, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Thos. Sinnickson, Nathaniel Smith, Peleg Sprague, George Thatcher, Richard Thomas, John E. Van Alen, Peleg Wadsworth, and John Williams.

NAYS—Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Nathan Bryan, Demsey Burges, Thomas Claiborne, Wm. Charles Cole Claiborne, Matthew Clay, John Clopton, John Dawson, George Dent, Lucas Elmendorph, William Findley, John Fowler, Albert Gallatin, James Gillespie, Andrew Gregg, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison, Thomas Hartley, Joseph Heister, David Holmes, Walter Jones, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, John Nicholas, Tompson J. Skinner, Samuel Smith, Richard Sprigg, jun., Richard Stanford, Thomas Sumter, Thomas Tillinghast, Abram Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

The numbers being equal, the SPEAKER said, as this was a question upon which he could not vote without a positive order of the House, the question was not carried.

A motion was then made to adjourn, which was lost, there being only 24 votes for it.

Mr. HARTLEY moved to postpone the question until the first Monday in May. This was also negatived—46 to 38.

The question was then taken on agreeing to the report of the select committee to disagree to the resolution; which was agreed to, 50 to 36, as follows:

YEAS—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, John Dennis, George Dent, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, William Barry Grove, John A. Hanna, Robert Goodloe Harper, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, James Machir, William Matthews, John Milledge, Harrison G. Otis, Isaac Parker, Thomas Pinckney, John Reed, John Rutledge, jun., James Schureman, Samuel Sewall, William Shepard, Thos. Sinnickson, Nathanie Smith, Peleg Sprague, Geo. Thatcher, Richard Thomas, Thomas Tillinghast, John E. Van Alen, Peleg Wadsworth, and John Williams.

NAYS—Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Nathan Bryan, Demsey Burges, Thomas Claiborne, William C. C. Claiborne, Matthew Clay, John Clopton, John Dawson, Lucas Elmendorph, William Findley, John Fowler, Albert Gallatin, James Gillespie, Andrew Gregg, Carter B. Harrison, David Holmes, Walter Jones, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, Anthony New, John Nicholas, Tompson J. Skinner, William Smith, Richard Sprigg, jun., Richard Stanford, Thomas Sumter, Abram Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

THURSDAY, March 22.

The following engrossed bills were read the third time, and passed, viz:

The bill for continuing in force part of an act therein mentioned. [The title of this bill was amended, by adding the title of the act the part of which is hereby continued, viz: The act making further provision for securing and collecting duties on foreign distilled spirits, wines, and teas.]

The bill to alter the time of entering stills, and for other purposes.

The bill to continue in force the 5th section of the act establishing post offices and post roads; and—

The bill to revive and continue in force the act regulating the compensation of clerks, and for other purposes.

Mr. BALDWIN, from the committee to whom was referred the bill from the Senate for accommodating a settlement of limits with the State of Georgia, and for erecting a Government in the Mississippi Territory, reported the bill without any amendment, with some additional information. Committed to a Committee of the Whole for to-morrow.

The House, on motion of Mr. HARPER, went into a Committee of the Whole on the bill making an appropriation for a balance found due to the representatives of William Carmichael; which, being agreed to, was ordered to be engrossed for a third reading.

A message was received from the Senate, informing the House that they had passed the bill declaring the assent of Congress to an act of the State of Maryland, appointing an health officer, with an amendment.

Another message was received from the Senate, informing the House that they had passed a bill to enable the President of the United States to purchase, or take on lease, one or more foundries, for which $100,000 are proposed to be appropriated. Referred to the Committee for the Protection of Commerce and the Defence of the Country.

STANDING RULES.

The House proceeded to consider the report of the committee of the nineteenth of February last, to whom were referred the motions of the thir-

teenth and fourteenth of the same month, for adding certain rules to the Standing Rules and Orders of the House: Whereupon,

The first part thereof, to which the Committee of the Whole House, yesterday, reported their disagreement, being read at the Clerk's table, in the words following, to wit:

"The committee appointed on a motion of the thirteenth instant, for an addition to the Standing Rules and Orders of the House,

"Report, as their opinion, that the House ought to agree to the same, in the words following, viz:

"*Resolved*, That no question for reconsideration shall be taken, when there is a smaller number of members present than were present when the original vote proposed to be considered was taken."

The question was put, that the House do agree with the Committee of the Whole House in their disagreement to the said first part of the report, and resolved in the affirmative.

The latter part of the said report, to which the Committee of the Whole House, yesterday, reported their agreement, being read, in the words following, to wit:

"The committee further report that the motion of the fourteenth instant, to wit:

"*Resolved*, That the Standing Rules and Orders of this House be amended, by inserting, after the Rule respecting motions for adjournment, the following proviso: 'That no motion for adjournment shall be received, unless by unanimous consent, while another motion is depending,' ought, in their opinion, to be disagreed to by the House."

The question was taken, that the House do agree with the Committee of the Whole House in their agreement to the said latter part of the report, and resolved in the affirmative.

FRIDAY, March 23.

The bill, making an appropriation for the balance found due to the legal representatives of William Carmichael, deceased, was read the third time, and passed.

Mr. OTIS, from the committee to whom was referred so much of the President's Speech as related to Consuls, reported a bill, which was read, and committed for Tuesday.

The amendment of the Senate to the bill for declaring the assent of Congress to an act of the State of Maryland for the appointment of a health officer was concurred in.

JOSIAH FLAGG.

Mr. OTIS presented the petition of the widow of Josiah Flagg, a Colonel in the State troops of Rhode Island, praying for compensation for the services of her late husband, which, being read, he moved to have committed to the Committee of Claims.

This reference was opposed by the chairman of the Committee of Claims, (Mr. D. FOSTER.) He stated that Colonel Flagg ought to have been, if he was not, paid by the State of Rhode Island; that a number of applications of this kind had been made to Congress, and uniformly rejected. The total of these claims, he believed, would amount to several thousand dollars, and the accounts of the several States who employed these troops had already been adjusted between the General Government and the State Governments. Ordered to lie on the table.

PAYMENT OF UNFUNDED DEBT.

Mr. D. FOSTER proposed the following resolution for the adoption of the House, which was agreed to:

"*Resolved*, That the Committee of Claims be instructed to inquire whether any, and what, further provision ought to be made relative to the payment or reimbursements of the unfunded or registered debt, now credited in the books of the Treasury, and relative to Loan Office and final settlement certificates; and that the said committee be empowered to report by bill or otherwise."

PURCHASE OF FOUNDRIES.

Mr. SEWALL, from the Committee for the Protection of Commerce and the Defence of the Country, reported the bill from the Senate authorizing the President to purchase one or more foundries, with an opinion that it ought to be adopted without amendment. The bill was committed for Monday.

GEORGIA LIMITS.

Mr. J. WILLIAMS called for the order of the day on the bill for organizing and disciplining the militia of the United States.

Mr. GALLATIN thought it better that the House should again go into a Committee of the Whole on the bill for an amicable settlement of limits with Georgia, and for the erection of a Government in the Mississippi Territory, as that subject had already undergone some discussion, and the bill had been reported with the information to obtain which it had been committed.

The latter business was preferred, and the House accordingly went into a Committee of the Whole on the subject; when Mr. MILLEDGE's amendment being under consideration, for adding to the section for appointing a provisional Government in the Natchez country, "after the consent of the Legislature of Georgia shall have been obtained,"

Mr. MILLEDGE observed, that the select committee had now reported all the documents on which the United States claimed a right to this territory. As to the title of Georgia, he should not enter into an inquiry as to that. He would only remark, that the State of Georgia was as tenacious of her rights as any State in the Union. But he thought it would not be improper to examine the pretended claim of the United States to this country. Looking into the Journals of the Senate, he found that on the 3d of March, 1795, a resolution was passed directing the Attorney General to inquire into and make a report on the subject of the title of the United States to land in Georgia. No doubt the Attorney General not only examined the records of the State of Georgia, but those of the United States, and obtained all the information which he was able to do in the United States; but not finding sufficient ground

upon which to found a title, he applied to Mr. Bayard, our Commissioner in London, who obtained a certificate on the subject from a Mr. Chalmers, Secretary to the Board of Trade and Plantations. Twelve months after he was directed to do so, the Attorney General made a report on the subject; but none of the documents which he reported went to establish the claim of the United States; nor anything which tends to show that a cession of West Florida was ever made. But he now found among the papers got from the Senate, a letter, addressed to Mr. Reed of the Senate, from Mr. Livingston of New York, informing him that he encloses an extract from the instructions given by the King of Great Britain to Governor Chester. But Mr. Livingston was not known as an official character; and this document was neither official nor certified. Yet this is the ground upon which the United States claim this tract of country. Before the General Government proceeded to erect a temporary Government, it ought to have better information with respect to the nature of its claim; for, to attempt to establish a government without the consent of Georgia, he thought would be stepping beyond the Constitution, two clauses of which he quoted. He hoped the general powers placed in Congress for the defence of the country would not be resorted to in order to sanction the proceeding. It was said that the inhabitants of the district of country alluded to were in a situation which called for immediate attention. He allowed that it would be proper to pay early attention to them; but he thought, inconvenient as it might be, the erecting of a government might be deferred until the consent of the Legislature of Georgia could be obtained. It ought to be remembered that the State of Georgia is a member of the Union, and that it is her interest to make the cession, and he had no doubt she would do so. The convention of that State meet in May, and if application was made to them, he had no doubt the Legislature would be called together, and consent might be obtained by the month of July. He was confident the State of Georgia is desirous of promoting the interests of the United States, and that she is firmly attached to the Government; all its regulations had been constantly carried into effect there; and her consent to the establishment of a provisional government being obtained, every difficulty would be obviated.

Mr. HARPER did not feel any anxiety to question the desire of the State of Georgia to promote the interests of the United States, and he was glad to be informed by her Representative, that she was so well disposed to the General Government, to which assertion he gave the fullest credit. He, therefore, should not oppose the motion of the gentleman on the ground that the State of Georgia would be likely to throw any obstacles in the way of the proposed temporary government; and he should be far from supposing, that, by the erection of such a government, the United States would assume an extra-judicial right to the territory. He was of opinion that the United States possessed the right to it, and that the most undeniable evidence of the right existed; but that evidence was not now before the House, and if it were, they were not the proper body to decide the question. He believed the amendment ought to be rejected on the ground of policy. The bill went to provide a temporary government, but contained an express clause that the establishment of this government shall not affect the rights of Georgia with respect to her right of the jurisdiction or soil of this territory—consequently, the fears of the gentleman are groundless in this respect. What, then, is the nature of the amendment? It is to prevent the erection of a temporary government in a district of country containing upwards of 5,000 souls, lying far beyond the ordinary jurisdiction of any State, with an immense wilderness intervening, in which are two nations of Indians, and in the neighborhood of the territory of a foreign nation, with whom, though we are at present at peace, when we recollect the connexion subsisting between that nation and another with whom we have differences of a serious nature, we cannot reckon upon as lasting. Yet this remote and vulnerable corner of the Union is to be left defenceless for an indefinite period of time, lest we should possibly give umbrage to the State of Georgia, by providing a temporary government there before the dispute on the subject of limits is settled. And whatever may be the good disposition of Georgia towards the United States, it would require considerable time to obtain the consent proposed. Their Legislature do not meet till next Winter. It was true, as had been stated, that their convention met in May, and they might, if they thought proper, call an extraordinary meeting of the Legislature; but this could not be relied upon. Besides, he saw no necessity for so much punctilio in this case, for if any State were to suffer a part of its territory, within its ordinary jurisdiction, to lie in a defenceless state, the General Government would be warranted in stepping in to defend it, and certainly they might do it in a case like the present, where no jurisdiction is exercised. And if this was not done, the petition of these people set forth, that however unwilling they should be to do so, they should be obliged to pass over to the Spanish dominions.

Mr. H. said, he did not wish to have touched upon the question of right; but as the gentleman from Georgia had said we had none, he felt himself obliged to say a few words upon that point. He allowed the committee had not before them evidence of the right which would be admissible in a court of law; but though it were not such as would be admitted in a court of law, had it therefore no weight? It was at least equal to what was every day received by the committees of the House. The question was, whether the papers before them afforded reason to believe that legal evidence of the title did exist? It was a copy of a commission and instructions given by the King of Great Britain to Governor Chester, of West Florida, in the year 1770, furnished by the gentleman who was Secretary to the Governor at the time, and whose duty it was to keep

the records of that Government. But the gentleman from Georgia said, search had been made in the offices of the British Government for the original, of which this paper was a copy, and it could not be found. But this was no proof it did not exist. If it does exist, legal evidence may be obtained from it, and this paper shows that the Natchez country was included within the territory of West Florida, and that it ceased in the year 1770 to be a part of Georgia. He believed, however, this question ought not now to be acted upon; but that from necessity, and the exigencies of the case, a temporary government ought immediately to be provided for this district of country, and afterwards settle the point of right with Georgia by negotiation; and if it was found in the end that the United States had no title to it, the Government which had been established could be withdrawn.

But it was stated that the Legislature of Georgia would readily consent that the United States should become possessed of this country. But what were the terms upon which they proposed to cede it? They required, as one of the conditions, a million and a half of dollars in six per cent. stock, and as another (which was infinitely harder, since it might not be in our power to comply with it, as it depended upon the will of the Indians) that the United States will guarantee the relinquishment of the Indian claim to the land on the east side of the Chatahoochee, within a certain number of years. There is little hope, therefore, that the State of Georgia will propose any terms to which the United States can agree, as it had been seen that the Legislature of that State had rejected a bill by a great majority, which proposed the price to be one million of dollars, with the other condition. Of course it would be very imprudent to rest the establishment of a government in this quarter upon an agreement to terms like these.

Besides, the amendment would affect the right claimed by the United States. To wait for this consent would be tantamount to confessing we had no right, and arm Georgia with a strong weapon against us in the final settlement.

Mr. H. contended that there was nothing in the Constitution which could prevent the proposed measure, since it was absolutely necessary to preserve the people from falling into anarchy, and to prevent a foreign Government from putting arms into their hands. It was also a quarter of the Union which it was necessary to preserve, if we wished to secure the free navigation of the Mississippi, which we had lately obtained by the Spanish Treaty; for if this country were invaded by the Indians, or involved in civil war, we could not have the benefit of the navigation of that river. He hoped, therefore, when so many considerations were opposed to it, the amendment would be disagreed to.

Mr. NICHOLAS understood, from the gentleman from South Carolina, that it was not intended to insist upon the title of the United States to the territory in question; and if they were not ripe to decide that the land is the property of the United States, he thought they ought not to establish a government there without paying some respect to the rights of Georgia, by obtaining her consent, as it might prevent that amicable settlement of which we had at present the prospect. If that State set the value upon the land which had been mentioned, would it not excite the utmost jealousy in that country to take forcible possession of it? To do this would certainly be to establish an influence in favor of the United States, which would be fatal to the claim of Georgia. No argument had been adduced to show the right of the United States to this territory, but merely to show the convenience of the measure. The gentleman from South Carolina might as well say that a certain district in Virginia is not so well governed as it might be, and, as the people would be happier under the Government of the United States, propose to take possession of it. But it was said Georgia had not begun to govern this territory. Neither have the United States. She may, for aught we know, be preparing to do it now. He thought there was not a shadow of pretence for taking the course proposed, without first consulting the Legislature of Georgia. He hoped the amendment would be agreed to.

Mr. J. WILLIAMS said it appeared to him, that if this amendment were to prevail, the bill might as well be voted out altogether. The bill had two objects, viz: a settlement of limits, and the fixing of a temporary government. It was clear to him, from the papers before the committee, that the United States had a clear title to the country in question, and, if this was not the case, there was a saving clause in favor of the Georgia claim. He thought that State ought to be happy at the idea of the United States fixing a government there, as it would assist them in their defence against the Indians. If gentlemen turned to the acts of Congress, it would be found what a vast expense the United States had heretofore been put to in defending the frontier of that country. He thought that State had been dealt with in a very favorable manner. It was not long since $100,000 were paid to their militia for defending their frontier. He complimented the gentleman from Georgia for having advocated so ably the cause of his State. But he thought that State ought to come forward and show what title she had to the country. It had been ceded to the United States by the Spanish Treaty, and the inhabitants there had a claim upon the General Government for protection, and surely if the State of Georgia forever refused to give its consent to a government being established there, they were not forever to be without government. The people there had petitioned Congress for a government, of which doubtless the State of Georgia was acquainted; and they ought to come forward in the business. Their silence proved to him that they had no title to that country. Mr. W. referred to the manner in which other cessions had been made to the Union, and said he thought Georgia ought to rejoice at the proposed establishment, as it would not only be benefiting that State, but the Union at large.

Mr. Macon said if the bill was intended to be conformable to the title, the amendment ought certainly to be agreed to; as, if the United States undertook to establish a government at the Natchez, without the consent of Georgia, it could not be said to be amicably done. This, he said, was neither the proper time nor place of deciding to whom this territory belongs. The great object ought to be to get a government there, and not to talk about what had been done for Georgia. And if the consent of Georgia could be obtained previous to the establishment of this government, it was certainly desirable that it should be obtained. This would not injure the claim of either. When this was done, some mode might be agreed upon by which the dispute at present subsisting, might be settled. This course would prevent any difficulties, and the consent might be obtained by the time the government could take effect.

Mr. Otis said if the object of the present bill could be obtained in a mode which would preserve the rights of all parties as they at present stand, such a course would be preferable to that which should appear to relinquish the right of one of the parties. It struck him that this might be effected by the bill as it now stands. The United States assumed their right to the land, yet they do not say they mean to turn a deaf ear to the claim of Georgia. But, if the amendment were adopted, it would go to relinquish the title of the United States, and this, he thought, would be an excess of complaisance to the State of Georgia. The only plausible reason given in favor of the amendment was, that if the bill passed without it, it would give offence to, and excite jealousy in, the State of Georgia. But how? Because Congress passes an act to settle the interfering claims, and directs the appointment of commissioners to give them a compensation for what we might take without it? Or, because we say we will enter upon the territory, to which we always laid claims, in order to preserve peace and order among the inhabitants, and to secure it against the attack of the Indians or of a foreign Power? Gentlemen seem to take it for granted that Georgia has possession of this territory; whereas those who oppose the amendment, contend it is a vacant possession, and that we have a right to take possession of it, to hold it, not until an army is raised to take it from us, but until the legal question of right shall be decided. And it could not be said that there was anything offensive in this. If a man, for instance, were to enter upon a piece of land, and say he would never give it up until he was driven from it, it would certainly be an act of violence; but if he enter upon it only to take care of it, until a legal decision can be had as to his right, such an act was perfectly justifiable; and this was intended in the present case.

Mr. Kittera hoped, if the bill passed at all, it would be without the amendment. This territory was never yet governed either by the United States or Georgia, but had been ceded to the United States by Spain, in our late treaty with that Power, and we ought to retain possession of it until the title to it was clear. In this view of the subject, he could not see how the State of Georgia could take offence at our holding the territory until the existing dispute was settled.

Mr. Baldwin said it was to be regretted, as this was the last instance in which this question of cession could be presented to Congress, that the situation of the persons settled upon this territory was such as should seem to constrain gentlemen to depart from the course of their former proceedings on this subject. He was fully impressed with the situation of that people; but he thought little delay would be occasioned by the proposed application to the State of Georgia; nor would that consent weaken, as had been suggested, the title of the United States. Or, if there was any force in the objection, it might be guarded against by adding a few words in the section which speaks of preserving the claim of Georgia as it now stands.

Mr. B. said, gentlemen who had turned their attention to the map, would find that the territory in question is situate at the southwest corner of the United States; the southern boundary is latitude 31, and the western boundary the Mississippi, which is also the boundary of the United States. Its extent is about 280 miles north and south, and coming this way, about 400 miles. That part upon which this bill is bottomed, is little more than one-third part of the whole of that territory. The United States now reckon latitude 32½ as the boundary of Georgia; but in the treaty, and till very lately, it was always reckoned to be 31, which is also the boundary of the United States. This was, at any rate, a new discovery—the official documents in support of which he had not seen. It was now supposed that West Florida extends to latitude 32½, and not to 31, which is one degree and a half more than formerly supposed. If this were so, he wondered it had never before been discovered by England or Spain. Why was the boundary of the United States always fixed at 31? He feared, that since it became our interest to extend the boundary, we had suffered that interest to color our judgment. The instructions drawn out for our Minister by a former Secretary of State were, "you are to contend for latitude 31." The ground upon which he had stated this, Mr. B. thought irresistible, and it was thought we might risk a war upon it. Besides, this bill would not cure the evil for which it was intended. There might be inhabitants still further north; this bill provides only for such as are settled within what had been called the Province of West Florida. Mr. B. said, he had never seen the documents which authorized this extension. He had, indeed, seen the remarks of Mr. Chalmers, who, he believed, was Secretary to the Board of Trade and Plantations in London; but he believed he had drawn what he had said from the same document which was now reported, viz: the extract from the copy of the instructions said to have been given to Governor Chester; but the order of King and Council for extending it, the Attorney General says, in page 11th of his report, is not to be found.

Gentlemen had said, why does not the State of Georgia manifest a disposition to make some arrangements respecting the territory in question. They had done so. After the Revolutionary war in 1783 or 1784, when there was an expectation that the forts would have been evacuated, they laid out a county there, and all the titles were declared good, and where there was no other title occupancy was declared to be sufficient, and warrants were to be issued accordingly. When he first came to attend his duty in Congress, the Minister from Spain arrived about the same time, when he put in the claim of Spain to this territory, which prevented anything further from being done; and as soon as it was found that the arrangements made by Georgia gave umbrage to the Spanish Government, they were given up.

In the year 1788, the State of Georgia passed an act for making the cession of this territory to the United States. This act Congress referred to a committee, which reported that Government ought not to accept of the cession on the terms proposed. He believed the same disposition to make the cession which always had existed, now existed. He believed the disposition of the Government of Georgia was as favorable to the interests of the United States as that of any other State. He did not rise to speak their praises; but he could not sit to hear them blamed without notice.

If the proposed Government was proceeded with without the consent of Georgia, it would be a dereliction of principle. He thought some sort of regulation might be made among the people for their own government, until Georgia was applied to. This was not a new case. There had been great settlements in several parts of the country long before any Government was provided for them. Mr. B. said, he did not mean to undervalue the claim of the United States; they had always a claim in every case of cession, but he hoped, except there was an absolute necessity for it, the usual course of proceeding would not be departed from.

Mr. GORDON said, the gentleman from Georgia complained that a different course was proposed now to be taken than had been adopted heretofore. In answer to this, it was sufficient to say, that where the circumstances of cases differed, different courses were necessary. With respect to the merits of the bill, he thought it stood right at present. The situation of the people in the district alluded to, was such as required immediate attention. If gentlemen were not convinced of this, he saw no necessity for going into the business before the subsisting dispute between Georgia and the United States was settled. He believed, however, there was no doubt of the fact; and surely the gentleman from Georgia would not wish that these people should live under a military government for any length of time. Being satisfied of this point, he wished the bill to pass without the amendment, as that might defeat altogether the purpose of the bill. The claim of Georgia he looked upon at least as doubtful; and as he considered the United States as bound to protect all its citizens, he thought they would not be justified in returning these people for answer, "we cannot attend to your wants until we have settled our dispute with Georgia." Georgia might refuse to negotiate the subject, and by that means protract the business in a manner which would be very inconvenient, and perhaps drive the people under another Government. Besides, if Georgia should refuse its consent to the establishment of a Government in that quarter, it would, nevertheless, be proper to establish one. The United States, Mr. G. said, came into possession of this territory by treaty. But suppose it was now in possession of a foreign Power, would Georgia attempt to drive them from it? Certainly not. It would amount to the making of war on a foreign Power. Suppose Georgia had a title to this territory, had not the United States the power of depriving Georgia of it? Suppose, in their treaty with Spain, the United States had surrendered to Spain one-half of this land, or the whole of it, Georgia would have been bound by such an act; and having got this territory by treaty, they had certainly a right to establish a provisional Government over it, until the dispute, as to the title, was settled.

The question of this amendment was put and negatived by 46 to 34.

Mr. THATCHER rose and said, he should make a motion, touching the rights of man, by moving to strike out the excepting clause in the 3d section of the bill. [It appears that in the ordinance establishing a Government in the Northwestern Territory, slavery is expressly forbidden, and this section of the bill directs that a Government similar in all respects to that established in the Northwestern Territory shall be established in the Mississippi Territory, except that slavery shall not be forbidden.]

Mr. HARPER did not believe his friend's motion would be a proper mode of supporting the rights of man. In the Northwestern Territory the regulation forbidding slavery was a very proper one, as the people inhabiting that part of the country were from parts where slavery did not prevail, and they had of course no slaves amongst them; but in the Mississippi Territory it would be very improper to make such a regulation, as that species of property already exists, and persons emigrating there from the Southern States would carry with them property of this kind. To agree to such a proposition would, therefore, be a decree of banishment to all the persons settled there, and of exclusion to all those intending to go there. He believed it could not, therefore, be carried into effect, as it struck at the habits and customs of the people.

Mr. VARNUM did not know that the gentleman from South Carolina wished to promote the rights of man. His observations showed, at least, that he did not wish to support the rights of all men; for where there was a disposition to retain a part of our species in slavery, there could not be a proper respect for the rights of mankind. It was true that this kind of property is held in the Southern States, because they cannot, consistent

with the safety of the people of those States, liberate them, on account of their very great numbers. But they considered it as a great burden to be obliged to hold them. He hoped, therefore, Congress would have so much respect for the rights of humanity as not to legalize the existence of slavery any farther than it at present exists. He believed the gentleman from South Carolina was mistaken in saying that such a regulation would oblige all the inhabitants settled in this territory to remove. The provision need only extend to the forbidding of slaves being taken there. What, said he, is the situation of the Northwestern Territory at this time? Land there is worth more than in some of the old settled States; and he believed this high price of land, and prosperous condition of the country, was entirely owing to the absence of slavery. And if the Southern States could get clear of their slaves, the price of their land would immediately double. At any rate, he hoped the United States would prevent an increase of this calamity; for he looked upon the practice of holding blacks in slavery in this country to be equally criminal with that of the Algerines carrying our citizens into slavery.

Mr. RUTLEDGE wished the gentleman from Massachusetts would withdraw his motion, not from any apprehension he had that it would obtain; but he hoped that he would not indulge himself and others in uttering philippics against a practice with which his and their philosophy is at war. He submitted to the gentleman's candor whether it was proper, on every occasion, to do this—to bring forward the Southern States in an odious light, or to give his neighbor and colleague an opportunity of bringing them forward, and comparing them with Algerines! He thought propriety and decency towards other members required that such language should be checked. He believed, if his friend from Massachusetts had recollected that the most angry debate which had taken place during this session was occasioned by a motion on this subject, he would not have brought forward the present question. One gentleman says, you call these men property; another, you hold these men in chains; a third, you violate the rights of man! And are not these men property? Do not the people in this territory hold them as such? Did they not hold them under the Spanish Government? And must we thus address these people: "We have made a treaty which puts you under the mild Government of the United States, but we must take from you your property; or, rather, we must set your blacks at liberty to cut your throats. The rights of man was the watch-word of the day, and Congress have determined that you shall not possess this property. They cannot as yet do slavery away altogether—the day is not yet arrived; but they have determined it shall not exist in the Mississippi Territory."

These, said Mr. R., are not mere speculative opinions. They lead to more mischief than gentlemen are aware of; and he trusted if the gentleman from Massachusetts could be convinced that the discussion of such questions as the present did much mischief in certain parts of the Union, he would not bring them forward. He hoped he would withdraw the present motion.

Mr. GORDON thought that when the gentleman from Massachusetts recollected that, by the establishment of this Government, the United States do not establish their exclusive right to this territory, he would consent to withdraw his amendment, as that went to say that we had the absolute right of jurisdiction, and were determined to exercise it; and in making a difference between the ground on which property was held there from that on which it was held in Georgia, they would militate against the 5th section of the bill.

Mr. OTIS hoped his colleague would not withdraw his motion; and the reason why he wished this was, that an opportunity might be given to gentlemen who came from the same part of the Union with him to manifest that it is not their disposition to interfere with the Southern States as to the species of property in question. With respect to the existence of slavery, the House had often heard gentlemen, who are owners of slaves, declare that it is not their fortune, but their misfortune that they possess them, but who still keep them, and claim the right of managing them as they think proper. He thought it was not the business of those who had nothing to do with that kind of property to interfere with that right; and he really wished that the gentlemen who held slaves might not be deprived of the means of keeping them in order.

If the amendment prevailed, it would declare that no slavery should exist in the Natchez country. This would not only be a sentence of banishment, but of war. An immediate insurrection would probably take place, and the inhabitants would not be suffered to retire in peace, but be massacred on the spot. By permitting slavery in this district of country, the number of slaves would not be increased—as if emigrants from South Carolina or Georgia were to remove into this country they would take their slaves with them; and he could see nothing in this which could affect the philanthropy of his friend. The Northwestern Territory is inhabited by a description of persons who have not been accustomed to hold slaves, and therefore the restriction is agreeable to them; but the territory in question will be settled by people from the Southern States, who cannot cultivate the ground without slaves. He hoped, however, the motion would be persisted in, and negatived by a large majority.

Mr. D. FOSTER hoped, if the motion was not withdrawn, that a long debate might not be had upon it.

Mr. THATCHER said he should not withdraw his motion, and the more it was opposed, believing his cause to be good, the more obstinate he should be in its support.

Mr. GILES wished to suggest a single idea. The present motion was brought forward from the avowed motive of furthering the rights of man. He did not know whether the tendency of it was calculated to ameliorate the condition of the class of men alluded to; he believed not. On the con-

trary, it was his opinion, that if the slaves of the Southern States were permitted to go into this Western country, by lessening the number in those States, and spreading them over a large surface of country, there would be a greater probability of ameliorating their condition, which could never be done whilst they were crowded together as they now are in the Southern States.

Mr. HARTLEY said, he had himself intended to have brought forward an amendment similar to the present, but, on inquiry, he found so many difficulties in the way, that he was obliged to abandon it. He found it would interfere with, and be a serious attack upon, the property of that country. He was sorry it was not in the power of Congress to gratify the wishes of philanthropists in this respect, by doing away slavery altogether; but this could not be done at present, and as he believed the present amendment, if carried, would be attended with bad effects, he should vote against it.

Mr. GALLATIN said, if he saw any of the great inconveniences which were foretold as likely to arise from this amendment, he should certainly vote against it. He should be extremely averse to the adoption of any principle which should either directly or indirectly lead to the production of any commotion or insurgency in any State where there is a great number of slaves. He did not see how any such effect could be produced by the present motion; for, notwithstanding what had fallen from the gentleman from South Carolina, it did not appear to him how a regulation with respect to another Territory can affect the peace, tranquillity, or property of any other State. How the forbidding of slavery in the Mississippi Territory could produce a worse effect than the same regulation in the Northwestern Territory, or in Pennsylvania, or in several other States. The amendment, therefore, could not be opposed on that ground; it must be on some other. Ought it to be rejected on the ground of jurisdiction? Certainly not. The United States intend to exercise jurisdiction over that Territory, and was there any more reason for excepting this jurisdiction than any other? If we establish this Government we expect it to be permanent; and if we believe it is not conducive to the happiness of any people, but the contrary, to legalize slavery, when we are about to form a Constitution for a Territory, its establishment ought to be prevented. But, if this amendment is rejected, we establish slavery for the country, not only during its temporary Government, but for all the time it is a State; for, by the constant admission of slaves, the number will increase to a certain degree, and when the Territory shall become a State, the interest of the holders will be such as to procure a Constitution which shall admit of slavery, and it will be thereby made permanent. Having determined slavery was bad policy for the Northwestern Territory, he saw no reason for a contrary determination with respect to this Territory.

There was, then, only one solitary objection to the amendment, and that might easily be obviated. It was with respect to the situation of the people already settled there who are possessed of slaves. It would be extremely impolitic and unjust to declare by ordinance that the people settled there, either under the British, Spanish, or Georgia Governments, should be deprived of this kind of property; and if this was the effect of the amendment, he would vote against it. Such a regulation would be attended with the worst of consequences; but other words may be easily introduced to guarantee the property of the persons already settled there.

By the laws of the different States, Mr. G. said, the importation of slaves is forbidden; but if this amendment does not obtain, he knew not how slaves could be prevented from being introduced by way of New Orleans, by persons who are not citizens of the United States. He hoped, therefore, the amendment would be agreed to.

Mr. NICHOLAS believed it not only to be the interest of the Southern States, but of the United States, that this motion should be rejected. They were to legislate for the whole of the Union, and ought to consult the happiness of the whole. It was not for them to attempt to make a particular spot of country more happy than all the rest. If it was a misfortune to the Southern States to be overwhelmed with this kind of property, he asked if it would not be doing service not only to them but to the whole Union, to open this Western country, and by that means spread the blacks over a large space, so that in time it might be safe to carry into effect the plan which certain philanthropists have so much at heart, and to which he had no objection, if it could be effected, viz: the emancipation of this class of men? And when this country shall have become sufficiently populous to become a State, and the Legislature wishes to discountenance slavery, the increase of slaves may be prevented, and such means taken to get rid of slavery altogether, perhaps in conjunction with other parts of the United States, who by that time may be in such a situation as to admit of it, as shall appear prudent and proper.

Mr. THATCHER was of an opinion directly opposite to the gentleman who had just sat down. Indeed, they seldom did agree in sentiment; to-day they differed very widely. He believed the true interest and happiness of the United States would be promoted by agreeing to this amendment; because its tendency was to prevent the increase of an evil which was acknowledged by the very gentlemen themselves who are owners of slaves. Indeed the gentleman from Virginia (Mr. NICHOLAS) had frequently declared in that House, that slavery was an evil of great magnitude. In this respect they agreed in opinion; for he considered the existence of slavery in the United States as the greatest of evils, an evil in direct hostility to the principles of our Government; and he believed the Government had the right to take all due measures to diminish and destroy the evil, although in doing it they might injure the property of some individuals; for he never could be brought to believe that an individual can have a right in anything which goes to the destruction of our Government, viz: that he can have a right in a wrong.

A property in slaves is founded in wrong, and never can be right. He believed Government must of necessity put a stop to this evil, and the sooner they entered upon the business the better.

Mr. T. said, he honestly confessed he did not like to hear much said in that House about the rights of man; beeause of late there had been much quackery as to these rights. But, because these rights had been abused, it did not follow that man has no rights. Where legislators are freely chosen by the people, and frequently renewed; where a law cannot be passed without affecting the interests of the persons who pass it, these rights cannot greatly be abused; but, when we take upon us to legislate for men against their will, it is proper enough to say something about the rights of man, and to remind others, who are frequently heard speaking of these rights, that by nature these enslaved men are entitled to rights; and on that account it was, when he made this motion, that he said he would make a motion touching the rights of man.

The reasons offered against the amendment by the gentlemen from Virginia, were a little singular. He contended that certain States were overflowing with slaves, and if not colonized by opening this wide tract of country to them, they would not be able to keep or manage them. He always thought that colonizing these people tended to increase the race far beyond what it would be when penned closely together.

Mr. GILES explained, by saying, that he had said nothing about decreasing the number of blacks, but of spreading them over a larger surface of country.

Mr. THATCHER said, he understood the gentleman's argument perfectly, though he did not seem to understand it himself. The gentleman wished to take the blacks away from places where they are huddled up together, and spread them over this territory; they wished to get rid of them, and to plague others with them. But they had them, and if they determined to keep them, he wished only they should be plagued with them.

We are, said Mr. T. about to establish a government for a new country. Ours originated from, and was founded on the rights of man, upon which ground we mean to protect it, and could there be any propriety in emanating a government from ours, in which slavery is not only tolerated, but sanctioned by law? Certainly not.

It was used as an argument against this amendment that this territory would be peopled by emigrants from the Southern States, who cannot work for themselves; and on that account they must have slaves to work for them. If this be true, it makes the people of the Southern States only fit to superintend slaves. The language of this is, that these people cannot subsist, except they have slaves to work for them.

For the reason he had stated, he hoped the amendment would be agreed to; but if gentlemen thought those who at present hold slaves in the Territory should be protected in them, he should not be opposed to their holding them for a limited period.

The question was put and negatived, there being only 12 votes in its favor.

Adjourned till Monday.

MONDAY, March 26.

The SPEAKER laid before the House a communication from the Treasury Department enclosing an account of the receipts and expenditures of the United States for the year 1796, five hundred copies of which the communication stated would be deposited with the Clerk of the House; ordered to lie on the table.

DEFENCE OF NEW YORK HARBOR.

Mr. SMITH presented the memorial of the New York Chamber of Commerce, stating that the present critical and inauspicious state of this country had excited general concern, which concern had been much increased by the late official communication from the President of the United States; that this state of things called for the best measures of defence which could be taken; that the present defenceless state of the harbor of New York is such as to invite hostility, and that a place of such consequence to the Union ought to be put into a strong posture of defence; they, therefore, pray that their fortifications may be completed, and furnished with artillery and military stores; referred to the Committee for the Protection of Commerce and Defence of the Country.

PUBLISHING STATE SECRETS.

Mr. KITTERA presented a petition from inhabitants of the county of Huntingdon, in New Jersey, stating that they viewed with concern a defect in the laws of the United States, which suffered persons employed by the United States, after they were discharged from office, to publish with impunity the secrets of Government, and praying that measures may be adopted to prevent this evil in future; referred to a select committee of three members. This reference was carried—39 to 37.

INVALID PENSIONERS.

Mr. D. FOSTER, from the Committee of Claims, to whom was referred a motion to inquire whether any, and, if any, what alterations are necessary in the acts for the relief of invalid pensioners, made a report on the subject, containing a variety of reasons to show that, on the ground of justice and policy, it is not expedient to make any alterations in the existing laws on that subject. The report was committed.

PROTECTION OF THE COAST.

Mr. SEWALL, from the Committee on Commerce and Protection, to whom was referred the Message of the President of the United States, relative to the depredations committed upon a vessel in the harbor of Charleston, reported that there could be no doubt of the facts being as stated, and that it was another instance to prove the necessity of taking measures for the protection of our coast. They, therefore, report a resolution authorizing the President to build and equip —— galleys, or floating batteries, for that purpose;

which was referred to the Committee of the Whole on the state of the Union.

GEORGIA LIMITS.

The House again resolved itself into a Committee of the Whole on the bill for an amicable settlement of limits with the State of Georgia; when, after striking out the words "claiming under it," in the fifth section, and adding two new sections, the committee rose, the House concurred in the amendments, and the bill was ordered to be read a third time to-morrow.

One of the sections was moved by Mr. MILLEDGE, and was in the following words:

"That, from and after the establishment of the said government, the people of the aforesaid territory shall be entitled to and enjoy all and singular the rights, privileges, and advantages, granted to the people of the territory of the United States northwest of the river Ohio, in and by the aforesaid ordinance of the 13th day of July, in the year 1787, in as full and ample manner as the same are possessed and enjoyed by the people of the said last-mentioned territory."

The other, moved by Mr. HARPER, was to the following effect:

"That, from and after the establishment of the aforesaid government, it shall not be lawful for any person to import or bring into the said territory, from any part or place without the limits of the United States, any slave or slaves, on pain of forfeiting three hundred dollars for every slave so brought, one-half to the United States, and the other half to the person who shall sue for the same; and every person so imported shall be entitled to and receive his or her freedom."

When this section was proposed, Mr. THATCHER moved to strike out the words "without the limits of the United States," so as to have made it unlawful to have brought any slave there; but the motion was not seconded.

MILITARY APPROPRIATIONS.

Mr. SEWALL wished the House to go into a Committee of the Whole on the bill from the Senate to authorize the President to purchase one or more foundries. It was well known that the United States were very deficient in cannon, which could not be got, he believed, in a better way than by giving the President the power proposed.

Mr. HARPER wished the gentleman from Massachusetts to suffer his motion to give way to one which he proposed to make, for going into a Committee of the Whole on the report of the Committee of Ways and Means, relative to the appropriations for the Military Establishment, as there was at present a number of officers in the city, waiting for their pay, which they could not receive until the appropriations were made, as the $100,000, which were appropriated on account, had been already expended.

Mr. GILES hoped the House would go into a Committee of the Whole on the state of the Union generally. The House had received a Message from the President a week ago, of a very alarming nature, which he thought it was time to notice. He was himself extremely anxious to know what it was the object of gentlemen to do in this business.

Mr. GALLATIN said, if there was an immediate occasion for making appropriations for the Military Establishment, he should not oppose the motion of the gentleman from South Carolina; but on the first of January there was a very considerable balance unexpended, and therefore he believed it was not necessary to take up the subject at present.

Mr. SEWALL thought that if there was no balance in hand, there could be no difficulty in paying the officers, in confidence that an appropriation would be made. It was immediately necessary to attend to the subject of procuring cannon, as the frigates could not go to sea until they were got. He did not know that they could immediately be furnished by the means proposed, but he supposed it would be necessary to adopt such a measure in order to secure, not only the present, but future supplies. As to going into a Committee of the Whole on the state of the Union, he did not know that there was any immediate necessity for that. He did not know that it was intended to take up any particular subject which had been referred to that committee. He hoped they should first take up one proposition, and then another, until the whole were agreed to. But he thought it first proper to take up the bill from the Senate, which was referred to a separate committee.

Mr. T. CLAIBORNE said, if a number of officers were waiting in the city for their pay, he hoped the business of appropriation would be gone into, as to keep them in the city on expense was to diminish their pay. As to the foundries, he thought it was time enough to take up the subject. He himself should be decidedly opposed to the measure.

Mr. BALDWIN understood that a motion to go into a Committee of the Whole on the state of the Union had preference of every other.

The SPEAKER said it had, but he did not hear the motion seconded.

Mr. BALDWIN said he seconded the motion. He thought the House had acted very properly on this occasion. He was pleased that they did not, immediately upon receiving the President's Message, hurry into the subject, but that they had taken time to reflect upon it. He was sure, however, nothing he could say could show more forcibly than the Message itself, its importance to the interests and happiness of the United States. He thought it was now desirable to go into the business as calmly as possible, and begin to exchange their sentiments upon it. It is a subject on which the citizens of the United States are at this time deeply engaged, but they justly look up to their Representatives as having the best information on the subject, to learn what is to be the issue of their deliberations. He wished their anxiety to be in some measure relieved by an entrance being made upon the discussion. He confessed he had never witnessed a period which called so loudly for attention, as the present. He could not remove the subject from his mind; he not only thought of it when in that House, but when he lay on his bed,

his thoughts were still engaged upon it. Indeed, no man who had the good of his country at heart, could help being deeply affected by the present situation of things. He hoped, therefore, the House would resolve itself into a Committee of the Whole on the state of the Union.

Mr. OTIS said it was well known that he had been uniformly of opinion that the House ought, from day to day, to go into a Committee of the Whole on the state of the Union, and he was gratified in hearing the same sentiments from others. He thought the subject ought not to be delayed. The motion was, however, unexpected from the gentleman who brought it forward. He could not say he was prepared to go into the subject to-day. As there seemed, however, a great desire, from what had fallen from the gentleman from Georgia, (every sentiment of which he concurred in,) to go into this business, he should be willing to-morrow to enter upon it, when he hoped they should go into it with one heart and one consent. As the appropriations for the Military Department were pretty much a matter of course, he hoped that business would be got through to-day. With respect to the motion of his colleague, (Mr. SEWALL,) to go into the subject which he proposes, would be in fact to go into a Committee of the Whole on the state of the Union, as it is intimately connected with the subjects referred to that committee.

Mr. HARPER trusted the gentleman from Georgia would give him credit when he assured the House he had as great a desire to go into a Committee of the Whole on the state of the Union as that gentleman or any other; but whilst he felt this desire, he also knew that it was necessary to pass the annual and usual appropriations for the Military Establishment. As to the surplus which the gentleman from Pennsylvania had mentioned as unexpended on the first of January, that had been paid for the services of 1797. He hoped, therefore, the motion for going into a Committee of the Whole on the state of the Union would be withdrawn until this business was gone through; afterwards he should be one of the last persons to object to it. Indeed, he rejoiced to find that gentlemen now felt that anxiety on account of the situation of this country which every good citizen could not help feeling.

Mr. J. PARKER hoped the military appropriations would be proceeded with, otherwise it would be impossible to comply with that law, which says the pay of the Army shall never be two months in arrears. Nobody would be more ready than he to go into a Committee of the Whole on the state of the Union. He hoped the House might do this to-morrow.

Mr. MACON concurred in opinion with the gentleman who had just sat down.

Mr. GILES had no particular objection to the business lying over till to-morrow. But when the President sent his Message, it was to be expected some notice would be taken of it. From the best judgment he could give it, it involved the question of peace or war to this country, and he thought gentlemen must be prepared to say which of the two States they wished. With respect to the congratulations of gentlemen, that others seemed now sensible of the perilous situation of our country, he confessed his fears had long been awakened in this respect. All, he believed, were impressed with the critical situation in which we stand, but there is a difference of opinion as to the means of extricating ourselves. He had always been in favor of every necessary measure for the defence of our country; but opposed to all extravagant measures. He should still act in the same way.

The other motions being withdrawn, the House resolved itself into a Committee of the Whole on the report of the Committee of Ways and Means on the appropriations necessary for the Military Establishment for the present year, when the blanks were filled with the sums estimated to be necessary by the Secretary of War, until the article of subsistence came under consideration; when

Mr. GALLATIN moved to strike out 25 cents per ration, for the purpose of inserting 20 cents, which was the price charged last year, and provisions were rather fallen than risen in price. Indeed, it was observable, that the rations had every year been advanced a few cents. In 1795 they were charged only 15 cents; last year, 20 cents, and now 25.

Mr. HARPER believed rations might be got at 20 cents; but it was necessary for the contractors to deposite six months' provision in advance in the different posts, which occasioned a considerable expense; and besides this, it was customary for friendly Indians to visit all the posts, and whenever they did so, it was necessary to entertain them. He supposed the additional five cents were to make up for these two circumstances. It would remain with the committee whether they would allow the additional five cents, or hereafter make good deficiencies, as they found it necessary to do for last year.

Mr. GALLATIN said, that there would be no need to take into account the six months' advance of provisions, as that was included in the deficiencies which were now to be provided for; and if a greater number of rations was wanted, it should be expressed, and not add to the price of the rations. And if rations were to be provided for the Indians, they ought to be put under a distinct head, and not under the head of subsistence for the officers of the army. In 1797, indeed, there was under the head of the Indian Department, 100,000 rations at 20 cents, which was the proper way of placing the business. If rations could be got at 20 cents, and they were charged 25, the overplus would not go to the purposes which had been mentioned; but the officers, who received money instead of rations, would receive 25 cents instead of 20.

Mr. HARPER consented to the price being fixed at 20 cents, and after a few observations from Mr. J. WILLIAMS in favor of 20 cents, and of having the allowance for the Indians mentioned separately, the motion was put and carried.

It was proposed to appropriate $3,000 for three

additional temporary agents to trade with the Indians.

Mr. GALLATIN moved to strike out this article. He thought there was as many agents already as were useful; besides, the law confined the expense in this respect to $15,000, so that if these additional agents were to be provided, it must be by a supplementary law.

Mr. HARPER said, whether two additional agents are necessary or not, is mere matter of opinion, and he was inclined to take the opinion of the President and Secretary of War, before that of the gentleman from Pennsylvania. Mr. H. insisted upon the President's right to appoint more agents, if he thought them necessary.

The motion to strike out was carried—34 to 29.

Mr. HARPER moved an additional item of 100,000 rations at ten cents, under the head of the Indian Department, for the use of the Indians who visit the posts, which was negatived—28 to 27.

The item of $169,000 for cannon and arms, was agreed to be omitted, and considered in the bill which relates to the purchasing of foundries.

Mr. HARPER then proposed two additional items to make good the deficiencies of last year, which were agreed to in blank.

The committee then rose, and the House took up the amendments reported by the committee. All were agreed to until the Quartermaster's Department came under consideration, when

Mr. GALLATIN moved to strike out $200,000, for the purpose of inserting $150,000. A great part of this expense was incurred in transporting our troops from one place to another, and now they were stationed, he thought the sum he had mentioned would be very ample. Indeed, he should not have been in favor of so large a sum, only that some vessels would be necessary to be built on the Lakes.

Mr. HARPER said, this appropriation was included last year along with the Indian Department, defensive protection, bounties, &c., for which $300,000 were appropriated, and they found there was a deficiency of $50,000. He could not say under what head this deficiency arose, but it was chiefly under that of Quartermaster's Department. As the estimate was $200,000, he hoped that sum would be agreed to, as the Secretary of War was more likely to know what was necessary than any gentleman in that House could be.

Mr. GALLATIN contended, that on a comparison with the expenses of former years, the sum he proposed was quite large enough. The deficiency of last year of $50,000, which the gentleman had mentioned, ought not to have taken place. The Secretary of War was not justified in expending more in these contingencies than was appropriated, (except in case of necessity,) otherwise the Secretary of War, and not Congress, regulated the expenditure of money. It would be necessary to inquire into this business, and except some pressing necessity could be shown for going beyond the appropriation, he should consider the Secretary of War as highly blameable for having done so, as the appropriation is the only check which the Legislature has over the contingent expenses.

Mr. J. WILLIAMS agreed with the gentleman from Pennsylvania that the expenses of the Quartermaster's Department ought not to be so large now, that our troops are stationary, as heretofore; but he thought these objections ought to have been made in Committee of the Whole; and if there existed doubts as to the justness of the accounts in this business, the report had better be recommitted until they were examined, as the two gentlemen of the Committee of Ways and Means seemed to differ so widely.

It being past the usual hour for adjournment, a motion was made to adjourn, and carred—so the question on this point was not taken.

TUESDAY, March 27.

The bill from the Senate for an amicable settlement of limits with the State of Georgia, was passed with amendments.

Mr. SEWALL moved for the order of the day on the bill from the Senate to authorize the President to purchase one or more foundries.

EMBEZZLEMENT OF WAGES.

Mr. D. FOSTER, from the Committee of Claims, proposed a resolution to the House to the following effect, which was ordered to lie on the table:

Resolved, That the accounting officers of the Treasury be, and they are hereby, directed to adjust and settle the accounts for wages of those non-commissioned officers and soldiers in the late 4th Massachusetts regiment on the continental establishment, whose certificates were delivered to agents in pursuance of an act of Congress, and which shall be found to have been embezzled by them, and who consequently remain unpaid for their services; and all such sums which shall be allowed to such officers and soldiers shall be charged to the account of the agents by whom they were embezzled.

EXCHANGE NEWSPAPERS.

The SPEAKER laid before the House a report of the Assistant Postmaster General on the petition of the printers of the Baltimore newspapers. The report states that the irregularities complained of are much exaggerated; that there were a few instances of delay during the winter, on account of the obstructed state of the ferry over the Susquehannah, for which the contractors have notwithstanding been called to account. The report also states that the great number of exchange papers which pass between the printers of newspapers is very troublesome; it mentions that there are fifteen newspapers printed in this city, the printers of which receive 1,000 papers in a week, and supposing Philadelphia to receive one-ninth part of all the exchange papers which pass through the post office, it makes the number about 9,000 a week, many of which it is believed are of little use, and are never read by the printers who receive them. The report suggests, therefore, the propriety of either withdrawing this privilege altogether, or limiting the number of papers to be

received by any one printer. Referred to the Committee on Post Offices and Post Roads.

MILITARY APPROPRIATIONS.

The House took up the unfinished business of yesterday relative to the appropriations for the Military Establishment; and Mr. GALLATIN'S motion for striking out $200,000, for the purpose of inserting $150,000, for the expenses in the Quartermaster's Department, coming under consideration, after some observations on the subject, the sum was agreed to be left in blank.

The resolutions were referred to the Committee of Ways and Means to bring in a bill accordingly.

RELATIONS WITH FRANCE.

Mr. BALDWIN hoped the House would now resolve itself into a Committee of the Whole on the state of the Union.

After a few observations from Mr. SEWALL against, and from Mr. NICHOLAS in favor of going into the business of the Union, the House resolved itself into a Committee of the Whole on that subject, Mr. DENT in the Chair; when the President's Message of the 19th instant having been read,

Mr. SPRIGG rose and observed, that every subject which came before the Committee of the Whole on the state of the Union must necessarily be important; but he believed there never was any more so than that which was presented to them by the Message of the President which had been read. Separated as we are from Europe by an immense ocean, it were to be wished that we were equally separated from its political concerns, and that we should have to do with them no further than what relates to commerce. This, unhappily, had not been the case, and there now existed painful differences between this country and the French Republic. The Message which had just been read was an evidence of this. In this situation of things, it appeared necessary that the House should declare whether this country was to have peace or war. This was a subject in which the best interests of the Union were deeply concerned, and he hoped the business would be met fully and fairly. The President had informed the House that the present state of things is changed from what it was when he prohibited the arming of merchant vessels, and that therefore he had withdrawn that prohibition. Whether the order formerly issued by the President for this purpose was in conformity to the spirit or letter of the law, was not of importance now to inquire; the effect had been beneficial, and in the same proportion as the prohibition had been beneficial would be the evils of withdrawing it. In order to ascertain the sense of the committee upon what measures may be proper to be taken in the present crisis, he should offer the following resolutions to their consideration:

Resolved, That it is the opinion of this committee, that under existing circumstances, it is not expedient for the United States to resort to war against the French Republic.

Resolved, &c., That provision ought to be made by law for restricting the arming of merchant vessels, except in cases in which the practice was heretofore permitted.

Resolved, &c., That adequate provision shall be made by law for the protection of our seacoast, and for the internal defence of the country.

The first resolution being taken up,

Mr. HARPER supposed there would be an unanimous vote on this resolution. He never heard a sentiment contrary to it. He was willing to declare that it was not at present expedient to go to war with any nation.

Mr. SITGREAVES said that, for himself, he could not agree to the proposed resolution. He did not mean, by this disagreement, to express an opinion that, at this moment, it was expedient to go to war with the French Republic; but he thought the formal declaration of the contrary sentiment was highly improper. The present is a period of menace and of danger, of injury and outrage, and whatever might be the expediency of the actual crisis, yet he had no hesitation to avow his belief that the time is not far distant when war must be resorted to, or the national honor and interest be abandoned. The conduct of France was calculated to excite or justify no other expectation; and under such circumstances, with such prospects, he could by no means consent to a formal declaration of non-resistance. Besides, it is contrary to the usual and ordinary course of Legislative proceeding, to pass mere negative resolutions. The power of declaring war being vested in the Congress, so long as the Congress shall forbear to declare war, it is a sufficient expression of their sentiment that such a declaration would be inexpedient: it is the only proper expression of such a sentiment; and it can be no more right to resolve that we will not resort to war, than it would be to pass an act to declare that it would be inexpedient to make a law for the regulation of bankruptcy or any other municipal concern. However desirable, therefore, he admitted unanimity to be, at a time like the present, he found it impossible to agree to the resolution.

Mr. BALDWIN did not agree with the gentleman last up; he thought the resolution proper and free from exception. We were, he said, twenty-three years ago, when we were about beginning the war with Great Britain, in a situation similar to the present; but we were then without many advantages which we now have. We were then without any common tie, except what arose from common interest. No means existed of holding conference together, but nature pointed out the course to be taken, and representatives from different parts of the country were travelling at the same moment to hold council together, and to speak their sentiments. The gentleman who has just taken his seat apprehends war must be the consequence of our present situation.

Mr. B. said this was the first time that the question of declaring war had ever presented itself, and upon which, he believed, there might be a difference of opinion as to the exercise of that power. He did not mean to say wantonly that our Constitution is imperfect; but every society which has a written Constitution must have recourse to

it for direction. It would be improper therefore to inquire what agency the Legislature ought to have in the declaring of war; whether it is not proper that all the circumstances relative to such a state should be before them. He did not believe it was intended that this House should merely be the instrument to give the sound of war; the subject seemed to be placed wholly in the hands of the Legislature. This was the understanding of the country when there was no Government in existence, and he believed this was the meaning of the Constitution. The country is now every where agitating this question of peace or war, and he trusted they would not be left to grope their way in the dark on this important question. The President had informed the House that all hopes of a negotiation were at an end. He was willing to take the information as it was given, without going into the Cabinet of the Executive, and to take measures accordingly. But when some persons declare that the present state of things is already a state of war; that the country is going on in it; that the die is cast, and that we have nothing to do but to go on with it as well as we can, if the House does not believe this to be a true position, this resolution ought to be agreed to, which went to say that the House does not consider the present a state of war, but a state of peace.

Mr. OTIS said, if the gentleman who made the motion would consent to use the Constitutional words on this occasion, he apprehended there would be no difference of opinion. He meant that instead of saying "to resort to war," to say "to declare war."

Mr. SPRIGG said, the resolution which he had proposed had not been the work of a moment, and he did not feel disposed to make the alterations proposed.

Mr. OTIS added, then he should propose to strike out the words "resort to," and insert "declare," as he was of opinion with the gentleman from Pennsylvania, (Mr. SITGREAVES,) that the only subjects fit for discussion were active measures, and that it was not regular to declare when they would not do a thing.

Mr. PINCKNEY was desirous of settling this motion by the previous question; but he was informed by the Chair that such a motion would not be in order in a Committee of the Whole.

Mr. DAYTON (the Speaker) said, that he hoped his friend from Massachusetts would withdraw the motion he had just offered, in order to make room for one he had to offer, which would render the first resolution more general, more innocent, and yet equally or more efficacious, and would test the sincerity of the advocates of that resolution as to their professed anxiety for the maintenance of peace. Upon Mr. OTIS withdrawing his motion, Mr. D. moved to strike out the words "against the French Republic," and declared that although he deemed the whole resolution unnecessary, and considered it as not naturally growing out of the President's Message, which did not call upon us to declare or make war, yet, as it must be the intention of the mover, or of some other member, to follow it up with like declarations in relation to all other nations with whom the United States had any intercourse, provided they acted consistently, he thought it better to make the resolution a general one, even if it should be afterwards negatived. He, for himself, was as ready to say that, under existing circumstances, it was as expedient for the United States to go to war with any other nation as with the French Republic. He saw no reason why that particular Power should be singled out in the manner proposed; and as he was for cultivating peace, not with one only, but with all the nations of the world, he was willing so to declare his disposition, if any declaration was proper on the occasion. It was also to be observed, that it could not with propriety be objected against the amendment that there was no other nation with whom we were in danger of entering into hostility, for the tables of the House had been loaded with communications relative to the encroachments and unreasonable demands of another country, which had occasioned an apprehension that the United States would be driven to the necessity of a war in order to obtain possession of its own territory. If, therefore, gentlemen were anxious to cultivate harmony with the French only, then the resolution, as first moved, was proper for their adoption; but if the preservation of peace with all was their real object, then he trusted that the amendment could not with propriety be rejected by those gentlemen who had introduced and advocated a proposition the utility of which, under any modification, he owned for himself he could not discern, although he was willing to render it as unexceptionable as possible before it was decided upon.

Mr. SPRIGG informed the gentleman from New Jersey that the reason why the French Republic was inserted in the resolution was because it was founded on the Message of the President, which related solely to the French Republic. For his part, he was not desirous of war with any Power on earth.

Mr. HARPER seconded the motion of the gentleman from New Jersey, because he thought it would be better in that shape. He had no particular objection to the resolution as proposed, only that he thought it a resolution about nothing; but as it might gratify the mover and some others, he should not object to it. He was not himself disposed for war, but for peace, while peace could be preserved. But he never said, and would not say, that war was the worst thing which could happen to this country; he thought submission to the aggressions of a foreign Power infinitely worse. If gentlemen meant, by agreeing to this resolution, to prevent the country from being put into a state of defence; if they meant by it to effect an entering wedge to submission, he trusted they would find themselves mistaken; for though he believed the true interest of the country lay in peace, yet he was not disposed to recede from any measures which he thought proper through fear of war. Or did gentlemen intend, by this question of peace or war, to enlist the popular prejudices in favor of

peace, in order to prevent proper measures being taken for the defence of the country? If this was their view he should be the first to strip off the disguise. He trusted this was not the case, as he saw it connected with another resolution which proposed the taking of measures for the defence of the country. The question at present, said Mr. H., is not a question of war, but of defence; and no two questions are more distinct. If gentlemen confound these two questions, and are determined to take no measures of defence lest they should lead to war, let them say so. He believed, however, the distinction was well understood by the American people.

Mr. GILES believed this the proper time to declare whether the country should remain in peace or go to war. He thought the resolution proper as it stood, because founded on the Message of the President, in which the French Republic is only named. There was a part of that Message, he said, which, in his opinion, amounted to a declaration of war. The President tells the House, "that the situation of things is materially changed since he issued his order to prevent the arming of merchant vessels." As far as he understood the situation of the United States at that time, it was a state of neutrality. If that state is changed, and the present is not a state of neutrality, he wished to know what it is. He knew only of two states, a state of neutrality and a state of war; he knew of no mongrel state between them. Therefore, if the President of the United States could declare war, we are now in war. Believing, however, that Congress had alone the power to declare war, he thought it time to declare what the state of the nation is. He did not know whether the object might not be answered by the resolution being general, as he was and always had been (notwithstanding insinuations to the contrary) against war with any nation upon the earth. He looked upon it as the greatest calamity which could befal any nation; and whatever may be the phantoms raised in perspective of national honor and glory in such a state, they will, in the end, all prove fallacious. He believed no nation ought to go to war except when attacked; and this kind of war he should be as ready to meet as any one. Mr. G. said, gentlemen were continually speaking of the degraded state of the nation, when their own measures had led to it. [Mr. HARPER denied that he had ever said the nation was in a degraded state.] Mr. G. was not sure that he had said it, but he believed he had frequently heard it. He believed we were in a state which required the utmost vigor; but he thought every measure should be avoided which might involve the country in war. For if we were to go to war with the French at present, he knew not what ever could take place which could produce peace; it must be a war of extermination. Mr. G. did not know that the present question was very important; but believing it strictly conformable to the Message of the President, he should be in favor of it as it stood, and against the amendment.

Mr. NICHOLAS considered this amendment as defeating the resolution. Was there nothing, he asked, which called for a declaration of the kind proposed? Was it not clear to every one that the country was going fast into a state of war, and (in the words of Mr. SITGREAVES) was it not to be expected? Ought not the Legislature, then, (who alone have the power of declaring war,) to determine the state of the country, and say whether they mean to go immediately to war or not? He thought the necessity of the resolution was sufficiently evident, by the motion which had been made to change the words from "resort to war," to declare war; in the one case the mischief was met, whilst the other meant nothing. And if gentlemen were ready to say we were not prepared to declare war, and at the same time were not ready to say it is not expedient to resort to war, it proved that they thought war might be made without being declared. He asked, whether gentlemen did not believe the Executive had taken measures which would lead to war? And that if he were at liberty to act upon a change of circumstances between this country and others, Congress were not brought into a situation in which they had no choice? Many discussions had heretofore taken place on the Constitution, but he had never heard it doubted that Congress had the power over the progress of what led to war, as well as the power of declaring war; but if the President could take the measures which he had taken, with respect to arming merchant vessels, he, and not Congress, had the power of making war. He asked whether, when report went so far as to speak of an alliance, offensive and defensive, with a foreign country, it was not time to come to a declaration on the subject? Suppose such an alliance was formed, would it not be said that Congress are bound to carry it into effect? He knew it would, though he should resist the doctrine. Mr. N. said, he should be as unwilling to submit to any foreign country as the gentleman from South Carolina; but he could not, like that gentleman, say he was not afraid of war. I am, said he, afraid of it. This country affords me all the happiness I can wish or hope for, and I know war will be destructive to it. What was the difference between himself and that gentleman in this respect, he could not tell; it was to him surprising that any gentleman should be without fear as to the mischiefs of war. He was of opinion that the step taken by the President, with respect to merchant vessels, went to declare that we rested our cause on arms, which was not calculated to produce any good effect in our favor. He hoped the amendment would not be agreed to; if it was, he should vote against the resolution itself; and he did not think the gentleman from New Jersey, when he read the Message of the President, could think there was as much danger of a war with any other country as with the French Republic.

Mr. BROOKS agreed with the gentleman who brought forward this resolution, so far as it declares we are not prepared to resort to war. He believed no nation or man who had common understanding could be fond of war. The people of this country have yet the recollection of the

fatal effects of the late war. But there are two kinds of war, offensive and defensive. He wished gentlemen to distinguish between them; for though he was ready to declare against offensive war, and to submit to small injuries rather than make defensive war, yet he was not willing to say he should not be ready to defend his country against the attack of any foreign Power whatever. He hoped he should be believed in this declaration, as he had formerly been employed in the defence of it; and if gentlemen meant that though foreign nations attempt to invade our territory, and to reduce us again to the colonies of a foreign Power, they would not repel them, he could not join them in opinion. And though he should vote for the resolution as moved to be amended, he should feel himself at perfect liberty to defend his country in case of attack. He wondered the gentleman from Virginia should object to vote for the resolution, because it was general, as it included the French Republic as well as all other nations.

Mr. RUTLEDGE trusted the sentiments which the gentleman from New York had expressed would govern the committee; and that all were ready to say, that though we value the blessings of peace, yet we are ready to resist insult and injury from whatever quarter they come. He hoped this would be the conduct of this country; and notwithstanding much had been heard about British parties and French parties, that all would unite in this determination. This being his opinion, he should vote for the amendment; and he hoped gentlemen would be satisfied with this declaration, and that no more would be heard of a party in the House in favor of war. Though he meant to vote for the resolution he thought it unnecessary; but in these days of jealousy and suspicion, if he were not to vote for it, he should expect to be told he was in favor of war.

Gentlemen asked whether war is not approaching? And whether the Executive is not hastening it? To the latter question he would answer in the negative; with respect to the other, he could not answer, as it depended on France, and so versatile and uncertain is everything in that country, that no dependence can be had upon it. Mr. R. said, at the last session, when we had no intercourse with France, he thought it necessary we should have it: that intercourse had proved ineffectual; and though he sincerely wished for peace, yet he saw something in the conduct of France which almost precluded the hope.

The gentleman from Virginia had said, that this country had frequently been stated as in a degraded state. He did not recollect to have made the declaration, but this was his opinion. When our national rights had been violated; when our commerce had been depredated; when the vessels of belligerent Powers, which had sought an asylum in our waters, had been plundered and burnt, he thought it necessary to go into measures of defence. He thought our frigates ought not to have remained at the wharves; that our extensive seacoast, on which is much wealth, should not be unprotected; he thought our seaports, the principal depôts of our revenue, ought to have been fortified. He joined his friends in their attempts to have carried these measures, and, when they failed, he could not help thinking his country was in a degraded state, and that she had lost the spirit which animated her in the year 1775. He hoped, however, that now, when France had gone to the lengths which she has gone to, that there would have been only one sentiment as to the propriety of the measures formerly proposed. But though he thought the nation in a degraded state, he was not in favor of war. He believed the citizens of this country were not for it. He believed the Government was averse to war; and that no part of it was more so than the Executive. War would be a loss to this country; and to no individual more than the Executive. He is no warrior, and, consequently, war has no laurels in store for him.

The gentleman from Virginia has spoken of war as having something dazzling in perspective; something which flattered pride and ambition. But did the gentleman suppose that a war with France could be flattering to pride or ambition? It could not; it would be a war of prudence; we must shut ourselves up, and act on the defensive, and say, "when reason returns, when an ebb shall take place in the affairs of France, when her flow of victories shall be over, she will do us justice." In the meantime, we must defend ourselves. Mr. R. repeated, that he did not believe any man in that House could wish for war; when he looked around him and saw gentlemen whose wounds are yet sore from former service; when he saw them voting for measures of defence, he could not believe, nor could any believe, that they wished to plunge the country in war. It would sooner be believed that gentlemen who made the charges were mistaken.

Mr. SEWALL was opposed to the proposition as it now stood, and hoped it would be amended. What effect it would then have, he left those to judge who introduced it. Mr. S. said, he and those who, on all questions of defence, had voted with him, had been endeavoring for some time to go into some measures of that kind; and to determine whether these measures should be confined to our own limits or be extended to the ocean. These measures ought now to be decided upon, as this is a moment in which our commerce is depredated upon in a most unprecedented manner. We are now, said he, called upon to consider the hazards of our situation. [Mr. S. then quoted a part of the President's Message, as to the situation of our affairs in France, and as to the decree which was proposed respecting the taking of English goods on board of neutral vessels, and the carrying of which was declared to make neutral vessels good prizes.] This last regulation, Mr. S. said, was a direct violation of the law of nations, and amounted to a declaration of war on the part of France against this country. But, instead of making any defence, gentlemen call upon the committee to declare we are not disposed to resort to war against the French Republic; so that,

after we have been injured and abused, and denied the common rights of humanity, we are not to complain, but make a declaration that we will not go to war. Was, then, he asked, a question of war a card of politeness? Did a nation ever make a declaration that it was not at war? It could not say so, except it were in so degraded a state that it had no rights capable of injury. To say we are not at war was to say no more than it is light when the sun shines; but to call upon the committee to say so at this time, was to degrade the nation from its independence, and below its character. The present state of things, Mr. S. said, ought to be considered as a state of war, not declared by us, but against us, by the French Republic; and if we want spirit to defend ourselves, let us not say so. We may refrain from acting, but let us not say we receive injuries with thankfulness. But this proposition goes still further. In a moment of public danger, it goes to divide and separate this House from the President of the United States. The gentleman from Virginia had well explained this resolution, when he said it was intended to interrupt the views of the President of the United States. That gentleman considered the Message of the President as a declaration of war, and this resolution was to be in contradiction to it. If this was the sense in which it was to be understood, it was false in point of fact; for the President had neither declared war nor called upon Congress to declare war; no such sentiment could be found in the Message. To agree to the proposition as it stands, would be to give countenance to the assertion of the French Government, that we are a people divided from our Government; but, taking it with the amendment, he looked upon it as a harmless thing. Mr. S. concluded, by saying, that he considered the conduct of France in the light of war. How far we would resent it, was the question; whether offensively or defensively. He was in favor of defensive measures, as we are not equal to offensive measures, (he wished to God we were.) It was our weakness, and the division which had appeared in our councils, that had invited these attacks. He trusted they should now unite and repel them.

Mr. GALLATIN said, before the speech of the gentleman who had just sat down, he could not discover what was the meaning of the amendment, to strike out the words "against the French Republic," as, when the House were in a Committee of the Whole on the state of the Union for considering the late Message of the President, the resolution was perfectly consonant. Besides, we have no danger to apprehend from any other Power, since our dispute is settled with Spain. The intention of the amendment was evidently to render the resolution as unmeaning as possible.

Every gentleman who had spoken on this subject, had agreed that war is not a desirable object for the United States. He gave them credit for the assertion. But this was not the question; but whether we are prepared to resort to war under existing circumstances. It is a question of fact. Mr. G. took notice of the different modes which had been attempted to defeat the resolution; but, though the present amendment were agreed to, he should still vote in favor of the resolution; for it would be effectual, in some degree, as it could only apply to the French nation, though it was not so expressed.

Mr. G. believed the United States had arrived at a crisis at which a stand ought to be made, in which it was necessary for Congress to say whether they will resort to war, or preserve peace. He was led to this conclusion from a review of the conduct of France, and of the late message of the President.

In respect to France, we know, that some time ago, she declared our treaty with her to be at an end; though not in words, the result was to deprive us of the advantages derived from that treaty. In the next place, she dismissed our Minister Plenipotentiary. Under these circumstances, the President called the extraordinary session of Congress, and when met together, after having related the reasons which induced this call, he concluded with saying, "that it was his sincere desire to preserve peace and friendship with all nations, and believing that neither the honor nor the interest of the United States absolutely forbade the repetition of advances for securing these desirable objects, he should not fail to promote and accelerate an accommodation," &c. The President accordingly sent Envoys to France, and the result of the embassy was given to Congress in the last Message, which was now under consideration, in which he says, "the object of the mission cannot be accomplished on terms compatible with the safety, honor, or the essential interests of the nation." The people of the United States are therefore informed, that negotiations are at an end, and that we cannot obtain redress for wrongs, but may expect a continuation of captures, in consequence of the decree which it was supposed was passed, for seizing all neutral vessels with British property, manufactures, or produce, on board. Mr. G. said he differed in opinion from the gentleman last up, that this was a declaration of war. He allowed it would be justifiable ground of war for this country, and that, on this account, it was necessary to agree to, or reject the present proposition, in order to determine the ground intended to be taken. For, though there may be justifiable cause for war, if it is not our interest to go to war, the resolution will be agreed to.

There was another reason why this resolution ought to be now decided, which arose from the conduct of our Executive. He has declared that a change of circumstances has taken place which has occasioned him to withdraw his order forbidding merchant vessels to arm; which amounts to this, that he now permits vessels of the United States to use means of defence against any attack which may be made upon them. Mr. G. thought it necessary, therefore, to declare, whether we were to pursue measures of war or peace. Before measures are taken which will lead to war, the House ought to decide whether it is their intention at present to go war.

The gentleman from New York had spoken of

the difference between offensive and defensive war. This related to the motives, more than to the manner, of carrying on war; because when war is once entered into, though it may be at first defensive, it cannot remain so. It would be ridiculous, for instance, to say, that our frigates should prevent our vessels from being taken; but that they should not take French privateers.

But it was said, if the resolution was agreed to, it would confirm the opinion which had been held that Congress and the Executive were divided in opinion. The gentleman from Massachusetts (Mr. SEWALL) told the House that the question was war or peace; that the conduct of France was a declaration of war, yet, as the President had not called upon Congress to go to war, they ought not to declare that it is not expedient to resort to war. But if it be assumed as a principle, which that gentleman asserts, that the conduct of the French is a declaration of war, and the President has told us we are in war, the resolution could not be improper. Or if his other principle be assumed, that the information of the President does not amount to war, then an agreement to the resolution would show that Congress concurred with him in opinion, that it is not proper at present to resort to war. So that in both cases, the resolution is proper.

Mr. G. said he was precluded by the amendment from going into the merits of the resolution. His arguments went to show the propriety of agreeing to it in one way or other. Nor did he mean to take any notice of what had been said about a division of opinion in our councils having invited the insults and injuries which France had committed against this country. If he were to do this, he must have recourse to recrimination, which he did not wish. He wished rather to take a serious view of our present situation, and either meet it by war, or by measures which shall avoid war. On both sides are difficulties; but the difficulties and inconveniences of both ought to be weighed, and the least taken; and, having determined, measures ought to be pursued accordingly. He did not wish to adopt the resolution as proposed to be amended, and then go on and act directly contrary to it. He thought it best to meet the resolution at once, and say whether we are determined on war or peace. If we go to war, we must expect to meet all the expense and evils of such a state; and if we remain at peace, we must, in a certain degree, *submit*. He meant to say, that we must submit to have a number of our vessels taken. But whether we shall have more taken in adopting one course than the other, he left to gentlemen to determine. He thought the submission he had mentioned, very different from the submission which had been spoken of by the gentleman from South Carolina, and others.

Mr. G. concluded, by observing, that the conduct of France must tend to destroy that influence which gentlemen had so often complained of as existing in this country. Indeed, he was convinced that at the commencement of her revolution there was a great enthusiasm amongst our citizens in favor of her cause, which naturally arose from their having been engaged in a similar contest; but he believed these feelings had been greatly diminished by her late conduct towards this country. He thought, therefore, that whether we engaged in war, or remained in a state of peace, much need not be apprehended from the influence of France in our councils. The business had come to a mere matter of calculation, as to what course will be best to be taken for the interest and happiness of the country. If he could separate defensive from offensive war at sea, he should be in favor of it; but he could not make the distinction, and therefore he should be in favor of pursuing measures of peace.

Several persons rose, but, being about three o'clock, a motion was made for the committee to rise, which was negatived—46 to 44.

Mr. DANA did not conceive that the construction of language given by the gentleman from Pennsylvania, was to be taken as true, without examination. He trusted not. The gentleman stated the question to be peace or war; he could not conceive it to be such. It was unfortunate that, in this important crisis, the House should be engaged, like a set of rhetoricians, in disputing the meaning of words. Indeed, the decision on the present motion, he thought wholly unimportant.

The gentlemen last up had said there was no distinction between offensive and defensive war, and that he was, therefore, opposed to either. Mr. D. thought the distinction clear; offensive war, is when an attack is made upon another; and defensive, when a nation has recourse to war, merely for self defence. But there was another state of things which could not have the name of war, which was to have recourse to measures of defence; to be prepared in cases of attack. It was clear, by the law of nations, that to prepare for defence, was not to commit hostility. To say that to take measure of defence, is hostility, was a new definition, and it was the mighty discovery of the gentlemen from Pennsylvania.

Did gentlemen mean that if we should make use of force against lawless violence, it is war? If not, what did all that had been said amount to? He thought the proposition perfectly nugatory.

But the gentleman said, that his friend from Massachusetts had said, that France had already declared war against us, and that, therefore, we must resort to war. For his part, he did not know what gentlemen meant by resorting to war. If they had adopted terms which had any legal meaning, he could have understood them, but the present might mean everything, or nothing. If it meant anything, it meant taking active measures against France in the first instance. He was not only ready to say he would not consent to do this with respect to France, but with respect to every other nation.

The gentleman from Pennsylvania, and two gentlemen from Virginia, had said, that the Message of the President amounted to a declaration that we were now in war. This idea he thought was stated very incorrectly. They did not seem to have understood the meaning of the language of

the President. The state of things which existed at the time orders were issued to prevent the arming of merchant vessels was essentially different from the present; then there was an evident disposition in the owners of the vessels to cruise against a foreign belligerent nation, and the order was issued to prevent attack and plunder; but the desire to arm at present is for the purpose of defence merely, and not to cruise or plunder. There is a law forbidding vessels to arm for the purpose of cruising; but none forbidding merchants to arm in their own defence. This was the fair construction, he believed, of the meaning of the President.

Mr. OTIS observed, that the opposers of this amendment could assign no better reason for declaring a desire to keep peace with the French Republic, to the exclusion of other nations, than their own construction of the President's last Message, which they considered as directed against that Republic only; but the House having resolved itself into a Committee of the Whole on the state of the Union, the resolution on the table had no greater relation to that Message than to any former Speech or Message, or to the affairs of the Union at large. If it was intended as an answer to the Message, it should be moved in that form; but unless it was in a particular manner connected with it, the public could not connect it more naturally with this Message, than the Speech delivered at the opening of the session. The House had been heretofore informed, that France was not the only country with which a rupture was to be apprehended. Spain might be considered, until lately, as having actually invaded our territory; and though the presumption at present was, that the causes of contention with that country were removed, yet they were not officially informed of that fact, and without such information it was not less proper to express their desire of maintaining peace with Spain than with other countries. Again, gentlemen had often intimated that a war with France would involve us in a war with the nations in alliance with her. It was therefore inexpedient to show a contempt or indifference for them, by leaving them out of our pacific manifesto.

He considered the Message in a different view from many gentlemen. But admitting, for the sake of argument, that the President had declared an opinion upon the facts stated by him, that war was inevitable; gentlemen must consider the fact to be true; if they doubted it, they ought to demand information. How would this resolution then stand? In reply to assurances that negotiation had failed; that our Commissioners were treated with neglect and contempt; that letters of marque and reprisal were issued against our vessels; and that the most hostile appearances were discernible on the part of France; it was proposed to declare, that with them, and them only, it was inexpedient to resort to war. Such a proposal would hardly be found in the annals of the most humble and degraded nation.

He disapproved of the resolution, though he should vote for the amendment, and would not, on the present occasion, follow gentlemen who had gone at large into the merits of the resolution. Upon the extent of the defensive measures proposed by gentlemen, his feelings inclined him to enlarge; but this discussion would be more pertinent upon some other question. He would merely hint, that actual invasion might not be the worst calamity to this country. He could conceive of a partial invasion of our territory that would be much less injurious, and attended with much less loss than the total ruin of our commerce.

The call for the committee to rise being repeated,

Mr. N. SMITH hoped gentlemen would be satisfied to take the question, which he thought very unimportant. The time consumed in discussing it was, however, important, as other concerns called for attention. He knew there were gentlemen who chose rather to address the people of the United States than to legislate. He thought it better to legislate, than to preach to the people. He looked upon the present resolution as a text from which it was intended to alarm the people with respect to war, and he wished not to indulge gentlemen in their design. He wished the question to be taken for another reason. It was suggested by the gentleman from Virginia, that the Message of the President was considered by the people as a declaration of war, and that reports were in circulation, that a treaty, offensive and defensive, was concluded with Great Britain. After this, he would call the attention of the committee to the resolution, which was, in effect, to say, we must interfere, or war will be brought upon the country. Did not this go to sanction a report which was as false and malignant as even jacobinism could invent? It did; and he hoped, they would not so far sanction the report, as to let the motion lie before them undecided.

Mr. DAYTON hoped the committee would rise. The gentleman last up began with saying the proposition was of no importance; but, before he sat down, showed that he thought differently. Mr. D. thought it was of importance that the committee should come to a right decision upon it, and say whether it ought to be agreed to in general terms, or rejected.

Mr. N. SMITH explained.

Mr. J. WILLIAMS thought the question trifling, and hoped a decision would be had upon it.

Mr. GILES said, the question was a question of peace or war, and yet gentlemen call it trifling. He did not mean to alarm the people of the United States, but he wished them to understand their situation. He acknowledged he was himself much alarmed. Gentlemen were willing to engage in defensive, but not in offensive war; but when war was once begun it would not be in the power of the United States to keep it within the character of defensive war. Indeed the gentlemen from Massachusetts, when he spoke of defensive war, confessed our inability for offensive war, and uttered a prayer to the Supreme Being that we were able to engage offensively; and where, he asked, with such sentiments, is the difference between offensive and defensive war? He could see none; he deprecated war of every kind.

Mr. J. WILLIAMS hoped the question would be taken. As he before stated, he thought it trifling, and the debate upon it only calculated to alarm the people, which seemed to be the object of gentlemen. If the question was not taken before they adjourned, much debate would be had, and much time spent to very little purpose. He thought it very extraordinary, as no one was found to bring forward a resolution to declare war, that a gentleman would introduce a resolution of its being inexpedient so to do. He was persuaded that this negative mode of proceeding was calculated to draw on a debate, to set the people against the Executive. Time, he said, was precious; they had sat near five months and done but little, much remained to be done, and as all had declared their aversion to a war, the people should be undeceived. He had himself seen gentlemen write upon the late Message of the President, for the purpose of sending to their constituents, "*A war message against France.*"

Mr. MACON wished the gentleman would name who had thus written.

A call of order took place: and a motion was made for the committee to rise, and carried.

WEDNESDAY, March 28.

Mr. MCDOWELL said, a bill from the Senate to authorize the President of the United States to purchase one or more foundries had been referred to a Committee of the Whole, and might be expected shortly to come under consideration. As he had not sufficient information on this subject to enable him to vote understandingly upon the bill, he wished to call upon the proper officer for an account of cannon purchased since the year 1794, in order to ascertain the necessity or propriety of passing the proposed law. He therefore proposed the following resolution to the House:

"*Resolved*, That the President of the United States be requested to cause the proper officer to lay before this House the number of cannon which may have been purchased for the use of the frigates, the revenue cutters, and fortifications, since the first of January, 1794, with the size of the cannon; and stating what proportion of them were cast within the United States, at what foundries, and an account of the prices paid for each size."

This resolution was agreed to, and Messrs. MCDOWELL and W. C. CLAIBORNE appointed a committee to wait upon the President therewith.

Mr. GALLATIN observed, that when the appropriations for the military department were yesterday under consideration, several sums were left blank, for the want of information. He proposed resolutions to the following effect, in order to obtain that information, which were agreed to:

"*Resolved*, That the Secretary of War be directed to lay before this House a statement, in detail, of the expenditure of the money appropriated for the subsistence of the Army, for the Quartermaster's and Indian departments, bounties, defensive protection of the frontiers, and of all contingent expenses in the War Department in the year 1797, from whence result the deficiencies by him stated in his estimate, amounting to the several sums of $114,165 and $50,000; and that he include in the same statement an estimate of the number of rations issued during that year to the Indians at the several posts, &c.

"Also, an estimate of the probable appropriation necessary for the Quartermaster's department for the present year.

"Also, a statement of the several existing contracts made for the subsistence of the Army."

RELATIONS WITH FRANCE.

The House again resolved itself into a Committee of the Whole on the state of the Union, when the amendment to the first of Mr. SPRIGG'S propositions, as to the inexpediency, under existing circumstances, of resorting to war against the French Republic, being under consideration; which amendment is to strike out the words, "French Republic."

Mr. PINCKNEY rose and said, he was in favor of the amendment, because it tended to make what he thought an improper proposition, in some degree, nugatory; for he believed to agree to the resolution without it, would be prejudicial to the interest and welfare of the country, as he did not think the period had arrived which called for a decision on measures of war or peace. If such a declaration had been necessary, he should have expected it to come from gentlemen in favor of a war, declaring, that it is expedient to go to war, as it was a very uncommon thing to declare we will not do a thing. His strongest reason against coming to this resolution, however, was, that at this period the House had not sufficient information concerning the whole of this business, to enable them to form a correct judgment upon it. The President told the House, indeed, that he had little hope of a favorable termination of the negotiation, but they knew nothing of the train of the negotiation, or of the circumstances attending it. They knew that our Commissioners had not been received; but they had not sufficient information as to the manner in which they had been treated, to enable them to come to the decision proposed.

The gentleman who proposed the resolution, said it was time to come forward and declare whether we will have peace or war. Would to God, said Mr. P., it was in our power, by any such declaration, to avert war, or maintain peace; but he believed this did not depend upon any declaration of ours. In questions of war there were always two parties, one of whom was generally the aggressor, and the other generally passive. In the present case, he considered this country as the passive party, and, therefore, any declaration on our part would have little effect. We know that individuals or nations induced to pursue measures from interest or passion, are not easily diverted from their purpose. If the French are actuated by either of these motives, no declaration of ours will prevent the calamity. Such a proposition would rather accelerate than prevent the evil. If our declarations could have availed, they have not been wanting. From the first period of a misunderstanding between the two countries, declarations have been made deprecating war in general terms, but particularly with that nation. A Minister Plenipotentiary had been sent to explain the views of this Government, and to remove any

jealousies which might exist, and to make such specific propositions as were thought necessary; but our Minister was rejected without a hearing. The next measure was, to send special Commissioners, in order to settle our differences and avert the calamity of war. We have, therefore, made sufficient declarations of our pacific intentions. Indeed, he thought too much had been rested on these declarations, as nothing had been done for our defence. When we looked at our seaports, and saw their defenceless condition, he thought it evident sufficient attention had not been paid to them, knowing that war might, at least, be a possible event.

But the gentleman from Virginia (Mr. Giles) says the affairs of the country are extremely changed, and that this is the time for making a stand, and this opinion he draws from the President's Message. He thought it was well observed yesterday by the gentleman from Connecticut (Mr. Dana) that the change which the President spoke of might relate to the change of disposition in the persons owning merchant vessels as to their views in arming them. Mr. P. thought there was another reason why the declaration did not go the length which had been stated. In the course of a war the conduct of a belligerent Power to neutral nations is apt to change. At the beginning of a war, neutral trade is not so much preyed upon as it afterwards comes to be. In the beginning of the present war, we saw no declaration from Denmark and Sweden as to the course they intended to take with respect to their neutral trade; but when spoliations were committed upon it, the Governments of those countries came forward and said: "Affairs are now changed, we think it necessary to convoy our vessels, and to give them the protection to which they are entitled by treaty." This conduct was never looked upon as a cause of war; on the contrary, those countries remain at peace, and are likely to remain so. Therefore a change in defensive measures did not bring the matter to the point which the gentleman from Virginia supposed.

This resolution differed exceedingly from anything which took place when we had a misunderstanding with England in 1794. At that time, when England issued her extraordinary Order of the 4th of November, and our commerce was depredated upon, measures were spoken of for countervailing the injuries which our citizens experienced, but no proposition like the present was produced. We are now aggrieved and injured in a most extraordinary manner, but we say we will not go to war. On a former occasion he had heard of a variety of restrictive regulations, proposed with a view of restraining the injuries committed upon us, and to bring Great Britain to reason; and he did expect something similar would have been proposed on the present occasion, but nothing of the kind had appeared. It was true we had not so great hold of the French nation as of the British, in this respect, but we had some; and he believed measures might be taken which would induce the nation to hear reason. But, instead of this, it was proposed that we should say, we have been injured and aggrieved; but we will not oppose you, we will not go to war with you.

The gentleman from Virginia (Mr. Nicholas) seemed to rest the greater part of his arguments upon the power of the House to make war, or to declare peace. Mr. P. agreed that this was Legislative power, and not Executive, and he was for this House exercising that power; but, as he had alredy stated, they had not at present sufficient information on that subject. But that gentleman seemed to charge the Executive with all the evils of our present situation. Upon this subject he concurred in opinion with the gentleman from Pennsylvania (Mr. Gallatin) that it was unnecessary to inquire from whence our present situation arose, or to go into recrimination. This could only create heat, and keep up that idea of division which had been industriously spread, and at a time when the Legislature ought to do all in its power to extinguish it. [Mr. Nicholas explained. He had said he would not go into an inquiry as to the conduct of this Government with respect to France; but if any measures of ours had produced the breach, they must be those of the Executive, because the Legislature has had nothing to do with them. He would assure the gentleman from South Carolina he should not take the lead in any such inquiry, but keep out of view, as much as possible, past transactions.] Mr. P. was glad to hear this explanation. He himself believed the measures of the Executive had been calculated to promote peace; but it was not necessary to go into that subject.

The gentleman from Pennsylvania (Mr. Gallatin) had gone further than perhaps the resolution on the table would warrant. He says, the adoption of this resolution will go to prevent the taking of any measures which may, in their tendency, lead to war. If gentlemen meant by this, that it was to prevent any measures being taken for the protection of our commerce, the adoption of the resolution would not only declare that we will not go to war, but that we will not take any measures for the defence of our property. It appeared to him that that gentleman had himself given the best reasons for modifying this resolution, so as to make it as little mischievous as possible. For he had told the committee that France had set at naught her treaty with us; but though they have done this, said Mr. P., they have endeavored to justify their depredations, by insisting that, according to that treaty, it was necessary for vessels to carry a *role d'equipage*. Mr. P. added, there was another Order of the French Government which was so contrary to right, so cruel in its consequences, so degrading to this country, and so inhuman in its tendency, that he could not avoid noticing it. It was the decree which declares that every American citizen found on board the privateer of an enemy, shall be considered and treated as a pirate. They pretended to found this Order on our treaty with Great Britain; but he wished gentlemen who thought it justifiable, to turn to that treaty, and see whether there was anything there which countenanced so violent a measure. But this is not all, the gentleman

from Pennsylvania allowed that a decree had lately been passed which violates all the laws of neutral nations, viz: that if the property, manufactures, or produce, of an enemy be found on board a neutral vessel, it shall be good prize. Our Ministers, also, who were commissioned to conciliate, and even to make concessions, though they had been in Paris three months, cap in hand, had not been able to get a hearing. Under all these grievances, what, said he, are we called upon to do? He should not have been surprised if some one, fired with the injuries we have received, had brought forward a proposition for war. But, instead of this, smarting as we are under injuries, our commerce bleeding at every pore, and our country deeply humiliated, we are called upon to say: You have done everything to injure, insult, and degrade us, but we have deserved it; we will do nothing to oppose you. Though God and nature have given us power we will not go to war with you, neither on the present occasion, nor on any other, whatever injury you may commit upon us.

Was there anything in our situation, which called for this declaration? He thought not. The gentleman (Mr. GILES) says he would not go to war, except in case of invasion. He apprehended this neither a wise nor a safe policy. He believed it was necessary the calamities of war must be resorted to. If injury upon injury is heaped upon us, we shall be brought into a situation in which it will be necessary to annoy our enemy. He did not say that point was yet come; but it will be necessary, prudent, and wise, to take measures to prevent the enemy coming to our door. Because, if prepared, we should, as on a former occasion, be enabled to intercept any troops which may be sent against us. But he regretted to see so different a spirit animating our citizens now, from that which animated them in our Revolutionary struggle. We did not then prevent our vessels from arming in self-defence. Though we then deprecated war, we made preparations to meet it, if it should be necessary. Though the extent of the injury was not then so great as at present; when all the usurpation attempted upon us, was a regulation of taxation—a two-penny duty upon tea—yet it caused a ferment and spirit which was effectual at that time, and which spirit, he trusted, was not now extinguished. Indeed, he was convinced, that if gentlemen in favor of the proposition could see our situation in the same light in which he and others saw it, they would be in favor of as strong measures as any of them. The country from whence these gentlemen generally come, had shown its determined opposition to oppression from whatever quarter it came. He wished, therefore, they could see the oppressions of the Government whose conduct he had been reviewing, in the same light which he did.

However humiliating our conduct might be, he repeated, it would have no effect upon that nation. He did not wish to animadvert upon the conduct of any country; but there was one instance of the treatment which the French Republic has exhibited to an independent State, which he could not help noticing. It was in respect to Venice, which would show, that no humiliation, no concession, would avert the calamity which threatens us, if the rulers of the country are determined upon war. If he was not misinformed, the circumstances of the case were as follow: The Venetians were at peace, and endeavoring to pursue a line of neutrality. A tumult arose in one of their towns, and the populace did, in a barbarous and most unjustifiable manner, massacre a number of French soldiers. This was an injury which called for and deserved atonement. A retaliation took place fully commensurate with the crime. The Venetians made every concession in their power. But the French commander was not satisfied, he took vengeance upon them by overturning their Government—a Government which had stood the test of five hundred years. He should have supposed that the French would now have been satisfied; but the matter did not stop here. The Government being overturned, the people were promised a free Government, and an amelioration of their condition. They were proceeding in the establishment of a Government; but, when the treaty came to be made between the French Republic and the Emperor, he supposed it was thought to be for the interest of that Republic to sacrifice a part of this territory, and to give it up to the Emperor, to take a part to themselves, and to annex another part to the Cisalpine Republic. This was done; and he believed the very part which had committed the offence against the French Government, had been rewarded by being joined to a free Government.

This division of the Venetian territory was not the work of a young officer, elated by victory and conquest, or enraged by the treatment which his soldiers had received. The French Directory had come forward, and, by their decree, had applauded the whole conduct of their General in the most unqualified terms, particularly as to Venice and Genoa. He would not take up the time of the committee by citing the conduct of the French towards the latter Republic. The case of Venice was sufficient to show how little was to be expected from a humiliating conduct.

Mr. P. hoped he had shown sufficient reason why this resolution ought not to be agreed to, at least in its original form. He hoped they should go on making defence in the way proposed by a second resolution; and agree to such restrictions, with respect to the arming of merchant vessels, as should seem proper.

Mr. GILES thought the gentleman who had just sat down had been less correct in his statements than he usually was. He would allude particularly to one instance. That gentleman says, whatever aggressions and insults may be heaped upon us, the supporters of the resolution will not go to war. The proposition held a directly contrary language. It says: "That, under present circumstances, the United States deem it advisable to remain in a state of peace." [Mr. PINCKNEY said the reason why he had made this remark was, that yesterday the gentleman himself had said, he should not be for going to war, unless the country was invaded. He, therefore, connected the reso

lution and this declaration together.] Mr. G. said, he still repeated the same thing; that we ought not to resort to war beyond the limits of the United States. But he drew a contrary inference from this, from that which that gentleman had drawn, because he had accompanied the declaration with another, that he was perfectly ready to prepare to that extent for defence. He would explain the grounds of this opinion. Within our own limits we are capable of making something like exertion, and there, he believed, exertions might be made to advantage. Indeed, one of the propositions, which is connected with the present, goes to this purpose, and therefore with what propriety could the gentleman say, he and those who were of his opinion were not for preparing for defence till the enemy is at the door? Nor could he see anything like humiliation in this. Nay, he was convinced, if we carried our preparations for defence beyond our own limits, instead of gaining glory or honor, we shall meet with nothing but disgrace, as we are not prepared to make a defence at sea. Indeed, the moment we get beyond our jurisdictional line, defence will become offence, because there will be no evidence by which it can be ascertained by whom the attack commenced. It would, therefore, be unwise to permit ourselves to be placed in this situation. If any object was to be effected by going out to sea, it must be the protection of our commerce with Great Britain; but it was known that the two acts of the British Parliament which took place in January last, if peace continues, may take that trade in a great measure from us. He did not think, therefore, that this was a sufficient object for which to incur so much risk.

At present, said Mr. G. there is a pretty general opinion in the country (and he thought there was much ground for the opinion) that there is a disposition in a part of this House, and in part of the Government, for war; and he thought it was proper to come to a declaration upon the subject. This would not only have a good effect upon our own citizens, but it would convince European Powers, that though we were preparing for defence, we were not preparing for war.

Mr. G. said, he was not satisfied with the construction which the gentleman from Connecticut (Mr. DANA) had given to that part of the Message which speaks of our situation being changed. He did not believe the President had any reference to the dispositions of the people, but to the state of things generally.

The apprehension of war had already begun to produce disagreeable effects in his part of the country. He had received information that produce had fallen in price, and that the sale was very dull. He was of opinion, therefore, that the proposed declaration, if agreed to, would appease the minds of the people. It was said it would have no good effect upon the Executive Directory. He did not know that it would. But it could have no bad effect; and it might have a good one, for he did not think that body quite so abandoned as some gentlemen thought them.

The gentleman last up had spoken of the partition of Venice. He himself saw it with concern; but where was the difference in crime between the French Republic and the Emperor? Each took a part. But what was all this to the United States? Were they to go to war to avenge this partition? We heard nothing of this kind some years ago, when a partition of Poland took place. For his own part, he wished to leave the Powers of Europe to themselves, and to draw ourselves within our own boundary, where we should be fully equal to our defence against any Power on earth.

Mr. DAYTON (the Speaker) said, that most of the arguments of the gentleman from Virginia, (Mr. GILES,) who spoke last, were most conclusive in favor of the amendment, although it appeared to be his intention to vote against it. That member had deprecated war as the greatest of calamities, and spoke of peace as the first of blessings; and yet all this warmth of declamation in favor of pacific measures had resolved itself into an anxiety to maintain it with one nation only. As to the objection that the amendment was not immediately connected with the Message of the President, Mr. D. remarked that not that communication only, but the "state of the Union" was under consideration, and it was upon this broad ground alone that the resolution could have been introduced, for it did not naturally arise out of the Message, which had not proposed to Congress to declare war, nor to act offensively in any respect.

In attempting to render that resolution, by amendments, less objectionable, he would not be understood as approving it; for, although the sentiment was just, although the position was true, yet nothing could be more idle than to employ ourselves in lengthy discussions of what it might be inexpedient to do, at a time when all sides of the House agreed that we ought to deliberate on what ought to be done for the defence of the country.

How could that committee, acting as they were under the most solemn commission that could be given to a Committee of the whole House, justify their employing their time in going the round of resolutions upon what is inexpedient to be done? This resolution, if agreed to, and a thousand others of the same negative kind, would furnish no ground for legislation; and to legislate, and not to draw up and adopt certain political creeds and doctrines, was the business which they were sent here to perform.

Mr. D. called the attention of gentlemen to the Message of the President, which they had particularly quoted, and asked whether that communication did not call upon Congress to consider what measures were expedient to be adopted for "protecting our sea-faring and commercial citizens, for defending any exposed portions of our territory, for replenishing our arsenals, for establishing foundries and military manufactures, and for providing such efficient revenues as will be necessary to defray extra expenses." He repeated the inquiry, whether these important objects and means of defence were not more proper for their

deliberations, and more conformable to their duty as legislators, than the discussion and adoption of the resolution on the table, which amounted to nothing if carried, except to fix censure by strong implication against the first Magistrate of the Union?

If the advocates of the resolution persist in opposition to the amendment, he should be irresistibly led to suppose that not an earnestness to maintain peace, as was professed, but a desire to have it understood that the President was in favor of war, and that he was contemplating actual hostility on the part of this country against the Republic, and that the House of Representatives was putting a veto by this act upon such intention, was the real object of those gentlemen.

Mr. D. concluded with saying, that they who loved peace with all the world, must vote for the amendment; but those who regarded it only towards the French Republic would be right in adhering to the original proposition.

Mr. SHEPARD said, the resolution before the committee seemed to carry with it an idea that the Message of the President was a declaration of war, and that this was to destroy its effect, and to prevent them, if war should be necessary, from taking proper measures of defence. He was not for going to war; but for taking every measure to keep out of it. In order to effect this, he wished to prepare for defence, which he considered as the best security against war. He insisted upon our right to do this, regardless of any foreign nation. He would not only fortify our ports, but have armed vessels to defend our coasts, and hold our militia in requisition. He had heard the Message of the President called a declaration of war; but, for his part, all he had heard of war was from gentlemen who are so loudly opposed to it, as if they were the only men in the country who had any value for its peace and happiness. Was any part of this alarm made by men who fought eight years for the independence of the country? No such thing; they wished the country to remain in peace; but they wished it also to be prepared for war. He was opposed to the resolution; but, if it must pass, he should wish it to pass with the amendment.

Mr. HARPER.—When this resolution was first proposed, it appeared to him to be one of those nugatory measures which might either be agreed to or rejected, without producing any effect; and, until he saw the resistance which was given to the amendment, he remained of the same opinion; but now he found it was to say to the French nation, "you may commit against us injury after injury, and insult after insult, we never will resist you."

If this were not the intention, why resist the amendment? Taking this to be the intention, he should bestow some observations upon it. Gentlemen preached about peace. They cry, "peace, peace," as if we, holding the scale of the world, had the power to preserve it. Do not gentlemen know that peace or war is not in our power? They do know it, and that all in our power is to resist, or submit. Was not the clamor which was heard about peace, in so many words, saying, you must submit, not only to what injuries you have received, but to what you may hereafter receive? Was not every advance, on our part, for an adjustment of differences met with new injuries and new insults? It would not be denied. If peace was all that gentlemen wanted, they would take the resolution in general terms, as proposed to be amended; but their opposing it shows that they have no objection to hostility, if it be not against the French nation—he would not say whose servants they were desirous of being, but against those whom they dread they are afraid to lift up their finger. And this was the spirit of peace which they wished to preserve—a spirit which he deemed vile submission—a spirit which was afraid to complain, and which met every new insult without murmur.

Mr. H. rejoiced that this amendment was made, because it had unmasked the intentions of the mover and supporters of the original proposition. They were now obliged to avow, it is not peace with all the world which we want, but peace with France—a servile and abject submission to one nation; a nation, in behalf of whom they have heretofore been eager of war; for, notwithstanding all their cries at present for peace, peace, when there is no peace, they have on a former occasion been equally zealous for war. All their efforts were then used to involve this country in war, upon the side of the French Republic; but now, when measures of resistance are called for—not against France, but to prevent her from wounding her enemy through our sides—their cry is turned from war to peace. This he repeated, and, if they denied it, he would refer to written accounts of their discourses at that time, which would prove that they had sought war against England, and an alliance, offensive and defensive, with the French Republic. At that time, he and those who generally vote with him, desired peace; and it required all their skill and firmness to preserve it, and much obloquy was thrown upon them on account of their exertions. The ground which he and his friends then took, was—let us first try negotiation; if that fail, we will then join you in the war. But these gentlemen were, at that time, all in favor of war measures in the first instance. Whence now this change of spirit? What has become of the spirit of 1794, when it was said to be disgraceful to negotiate, and that it would be base to surrender the independence of our country to a foreign Power? He wished he could see the breasts of gentlemen now glow with the patriotism which then animated them; but, instead of this, what do we see? A spirit of the most abject kind; a spirit that would leave all our property unprotected beyond the limits of our territory, so that our commerce, from which is derived five-sixths of our revenue, is to be abandoned, lest, in defending it, we should give offence to the French Republic.

The committee were now told it would be time enough to prepare for war when an invasion of our country was attempted. And why were they told this? Because such an event is not likely to

take place. Gentlemen know that all the hostility which France wished to commit against this country may be done by destroying our commerce. But they are disposed to surrender this part of our rights, rather than resist; and what security had we that, if the country were invaded, these gentlemen would then resist? He apprehended that the same spirit which led them now to submit, would continue to actuate them.

Last year gentlemen were opposed to doing anything which should alter the state of things. If this negotiation, said they, fail, we will then join you in active measures. But now, when that time is come, they tell us we must still sink lower, and become more degraded. We are to be contented, not only to see our ships captured, our property destroyed, our sailors led in chains, our revenue annihilated, but we must see the army of the enemy attempt to land, before we will resist.

Mr. H. said he would bring his proofs, to show that those gentlemen who are now so loud in their calls for peace, were heretofore the supporters of a war system. For this purpose, he adduced Mr. Monroe's view of the conduct of the Executive of the United States, which, he said, was a publication which had met with the most unbounded and enthusiastic applauses from all the party; and he read from it an extract of a letter from Mr. Monroe to our Secretary of State, dated Paris, September 10, 1796, pages 209 and 210 of the book, in which he states it to be his opinion, "that if a suitable attempt be made to engage the aid of the French Government in support of our claims upon England, it may be accomplished; and that to secure success, it will be necessary to take the posts and invade Canada."

Would any man, said Mr. H., who shall read this passage, say that the system of these gentlemen is a peace system? And besides this proposition for taking the posts and invading Canada, the same gentleman proposes an advance to France of five millions of dollars. Yet these are the gentlemen who now are willing to say to France, "We will not fight you; we give you license to do us all the injury you please. You may fit out half a dozen frigates, which will be able to block up our ports; and we give you this notice that you may effect your purpose with little expense, and not prepare a large fleet for the purpose."

The gentleman from Virginia, (Mr. Giles,) whose zeal for keeping this country in an absolutely defenceless state, has surpassed all the zeal he ever before displayed, except that which he had shown on a former occasion for bringing us into war, has told us that peace is the best thing we can have; and that it would be knight-errantry to attempt to defend our property at sea. After our Ministers have been sent off, and a decree passed which must destroy our commerce, and which had been already allowed to be just cause of war, this was the language of that gentleman on the present occasion. To show this gentleman's consistency, and because his language was at that time so spirited, so American, and carried with it so much force and energy, he could not forbear reading an extract from his speech on the 28th of March, 1794, upon Mr. Dayton's motion to sequestrate British debts. The question was not then whether we should arm for our defence, but whether we should make an attempt at negotiation. The arguments of the gentleman were, it is true, somewhat misplaced, though they were nevertheless patriotic and admirable; and he could not account for the strange contrast of his present sentiments on any other ground than that he believed the true interest of this country was only to be effected by a treaty of alliance with France and war with her enemy. Gentlemen who were on a former occasion in favor of spirited measures in defence of our rights, and were on this occasion the same, are consistent; though their arguments might not altogether be properly timed, yet they were radically right.

Mr. H. then proceeded to read and comment upon Mr. Giles's speech on Mr. Dayton's motion, contrasting all along the sentiments he then delivered, which were in favor of the most spirited measures against England, with his present opinions with respect to France; in doing which he paid the highest possible encomiums to the talents and style of the gentleman from Virginia.

After finishing this contrast, Mr. H. spoke of the propriety with which his colleague had introduced the account of the treatment which Venice had received from the French Republic. Yet gentlemen had asked whether this was a cause of war for us? The circumstance, they well knew, was introduced merely to show the effect which a tame, submissive conduct was likely to produce; but they had chosen to give it this turn, in order to avoid the point which it contained.

Mr. H. said, he would bring another example to the view of the committee. He meant that of Switzerland. Attempt after attempt had been made by France on the independence of that country. After going a variety of lengths, they effected their purpose of driving from thence that unfortunate class of men, the emigrants, who had been persecuted by those who had usurped all authority in France, and who sought the rights of hospitality amongst them. New aggressions were made; they took possession of a part of the Swiss territory, and displaced their magistrates. Seeing that every submission invited fresh insult, they united, hand in hand, took up arms, and reinstated the magistrates who had been displaced, and resolved to live free or die. What was the consequence of this spirited conduct? The French withdrew from their territory, disavowed the measures of their General, and declared that they desired nothing more than to leave the Swiss in full possession of their rights.

Let us, said Mr. H., take warning by this energetic example of the Swiss. Let us now begin to resist. Let us declare that we wish to preserve peace with all the world; that we allow that peace is good, but that we believe independence is better; that peace is desirable, but not at any

price—and then France will relinquish her aggressions.

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

THURSDAY, March 29.

Mr. JOSIAH PARKER presented the petition of the merchants of Norfolk, praying for a light-house to be erected on Old Point Comfort, together with a copy of an act of the Legislature of Virginia, ceding two acres of land for the purpose. Referred to the Committee of Commerce and Manufactures.

RELATIONS WITH FRANCE.

The House again resolved itself into a Committee of the Whole on the state of the Union, and the amendment to the first resolution moved by Mr. SPRIGG, as to the inexpediency, under existing circumstances, of resorting to war against the French Republic, which amendment is, to strike out the words "French Republic," being under consideration,

Mr. GILES rose. It would be recollected, he said, that yesterday an attack had been made upon him, as indecent in its manner as it was in itself novel and unprecedented. He had been eight years in Congress, but he never before heard so direct and personal an attack. He was pleased, however, that it had been made, and only regretted that his state of health was such as, he feared, would not suffer him to go so fully into a refutation of the charges which had been brought against him as he could wish. He should, however, state such circumstances as would not only disprove the facts alleged against him, but also prove that the reverse of them was true. In doing which, he begged to be corrected if he should misstate anything.

The gentleman from South Carolina (Mr. HARPER) had said "that it had been the object of himself and his associates, but particularly of himself, since the year 1794, to go to war with Great Britain, if possible, and to enter into a treaty of alliance, offensive and defensive, with France." This charge he declared to be entirely void of truth. He knew that slanders of this kind had been circulated in an artful manner through the United States from that time to the present, but he never before heard the charge publicly made. Being made, he would refute it, though it had been the foundation of two long speeches of that gentleman; for, whenever slander assumes an erect front, it is dissipated by the first ray of truth which meets it.

He trusted he should prove, by a reference to the debate which had already been quoted, and to others, that he had never been in favor of a war with Great Britain; and as to an alliance, offensive and defensive, with France, he never heard such a proposition in private conversation, and it will be allowed that no such proposition was ever publicly made.

The inconsistency of his conduct had been spoken of. The gentleman from South Carolina said it was unaccountable to him how the author of such animated sentiments as were delivered by him, (Mr. G.,) in 1794, could now utter sentiments so groveling and pitiful as those heard from him. He wished the gentleman had selected the passages to which he alluded, as he himself was unconscious of any difference between those which he then delivered and his present sentiments. From the year 1794 to the present period, he had uniformly declared it to be his opinion "that war is justifiable only in case of self-defence."

If boldness of assertion and dogmatism of expression would have availed, the gentleman from South Carolina must have been victorious; but he would beg to turn the attention of the committee to facts. That gentleman had first introduced the book of Mr. Monroe, the sentiments of which, he said, certain gentlemen, by their approbation of it, had adopted as their own. Mr. G. said he had read the book, and had found a great deal to commend in it, and little to condemn. Human nature was liable to err. If the gentlemen himself were to review his own political history, he doubted whether it would be found to be always consistent. There might have been errors in Mr. Monroe's Ministry, but he believed they would be found to be as few as ever attended a negotiation which was encompassed with so many difficulties.

What, he asked, was the letter which the gentleman read from his book? It was a letter dated December 5, 1794. This was not a letter from Mr. Monroe to his associates, but to the Secretary of State; and, if any conspiracy was intended, General Washington and his Secretaries must have been the conspirators. He saw nothing more in this letter than a suggestion of what might be done if the Government thought proper. Mr. G. stated the situation of things at that time. In the Autumn of 1794 the President laid before Congress a communication stating that nothing further could be done between this country and Great Britain by way of negotiation, and what remained to be done was left to Congress. There never was so threatening a state of affairs between Great Britain and this country, since the Revolution, as at that period. At the time, therefore, when Mr. Monroe wrote the letter in question, he could not possibly know the state of affairs here, or whether they would come to an amicable settlement, and it was right in him, and it would have been criminal not to have done it, to state what it was likely might be done by France in our favor in case of extremities. He would only add one further remark, as he should have occasion to defend himself more than Mr. Monroe, which was, that he was at least as honorable a character as any of his calumniators; that while he was in France he effected much good, and that since he came away we had experienced much injury. If gentlemen would examine the state of things when he first went to France, what our situation was when he came away, and what it is now, he thought this would appear evident.

The gentleman from South Carolina, doubtless,

after examining all the remarks he could find of his, had brought forward a debate which took place in 1794. To follow the gentleman would be a disagreeable task; but as it would serve to elucidate a truth which it was necessary to unfold, he should undertake it, and show that, instead of these remarks being in favor of war, they were founded in the most zealous wish for peace. Mr. G. proceeded to read his remarks on Mr. DAYTON'S motion for a sequestration of British debts, which, as the mover would recollect, he said, was a mere arrestation of British debts, which was proposed as a preventive of war, by holding in our hands what was within our power, as a pledge for the good behaviour of that country, in order to preserve peace. Mr. G. stated the situation of things to be different from that which Mr. HARPER had represented it to be, as the Legislature had no knowledge of any negotiation being set on foot with Great Britain at that time. This debate took place on the 28th of March, when they had been informed by the President that nothing further could be done by him, and the negotiation was not heard from until the 19th of April following. A part of the system proposed was an embargo, and another a suspension of intercourse with Great Britain. This bill passed this House, but was negatived in the Senate, by the casting vote of the Vice President, who is now the President of the United States; and if this bill had been carried into a law, the other regulation for arresting the British debts would evidently have been a proper measure.

Mr. G. continued to read a number of extracts from the speeches to illustrate his position, which he interspersed with the following remarks, namely: that instead of being in favor of war, he had always wished that we might keep in peace and unconnected with any foreign Power. He hoped this was at present a pretty unanimous opinion, and that we should not look out for any aid from foreign Powers. He believed the people of the United States were not ready to go to war; if they were, he should consider them as fools; but he was convinced they would never go to war for the sake of a few individuals. No people could wish for a military despotism, and this must be the consequence of a war. He had been charged, he said, with a peculiar enmity against Great Britain; but even after it was known, in 1792, that the treaties of Pilnitz and Pavia were entered into for the starving of France, at a time when the enthusiasm for the cause of France was at its highest pitch in this country, he was willing, on account of a violation of our neutral rights by France, which took place in consequence of those treaties, (as he showed from the debates at that time,) to lay hold of such part of the debt due from this country to that, as should cover the injuries committed. Did this, he asked, look like partiality in favor of one nation more than another?

To confirm what he had said with respect to his continued opposition to war, Mr. G. had next recourse to a debate on the subject of providing a naval armament, against which, he said, he had always voted, as he looked upon the existence of a navy and the discharge of a public debt as incompatible things; for no nation that ever went into the establishment of a navy, ever did or ever will discharge their public debt; and therefore, though we might experience some evils for want of a navy, we should meet with none so great as the saddling of ourselves, and all posterity, with a debt proportioned to the number of our battleships. When he found the law for building the frigates would pass, he stated it as his consolation that the trees from which the frigates were to be built were still growing, and, as it would of course take much time to get them ready, it would give us a chance of preserving peace. His apprehension at that time was, that if we soon got the frigates to sea we should be involved in the war in favor of France.

Mr. G. next had recourse to the debate on the British Treaty; at which time, he said, the cry of war was resounding from one end of the Union to the other, though, in his opinion, there never was a period when there was less prospect of a war with Great Britain than at that time. After noticing several observations made on that occasion, Mr. G. observed, that yesterday the gentleman from South Carolina said, "what security have we that these gentlemen will go to the extent that they say they are ready to go?" Who, said Mr. G., are "we?" Who is authorized to put that question to an independent citizen of the United States? Had not he, and those with whom he acted, as much at stake as that gentleman and his associates? In many respects he was unwilling to compare himself with that gentleman and his friends; but in this respect he was not afraid to do it. Have that gentleman and his associates a greater claim to patriotism than others? If they have let them show it. Or have they greater domestic inducements to value their happiness in the country? He believed not. He could say for himself that he had never adopted a short way of getting wealth, nor had anything to do with notes and banks; he owed no man anything which he could not pay on demand; he had been placed in a moderate sphere of life, and did not desire wealth. Whence, said he, arises the clamor for hostile measures—for resistance? Not from our independent yeomanry, nor from men who are the most deeply interested in the welfare of our country, or surrounded with domestic comforts, but from men of a different description—from speculators, and men who have few attachments to it.

Mr. G. did not believe that we stood upon such unequivocal ground with respect to France as we formerly stood upon with respect to Great Britain. This had long been his opinion; and though we have heavy complaints to make against France, they were not without just complaints against us, arising principally from the operation of the British Treaty, that fatal instrument to the United States.

Mr. G. read some of the articles of the treaty, and his former remarks thereon, and denied that there was any well-founded apprehension of war

at the time it was under discussion. He also noticed the assertion which had frequently been made, of the French Directory receiving lessons from this country, which, he said, was too absurd to be believed.

Though he thought France had just ground of complaint against this country, he did not mean to justify her conduct towards us. He thought she ought to have received our Ministers; and, if they had not agreed, to have taken such measures as they thought proper. But this is supposing our Ministers clothed with sufficient powers; if they were not, there would be some ground of justification for their conduct. The President of the United States is in the possession of information which would satisfy the Congress and the people in this respect, but he has thought proper to withhold it, and therefore he alone is responsible. There was one circumstance, he said, very unaccountable in this business. The President informed the House that he had received certain papers, and says, "I have considered these papers; I have deliberated upon them; I have not sent them to you, but require you to act upon them; I call upon you to take energetic measures, and request you will provide sufficient revenue." The House has been thus obliged to take up the subject in the dark. Is this, said he, a desirable state for the Legislature to be placed in? Is it not rather a degraded state? He thought it was; and when party rage shall subside, and it shall be seen that the Executive is pursuing hostile measures, and keeping back all information from Congress, this conduct would be deemed extraordinary. He was far from saying the Executive had not done what was proper. He could not say so, because he had seen no evidence upon which to form a judgment; but it left a strong impression on his mind that something was not correct, which was the reason the expected papers were not sent.

The first Speech of the present President, he said, contained some sentiments on the subject of the balance of power, which he was far from approving. He states "that whether the United States will, or not, the Powers of Europe will consider them as constituting a part of the balance of power. Mr. G. did not know whether this was a fact or not, but if it were, he thought we ought not to have submitted to have been so considered without opposition. But the President takes it for granted, and proceeds to act upon it. Knowing the political sentiments of the President, he thought this a dangerous doctrine in his hands. Mr. G. said he never believed there was anything like a real balance of power in Europe; it was a mere imaginary thing, and he thought there could not be a more ridiculous figure drawn than that of a President of the United States attempting to adjust the balance of power in Europe.

Mr. G. quoted a paragraph from the last Speech of the President, speaking of the disadjusted state of Europe, which he thought very improperly applied to France, at a time he did not know whether our Ministers were received or not.

He also again referred to what the President says in his late Message with respect to the change of circumstances, which he still thinks he meant to apply to a change from neutrality in the country to something like war. And in these circumstances, said he, are the people of the United States to be led on from step to step, until they are irrecoverably involved in war? And are the people to be told that this is a trifling question? When all the country is in commotion, and when the people are preparing their petitions for peace, (which he thought very proper,) he was not willing to proceed until the present question was decided.

He would suggest another idea. He had heard a variety of observations from different quarters, that, at a period not very far distant from the present, a more intimate connexion between this country and Great Britain than at present exists, is likely to take place. And yet gentlemen are perpetually crying, What! give up your independence! Do you prefer peace to independence? He would answer, No; for independence he should be ready at all times to make war. But are we, said he, called upon to fight for speculative independence, and, at the same time, willing to commit our real independence to the mercy of another nation? Where, he asked, is the difference between depending upon the French or British nation? Except, indeed, (as he believed was the speculative opinions of some gentlemen,) there was an intention of assimilating the British and American Governments.

Gentlemen talked of newspapers. He would say a word on that subject. There are two papers, said he, printed in this city, which not only breathe defensive, but offensive war of the worst kind. One of these papers, he believed, was particularly countenanced by the Government; the other was printed by an infamous scoundrel, a British subject—a paper which he was sorry to find too much countenanced. This paper not only breathes war, but exterminating war. And this paper, issued from a British press, spreads its baneful sentiments throughout the country. He proclaimed this fact; and he should think himself a traitor to his country, not to proclaim it.

Mr. G. next noticed the impeachment of W. Blount, late a Senator of the United States. It is known, said he, that the British Minister here, actually gave money to an American citizen, paid his passage, and sent him to Europe, to know whether his Court would concur in the plan of an invasion of the Spanish territory, for being engaged in which Mr. Blount has been impeached. Could any one deny the fact? They could not; it had been given in evidence before the committee. There might be many other facts connected with this, but he confined himself to what appeared in evidence. This person, who was sent to England, was the confidential agent of the British Minister here. [Mr. HARPER said that was not true. Mr. GILES called for the reading of Mr. Davy's evidence on the subject of the impeachment, which was read accordingly; when it appeared that the expression there used was confidential person.] Mr. G. believed a confidential person was a confidential agent. He was about to remark that these circumstances had appeared to

him to indicate something more than was before the House at present. He could not help recollecting how different was the conduct of this Government towards the Minister of another country, when he had been guilty of misconduct. Was there not an instant demand to his Court to have him recalled? And the demand was proper and right, and he could not account for a contrary conduct in the other case which he had mentioned.

Mr. G. would say a few words as to the effect which the late French decree would be likely to produce upon this country. The committee had been told, by the gentleman from South Carolina, that it would effectually destroy our revenue. He believed he was mistaken in this. To France and to those nations who may be supposed to be under her influence, we last year exported to the amount of $36,000,000, and to Great Britain $8,000,000; two-thirds of which are re-exported to the countries above mentioned.

Against whom, then, are we to arm? Against those who receive $36.000,000. for the protection of the $8,000,000, two-thirds of which are re-exported. How, he asked, would this operate? Would the decree stop the importation of British goods? No, it might lessen them, but would not stop them, as the British would become, in some measure, their own carriers; and, as their vessels paid a higher duty in our ports than our own, it is probable our revenue would not be greatly lessened. It was possible, however, that there might be some abuse of the decree in carrying it into execution.

He was as much opposed to the decree of the Executive Directory as any man, but not so much on account of any loss we shall sustain from it, as from its being an attack upon our neutral rights, which he preferred to money. The British Treaty had authorized two acts that took place in January last, which will transfer the carrying trade from American to British vessels; but those acts will not affect our vessels going to France, Spain, or Holland. He supposed, therefore, that our commerce would not be very materially injured by the French Decree. He did not know but it would even be upon a better footing than at present, as there would be more security for it. At any rate, no rash measures ought to be taken, until we see how the decree is to be executed.

No one could say what farther measures were contemplated by the French Government; but the resolution on the table only went to say, that at this day we are not disposed to resort to war. He wished to make a distinction. It was said by gentlemen that those who are not willing to resort to war are unwilling to prepare for it; he was and always had been willing to put the country in a state of preparation, according to the extent of our means.

The gentleman from South Carolina had yesterday spoken of the great importance of the British fleet. He did not mean now to make any comparison between the fleets of Great Britain and France. With respect to the British fleet, he looked upon it as ruinous to the country, and predicted, that if the present fleet survives two years, the nation sinks. It is impossible it should proceed much farther. Gentlemen may say this has long been foretold; but there never was before a time when this was so evident. What, said he, are the British now supported by? By the body of merchants. The bank is gone, and probably will never recover itself. It is of little consequence whether France invades England or not, England must fall. On the other hand, the population of France is thirty millions; she has the finest country in Europe; her military skill is great, and she is possessed of most of the fortifications of Europe. And are we to engage in the carnage of the human species, at this late day, against that country? He hoped not. Besides, suppose we were to join England in the war, and be successful, would she not have an interest in the destruction of our commerce at the termination of the war? She certainly would; and though she may now see a current in her favor in the United States, and propose measures which may appear flattering, yet her disposition to favor this country would not outlive her interest.

Perhaps gentlemen may say, what will you do if France carries her injuries farther? "I would, said he, draw ourselves within ourselves. I would sooner (though I do not pledge myself to do it) indemnify our commercial citizens than go to war. I am now, and always have been, for peace."

He trusted the gentleman from South Carolina was, by this time, pretty well satisfied as to the inaccuracy of his statement. Before gentlemen make charges of inconsistency against others, they should be sure that they themselves stand firm in that respect. That gentleman ought to have looked back upon his own conduct in 1792 and 1793. He had been informed that that gentleman was at that time a member of an affiliated society of Jacobins. [Mr. HARPER said it was not true.] He believed, however, all the gentlemen who knew him at that time would do him the credit to say, that he was one of the most eloquent declaimers of that day in favor of the rights of man. But his inconsistency had even appeared within these two days. When the present proposition was first laid on the table, he rejoiced that there was a prospect of all uniting in manifesting a disposition for peace; but the next day he used arguments which went to the destruction of the resolution.

The gentleman from Massachusetts (Gen. SHEPARD) had made a remark which he must notice; it was, that he assumed to dictate to others what was proper to be done. Of this he was not justly chargeable. That gentleman told the committee he was a warrior; he venerated him as such—he was a warrior in a glorious cause; but whilst he venerated him as a soldier, he had to regret the political prejudices under which he labored, which could suffer him to attribute a motive of that kind to him. The gentleman from New York (Mr. BROOKS) had also told the committee he had also been in service in the Revolution. This he did not know before he heard it from the gentleman himself. But he had since been told he was en-

gaged in the honorable and humane employment of clothier to the army. [Mr. BROOKS said, he had the honor of taking up arms in defence of his country, which he carried until he was taken prisoner. He was a prisoner eighteen months, and when he was set at liberty he found his vacancy was not preserved for him. He then served his country in a different line, and he believed in a manner which entitled him to at least as much merit as he had assumed. He believed that providing the army with clothing was an essential part of the service; but, (said he, with great warmth,) if the gentleman doubts my being a soldier, I am here to answer him. [A loud cry of order, and Mr. B. sat down.]

Mr. G. said, he had received this information from one of the gentleman's friends. He made the inquiry, because he did not know what services he had performed; and he assured him the information which he had received had tended to raise, rather than sink him in his estimation; but he was not alarmed at being told he was a soldier,

It had been said of the resolution before the committee, that by stating we are not ready to resort to war against the French Republic, that it might be implied we are ready to go to war with some other nation. That this idea might be done away, if gentlemen will permit the words "against the French Republic" to remain. If the mover would give his consent, he should have no objection to add the words, "or any other nation."

Mr. HARPER hoped, as he had been particularly alluded to by the gentleman who had just sat down, he should not be considered as trespassing on the patience of the committee in an unreasonable manner, if he made a few remarks in reply, though he did not mean to do it generally, as he perceived others had undertaken to do that, whom he was conscious were better able to do it than himself. He was called up merely by the gentleman's personal observations.

In the first place, he was charged with great indecency in bringing forward and commenting upon the gentleman's own speech. He left it to the committee to determine with what propriety this complaint came from a person who has omitted no opportunity of attributing the worst of motives, not only to gentlemen in that House, but to others out of it; neither age, character, nor absence, have preserved gentlemen from his censure; from a person who has always indulged himself in the most violent philippics against the Executive of the United States, and all who concurred in his measures; from a person who, when gentlemen declare they are for peace, says he does not believe them; from a person who has continually charged all those with inconsistency who differed in opinion from him, not by examining their conduct, but by making insinuations against them as to their debts, or to the way in which they may have acquired money, or by following them to their youth, before they became members of this House? He thought the gentleman ought to attend to the old, but just adage, "He who lives in a glass house ought not to be the first to throw stones." If there could be a man more regardless than that gentleman of all the rules of decorum in debate, he had never heard him.

As to the charge of inconsistency in his conduct, it had often been made in private, and as often contradicted; but as it is now brought into public view, he would say a few words on that point.

It was said, that in 1791 and 1792 he was a member of a Jacobin society, and a warm declaimer in favor of the rights of man. What was said respecting his being a member of a Jacobin society, is one of those falsehoods of party, which, though known to be unfounded, is still reported.

The fact, Mr. H. said, was this, which he never concealed: In the year 1791, there were instituted in Charleston, a variety of clubs, (there were several before that time;) of many of these, being a young practitioner of the law, and desirous of extending his acquaintance, and procuring business, he was a member. Among these was a society called a Patriotic Society. It was composed of French and American citizens; and he and seven or eight other young practitioners became members, and attended one or two evenings; but, finding it composed of persons from whose society much improvement could not be expected, they never went afterwards; and so anti-jacobinic was their conduct considered, that they merited and received an expulsion from the society.

As to being a declaimer in favor of the rights of man in 1791 and 1792, he owned he partook of that enthusiasm which at that time raged in America, because he was deceived. He then believed the French had been unjustifiably attacked, but he now found that they were the first assailants. He then believed that the treaties of Pilnitz* and Pavia, of which they had heard so much, were realities; but he now found them contemptible forgeries. With respect to other parts of the French Revolution, he then believed that the principal actors in it were virtuous patriots, but he had since discovered that they were a set of worthless scoundrels and mad-headed enthusiasts, who, in endeavoring to reduce their fallacious schemes to practice, have introduced more calamities into the world than ages of good government will be able to cure.

Mr. H. said, he never was a declaimer in favor of what gentlemen meant by the rights of man. He held them and their author in merited contempt. The pretended factitious rights of man to which gentlemen referred, were the rights of a few noisy demagogues over the rights of the people. Though he always believed this, he did not know it so well, in 1791 and 1792, as he knew it in 1794, and since. And, therefore, he was not a declaimer in favor of what the gentlemen mean by the rights of man, but he was a warm admirer

* The speaker here alludes to the paper called "the second treaty of Pilnitz," which he declares to be a forgery. The first treaty of Pilnitz was a mere conditional agreement between the Emperor and the King of Prussia, that if either of them should be attacked by France, they would unite to repel the attack. This treaty they avowed; and when, on the acceptance of the new Constitution by the King of France, better prospects of a peaceable conduct on the part of that nation were entertained, they suspended this treaty by a formal declaration.

of the French Revolution, when he thought the object was the establishment of the true rights of man; but, since he discovered that this was neither the object nor would it be the effect, instead of viewing that Revolution as a blessing to the world, which he once thought it, he now viewed it as the greatest curse that ever afflicted mankind; as a phial of wrath from Heaven, the bitterest that ever was poured out upon the earth.

There was a certain species of the rights of man of which he had always been the defender, in favor of which his voice would always be heard. He had, in a well-known instance, advocated the rights of his fellow-citizens in the best manner he was able, and in a manner which had obtained for him their thanks and their remembrance. How he conducted that defence was well known to some of his colleagues in that House.

Mr. H. denied that he had been inconsistent with respect to the proposition before the committee. He then noticed what had fallen from Mr. GILES with respect to the decree of the French Directory not being so inimical to this country as it had been supposed to be. Mr. H. charged Mr. G. with being much mistaken in supposing that only the amount of eight millions of dollars was exported to Great Britain and her dominions, or that thirty-six millions of dollars were exported to France, and to countries connected with her. Out of the fifty-one millions exported from this country during last year, it appeared by the statement before them that eight millions five hundred thousand were sent to Great Britain, nine millions to the Hanse towns; to France and her dominions eleven millions. But, he asked, if the gentleman from Virginia knew the reason why this amount to France appeared so large? If not, he would tell him. All the produce shipped for the British West Indies in 1797, was almost constantly cleared out for French ports, in order to avoid the effects of the plundering decrees of the French West Indies, and this was the reason why six or seven millions appeared under this head, which ought to appear under another. But the gentlemen seemed to suppose that all which did not go to Great Britain went to France, and countries connected with her. At least twenty millions, out of fifty-one millions, went to countries over whom France had no power; and, when to these were added what was sent to Great Britain, and six or seven millions were deducted on the ground he had mentioned, the gentleman would find the balance was not very considerable.

Mr. H. said he should not notice what the gentleman had chose to say respecting the British Minister, except as to the improper manner in which he had called a confidential person a confidential agent of the Minister, and to say that he could not see any analogy between this case and that of the French Minister, who fitted out privateers and levied troops in our country without permission from the President of the United States.

The gentleman from Virginia had entered fully, not only into a justification of himself but of his friends. How far he has acquitted himself and them from the weighty charges which he had exhibited, he was not the proper person to judge; he left the public to determine. He must, however, beg leave to correct him in one of his facts. He informed the committee that the letter of Mr. Monroe, which had been quoted, was written in December, 1794, whereas it was dated Paris, September 10, 1795, long after that Minister had been officially informed by our Minister in London, that the British Treaty was concluded and signed; yet this letter recommends the taking of the posts, the invasion of Canada, and the cutting up of the British commerce by privateers. He did not say that this letter was a proof of conspiracy, but of a system of policy which was very contrary to a peace system.

But the gentleman says, he (Mr. G.) never proposed war against Great Britain. He knew it. The gentleman always spoke of peace, but pursued measures which led to war. He did not speak of war when he recommended sequestrations, confiscations, &c., because he loved peace. He did not talk of war; but, whilst he and his friends opposed measures of defence, they were in favor of every measure which led to war. While they were irritating a nation to war, they opposed the building of the frigates. He could not say what were the views of gentlemen in doing this, but he would say what appearance it had on his mind, when he was far removed from the seat of Government. He thought it seemed as if gentlemen believed it would be well to get to war, and then rely upon their favorite nation for support.

Mr. BROOKS again complained of the insinuation which Mr. GILES had thrown out against him, which he said was not called for by any circumstances under consideration.

Mr. GILES assured him he mentioned the fact alluded to out of no disrespect to him. With respect to the date of Mr. Monroe's letter, he had been deceived by a leaf being folded down at the letter, the date of which he had mentioned. The gentleman had said that he had attributed improper motives to the President of the United States. This he denied. He had said, he took measures which he did not approve, and he hoped a difference of opinion from any man would not be imputed to him as a crime. With respect to the explanation which the gentleman had given of his own conduct, he was glad to hear it. It was to obtain this explanation that he mentioned the reports which he had heard. Mr. G. renewed the assertion, that he and his friends always had been willing to put the nation in a state of defence. As to the frigates, he gloried in his vote against them; but with respect to the use of them, the gentleman was mistaken. They were intended to be sent against the Algerines only.

Mr. S. SMITH said a few words as to the statements which had been made with respect to the amount of our exports to different countries. That made by the gentleman from Virginia was correct, except that some deduction ought to be made from the 36 millions on account of the Hanse towns.

Mr. NICHOLAS made some remarks as to the

date of Mr. Monroe's letter. Though the date was as stated by the gentleman from South Carolina, he still maintained that Mr. Monroe could not have known whether or not the Senate had ratified the British Treaty. Mr. N. hoped the committee would rise, and that he should be permitted to show the consequences of a war with France at this time. He said yesterday he should have been willing to have overlooked the past, and to have taken the best mode of getting out of our present situation; but when gentlemen say that all has been done by this Government that could have been done, he should consider it as treason to his country not to show, that the present misunderstanding with the French Republic was founded in our own misconduct. Not that we were wrong in saying we will not bear the treatment of the French since; for though he thought we gave the first offence, yet he was not for bearing the chastisement of any country.

After a few words between Mr. DAYTON and Mr. NICHOLAS, as to the object of the amendment, the committee rose, and the House adjourned.

FRIDAY, March 30.

Mr. OTIS presented a petition from the freeholders and others, of Roxbury, in the State of Massachusetts, stating, that they hear with concern, that liberty is intended to be given to merchants to arm their vessels for self-defence, knowing that masters of vessels consist of a great variety of character; that among them there are men of violent passions, and that the distance between putting arms into a man's hands and the commencement of hostility may be very short, they deprecate the idea of the peace and happiness of this country being placed on so uncertain a foundation as the pride, caprice, or passion of the master of a merchant vessel. They pray, therefore, that vessels of this description may not be permitted to arm. Referred to the Committee of the Whole on the state of the Union.

Mr. HARPER, from the Committee of Ways and Means, reported a bill making appropriations for the Military Establishment for the year 1798, which was committed for Monday.

The amendments from the Senate to the bill for the relief of refugees from Canada and Nova Scotia, as agreed to by the committee of conference, were agreed to by the House.

RELATIONS WITH FRANCE.

Mr. ALLEN observed, that when the President of the United States sent his first Message to the House, announcing the receipt of despatches from our Commissioners in Paris, he stated that it would take some time to decipher the despatches which he had received. Some days afterwards, on the 19th instant, he sent another Message informing the House, "that it was incumbent on him to declare that he saw no ground of expectation that the object of their mission could be accomplished on terms compatible with the safety, honor, or the essential interests of the nation."

It had been observed, in the course of the debate in the Committee of the Whole on the state of the Union, and not in the most candid and proper manner, that the papers received from our Commissioners ought to have been laid before the House, and the President had been charged with withholding them. He supposed gentlemen would have been satisfied, and he was, with the information which the President had already communicated, that our Commissioners are not received, and that France refuses to hear us. But, though he was himself satisfied with the information he had at present, he believed there were many gentlemen in the House who wished for more, because there is a paper printed in this city which is continually insinuating that there is something in these despatches which, if they were made known, would show that the conduct of the Executive has been improper; because he found that paper often speaking the language of gentlemen in this House, and which spoke it, he believed, on this occasion; and because, if this is not true, he wished the people to be undeceived; or if true, that he and those who thought with him, that no such blame existed, might be convinced of their error; he proposed the following resolution, to which he hoped there would be no objection:

Resolved, That the President of the United States be requested to communicate to this House the despatches from the Envoys Extraordinary of the United States to the French Republic, mentioned in his Message of the 19th instant, *or such parts thereof as considerations of public safety and interest, in his opinion, may permit.*

Mr. S. SMITH said, he should have no objection to the resolution if the latter part of it was struck out. If the President thought it necessary that any part of the correspondence ought to be kept secret, he would, as is usual in such cases, inform the House that this was the case, and the galleries would accordingly be cleared. The communication would then probably be referred to a select committee, and such parts of it published as might appear proper.

Mr. ALLEN observed, that there might be parts of this correspondence which it would not be proper to communicate to this House, even confidentially. If this was not the case, the President could still communicate such part of the correspondence in confidence as he may think proper. He wished to leave the President to act according to his discretion. Without some portion of this discretion being allowed him the Government could not proceed.

Mr. GILES said, no part of the correspondence ought to be kept from Congress. He was not himself satisfied as to the sincerity of the proceedings of the Executive of the United States towards France; he wished, therefore, not only to have the correspondence of our Ministers, but the instructions which were given to them. Mr. G. defended what he had yesterday said about the President and these papers, and hoped if the House called for the papers at all, they would call for all the papers, and the instructions upon which our Ministers acted.

Mr. Livingston moved to amend the resolution by striking out all the words after the 19th instant, and insert after the words "this House" "the instructions to and." This was not a time, Mr. L. said, to stand upon trifling punctilios, which might be proper upon ordinary occasions. They were now called upon to say whether the country should be preserved in peace or go to war; yet the correspondence, which ought to convince the House of the propriety of acting in this or that way, is withheld. How could they say to their constituents, without this information, all has been done that could be done to preserve the country in peace, but war was inevitable? And if war is rushed into headlong, without due consideration, and consequently without ascertaining whether it is just or not, can it be expected that the wishes and aids of the people will be heartily engaged in such a war? They certainly would not.

It would be no answer to say that our negotiation with a foreign Power would by this means be exposed. The communication might be made with closed doors, and no one could suppose anything would be exposed by the members of the Legislature which the good of the country requires to be kept secret. But gentlemen wish this House to repose the strictest confidence in one branch of the Government, at the same time that they say no confidence can be placed in the integrity of this House. [Mr. Allen exclaimed, who said it?] Mr. L. replied, that this was a fair inference from what had been said.

The latter part of the resolution proposed to transfer a right to the President which it ought itself to exercise, as to judging of what it was proper to publish in consideration of the public safety and interest. If this power was given to the President, he might withhold such parts of the papers as might prevent a correct judgment being formed upon them. He was not himself disposed to cede to the President the right which he was sent there to exercise for his constituents, of judging of so important a question as a question of peace or war. He could not basely surrender this right. If the papers were called for at all, he hoped the whole would be called for, in order that the House might form that sound and temperate judgment for which the present crisis so loudly calls, and for which the people of the United States so anxiously look. Indeed, to pass the resolution unamended, would, in his opinion, be a shameful dereliction of their rights.

Mr. Bayard thought the propriety of this call upon the President was extremely doubtful, and as it regarded the instructions given to our Ministers, wholly improper. With respect to the communication of the despatches, it was wholly a matter of Executive discretion to judge whether it would be proper to communicate them or not. He was one of those who had so much confidence in the Executive as to trust to his candor, understanding, and integrity, to determine upon the propriety of what he should send to or withhold from this House. At a time when it is not known that our negotiation with France is closed, it would be extremely imprudent to have the instructions of our Ministers laid before this House; as what was sent here, notwithstanding any vote of secrecy, would not long be kept secret. It would soon be in Europe, and might do us essential injury, by disclosing our ultimatum to France, and by showing it also to the world. It was in vain, Mr. B. said, to suppose that one hundred men could keep a secret for any length of time, however important it might be. To elucidate that assertion, he referred to the divulging the secret of the British Treaty by a Senator.

But the gentleman from Virginia (Mr. Giles) has no confidence in the Government of this country with respect to its negotiation with France; and in order to try the sincerity of the Executive, he wishes for the papers. Does the gentleman by this mean to give the lie to the Executive? Because in his Message he has told the House that he has given power to our Ministers to settle our disputes with the French Republic, and to "make all reasonable concessions." What more does the gentleman wish? Does he wish unreasonable concessions to be made? Surely he does not. Did anything appear in the conduct of the French Directory to show that our Ministers were not possessed of ample powers? No; the Directory never knew anything about their powers, at least so far as any official communications had been received on the subject. There could not, therefore, be any ground upon which the gentleman could rest his suspicions. He hoped, therefore, the amendment would be negatived.

Two or three gentlemen were on the floor together.

The Speaker said, the amendment to insert "the instructions to and," would come first under consideration.

Mr. Harper said, he did not mean at this time to enter into the merits of the present question. It was important, and presented itself in a new light to the House. The original motion he was ready to have voted for; he did not know whether he might not vote for this. But he wished time to consider of it. He therefore moved the further consideration of this question be postponed till Monday.

Mr. Allen had no objection to the postponement, except the mover of the amendment would permit it to be amended by a modification of this sort: "Such parts of those communications as were communicated to the French Government."

The question for postponement was put and carried—47 to 41.

The order of the day was then called for.

Mr. Allen hoped, since the consideration of his proposition had been postponed, the House would not resolve itself into a Committee of the Whole on the state of the Union until this information was received. The debate of yesterday, he thought, would do no good, as it served only to alarm the public mind; and he expected if the House went into a Committee to-day, the time would be spent as unprofitably.

Mr. Brooks seconded the motion, as the information called for would certainly throw light upon the subject; and though he had himself sufficient

information to enable him to vote upon the question, many gentlemen, in the course of debate, had made a great hue and cry after these papers, he hoped, therefore, they would be called for.

Mr. NICHOLAS always thought it proper to ask for further information on this subject; but as he had been told that when it was received it would be final as to our affairs with France, and tantamount to war, he thought it better to decide the question whether we are ready to go to war or not first. He wished this, also, to prevent the consequences which are now taking place from a general impression in the country, from the late Message of the President, that we must be involved in war. In consequence of this persuasion, he had received information that produce has fallen one-fourth in price. He wished, therefore, to come to a vote as soon as possible that should decide the question of peace or war. It was upon this ground that he did not call for the papers, and upon this ground he hoped they should proceed with the business. Delay may give time for measures to be taken which shall stab the peace of the country—which may go beyond the powers of the Legislature to arrest their progress—if the business of the Union was to be suspended until the call was made, and, if it be favorably answered, until the communications are printed. He hoped, therefore, this delay would not take place.

Mr. BALDWIN said, if gentlemen could reconcile it to their own minds to let this important business lie over from day to day, it was more than he could do. He was surprised to find at first some reluctance to go into a Committee of the Whole on the state of the Union; and he was now surprised that there was any reluctance to proceed with the business. He would not indulge suspicions as to motives; but he begged them to believe that he could not help expressing his anxiety at the prospect of of any delay in coming to a decision on the question which had already undergone some discussion. He had never seen the affairs of this country on such a dangerous precipice as at present, and not to act, but let things alone, and the country will soon be in war, and then we must defend ourselves as well as we can. At least, this was his view of the matter. But, if the business be pursued at present, though we find France has behaved towards us so as to give us a just ground for war, yet, if we wish to avoid war, this is the time to prevent it. The subject is at present before the House in the way which the President thought proper to place it; and if a call is made for papers, it is well known that he will not be obliged to send them. The information which they had he himself supposes correct, as the President had given it upon his responsibility; he was, therefore, ready to vote upon the question before the Committee of the Whole. He believed there was a disposition in the country for peace, and against the arming of merchant vessels. He believed that by taking pointed and decisive measures, they had on a former occasion kept the country out of war; he hoped they would be able to do it on the present occasion. He should not object to calling for the papers, but wished not to protract the business.

Mr. GORDON was surprised to hear gentlemen say the House was called upon to act upon the opinion of the President; there is certainly something more before the House. He could not account for the opposition made to a postponement except it was, that when the information was obtained gentlemen were apprehensive they could not hold the language they now hold, as almost every gentleman who had spoken upon the subject had complained that sufficient information was not before them. If this information was unnecessary, then the resolution ought to have been negatived at once; but, having been postponed, he thought it would be improper to proceed with the question before the Committee of the Whole until it was received. He saw no reason, therefore, for going into a Committee of the Whole on the state of the Union, except to give the gentleman from Virginia (Mr. NICHOLAS) an opportunity of doing what he has proposed to do, viz: to show to the world that our Government has acted improperly towards France; but such was his opinion of that gentleman's perseverance, that if he did not get an opportunity of doing this to-day, he would take another opportunity of doing it, and therefore it was not necessary to go into a committee for the purpose of receiving his speech; and he could not see what else it could be desired, except it was that gentlemen wished still to hold out to the people the idea that there is a considerable part of this House, with the President as their head, for war, though the charge was altogether denied.

But the gentleman from Virginia says, that the late Message of the President has so agitated the public mind that, believing war is approaching, produce has fallen one-fourth in price. If the fact was as stated, he did not believe it had been the Message of the President which had produced it, but the decree of the French Directory, as the Message contained nothing like war. He thought the insinuation injurious to the President, and to those who thought with him, and who were opposed to war, but who, nevertheless, will not vote for the resolution before the Committee of the Whole, because they do not feel themselves called upon to decide the question of peace or war at present.

Mr. DANA was against the postponement, not because he thought the Message of the President had caused the fall of produce—because the Message would certainly have had no such effect, had it not been accompanied by a decree of the French Directory, which went to let loose all the French corsairs upon all neutral vessels, and to exclude them from French ports. This, he believed it was, which had produced the effect spoken of. But he did not think, if the resolution before the Committee of the Whole was adopted, that it would raise the price of produce. Indeed, he did not think it would produce any effect. He considered it as an unmeaning thing; and a person voting for it, might with propriety go into every

measure proposed for the defence of the country. It was one of those vague propositions upon which gentlemen may say what they please, and he looked upon it as introduced with that view. And since they must submit to hear the speeches of gentlemen upon the occasion, he wished the business to be going on. The gentleman from Virginia told the committee yesterday that he would give them a speech to-day, wherein he would show that this country had been to blame in respect to France, in which, he doubted not, they should be entertained with many severe philippics against the Executive; all these speeches, calculated to raise a clamor in the country, must be submitted to. He wished, therefore, to go from day to day into a Committee of the Whole, until gentlemen had exhausted themselves, and then the business of the nation might be proceeded with.

Mr. BROOKS said, for the same reason which his friend from Connecticut gave for going into the order of the day, he wished to avoid it; because he hoped, if till Monday was given for the gentleman to consider upon the matter, he would give up his speech.

Mr. GALLATIN.—In whatever he had said in the Committee of the Whole on the state of the Union, he had made no allusion to the papers a call for which had been proposed. If he understood the objections urged to going into a Committee of the Whole on the state of the Union, it was, that the House ought to wait until these papers were before them. So far as related to himself, this was unnecessary, for he had not complained of any want on this head. Not because he did not desire to have the information, if it could be obtained, but because he thought it best, under the present situation of the country, first to decide whether we will remain in peace or go to war. For if it had first been determined to call for further information, how did he know that it would be given, or, if given, whether it would not be in a mutilated state, rather than which he would choose to act without it upon the Message of the President alone; and, according to the opinion of the gentleman from Delaware, (Mr. BAYARD,) the House ought not to ask for any papers whatever from the Executive. He thought the information contained in the Message of the President was sufficient to decide the question at present before the Committee of the Whole, as he there states that he has no ground to hope for a happy issue to our mission. This is not matter of opinion; but, coming from the President to the Legislature, is matter of fact; and when he says so, it must be understood that he is not willing that any further negotiation should take place; and that all the reasonable concessions having been made that can be made, there is an end of the negotiation. It was true, when these concessions were made known, it was possible that he might differ in opinion from the President as to their reasonableness; but this House has no control over the President in this respect. Therefore, the information which he has given to the House is sufficient for them; and they ought now to say whether they will go to war or remain in peace.

The gentleman from Connecticut (Mr. DANA) has supposed that the resolution before the Committee of the Whole is vague and inexplicit—merely a thing for declamation and speeches, and that it ought, therefore, to be disposed of as soon as possible. He was himself also in favor of getting through with it as soon as possible; but it was extraordinary that that gentleman should complain of its being vague, and yet endeavor to make it more so, by wishing to see it amended as proposed. As to the speeches which had been made upon this occasion, they were not properly produced by the motion before the committee, and could not be charged upon the supporters of it. The only argments offered in favor of it, (which had been in some degree restrained by the amendment,) were to show that it is not expedient to go to war at this time.

Mr. G. could not see how the information proposed to be called for, could influence the vote on the question before the committee. If any gentleman could show this, he would not object to the postponement. The mover acknowledged he did not want the information for himself; it was only to remove any clamor which might be used in debate, or which might appear in the papers.

It was true, Mr. G. said, however obnoxious the fact might be to some gentlemen, that the Message of the President had produced the effect which had been mentioned; it had upon his mind the effect of a declaration of war. He did not say that it really was so, but the effect produced upon him, was a belief that, if something was not done by the Legislature to prevent it, the consequence would be war. This conviction he felt from the moment the Message was read. He understood the same effect was produced on others. And though he was not certain about the fact of the fall which had been said to have taken place in the price of produce, yet, if it were so, it was not produced by the decree of the Directory, for that accompanied the first Message of the President, and it was the last which had the effect spoken of.

The effect produced by the decree of the Directory, said Mr. G., we know. It can be ascertained by the variation it has produced in the price of insurance. He understood the difference which had been made by that decree in the insurance of vessels from London to this country was five per cent.

Mr. G. thought it important that an early decision should be given to the question before the committee, that the people of the United States might know what they had to expect, and in order to remove the idea which everywhere prevails, that we shall be in a war in a very short time. It is upon this idea, said he, that the insurance offices refuse to insure vessels in French ports; not on account of the decree of the Directory, but from the Message of the President; and it was with a view of removing this impression, he believed, that the resolution was laid upon the table.

Mr. LIVINGSTON said there appeared to be two objections to going into a Committee of the Whole on the state of the Union. Some think

the proposition before it is of too trifling a nature to consume time; others, that it is of so great magnitude, that they wish to gain further information, and to have time to consider it. The first class of gentlemen, he thought, treated a subject, confessedly of great importance, with too much levity. Gentlemen say you do us wrong when you place the question before the committee in the light of a peace or war question. We have no idea of going to war. This was the language of the gentleman from New Hampshire, (Mr. GORDON,) particularly. Had that gentleman forgotten what had been said by his eloquent friend from Massachusetts, (Mr. SEWALL,) who sits beside him? That gentleman had declared, not that war might be expected, but that war exists! Was it unreasonable, after such a declaration, to come to a resolution which says that it is not expedient to resort to war at this time? He thought the welfare of the country required it. But the gentleman from Massachusetts did not stop here. Though, he said, a defensive war was all he wished for, under our present circumstances, yet he invoked the Supreme Being, and wished we were in a situation to carry on an offensive war. Yes, exclaimed Mr. L., the God of Peace was invoked in favor of war; the God of Mercy was called upon to favor a war of vengeance; and yet gentlemen wished to throw an odium upon those who come forward with a proposition for peace!

Mr. L. said he wished as much as any member for further information, before the House proceeded in active measures; but he was far from being certain that complete information could be obtained. He believed great opposition would be made to the call; in the next place, if called for, he believed the information would not be sent: he supposed this from a former refusal made on the ground of Executive authority. He deprecated the decision; but he believed, as precedent would authorize it, it would be made.

Mr. RUTLEDGE thought gentlemen went much too far on this occasion, in anticipating not only what would be the proceedings of this House, but also of the President. He rose immediately after the gentleman from Georgia, (Mr. BALDWIN.) That gentleman's argument went against a postponement generally, but not against a postponement till Monday. That gentleman was surprised that gentlemen should wish for a postponement; he was one of those who excited his surprise; he was in favor of the postponement of this question because the last had been postponed. He thought the motion for a call of papers ought to have been passed; but not having passed it, he wished it to pass before the House went into committee on the proposition which had undergone some discussion, especially as he did not believe the delay would postpone the final decision upon it. If gentlemen would agree to pass over the first proposition, and go on to the next, which relates to measures for the defence of the country, he should be as ready as them to go into a Committee of the Whole on the state of the Union. He doubted not the gentleman from Virginia was anxious to deliver the speech which he had promised to the committee. [Mr. NICHOLAS informed the gentleman he would hear no speech from him to-day.] Mr. R. hoped then he would not object to the postponement. The gentleman from Pennsylvania said he wanted no information; nor did he himself want it. He had received a letter from France, which convinced him of the perilous situation in which we stood with that country. He had seen the French decree, and he had seen a Gazette which had informed him that the Message of the Directory was passed unanimously by the Council of Five Hundred; but he supposed some other gentlemen had not sufficient information, or else it would not have been called for; and surely gentlemen would not call such to vote upon what they deemed to be a question of war or peace, without it.

Gentlemen had said that the Message of the President had produced a belief that we shall be involved in war, and that produce had fallen accordingly. He did not believe the fall was owing to the Message, but that it was the effect of the decree; and asked whether the President would not have been criminal, if he had suffered the despatches to have slept a night upon his table? He certainly would; the communication was indispensable.

Mr. SEWALL was sorry to differ in opinion from his friend from South Carolina. He was himself against the postponement. This difference, he supposed, arose from that gentleman's yielding to the assertion of gentlemen, that the question before the Committee of the Whole is a question of war or peace, which he himself did not. He never considered the question in that light. It comes in as a bar to any measures being taken for the defence of our country, or from getting into business which really concerns the state of the Union. What were the motives of gentlemen for bringing it thus in, he could not tell. The readiness of gentlemen to come to a decision upon the question without further information, proves that they do not consider it as a question of war and peace. It cannot be doubted, that if the Legislature was called upon to declare war against any nation, they would have a right to expect that every fact relative to that nation should be laid before them.

The gentleman from New York, Mr. S. said, had thought fit to allude to him as appealing to the God of Mercy to support us in a vindictive war. Punishment, Mr. S. said, was sometimes the truest mercy; and if the United States could inflict punishment on France, it might be mercy to that country. And could any American citizen consider the sufferings which the French Republic had brought upon our merchants, our seamen, and upon our country generally, without calling upon the God of Mercy to enable us to inflict punishment upon that country? When gentlemen say (and none seem to deny it) that France has given this country just cause of war, will they not say France has given us just cause of vengeance? And is there, said he, a patriot in this House, who acknowledges France has given us just cause of war, and who does not wish to inflict that war upon that country in the severest and fullest manner? It was impossible to prevent the

wish. He could not himself forbear making use of the expression with which the gentleman found fault; he could not refrain from calling upon God to enable us to avenge our wrongs.

Gentlemen are perfectly ready, without knowing how our Envoys have been treated, to declare in favor of peace. Mr. S. noticed what had been said about the Message of the President having caused the fall in the price of produce, and called upon gentlemen to point out that part of it which was calculated to produce that effect. This fall of produce, he said, was only one of the consequences arising from the wrongs which France has inflicted on this country. If she had received our Envoys, no such thing would have happened; and could the President be blamed, because he communicated the enormities of the French Republic to Congress? Certainly he ought not. The whole mischief ought to be ascribed to the offenders.

Mr. J. Williams was against the postponement. He had always been of opinion that the discussion of the proposition which had engaged the House for some days would have mischievous effects on the country. He wished, instead of discussing this question, they had proceeded to measures which went to placing the country in a state of defence. The reduction of the price of produce he ascribed more to the apprehension of an embargo than anything else, and, the Senate having decided against that measure, he supposed the alarm would cease. He thought it had been the object of gentlemen to alarm the country, and to induce the people to believe that the Executive and a part of this House are in favor of war, and that they only are for peace.

Mr. T. Claiborne said, if the debate continued much longer, the postponement would take place, not from the force of gentlemen's arguments, but from the length of them, as it would soon be time to adjourn.

Mr. R. Williams moved to adjourn; which was carried.

And the House adjourned till Monday.

Monday, April 2.

Mr. Varnum presented a petition from the inhabitants of Milton, in Massachusetts, stating their alarm at the idea of the peace of the United States being placed in the hands of men who may not be very friendly disposed towards the interests of this country, viz: the masters of merchant vessels, many of whom were formerly British subjects, and who, though they have been naturalized in this country, still retain all their English prejudices against the French, and may exercise them in a manner which may lead us to war, the declaration of which they wish to remain in the power of Congress. They also regret the misunderstanding which at present subsists between this country and France, and trust that every means will be taken to adjust it, without having recourse to war, which must wholly destroy our commerce, and throw the weight of supporting such a state upon the farmers and landed interests. Referred to the Committee of the Whole on the state of the Union.

RELATIONS WITH FRANCE.

Mr. Allen called up for decision the resolution for certain papers from the President of the United States, (the consideration of which was postponed on Friday until this day,) which having been read—Mr. A. said, he would agree to the amendments proposed, provided the mover would allow the same exception to be used that had been proposed on a former occasion, viz: "excepting such parts of said papers as any existing negotiation may render improper to be disclosed."

Mr. Nicholas did not think it would be right, in the present situation of things—when we are told by the President that the negotiation with the French Republic is at an end, and that there is no chance of an accommodation taking place between the two countries—to agree to any exception of this kind. Called upon to act in this desperate state of things, he thought it would not be right for any part of the papers which had led to it to be withheld from Congress. The President having thought fit to declare that all negotiation is at an end, and that he is without hope of an accommodation, it could not be thought proper that the Legislature should be called upon to act upon less information than that upon which the President himself had acted. He thought the Constitution must have intended this, when it placed the power of declaring war in their hands; to suppose the contrary, would be to suppose an absurdity. With respect to the probability of any part of the papers interfering with any existing negotiation, he could not conceive that possible; at any rate, he thought it of greater consequence to act rightly in this case, than to have reference to any improbable circumstance of that kind. He hoped the gentleman would agree to withdraw the exception which he had proposed, as to retain it would defeat the call, by making it liable to all the objections which were made to the former exception. Indeed, notwithstanding he wished very much for the information called for, he should vote against the resolution, if the exception was retained. He therefore moved to strike it out.

Mr. Allen did not know why the gentleman from Virginia should wish a different form of a resolution from that proposed on a former occasion. He could see no reason but this: he did not believe gentlemen wished to see these papers before the House. When the resolution alluded to was adopted, two years ago, it was not known that any negotiation was on foot; and, though the President had told the House two weeks ago that all negotiation was at an end, it might not be so now. But suppose there was nothing upon which this part of the resolution could act, it could do no harm. He would not, however, give gentlemen an opportunity of voting against the resolution. He would withdraw his amendment; because he believed the President would be authorized to retain such parts of the papers as he may think it improper to communicate; he believed his Constitutional power gave him all the right to

do this, and that, therefore, it was immaterial whether the resolution contained any exception, or not.

Mr. S. SMITH called for the yeas and nays, to convince the gentleman of his error with respect to there being no desire for the papers.

Mr. HARTLEY wished the qualification of the resolution had not been withdrawn. He thought it proper. He had also his doubts whether the House could Constitutionally call for the instructions given to our Ministers. Mr. H. moved, therefore, to amend the resolution by re-adding the exception just withdrawn.

Mr. NICHOLAS observed, in reply to the gentleman from Connecticut, that, if our situation with France is changed since the President's last communication, it would be ground for a new Message. But the House could not act upon anything so uncertain; they could act only upon the idea of things being now in the same situation as when the President sent his last Message.

Mr. HARPER said, when this question was brought forward on Friday, he moved the further consideration of it until to-day. Upon reflecting, however, upon what he thought a Constitutional question, it appeared to him that no such Constitutional question was involved in the present resolution. The present call for papers, he said, stood upon a very different ground from that made when the British Treaty was under consideration; the objections, of course, against that call would not apply in the present case, as the papers now called for were wanted to throw light upon a subject confessedly within the Constitutional powers of the House. He therefore held the call not only to be Constitutional, but expedient. Nor could he see any ground for the amendment: if the House had a Constitutional right to ask for information, they had a right to ask for the whole information, and the President would judge how far he could, with propriety, comply with the call. But, since the House did not know that the communication of any of these papers would be improper, the whole ought to be called for; and, if the President should think it proper to retain a part, he would doubtless give sufficient reasons to the House for doing so. On a former occasion, when it was moved to modify the resolution calling for papers in the way now proposed, the motion was rejected, because it went to alter the principle contended for; and he believed the same reason would lead to a rejection of the present motion.

If he believed there was any Constitutional question in this motion for papers, he should vote against it; but, believing the contrary, he should vote in favor of it—not because he wanted the information, as it was sufficient for him that the President told the House that the negotiation was at an end, and that our Ministers were refused an audience, to induce him to go into every measure of defence proposed; but as other gentlemen wished it, he hoped the resolution would be agreed to without amendment.

The question on the amendment was negatived without a division.

The question then returned upon the resolution, in the following words:

"*Resolved*, That the President of the United States be requested to communicate to this House, the instructions to, and despatches from, the Envoys Extraordinary of the United States to the French Republic, mentioned in the Message of the 19th instant."

Mr. OTIS said, before the question was taken, he would state his intention of voting against the resolution, not from any doubts of the Constitutional right of the House to call for the information, nor from an indisposition to gratify those gentlemen who want the information, but being satisfied in his own mind that the facts stated in the Message are true, and that the Commissioners who were sent to France were empowered, not only to settle our differences with that country, but to make reasonable concessions, even where the injury was on their side; and the President having declared it to be his opinion that there is no hope of success from that mission, he wished for nothing further to convince him of the propriety of going into the different defensive measures proposed. If he had, indeed, conceived that the question of war or peace was before the House, he might have wished its decision to be delayed until every fact relative to the negotiation had been before them; but, as he did not conceive that any such measure had been started, but only that such defensive measures should be taken as a much less degree of danger than at present existed would authorize, he was not willing to take any share of the responsibility as to the inconveniences and evils which may result from publishing the correspondence in question. If the disclosure should endanger the safety of our Commissioners, or operate as a discouragement to the future free communications of our agents abroad, he should wish to steer clear of any blame on the occasion.

Mr. GALLATIN observed, that the same reasons, or nearly so, which have been mentioned by the gentleman from Massachusetts, as inducing him to vote against the resolution, would induce him (Mr. G.) to vote for it. He had already stated that, viewing the question in the light he did, he did not want further information to enable him to decide upon it. He concluded the statement made by the President is correct; that it is true that there is no hope of accommodation with the French Republic, and that all negotiation is at an end; and, taking this as a ground upon which to act, he was willing to act upon it to the best of his judgment. Mr. G. said, he considered part of the measures proposed, to be measures of war, though gentlemen called them measures of defence; but, when the subject should be gone into, he would prove them to be those of war; and that the measure adopted by the President in relation to arming merchant vessels, is a war measure. On this ground he was ready to vote against any such acts, and in favor of anything which tended to counteract their effect.

But, said Mr. G., if there are gentlemen on this floor who conceive that, in addition to the information which has been given to the House, the despatches will give to them more irritating matter

than they have yet had, which may have a tendency to change the opinions of those who, like him, are in favor of peace measures, he had no objection to their being communicated. He did not expect, however, that anything of this kind would change his opinion. The House had had enough of this matter last session, and in the late communications; but, on his mind, these would produce no effect as to the question of peace or war. It is true, as hinted by the gentleman last up, that some inconveniences may arise from the despatches being communicated, as it may prevent diplomatic characters from expressing themselves freely in future; but the President of the United States was not afraid of this, as during the last session he had communicated information of this kind, without being applied to for it. But if, after having examined the despatches, he is convinced it will be highly injurious to the public welfare, or endanger the safety of our Commissioners, or prevent the happy issue of our negotiation, to communicate the information, he will either give it, or state his reasons for withholding it to the House.

The question was then taken, and decided in the affirmative—yeas 65, nays 27, as follows:

YEAS—John Allen, George Baer, junior, Abraham Baldwin, David Bard, Bailey Bartlett, James A. Bayard, Thomas Blount, Richard Brent, David Brooks, Nathan Bryan, Demsey Burges, Samuel J. Cabell, John Chapman, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, William Craik, John Dawson, John Dennis, George Dent, Lucas Elmendorph, William Findley, Nathaniel Freeman, jr., Albert Gallatin, William B. Giles, James Gillespie, Andrew Gregg, William Barry Grove, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Hezekiah L. Hosmer, Walter Jones, Edward Livingston, Matthew Locke, Matthew Lyon, James Machir, Nathaniel Macon, William Matthews, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, John Nicholas, Josiah Parker, Thomas Pinckney, John Rutledge, jr., Tompson J. Skinner, Samuel Smith, William Smith, Peleg Sprague, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, Peleg Wadsworth, John Williams, and Robert Williams.

NAYS—Stephen Bullock, Joshua Coit, Samuel W. Dana, Abiel Foster, Dwight Foster, Henry Glen, Chauncey Goodrich, Roger Griswold, Thomas Hartley, William Hindman, James H. Imlay, John Wilkes Kittera, Samuel Lyman, Daniel Morgan, Lewis R. Morris, Harrison G. Otis, Isaac Parker, John Reed, Jas. Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Nathaniel Smith, George Thatcher, Mark Thomson, Thomas Tillinghast, and John E. Van Alen.

Messrs. ALLEN and HANNA were appointed a committee to wait upon the President with the said resolution.

Mr. KITTERA reported a bill for authorizing certain officers to administer oaths; which was committed for to-morrow.

DEFENCE OF NEW YORK HARBOR.

Mr. SEWALL, from the Committee for the Protection of Commerce and the Defence of the Country, made a report on the memorial of the Chamber of Commerce of New York, on the subject of the insecure state of the harbor of that port. The report states, that Congress had this subject under consideration at the last session, and provided that any State should be authorized to expend any such sum upon their fortifications as they should deem proper, not exceeding the sum of which such State was found indebted to the United States in the settlement of the accounts between the States and the United States. This proposition having been wholly neglected by the State of New York, and no cession having been made of the soil, the committee recommended, after stating that it will be proper to include a sum for purchasing cannon and ammunition for the said fortifications, the following resolution:

"*Resolved*, That a bill be reported to repeal the provision of cession in the act providing for the further defence of the ports and harbors of the United States, and provide in lieu thereof that the fortifications which shall be erected and allowed for by the United States pursuant to that act, shall become the property of the United States; also to provide that any State which shall accept of the proposal made by the said act, and proceed to finish any fortification heretofore commenced, and which by the President of the United States shall be judged of use in the defence of any port or harbor, or in making any additional fortifications, under his direction, shall be allowed, in the manner proposed by the said act, as well for all previous expenditures made since March 20, 1794, as for the expenses which shall be made pursuant to the said proposal, not exceeding the balance in which such State respectively has been found indebted to the United States."

The report was committed to the Committee of the Whole on the state of the Union.

FOREIGN CONSULS.

On motion of Mr. OTIS, the House went into a Committee of the Whole on the bill appropriating a sum of money for defraying expenses incurred by our Consuls and Vice Consuls; and, after filling the sum appropriated with $30,000, the committee rose, and the bill was ordered to be engrossed.

FRENCH RELATIONS.

The House then resolved itself into a Committee of the Whole on the state of the Union; when, after a suggestion from Mr. PINCKNEY, that it would be best to pass over the first resolution and go on to the others; and some observations from Mr. N. SMITH against passing over the first resolution, and in favor of coming to an immediate vote upon it, as being of no consequence, and deciding nothing, a motion was made by Mr. HARPER for the committee to rise, in order that the business might be postponed until the information or an answer from the President on the subject should be received; which was carried, and the committee rose accordingly.

Mr. ALLEN informed the House that the committee appointed to wait upon the President with

the resolution which had been agreed to, had performed that service, and he had informed them that he would take the matter under consideration, and do what the public safety should seem to require.

ORGANIZING THE MILITIA.

The order of the day was next called for on the bill for organizing and disciplining the militia of the United States, and the House went into a Committee of the Whole on this subject; when the first section, which provides for the establishment of a select corps, having been read, a motion was made by Mr. VARNUM to strike it out, in order to try the principle of the bill. This motion was advocated by Messrs. VARNUM, NICHOLAS, and W. C. CLAIBORNE; and opposed by Messrs. J. WILLIAMS, MACON, SHEPARD, S. SMITH, HARPER, BROOKS, and DAYTON. No question was taken. The committee had leave to sit again.

TUESDAY, April 3.

Mr. HARRISON reported a bill providing compensation for the marshals, clerks, attorneys, jurors, and witnesses, in the Courts of the United States, and for repealing certain parts of acts therein mentioned, and for other purposes; which was committed for to-morrow.

SURVEY OF NORTHWESTERN LANDS.

The SPEAKER laid before the House a letter from Rufus Putnam, Surveyor General, stating the difficulty and impractability of running north and south lines, according to the true meridian, in the survey of the Northwestern Territory lands, and suggesting the propriety of repealing that part of the law, and requiring, instead thereof, that all instruments used in the said survey be adjusted to one meridian. Referred to the committee on the subject of Northwestern Territory lands.

MEMORIAL ON PUBLIC AFFAIRS.

Mr. GALLATIN presented the following memorial from forty members of the General Assembly of the Commonwealth of Pennsylvania, viz:

To the Congress of the United States:

The Memorial of the subscribers, members of the General Assembly of the Commonwealth of Pennsylvania, respectfully sheweth:

That your memorialists, faithfully attentive to the prosperity and happiness of their constituents, cannot contemplate the present crisis in the affairs of the United States, without feeling the strongest solicitude, by every honorable means, to avert the horrors of the war which threatens: and, although they claim no other influence in your deliberations and transactions than that to which they are entitled in common with all their fellow-citizens, they are persuaded that the public confidence reposed in them will at once justify the expression of their sentiments, and insure a liberal interpretation of the motives which actuate them in addressing those sentiments to your honorable body.

That your memorialists will not, on this occasion, take a retrospective view of the events of the American Revolution, in order to awaken a sense of gratitude for former services, nor advert to the peculiar character of European war, in order to mitigate the feelings of resentment for recent injuries on the part of France; but regarding only the existing state of their country, its policy, its interests, and its independence, every principle of patriotism impels them, not merely to deprecate a public annunciation of hostilities, but firmly to discountenance every measure which tends to inflame the spirit of animosity, and to dissolve the bond of amity with that Republic.

That, whether your memorialists contemplate the independent resources of the Union, or the aid to be derived from a foreign alliance—the principles of a Republican system, or the means of gratifying the best wish of their constituents—they are alike impressed with the importance of pursuing a conciliatory and pacific course. They perceive, indeed, no glory, no benefit, to be attained for their country, through the medium of a war, that can compensate for the stagnation of commerce, the suspension of agriculture, the effusion of blood, the waste of treasure, the desolation of property, and the depravation of morals, which are its inseparable concomitants; while the issue of the European contest must either leave the United States without an efficient friend, or fatally associate them with the rival of their commerce, and the enemy of Republicanism.

That your memorialists, under these general impressions, submit the subject with great anxiety, but with great deference, to the consideration of your honorable body, trusting that your wisdom, co-operating with the wisdom of other departments of the Government, will be competent to the preservation of peace, without the sacrifice of any essential right, or the violation of any important trust. But, above all, your memorialists earnestly hope, that while the constituted authorities shall deem it unjust or inexpedient to engage in a public war, the neutrality and peace of the nation may not be put at hazard by authorizing private citizens to arm and equip, under any pretence, the vessels of the United States.

William Maclay, M. Leib, Samuel Maclay, P. Muhlenberg, John Moore, Balfer Geehr, Chas. Shoemaker, John Coningham, N. B. Boileau, P. Frailey, David Krause, Isaac Van Horn, Aaron Lyle, Jacob Painter, Abraham Horn, W. Sterrett, Samuel Snyder, Thomas Mewhorter, W. Linnard, W. Hoge, Isaac Weaver, jr., Manuel Eyre, John Smilie, James Harris, John Rea, Wm Findlay, John Wright, Abraham Hendricks, J. Bonnett, Isaac Worrell, Robert Philson, Robert Whitehill, A. Baird, John Hamilton, John Starbird, Christopher Lower, J. Kean, Samuel Dale, J. Brandon, G. Wilson.

Mr. GALLATIN moved that this petition be referred to the Committee of the Whole on the state of the Union.

Mr. ALLEN was stating some objections to the petition on account of its purporting to be from members of the Legislature of Pennsylvania; he thought no more weight was due to this petition than would be due to a petition from forty other individuals; when

A Message was announced from the PRESIDENT OF THE UNITED STATES. It was in the following words:

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 2d of this month, I transmit to both Houses the instructions to

and despatches from the Envoys Extraordinary of the United States to the French Republic, which were mentioned in my Message of the 10th 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 above Message having been read, the galleries and House were cleared of strangers, and the House was occupied in reading the papers accompanying until past three o'clock, when they adjourned, without making any order respecting them.

WEDNESDAY, April 4.

The bill authorizing an expenditure and making an appropriation for the reimbursement of money advanced by the Consuls of the United States in foreign countries, was read the third time and passed.

Mr. LIVINGSTON reported a bill declaring the assent of Congress to two acts of the State of North Carolina, therein mentioned, which was twice read and committed.

STATEMENTS OF TONNAGE.

Mr. OTIS proposed a resolution to the House, calling upon the Secretary of the Treasury for a statement of the shipping belonging to the different districts of the United States; when,

Mr. GALLATIN observing that it would be best to adopt a similar resolution to the one formerly agreed upon, including foreign as well as domestic shipping, the following was agreed to:

"*Resolved*, That the Secretary of the Treasury be directed to lay before this House a statement, exhibiting the tonnage of shipping belonging to the several districts of the United States at the last period for which an account can be prepared, distinguishing the registered from the enrolled and licensed tonnage; also, a comparative statement of the tonnage of vessels employed in the trade between the United States and foreign countries, from January 1, 1795, to the latest period at which an account can be made up, distinguishing the foreign from the domestic tonnage."

RELATIONS WITH FRANCE.

Mr. KITTERA wished the House to take up the bill which he reported on Monday, respecting the authorizing certain officers to administer oaths.

Mr. ALLEN hoped the galleries would be cleared, in order that they might again go into the consideration of the confidential communication from the President of yesterday.

Mr. GALLATIN supposed, as that business would not occupy much time, it would be best if deferred till the close of the sitting, and in the mean time go on with other business.

Mr. ALLEN said, he wished to take up the confidential business, as he supposed the papers would be made public, and he was desirous that it should be decided upon as early as possible.

Mr. GALLATIN said, if that was the gentleman's intention, he had no objection.

The galleries were cleared accordingly; and the whole of the sitting was occupied with this business, without coming to a decision.

THURSDAY, April 5.

Mr. D. FOSTER, from the Committee of Claims, made a report on the petition of sundry citizens of the western counties of Pennsylvania, who pray for compensation for losses and damages sustained from the army and militia in the Western insurrection, in 1794. The report states, that if supplies were furnished by the petitioners, and regular vouchers are furnished, their accounts will be settled by the proper department; but if the losses complained of were not of this kind, they must be considered like other sufferings consequent on a state of warfare, for which this Government never made any allowances. This report was committed for Monday.

RELATIONS WITH FRANCE.

On motion of Mr. DENT, the House resolved to resume the consideration of the confidential communications lately received from the President, and the galleries and House were of course cleared of strangers. The doors were closed till past four o'clock, when an adjournment took place, before any decision had been come to with respect to the publication of the communications.

FRIDAY, April 6.

Mr. LIVINGSTON, from the committee to whom was recommitted the bill for the relief of sick and disabled seamen, reported a new bill, conformable to the amendments heretofore adopted; which was committed for Monday.

The same gentleman, from the Committee on Commerce and Manufactures, reported a bill for erecting a light-house and placing buoys at the places therein mentioned, which was committed for Monday. This bill contemplates the erection of a light-house at Old Point Comfort, in Virginia, the placing of buoys in Portland harbor, and the staking out of Warren river.

The House severally resolved itself into a Committee of the Whole on the bill declaring the assent of Congress to two acts of the State of North Carolina therein mentioned, and the bill authorizing certain officers to prescribe oaths; which were reported without amendment, and ordered to be engrossed for a third reading on Monday.

IMPEACHMENT OF WILLIAM BLOUNT.

Mr. SITGREAVES, on behalf of the managers of the impeachment against William Blount, to whom were referred certain proceedings of the Senate, of the first of March, reported it as their opinion that it would be expedient for the House to adopt the following resolutions:

"*Resolved*, That a conference be desired with the Senate on the subject of their resolution of the first of March last, relative to the impeachment of William Blount, and that the managers appointed to conduct the

said impeachment be the managers for this House at the proposed conference.

"*Resolved*, That the managers of this House do request, at the said conference, that the Senate will appoint a day, during the present session of Congress, for the return of the summons directed by their resolution of the first of March aforesaid, to be issued to the said William Blount."

The resolutions were agreed to.

STATEMENTS OF TONNAGE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, accompanying two statements exhibiting the tonnage of shipping belonging to the several districts of the United States, at the close of the year 1796; also, a comparative view of the tonnage of all vessels which paid duties in the ports of the United States each year, from 1790 to 1796, inclusively; distinguishing, generally, the employments of the vessels of the United States and the tonnage of vessels belonging to different foreign nations, in pursuance of a resolution of the 4th instant; which was ordered to be printed.

RELATIONS WITH FRANCE.

Mr. MACON moved that the House again resume the consideration of the confidential communication from the President; which motion being agreed to, the galleries were accordingly cleared.

After the doors had been closed about an hour and a half, they were opened; when

Mr. BAYARD moved that 1,200 copies of the despatches from our Commissioners in Paris, which were lately communicated by the President of the United States to Congress, be printed for the use of the members, which would furnish each about twelve copies for the purpose of transmitting to his constituents.

Mr. S. SMITH moved to amend the resolution, by adding after the words "Congress," "and ordered by the Senate to be published."

Mr. DENT thought such an amendment would be very improper, as the House had no official knowledge of what the Senate had done with respect to these despatches.

Mr. NICHOLAS wished to know whether this resolution for printing was in order, as it was in effect the same with that on the propriety of publishing the papers decided, whilst the doors were closed, to be postponed till Monday.

The SPEAKER said a distinction had heretofore been made between "printing" and "publishing." He recollected this distinction was acted upon in the confidential business relative to the Algerine Treaty.

Mr. GALLATIN could not see any distinction between "publishing" and "printing 1200 copies" of the despatches in question, especially as gentlemen state them to be wanted for the purpose of sending to their constituents. He should be in favor of printing for the members' own use, as was done in the case alluded to by the Speaker, but not for publication, as that motion had already been postponed till Monday.

Mr. BROOKS was surprised, when the injunction was taken off, that gentlemen should still be opposed to the printing of these papers. Any person might now print them; and it was proper, whatever differences of opinion had been expressed as to their publication heretofore, that they should now be made as public as possible. If gentlemen are afraid of making them public, and wish to confine them in the dark, or to Philadelphia alone, they act rightly in opposing the printing; but he hoped the motion would be carried.

Mr. T. CLAIBORNE moved a postponement of the question, which was negatived—42 to 32.

Mr. BLOUNT always thought it improper to print more copies of any papers than were necessary for the use of the members in conducting the business of the House. When members wish to send papers to their constituents, they can purchase what number of copies they please; for if he were to have 12 copies laid upon his desk, he should have occasion to purchase 20 or 30 more, for the purpose of sufficiently communicating the matter to his constituents.

The question on Mr. SMITH's amendment was put and negatived.

Mr. BROOKS did not see why members should be put to this expense of purchasing what it would be for the public good to circulate. He therefore moved for 2,000.

Mr. THATCHER seconded the motion, in order to oblige the gentleman from North Carolina (Mr. BLOUNT.)

Mr. HARPER was in favor of the 2,000, and if any one would move for 3,000, he should be in favor of it, as he should wish to send a good number to his constituents.

Mr. SHEPARD hoped less than 2,000 would not be printed.

Mr. HARTLEY thought, after the motion for publication had been postponed till Monday, gentlemen ought to have been satisfied with having the usual number of copies printed.

Mr. GALLATIN said when he was up before he had made some observations on the distinction which the Speaker had stated as subsisting between printing and publishing; but it appeared as if the gentleman from New York (Mr. BROOKS) had neither attended to what he had said, nor to what fell from the Chair, when he made a kind of reply. If he had, he would have seen that those observations did not go to the question of publishing or not; but to the point of order. It would be recollected that the publication of these papers had been opposed, not because they wished to prevent their publication, because they knew, though not officially, that the Senate had ordered 500 copies to be printed; but it had been opposed, because gentlemen did not wish to take upon themselves the responsibility of the publication. The question was therefore postponed till Monday. Mr. G. said his objection to this motion was, because he considered it to be the same motion which had been postponed, only in a different form. If this motion should be postponed on Monday, after the Senate have published the correspondence, he should not object to it. A large majority (of which he was one) were opposed to

the publication of these papers, not on the ground of any effect they would produce on the citizens of this country, but from an idea that they ought not to be published before we knew the final issue of our negotiation. He believed that every gentleman who opposed the publication, would have wished it, if the publication could have been confined to our own citizens. He thought it improper, therefore, that a contrary motive should be attributed to them.

Mr. Brooks explained.

Mr. Findley said the distinction was very clear between printing a paper in confidence and printing it for the purpose of sending to their constituents.

Mr. J. Williams said, since they had taken off the secrecy from the consideration of the subject before them, he thought it mattered little whether 500 or 2,000 copies of the papers were printed; but if as many were to be printed as each member wanted for his constituents, at least 3,000 would be wanted, as he represented at least 30 towns, and he could not send less than one to each. As to the expense, he believed an hour's debate would cost more than the whole 3,000 copies.

Mr. McDowell said, this question was the same as that which had been postponed till Monday. He was sorry the motion for postponement was carried, because the same thing is now attempted to be done indirectly, which could not be effected in a direct way. He supposed on Monday the House would receive from the Senate the usual number of copies; he hoped, therefore, the House would adjourn, as there was no immediate occasion for printing.

The usual motion for adjourning till Monday being first decided, the motion for adjournment was put and negatived—44 to 37.

Mr. Lyon was in favor of the largest number; and if he followed the rule of the gentleman from New York, he might wish for 7,000, as he represented 70 towns. But his principal reason for voting for the largest number was, because he thought the papers so trifling and unimportant, that no printer would risk the printing of them in a pamphlet; and it would take a small weekly paper, such as was printed in his district, two months to print them, if nothing else were inserted.

Mr. Macon said, in endeavoring to give so much information, they would give none; for if the number proposed to be sent were to be forwarded, he should expect to hear of the mail being broken down. He hoped the usual number only would be printed. He had no objection to the publication; but he did not expect the question would have been brought forward to-day.

Mr. Otis inquired whether the gentleman from Vermont had not said these papers were so trifling and unimportant that no printer would undertake to print them.

Mr. Lyon repeated what he had said.

Mr. Giles moved to adjourn. The motion was negatived, 43 to 36.

Mr. Champlin was astonished at the opposition made to the publication of the despatches. [The Speaker reminded Mr. C. that the question was as to the number to be printed.] He was surprised that any objection should be made as to the number, especially as the additional expense could be no object. He thought it proper they should speedily be published, in order to do away the false impressions which erroneous publications may have produced. He did not understand how gentlemen could reconcile their wish for publicity with their opposition to the proposed publication.

The question was then taken on the motion to print 3,000 copies, and negatived, there being only 14 in the affirmative; then on 2,000, and negatived, 42 to 38.

Mr. Tillinghast moved for an adjournment, which was negatived, 27 only voting in the affirmative.

The question then recurred on printing 1,200.

Mr. Macon moved to strike out 1,200 and insert the usual number; which, after some observations from Mr. Bayard in favor of 1,200 copies, was negatived.

The question was then taken and the motion to print 1,200 adopted.

Monday, April 9.

The bill declaring the assent of Congress to two acts of the State of North Carolina, and the bill to authorize certain officers and other persons to administer oaths, were read the third time and passed.

FORTIFICATIONS.

Mr. S. Smith wished the House to go into a Committee of the Whole on the state of the Union, in order to take into consideration the fortification of our ports and harbors.

The motion was put and carried, and the House accordingly resolved itself into a Committee of the Whole on the state of the Union, Mr. Dent in the Chair; when, the Chairman having read over the different subjects which had been referred to that committee,

Mr. Allen hoped the committee would first come to a decision upon the first resolution of the gentleman from Maryland, (Mr. Sprigg,) which had already undergone considerable discussion.

Mr. Matthews moved a postponement of that resolution.

Mr. Sprigg seconded the motion.

Mr. Allen hoped it would not be postponed. He wished to hear some reason why such a resolution should still lie on the table, as while it lay there it would seem as if there was an intention of hereafter calling it up. He hoped, therefore, if it were not withdrawn, a decision would be had upon it. The design in bringing it forward was evident; but he trusted there was no gentleman of the committee who now wished to pass such a resolution; and he hoped, if it was not withdrawn, it would be rejected.

Mr. Harper differed in opinion with the gentleman from Connecticut. He saw no advantage that could arise from rejecting the resolution, any

more than from carrying it; but great inconvenience might arise from a long discussion of it. If the resolution had been called up by its friends, he should have used his endeavors to have defeated it; but as the supporters of it were willing to let it lie, he thought those who had always deemed it an improper question ought not to object to it.

Mr. SEWALL believed, that if the gentleman from Connecticut recollected that this proposition was not made in the House, but in Committee of the Whole, and therefore could not go upon the Journal, he would consent to its lying. If the gentleman from Maryland (Mr. SPRIGG) would think fit to withdraw his resolution, it might be well; if not, a postponement might be well.

Mr. J. WILLIAMS hoped this proposition would be suffered to lie over, and that nothing would be said about this or anything else that could produce heat in the committee; but that they might go on with harmony in the business of the Union, losing sight of all misunderstandings which had taken place either in or out of doors.

Mr. J. PARKER wished the proposition to be postponed, because he believed if it was postponed it would never be called up again. He hoped, therefore, the gentleman from Connecticut would suffer the subject to pass, that the committee might proceed in measures which are necessary for the defence of the country, and upon which, he trusted, there would be but little difference of opinion.

Mr. NICHOLAS hoped the resolution would be postponed, or got rid of some other way. When it was brought forward he thought it perfectly proper, and he also thought the effect then intended to be produced by it now proper. But as he supposed there were other ways in which the friends of peace might express their opinion, and as he apprehended a further discussion of the proposition, after the publication of our late despatches from France, might give rise to an idea that the supporters of it were willing to remain at peace even upon the terms proposed by the French Minister of Foreign Relations, (which he was sure was not the case,) he wished the subject to be put aside, either by being postponed or withdrawn. He was as much as ever against taking measures which might lead to hostility, but he trusted other opportunities would occur of showing this disposition without a further discussion of the proposition in question.

The motion for postponement was put and carried.

Mr. SEWALL then moved that the committee go into the consideration of a resolution reported on the 8th of March, for appropriating a sum of money for fortifying the ports and harbors of the United States.

It was accordingly read.

Mr. MACON desired to know to what extent it was wished to carry these fortifications.

Mr. SEWALL thought it best to leave this business, in some measure, to the discretion of the President of the United States, and for this purpose he proposed to amend the resolution by adding the following words: "And that the President of the United States be authorized to make such additional and other fortifications as the common defence may seem to require."

Mr. MACON was apprehensive that all the money expended on this object would be thrown away. It had heretofore been successfully shown that the most expensive works of this kind in the United States were wholly useless from their improper situation. Besides, he did not think fortifications were found of much use in the late war. He knew of only two instances in which effectual resistance was made by them. It would be seen that in Europe fortifications were now less attended to than they had heretofore been. Indeed, he believed if the United States were to go into an expensive scale of fortifications, the revenues of the country would not be equal to it, and he thought money might be much more advantageously expended.

Mr. S. SMITH admitted that some of the fortifications of the Union might have been improperly placed, but could not agree with the gentleman from North Carolina as to their inutility. At the last session, Mr. S. said, there remained an unexpended balance of $22,000 for this object, and Congress then appropriated $115,000. But a small part of this money, he observed, had been expended. The reason which the Secretary of War gives for this is, that he did not think it proper to expend more because we had not men to fill the fortifications when they should be ready to receive them. He wished the Secretary of War had not exercised this opinion, but had laid out the money as directed. The select committee, he said, had taken into view the several places to which it would be proper to attend, which he supposed would be enumerated when a bill was brought in. The sum which it was supposed would be wanted, in addition to the money already in hand, was estimated at $115,000. The amendment was intended to empower the President to erect a post on the Chesapeake, which, he believed, from the account given of the situation by gentlemen from that quarter would be very proper.

The question on the amendment was put and carried.

Mr. DAYTON (the Speaker) approved of the resolution, but hoped when the select committee reported a bill they would be prepared to give some information as to two points; first, as to the cession of the jurisdiction of the places whereon forts are to be erected, to the United States; and, secondly, as to the instances in which the States have purchased the soil without the previous consent of the State to which it belonged. He was by no means prepared, at present, to consent to the laying out of any money on fortifications, the prior cession of the jurisdiction of which had not been made to the United States. He did not know but he might eventually be obliged to waive this objection, but he hoped this information would be given.

Mr. J. WILLIAMS supposed it would be proper to instruct the committee to the effect which the

gentleman from New Jersey had stated, if he wished them to report in the way he had mentioned. But he did not think this was a time to inquire into this subject, but to fortify the coast in those places where it is most vulnerable, independent of any other consideration.

The resolution was put and carried, there being 71 members in its favor.

Mr. SEWALL said, it was proper that Congress should come to some determination with respect to the fortifications in the port of New York, as the Legislature of that State is now sitting, and when they know the determination of Congress they can act accordingly. He called up, therefore, for consideration, the report of the Committee for the Protection of Commerce and the Defence of the Country on the memorial of the New York Chamber of Commerce.

The report having been read, the resolution recommended was agreed to.

The committee rose and reported the resolutions, which being agreed to, a bill was directed to be brought in accordingly.

RELIEF FOR SEAMEN.

On motion of Mr. LIVINGSTON, the House went into a Committee of the Whole on the bill for the relief of sick and disabled seamen, and, after adopting some amendments, the bill was agreed to, and ordered to be read a third time to-morrow.

[This bill proposes the payment of twenty cents a month by every seaman in the United States towards the support of hospitals for sick and disabled seamen.]

INVALID PENSIONERS.

Mr. D. FOSTER called up for decision the report of the Committee of Claims on a resolution directing them to inquire into the expediency of amending the laws respecting invalid pensioners; which was accordingly read and concurred in. It was against any alterations in the existing laws.

NATIONAL DEFENCES.

Mr. SEWALL, from the Committee for the Protection of Commerce and the Defence of the Country, made a further report, as follows:

That it is expedient to authorize the President of the United States to erect fortifications in such ports and places near the seacoast as, in his judgment, shall be requisite and advantageous for the common defence.

That a considerable addition is requisite to be made to the corps of artillerists and engineers already established, to be employed in the several fortifications which have been and which shall be erected on or near the seacoast.

That a large supply of cannon, arms, and ammunition is necessary to be immediately provided for the service of the United States.

An addition to a resolve heretofore reported, and under the consideration of the House, will effect the first mentioned object.

For the others, the committee recommend the following resolutions:

Resolved, That the President of the United States be authorized to raise and establish ——— companies of artillerists and engineers, in addition to the present establishment.

Resolved, That the sum of ——— dollars be appropriated by law for the purchase of cannon, arms, and ammunition for the service of the United States.

The report was referred to the Committee of the Whole on the state of the Union.

REUBEN SMITH AND NATHAN STRONG.

On motion of Mr. LIVINGSTON, the House went into a Committee of the Whole on a favorable report on the petitions of Reuben Smith and Nathan Strong, which being agreed to, the committee rose, and a bill was ordered to be brought in accordingly.

TUESDAY, April 10.

Mr. SEWALL reported a bill supplementary to the act for the protection of the ports and harbors of the United States, which was committed for to-morrow.

A message was received from the Senate, informing the House that the Senate had passed a bill for providing an additional armament for the protection of the trade of the United States, and for other purposes, to which they ask the concurrence of the House; and that they have agreed to a conference on the subject of W. Blount's impeachment.

The bill from the Senate, providing an additional armament (viz: a number of vessels not exceeding sixteen of 22 guns each, for which it is proposed to appropriate $950,000) was twice read and committed to a Committee of the Whole on the state of the Union.

RELATIONS WITH FRANCE.

Mr. GORDON said, as he understood the Senate had ordered a number of copies to be printed of the instructions given by the Executive to our Envoys Extraordinary to the French Republic, he should move that 600 copies of these instructions be printed for the use of the members of this House.

The SPEAKER said, that previous to the receiving of such a motion, it would be necessary to clear the galleries and House of strangers, as all the proceedings on that subject had been had, and must continue to be had, with closed doors, until the injunction of secrecy was taken off.

The motion was not persisted in.

ORGANIZING THE MILITIA.

The House next went into a Committee of the Whole on the bill for organizing, disciplining, and arming the militia of the United States; when Mr. VARNUM'S motion for striking out the first section of the bill, which provides for a select and a reserved corps; the former to consist of all young men from 18 to 24, the latter from 24 to 40.

The motion for striking out the section was made to try the principle as to a select corps, and was supported by Messrs. VARNUM, W. C. CLAIBORNE, NICHOLAS, GALLATIN, FINDLEY, and SKINNER. It was urged by them, that to introduce the proposed system would be wholly to derange the present establishment, which, though it was not perfect, was capable of being improved and

made to answer every purpose of an efficient militia. In proof of this it was stated, that the militia in the Eastern States was in perfect order and discipline, and that being the case in those States, it might also be the same in others, if like means were taken. If the same laws were passed by the United States for the regulation of the whole militia, as at present existed in the Eastern States, and if the militia officers were everywhere equally attentive to their duty, the militia might generally be in equally good order. That the plan proposed was only known in theory; that, though it might answer well in a thickly settled country, it would be attended with many and great inconveniences in spare settlements, as to get 100 young men together to exercise, would take in a circuit of 20 miles; besides, that the sending out a large number of young men together, without persons of more advanced years, as a check upon them, would have a bad effect upon their morals; and to take young men away from their business, which they might be just commencing, for ten or twelve days at a time, would ruin them. Nor was it believed that young men could be so well disciplined, or kept together, as if they were interspersed with persons of greater age and solidity.

Mr. J. WILLIAMS stated the expense attending the present system as far beyond what it is generally thought to be, and considerably more than the system proposed would be. He supposes there are now about 600,000 men enrolled, who at least spend six days of a year in the militia service, which, if reckoned at a dollar per day (including expenses) amounts to $3,600,000 per annum. By the bill now proposed, it is supposed the select corps will consist of about 150,000 men, who are to be employed twelve days in a year. The reserved corps, about 350,000 men, is to be called out only one day in the year—so that the difference of expense in favor of the new system, would at least be $1,275,000. Besides, the present system exonerates one-fifth of the people from the service, by exceptions in favor of officers of various kinds, which he deemed unequal and unjust. In fine, that the present system is burdensome, at the same time that it is inadequate to the defence of the country, and, if not amended, would be the means of introducing into this country what is the bane of all free Governments—*a standing army.*

The new system was supported by Messrs. S. SMITH, SHEPARD, DAYTON, MACON, BROOKS, PINCKNEY, and HARPER, as affording at all times an active, efficient militia, of at least 150,000 men, which would place the country at all times in security, as no foreign Power would ever think of attacking a country which could call out this force; that the young men having been actively engaged in discipline from 18 to 24, would after that time to the age of 40, form a reserved corps, ready to be called upon in cases of emergency. That the disciplining of these young men would keep the officers in exercise, and they would learn how to take care of men when they were out in service, which was a consideration of first importance; that young men would train much better together than if fathers and sons were in the same ranks, and being clothed in uniform, they would become ambitious of excelling in military duty. That this plan would be more economical than the present, and would make fewer exceptions from service; and it was a plan which had been warmly recommended by the first military man in this country, the late President of the United States, and would render a standing army in the country wholly unnecessary.

The motion for striking out the first section was lost—45 to 31; when the committee rose and had leave to sit again.

SICK AND DISABLED SEAMEN.

The bill for the relief of sick and disabled seamen (which provides that every seaman belonging to the United States shall pay twenty cents a month out of his wages for the relief of sailors in distress, and for the erecting of hospitals) having been read the third time, and the question on passing being put,

Mr. SEWALL said, he was unwilling to say any thing against this bill; but the passing of it would be attended with many inconveniences and objections, which ought to be mentioned. He allowed the objections principally applied to the part of the Union from whence he came, where provision is already made for sick and disabled persons of every description, sailors as well as others, with which every person in the community is charged. Seamen in that quarter, therefore, now pay their full proportion of money for public charity; and if they were again to be called upon by this act, they would be made to pay in two different ways for the same object, without any advantage to themselves, because they are already entitled to relief in case of sickness or disability. But if this was not the case, he doubted the propriety of taxing seamen only for the support of what ought to be considered as a public charity. He thought the laws of reason and charity called upon the public at large in support of unfortunate men of this description, and that the burden ought not exclusively to be laid upon them. We have no common feeling with these men; the tax will fall upon no member of this House, but will be exclusively drawn from the earnings of a small part of the community, who, in all probability, will receive no advantages from it for fifty years to come, as large and splendid buildings must first be erected, in order to exhibit to the world a specicimen of public charity. Nothing of this kind was to be seen in his part of the country; but this class of persons nevertheless were provided for. Neither native or foreigner was there sick without care and relief being afforded him. It was difficult, therefore, to conceive upon what reasonable ground the seamen of his State could be called upon to contribute to a fund of this kind. The only reason which had been assigned was, that the New England seamen frequently visited the Southern States, where, if they were taken sick, there was no provision for their relief. He hoped those States would provide relief for such unfortunate persons; if not, sailors must go there as they go into foreign countries.

Much reliance, Mr. S. said, had been laid on the example of England, where it was said similar establishments existed. But those establishments were begun by the grants of individuals, and a particular class of seamen—those employed in the navy merely contributed to their current expenses; so that the two cases were very different. He hoped, therefore, the bill would not pass.

Mr. PINCKNEY was sorry to differ from his friend from Massachusetts on this subject. He had hoped the objections which he had before stated to the principle of this bill would, by this time, have been removed. The gentleman had before stated, that his principal objection to this bill arose from there being already provision made in the Eastern States for the relief of sick and disabled seamen. It was then stated in reply, that provided the law did bear a little hard upon that State, from their known federal disposition, it was hoped, as it would operate a general benefit to the Union, it would not be objected to. But it was then shown, and he would repeat it, that the law could not bear hard upon them. If there is a provision at present made in Massachusetts for persons of this description, it must be a burden upon the people there; and if, after the passing of this law, that burden be removed, it would certainly be beneficial to the citizens of that State in general, though it may be a tax upon the seamen.

The gentleman from Massachusetts had also spoken against the general utility of the measure. He said it was taxing a particular description of men for a general object. On the contrary, he thought it only reasonable and equitable that these persons should pay for the benefit which they were themselves to receive, and that it would be neither just nor fair for other persons to pay it. But he believed if the subject was further looked into, it would be found that the seamen would not pay the tax themselves, as it would come to be considered as wages, and by that means become a general tax, as the merchant who would have to pay it would lay it upon his merchandise.

But the gentleman says, this tax is to be appropriated to the building of large and splendid hospitals. As far as he had considered the bill, he understood that the erection of hospitals was only a secondary object. Relief to distress is the first thing to be attended to, and if, after affording this relief, the tax produces a sufficient surplus, it is to be employed in the erection of suitable—not large and splendid—buildings, as hospitals.

The gentleman had also said, that the seamen of the Eastern States must rely upon provisions made for them by the Southern States in case of sickness, &c.; or, if no such provision was made, they must take the same chance as when they go into foreign countries. This observation does not apply, as the United States have made provision for their sick and disabled seamen in foreign countries by means of Consuls, which it is contemplated to make more efficient than it has heretofore been; but this is not the case in Southern States. Seamen who are sick and disabled there have only to rely upon private charity for support; and surely the Eastern States, which furnish at least three-fifths of the seamen of the United States, are interested in providing some more certain support for their unfortunate citizens. All those circumstances considered, he trusted the bill would pass.

Mr. LIVINGSTON said, the objections to this bill had arisen from two sources: its inequality as to different parts of the Union, and its inequality as to the persons upon whom it was to operate. On the first point, he thought such satisfactory answers had been given as must have proved effectual. He was sorry it had not had that effect; but notwithstanding the pertinacious opposition which this bill has received from the gentleman last up, he doubted not it would pass by a large majority. The inequality said to arise in its operation in different parts of the Union was owing to provision having already been made in some States for the relief of sick and disabled seamen. But how, he asked, would this provision injure that part of the United States? Did not the gentleman see that the President had the power to appropriate money for the temporary relief of seamen in the first instance? Of course, he would reimburse to the State of Massachusetts, or any other State, any sums of money expended for this purpose. The provision which the gentleman speaks of as being made for this description of persons, he supposed, was the common town charities, which, if they were to be reimbursed, the inequality which had been spoken of would appear to be only imaginary. But if the inequality had existed, when the gentleman had seen the extreme utility of such a provision in other parts of the Union, he should have hoped he would have waived his objection.

In the city which he represented, Mr. L. said, they had also a provision of this kind. At Charleston, and, he believed, at Philadelphia, similar support was afforded to persons of this description. In New York, there were generally 300 sick and disabled seamen relieved in the course of a year, and he supposed an equal number might receive support from the institutions of the two other cities he had mentioned. Besides, the persons upon whom this inequality was stated to fall, ought not to make any violent objection to it, as they were themselves in the habit of receiving some small advantages from the Union, which ought to prevent a murmur at a provision like the present. They receive, said he, $76,000 annually in bounties on their fishing vessels, though the duty on the salt used in curing their fish, which this bounty was given to countervail, does not amount to more than $30,000. Indeed, he did not believe the people themselves would object to the tax in question. If he knew anything of the careless, honest nature of this class of men, they would not object to so trifling a sum as twenty cents a month for so valuable an object. A sailor, said he, is concerned only for the present, and is incapable of thinking of, or inattentive to, future welfare; he is, therefore, a proper object for the care of Government, and whilst he can provide an asylum for infirmity or old age, by the sacrifices of a few gills of rum, he will not scruple to do it.

But it was said this benefit could not accrue to

sailors, for a number of years, as magnificent buildings must be first erected. Surely the gentleman from Massachusetts did not attend to the provisions of this bill, or else he wished to produce a false impression upon the committee. Nor was it customary for the gentleman to express his doubts about the Executive misusing any power placed in his hands. Surely he could not suppose that the President would expend the money raised by virtue of this act for the relief of distress, in the erection of magnificent buildings. For his own part, he could not believe any such thing: he believed the money would be properly applied, and no more be heard of the miseries of this class of men. And if any surplus remained, it would be expended in a frugal way, so as to conduce to the happiness and comfort of this class of men, and to the honor of the nation.

Mr. SEWALL did not think the gentleman from New York had treated him or his observations with much candor. That gentleman, said he, claims to himself a great deal of benevolence and charity to the sailors of the United States. He is the father of this bill, which considers these men as incapable of taking care of themselves, and calls upon them to subscribe for their own support in case of sickness or inability, without taking a farthing from the pocket of the United States, or from the gentleman himself. The gentleman spoke of charity; he thought his charity equal to that gentleman's. [Mr. LIVINGSTON said, he was far from speaking of his own charity.] Mr. S. said, he was himself arguing against his own interest; for it had been said by the gentleman from New York, that in case this bill passed into a law, persons who had been heretofore called upon to support this class of men, would, in future, be excused from this charge; whereas, if it did not pass, he should be charged with this tax as at present. But he contended, that as the sailors of Massachusetts could not be excused from paying the town taxes, it was hard they should be called upon again to pay for the support of their own body. Yet, for doing this, he was charged with pertinacity and a want of benevolence towards this class of men. Mr. S. believed he had a greater respect for seamen than that gentleman, and it was his opinion, that the sailors were able to take care of themselves without the assistance of the gentleman from New York.

Besides, said Mr. S., this bill proposes the erection of public hospitals, (however economically they may be built,) not merely for the seamen of the United States, but for the seamen of foreign nations; so that the sailors of this country—a class of men who have nothing to spare—are also called upon and forced to support a public charity for foreigners; for out of one hundred citizens of the United States who pay to this fund, perhaps not one would receive any benefit from it. If there had been previous benefactions to a considerable amount for this object, as had been the case in other countries, and these contributions were wanted only for current expenses, the thing would have been different.

But the gentleman from New York represents the people of Massachusetts as receiving great advantages from a bounty on fish exported, which was intended to reimburse the duty on salt used in their business of curing fish; and he had calculated this advantage far beyond what it really is. But admitting that they receive something more than the amount of the duty paid on their salt, it must be allowed that it went to the encouragement of a set of men at all times valuable to the United States, but particularly so at this time. But was this any argument why he should not oppose this tax? Would it be proper for him to answer to these men, when they complained of this tax, "You are taxed, it is true, for the support of foreigners, to uphold a public charity for the United States, who will have the honor of taking care of seamen; but you ought to be satisfied, because the General Government allows you a bounty on the exportation of your fish." He believed not. And he believed the gentleman from New York had as little real care for seamen as he had for the fisheries of the United States.

Mr. S. said he would next notice some observations of the gentleman from South Carolina, (Mr. PINCKNEY,) which partook of something like argument. That gentleman said the sailors ought to pay the tax, because they were to receive the benefit arising from it. But he had before stated that the seamen of New England do not want this provision, and why tax them for what they do not want? The sailors there would be averse to being removed from their homes and friends, to a hospital at a distance. It was said this establishment would afford similar relief to that provided for our sailors in foreign countries. He thought it very different, as that was provided at the public expense, and this was to be raised from the sailors themselves. He believed the sailors of New England would sooner take their chance abroad, than pay this tax for foreigners. Besides, the fishermen never go into the Southern States; they are employed exclusively in fishing and exporting their fish.

Besides, this tax would have an effect to drive our seamen out of the country. The tax would fall upon the merchant, and be deducted from their wages. It would also fall heaviest upon those seamen who have families and are fixed in the country. A foreigner could afford a small deduction from his wages; but a native seaman, with a family, could not afford it.

As it respects the federalism of the thing, he was in favor of every measure which went to establish harmony between different parts of the country; but he had no idea of taxing a single order of men on this account.

Mr. S. SMITH believed, with the gentleman last up, that this would be a tax upon the merchants, as the sailors must have sufficient to support them. He did not believe the fishermen could complain; for, though the gentleman stated that the bounty allowed upon the exportation of fish was only meant as a drawback of the duty paid upon the salt used in salting the fish for exportation, every man must be convinced that it far exceeds that amount, as he believed the sum allowed

was greater than the whole sum paid by that State for the salt duty. [The Speaker asked whether these observations applied to the question?] If they did not, Mr. S. wished gentlemen who had preceded him on the same subject, had been interrupted. The Southern States, Mr. S. continued, were as able to keep their seamen from perishing as the Eastern; but this was a measure which would redound to the honor of the United States. No sailor, he was certain, would grudge to pay twenty cents out of twenty dollars for so excellent a purpose. The tax would eventually fall upon the merchant or landlord; but he believed upon the landlord, as they generally got the surplus of the sailor's money.

Mr. J. Parker was sorry the gentleman from Massachusetts could not consider all the seamen of the United States as standing upon the same ground. That gentleman was mistaken when he said the bill went to provide for the support of foreigners; it had no such view; it provided only for the relief of our own citizens. And, in our present situation, when the country is threatened with war, what encouragement was there for men to enter on board our vessels, if there were no asylum for them, in case they were sick or wounded? It would be wise and politic, in his opinion, to begin measures which must place these persons in a better situation than at present. The British sailor looked up to Greenwich Hospital as an asylum when all his toils are over; and perhaps it may be owing, in some measure, to this circumstance, that the British sailors are so valiant a set of men. He hoped, therefore, the sailors of this country would not be left to the doubtful benevolence of others; but that, by passing this bill, a permanent relief might be afforded them in case of sickness, disability, or old age.

Mr. Varnum said it had been observed that this bill would relieve the citizens of Massachusetts from taxes in support of this class of men. It might in some respect do this, but it would not excuse sailors themselves from paying to the support of others, equally with their fellow-citizens. He did not know but that the United States have the power to make the proposed regulation; but he thought it was a business which more particularly concerned the Legislatures of the individual States. If the United States, indeed, thought this class of men of so much more importance than any other, the people at large, he thought, ought to be called upon to support them in distress; and if hospitals are to be supported for this purpose, the public ought to support them, and not the sailors themselves.

Mr. V. did not know how the gentleman who used it, understood the term *federalism;* but if he meant that federalism which was supported by the Constitution, he did not know how he would reconcile it with that clause of it which says "that no capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration directed to be taken."

Mr. V. did not think that this kind of tax was consistent with federal principles; for it might as well be said, because the State of Massachusetts is possessed of some particular advantages over other States, every citizen of that State shall pay a poll tax of ten dollars a year for the benefit of the Union, as that the sailors of that State should be called upon to support an establishment in which they will be but little interested.

Mr. Gallatin said this was a case of very new impression to him, which perhaps might be one of the reasons why he felt disposed to vote against the bill. Until he saw some positive good as likely to arise from any measure, he was always inclined rather to vote against it than for it. This bill assumed a principle for its foundation, the truth of which he was not acquainted with, viz: that the seamen of the United States are not able to provide for themselves, and, therefore, that it is necessary to provide a sum for their relief, in case of sickness or disability. He had not seen this distinction between them and other classes of citizens, and, therefore, believed them to be capable of taking care of themselves. He knew there were, in all communities, a number of men who were not sufficiently provident to lay by money to afford relief in sickness, or to make old age comfortable; but he did not know that there was a greater number of this description of persons among seamen than among others.

Institutions of the kind recommended in this bill might be used in other countries where there was a distinction between sailors and other citizens, but, in the United States, he had not been able to discover any material distinction between them and other classes of men. How far marine hospitals had been useful in Europe, he could not tell; he knew there many rotten public institutions of hospitals, &c., there, which were established for good purposes at first, but which are now become worse than useless. But, supposing the institution to be a good one, he thought it better to leave the business as at present, and suffer this class of people to provide for themselves, or to be provided for in the same way in which other poor and sick or disabled persons are supported.

There was one part of the bill which he said he could not consent to vote for, viz: that part which directs the erection of buildings, as he was convinced that persons of every description may be better relieved by being dispersed through the country, than in being placed in a hospital. He was opposed also to the manner in which the fund is proposed to be raised. If he was inclined to provide relief for sailors, as a distinct class of citizens, he was against providing a fund for the purpose by a tax upon labor, which would, in all respects, be a capitation tax. Gentlemen might argue as they pleased about the tax falling upon merchants, it was impossible to say upon whom a tax upon labor would fall. In some instances it would fall upon the sailors themselves; and in some of these it would be paid by the merchants themselves, and in others, by the community.

Mr. G. did not understand that there was any distinct provision for seamen in the Eastern States; they were provided for in common with other citizens; and, as it was allowed they furnished two-thirds of the seamen of the United

States, and as the Representatives from that quarter knew what kind of relief the sailor liked best, he thought it right to consult their wishes upon the subject. If they are satisfied to support their seamen in the way they do, he did not know why a tax of this kind should be raised for their relief.

Mr. G. said, he should have been glad to have known something as to the effect this law would produce in this city. It was well known the member from it, who would have been possessed of every information on the subject, had been a long time sick and unable to attend to his duty, in this House. Seeing the Representatives from New York, Baltimore, and Charleston, in favor of it, and the Eastern States against it, and not knowing the wishes of the people of Philadelphia with respect to the measure, he should wish for time to obtain some information upon the subject; he therefore moved to postpone the question on the passage of this bill for two days, in order that he and his colleagues might make some inquiries on the subject.

Mr. HARTLEY seconded the motion.

Mr. LIVINGSTON had no objection to the postponement, especially as the gentleman from Pennsylvania had expressed his intention of voting against the bill if passed at present, and because he knew the effect of inquiry would be favorable to the bill, as he believed this city was much in the same situation with the city of New York.

The question for a postponement was put and carried.

WEDNESDAY, April 11.

Mr. GORDON renewed his motion to take off the injunction of secrecy from the members of this House with respect to the instructions of the Executive to our Envoys to the French Republic, and hoped the House and galleries would be cleared of strangers for the purpose.

Mr. NICHOLAS did not think it necessary to take up this business. He saw the instructions were printed by the Senate, and laid on their desks, and as the printers had inserted the whole of the despatches in one paper, he supposed the instructions would be published in the same way, and if so, there was no necessity for any further publication of them.

The motion for taking up this matter was put, and negatived—33 to 30.

Mr. HARPER laid a resolution on the table, proposing the appointment in the War Department, and subordinate thereto, of an officer for the immediate superintendence and construction of fortifications.

Mr. SEWALL laid before the House a letter from the Secretary of War, enclosing certain communications on the subject of the defence of the country; which were referred to the Committee of the Whole on the state of the Union.

A message was received from the Senate informing the House that they had passed a bill for the relief of Joseph Nourse, to which they request concurrence.

DEFENCE OF PORTS AND HARBORS.

The House resolved itself into a Committee of the Whole on the state of the Union, Mr. DENT in the Chair, for the purpose of taking into consideration the bill supplementary to the act providing for the further defence of the ports and harbors of the United States. The Chairman having gone through the bill, and repeated the first section, in which was a blank for the sum to be appropriated,

Mr. S. SMITH said, as the chairman of the committee who reported the bill (Mr. SEWALL) was not in his place, he should propose to fill the blank with two hundred thousand dollars.

When speaking on this subject before, he had said that $150,000 (and not $115,000, as he found he had been understood to say) had been estimated as necessary; but in order to leave a surplus in the hands of the President, he believed it would be proper to fill the blank with the sum he had named. But, as he now saw the chairman in his place, he would probably state what the estimate was.

Mr. SEWALL seconded the motion for filling the blank with $200,000. The estimate which the committee had made, he stated to be as follows:

At Boston, where no money has heretofore been expended by the United States, which is therefore without defence, though as likely to be struck at by an enemy as any port in the Union - - - -	$50,000
At Newport, where some provision has already been made - - - -	30,000
At New York, where some fortifications are already erected, a further sum is necessary for Governor's Island, on which the United States have expended about $13,000 -	50,000
At Baltimore, where some money has been expended, but it has been represented to the committee that the fortifications are insufficient and ill-placed - - -	20,000
At Norfolk, for establishing a new fortification on Old Point Comfort, and Fort Nelson -	30,000
At Charleston, on the fortifications there -	40,000
At Savannah and St. Mary's in Georgia -	15,000
	235,000

In this sum, Mr. S. said, were included several sums contained in a former estimate; of which a balance of $90,000 remain unexpended. Deduct this sum from the above, and there will remain $145,000 to be provided for; but, in consideration of the general authority placed in the President, the committee concluded to recommend an appropriation of $200,000.

Mr. BLOUNT observed, that there was no estimate, in the statement which had been made, for the fortifications in North Carolina; and, from the proceedings had in this business heretofore, he was convinced of the propriety of designating the different places at which money should be expended, and the amount for each, confining the appropriation to such as would be likely to answer some valuable purpose. He therefore moved that the committee rise, and if this motion was carried, he

should then move to recommit the bill, for the purpose of accomplishing what he had mentioned.

Mr. SEWALL was proceeding to reply to Mr. BLOUNT, when—

The CHAIRMAN said, he found that this bill had not been referred to the Committee of the Whole on the state of the Union, but to an ordinary Committee of the Whole.

A motion was accordingly made, and carried, for the committee to rise. The House being resumed,

Mr. BLOUNT moved that the Committee of the Whole, to whom had been referred the bill supplementary to the act providing for the further defence of the ports and harbors of the United States, be discharged, and that the bill be recommitted to the select committee, to be reported in the specific way in which he had already mentioned. Formerly, when a bill of this kind was passed, an estimate similar to the present was furnished, and it was proposed to erect a fort at Ocracoke, in North Carolina, of eight guns, and a sum of money was appropriated accordingly. But a fort of double this strength was commenced, and, instead of a barrack for fifty men, one was begun which would contain five hundred; so that the whole sum of money appropriated was expended in forming the outlines of the work. A fort of eight guns would answer a valuable purpose at this place, and, as he did not expect it would be attended to without it was expressly mentioned, he hoped the bill would be recommitted.

Mr. SEWALL said, the committee had attempted to form a bill in this way; but they found so many difficulties in it, as to induce them to adopt the present plan, and give the Executive full discretion in this business. If there was a want of attention to any particular place, on application to the President, the defect would doubtless be remedied. It was impossible to ascertain, without actual inspection, what was necessary to be expended at the different places; it was therefore thought to be best to leave the business with the Executive.

Mr. MCDOWELL was in favor of the committee being discharged, for the purpose mentioned. He thought it might be as well ascertained from the members of this House what would be necessary to complete the different fortifications, as in any other way. It appeared extraordinary to him that North Carolina had been wholly unattended to.

Mr. OTIS thought it very improper for members to come forward to point out to the world the weak and most vulnerable parts of the Union; he believed the business might be safely trusted in the hands of the President. If war were to take place, and the President was to be restricted in the way proposed, after the money appropriated was expended, the enemy would know he could go no further. He could imagine a contingency to happen, three weeks after Congress had risen, which should make it necessary to expend all the money appropriated at one place. The present, he said, ought not to be considered merely as the fortification of a peace establishment; but the President should have power to oppose danger wherever it may threaten. If the State of North Carolina had been neglected, he had no doubt, on application to the President, it would be attended to..

Mr. BROOKS would just add, that they had no documents to enable them to judge what was necessary to be done at different places. It was true, the committee had made an estimate, but it had been done without any certainty. Nothing could be done without a survey. The Executive would doubtless take care to have this made, and do what was necessary in the business.

Mr. S. SMITH said, the subject had been considered in the select committee, upon the ground stated by the gentleman from North Carolina, and he was originally in favor of this mode; but, upon considering the subject, he found it would be attended with many difficulties, without producing all the benefits he had contemplated, he therefore gave way. The last session, the Secretary of War made a report, mentioning the different places at which money was wanted to complete fortifications, the whole amount of which was $200,000. New York was omitted from the estimate, and $145,000 were appropriated. Having got the money, it was to be supposed the Secretary of War would have proceeded with the business; but a few of the places had only been attended to, and very trifling sums expended. The reasons he gave for not having expended more were, that he had asked for an additional regiment of artillery, which not being given, there would not be sufficient men to place in them. How far he was right in acting thus, he must himself answer. But it was proper, at a time when war, if not unavoidable, is at least very probable, to place the power and responsibility in the hands of the President, and leave it to him to see that the Secretary of War does his duty. He was willing to give him two hundred thousand dollars for this purpose.

Mr. VENABLE thought the object of the gentleman from North Carolina might be answered by designating the places at which money should be expended, without mentioning the sum—leaving it to the President to expend what sums he thinks proper, and to fortify such other places as he may judge necessary.

Mr. BALDWIN said, there was not the same difficulty in regard to fortification now as when it was gone into. At that time many persons were of opinion with the chairman of the present committee that the money would be best appropriated in gross; but it was determined otherwise, and Commissioners were sent to different parts of the United States for the purpose of making surveys and reports. In some places they recommended permanent works, and in others works of a less substantial kind. As these reports could readily be referred to, except as to the new fortifications proposed, it would, perhaps, be best to follow the course heretofore taken, as, though it would be attended with a little more trouble, it would take a considerable burden from the President.

Mr. SEWALL said a few words in reply, which were answered by Mr. BALDWIN.

Mr. J. WILLIAMS was fully satisfied the bill ought not to be recommitted, for the reasons stated by the gentleman from Maryland, (Mr. S. SMITH.) The President would be better able to learn where it would be proper to lay out money on this subject than that House could; for, if they were to go into the business, one State would wish this place to be fortified, and another that; but the President would expend the money where it was really wanted, and, if the Southern States were to be threatened, it might be necessary to spend the greatest part of it there.

Mr. MACON was in favor of the motion; or, if the different places were enumerated, he should move to strike out New York, as it had been shown heretofore that the fortifications which are erecting there will be useless, and that the money expended upon them will be thrown away. He was supported in this opinion, also, by the report of an engineer at the last session.

Mr. GROVE was for the committee's being discharged. It appeared to him that the select committee had wanted information with respect to the country from which he came. They had a coast of four hundred miles, on which was much wealth, and on which were places of considerable consequence, more particularly Wilmington and Georgetown, which had not a gun to protect them against any privateer that might come against them. The money which had already been expended was wholly useless; and, if the people in that quarter see Congress is determined to do nothing for them, they will be under the necessity to do something for themselves.

He was astonished that no attention had been paid to this coast, as an enemy might in two hours sail from the ocean, and put arms into the hands of at least five thousand men, who might be ready to receive them. He could produce letters to show that the people in that quarter consider themselves in a very dangerous situation. He hoped, therefore the bill would be recommitted, and that this part of the country would be looked at. He was willing to vote for every measure of defence which might be thought necessary; but he could not sit silent and see the State from whence he came wholly neglected.

Mr. LIVINGSTON said, the reason which the gentleman from North Carolina (Mr. MACON) had assigned for wishing the bill to be recommitted, viz: that he might have an opportunity of striking out the port of New York, convinced him of the propriety of not recommitting it. Mr. L. gave reasons why it was proper to attend to the port of New York. With respect to the ground assigned for a recommittal by the gentleman last up, he would recollect that the select committee estimated that there would be a balance of fifty-five thousand dollars to expend on such places as the President should think proper; and, if he should be applied to, there could be no doubt but the coast of North Carolina, which he had spoken of, would be attended to. If the committee were in possession of sufficient information for the purpose, he should himself be in favor of specific appropriations; but he was convinced they were not.

Mr. HARTLEY was opposed to the motion for discharging the committee, as it would be attended with a loss of time, and cause a great deal of unnecessary debate; for, as the gentleman from North Carolina (Mr. MACON) is against the whole bill, it might be supposed he would oppose every place that was mentioned for fortification. He believed New York ought to be attended to, and he doubted not the object wished by the other gentleman from North Carolina (Mr. GROVE) would be effected by the present bill. He thought it proper that discretion should be left with the President in this business, as it might be necessary to erect forts at places which were not at present contemplated.

Mr. BROOKS was convinced of the impropriety of committing the bill, from the reason assigned by his colleague. The business, he said, would be best left with the President, who would conduct it without those local prejudices which would not fail to show themselves, if the members of that House were to undertake to designate the places.

Mr. PINCKNEY rose to justify or excuse the select committee for not having inserted in their estimate that part of the coast which had been spoken of by the gentleman from North Carolina (Mr. GROVE.) It would be necessary to explain the views of the committee on that subject. The committee to whom this subject was referred, is not only a committee for taking into consideration fortifications, but also the general defence of the United States. They were not forgetful of that part of the country which has been mentioned; but they did not think fortifications the best kind of defence for it. They contemplated the employment of galleys on that coast, which would be better calculated for defending it against privateers, than fortifications would be. They thought fortifications useless, except for the protection of large cities, to prevent them from being bombarded or laid under contribution; but for the general protection of the coast, a moving defence, which is able to pass in shallow water, will be found much preferable.

With respect to New York, he believed it necessary to pay immediate attention to it. Considerable sums had been expended on the works there, and to leave them in their present state, would only be to hold out a lure to an enemy to take possession of them, and, by that means, get command of one of the first cities in the Union.

As to Ocracoke, in North Carolina, it may be, and he doubted not it was, a proper place for a fortification; but if gentlemen will consider that there is already an unexpended sum of $20,000, part of which was appropriated for that object, there is no necessity for recommitting the bill to have that place inserted.

The committee, he said, had reported a proposition for a marine defence, and a bill has been received from the Senate for the same object; and they had no doubt but the President would provide fortifications at such other places as

might be thought proper, which the committee had not included in their estimate.

Mr. GALLATIN said, he did not understand that the motion of the gentleman from North Carolina was intended to destroy the bill, but merely that certain specific appropriations should be made, instead of leaving the business altogether to the President. He was himself in favor of this motion; and he was so because he was in favor of the bill. He wished money not only to be appropriated, but actually applied; for experience had taught the House that when money was appropriated in the loose manner proposed by this bill, it had not been expended. His idea was that the money should be appropriated, and that not only the President should have the power of applying it, but be directed to see that such and such places be fortified, and appropriate such and such sums for the purpose. In doing this, he did not wish to enumerate any more than the principal places which had been named by the chairman of the select committee. In addition to this, he wished a sum to be appropriated to be expended on such ports as may not be mentioned, but which it may hereafter be found necessary by the President to fortify, or to make good any deficiencies in the appropriations which are specified. If the appropriations were not made in this specific way, he asked what security the House had that the objects proposed would be accomplished? He believed they had none. The Secretary of War told the House that the money appropriated at the last session was not applied for two reasons: one was, because Congress had not provided an additional regiment of artillery; the other was, because a condition had been made that the States should first make cession of the jurisdiction of the ground whereon fortifications were erected, and that the cession had not been made. The House has removed the latter obstacle, though no additional artillery is yet provided. If the business was left to the discretion of the Secretary of War, perhaps he might, at the next session, assign some other reason for not having applied the money to the objects for which it was appropriated. In the present instance he would be bold to say that the House had acted right, and the Secretary of War wrong. He last session wanted an additional regiment of artillery; which it was now seen were not wanted; whereas, if he had expended the money as directed, our fortifications would have been in a better situation than they now are. Knowing this had been the case heretofore, Mr. G. thought that the House, whose duty it was to provide for the defence of the country, ought not only to appropriate the money for the purpose, but direct it to be applied to particular objects.

Mr. G. was sorry to hear any local objections to this bill. The gentleman from North Carolina had expressed his desire to have the bill recommitted, that he might have an opportunity of striking out New York. To attain this object a recommitment was not necessary. It might be done by striking out the last section of the bill. He mentioned this, because the gentleman from New York had opposed the recommitment on that ground.

As an individual, it was his opinion that the State of New York ought to have ceded the place on which her fortifications are erected, in the same way as Pennsylvania and other States had done. He also thought that State ought to have taken measures to have paid the balance which they owe to the United States. In both points he blamed them; but in the present situation of the country, wishing every vulnerable place to be fortified, and as it was for the interest and safety of the Union that that port should be fortified, he certainly wished it to be attended to. He would go as far as any gentleman in fortifying the ports and harbors of the United States. He was willing to appropriate $200,000 for the purpose; and he should be equally ready to appropriate for providing such gun-boats or floating batteries as may be thought necessary for the protection of the coast.

His colleague said he was opposed to the recommitment, because it would occasion delay. He would remind him that that could not be the case, as there were now $90,000 of an unexpended appropriation, and the commitment would not occasion a delay of more than a day or two.

Mr. J. WILLIAMS was against discharging the Committee of the Whole, and he thought if the gentleman who had just sat down would review his arguments, he would be so too. He complained that the money which had been appropriated was not expended. Why, if the money was specifically appropriated, it would not be expended, if the officers thought it unnecessary. The gentleman from North Carolina, who was opposed to all fortifications, he should not notice: the observations of his colleague as to 300 or 400 miles of coast being unprotected, would be an argument for increasing the appropriation. He was sorry to hear the gentleman last up complaining of a certain State for not having paid her debts, and making cession of the jurisdiction of her fortifications, as he said Pennsylvania had done. But, he asked whether the gentleman could compare the importance of one site with that of another? As to paying of debt, he hoped Pennsylvania would pay her own, before her Representatives called upon others to pay theirs.

Mr. MACON spoke again in favor of the motion, and as to the inutility of the fortifications at New York.

Mr. BRYAN was in favor of the motion, and spoke of the importance of fortifying Ocracoke.

Mr. RUTLEDGE was glad to find, however averse gentlemen had been heretofore to fortifications, that they were now pretty generally impressed with the propriety of the measure. Being himself in favor of it, he should be against discharging the Committee of the Whole. He wished the business to be gone into immediately; and except there was an engineer in every delegation, it would be in vain for the House to attempt to say what was proper to be done at every place, or what would be the expense of doing it. He believed it would be best to leave the matter with the President, who would employ engineers to point out the fittest places to be fortified, and esti-

mate the expense. He did not wonder that the feelings of his friend from North Carolina should be roused by the unprotected state of his country: but as he had been informed that a floating defence was contemplated, he hoped his apprehensions would be delayed.

Much blame, Mr. R. said, had been thrown upon the Secretary of War, for not having expended all the money appropriated at the last session. He believed this subject was not properly before the House at present; but he recollected that it had been stated to the House that fortifications were mouldering to decay for want of men to take care of them, yet no men were provided, and he saw no use in laying out money without the places were afterwards taken care of.

Mr. GROVE repeated his solicitude for the coast of North Carolina.

Mr. THATCHER did not regret that the money appropriated at the last session was not expended; he should be glad to find at the next session that there had been no occasion to expend the money now appropriated. He was unwilling to recommit the bill for the purpose mentioned. There were ports in Massachusetts which he could name, which required attention, at least as much as those of North Carolina; but he was willing to leave the expenditure of the money to the judgment of the President.

The motion for discharging the Committee of the Whole was put and negatived.

The House then resolved itself into a Committee of the Whole on this bill; when

Mr. BLOUNT moved to amend the first section by inserting all the places which had been inserted in the original law.

This motion was advocated by Messrs. BLOUNT, GALLATIN, MILLEDGE, and McDOWELL, and opposed by Messrs. SEWALL, GORDON, PINCKNEY, DAYTON, and BROOKS. It was negatived without a division.

In the course of the observations on this amendment, it was said to be improper for members to be pointing out the most weak and vulnerable parts of the coast, at a time when we have every reason to expect a war. In answer to this, Mr. BLOUNT said, that it was well known that all parts of our coast are weak; and that no secret of this kind could be revealed to France, as a survey of our coast had been made by citizens of that country, who were probably now in France.

Mr. SEWALL moved to fill up the blank in the bill with $200,000.

Mr. S. SMITH thought, since the debate which had taken place, that $250,000 would be necessary, as several places had been mentioned which had not been considered by the committee.

After some observations in favor of $250,000, by Mr. HARPER and Mr. S. SMITH, and against it by Mr. SEWALL and Mr. MACON, the question on the largest sum was carried, there being fifty members in favor of it.

Mr. BLOUNT moved to insert three ports in North Carolina by name. The motion was negatived, there being only 13 votes in favor of it.

The bill being gone through, the committee rose, and the House entered upon the consideration of the bill; when,

Mr. GALLATIN made a motion similar to the first made by Mr. BLOUNT in Committee of the Whole, for enumerating the places at which the money appropriated should be expended, leaving the President the power of expending such sums at other places as he should think proper.

After some debate, of no great importance, the question was taken, and decided in the negative—yeas 32, nays 54, as follows:

YEAS—Abraham Baldwin, David Bard, Thomas Blount, Nathan Bryan, Demsey Burges, Samuel J. Cabell, Thomas Claiborne, William Charles Cole Claiborne, Matthew Clay, John Dawson, William Findley, John Fowler, Albert Gallatin, Andrew Gregg, William Barry Grove, Jonathan N. Havens, David Holmes, Walter Jones, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, John Nicholas, Tompson J. Skinner, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Abram Trigg, John Trigg, 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, Thomas T. Davis, John Dennis, George Dent, Thomas Evans, Abiel Foster, Dwight Foster, Nathaniel Freeman, jun., Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, James H. Imlay, Edward Livingston, Samuel Lyman, James Machir, William Matthews, Lewis R. Morris, Harrison G. Otis, Thomas Pinckney, John Reed, John Rutledge, junior, James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Smith, William Smith, Peleg Sprague, George Thatcher, Richard Thomas, Thomas Tillinghast, John E. Van Alen, Philip Van Cortlandt, Joseph B. Varnum, Peleg Wadsworth, and John Williams.

THURSDAY, April 12.

The bill supplementary to the act providing for the further defence of the ports and harbors of the United States, was read the third time, and passed.

The bill for the relief of sick and disabled seamen, after considerable opposition from Messrs. SEWALL, OTIS, and REED, was passed, 59 votes being in its favor.

The bill making an appropriation for the Government buildings in the city of Washington, was received from the Senate, with amendments, and referred to a select committee.

ADDITIONAL ARTILLERY, &c.

Mr. S. SMITH moved to go into a Committee of the Whole on the state of the Union, in order to take up the resolution for providing additional companies of artillery and engineers, and cannon, arms, and ammunition.

The House resolved itself into a Committee of the Whole on the state of the Union accordingly, Mr. DENT in the Chair, when the resolution providing for ——— companies of artillery and engineers having been read,

Mr. SEWALL said, the committee had thought that eight or nine additional companies might be sufficient; but he believed that it would be necessary to have more than one lieutenant colonel as an actual attack might be made in one part, and another might be expected in a different quarter, or a field officer might be wanted to command a militia party. Besides, eight or nine companies will not afford a sufficient number of men, as the present fortifications will need more than 400 additional men, and it was proposed by the appropriation of yesterday that more should be erected. The Secretary of War was of opinion that a whole regiment in addition was necessary, and he was of the same opinion. He therefore moved to strike out the word "companies," for the purpose of inserting "a regiment."

Mr. NICHOLAS wished to know whether the committee had any information with respect to the present regiment, as to where the men were stationed, and whether the regiment is complete.

Mr. MACON did not think it would be proper to add any more field officers. The full number of men might be raised without an additional field officer. The men would be placed in the different fortifications, where there could be little occasion for field officers.

Mr. SEWALL said, he would give the gentleman from Virginia the information he had asked for, by reading a letter which he had received from the Secretary of War. From this letter it appears that the whole number of non-commissioned officers and men, at present, is 952, but that there is a deficiency of about 250. The different places at which the men were stationed were enumerated.

Mr. HARTLEY was in favor of the amendment. He hoped we should not have war; but if we had, he believed additional field officers would be necessary. To have a complete additional regiment would encourage young men to enter into it, who would not go into an old corps. He believed if a new regiment was raised, it might be as respectable a corps as any in existence; but if the additional companies were added to the old regiment, it would become unwieldy, and unlike any other body in the world. One-half of these men would be wanted in the field, and therefore two lieutenant colonels would be very necessary.

Mr. NICHOLAS understood the chairman of the select committee to say that eight companies would be sufficient; so that, if the present regiment was filled up, there would be little more than one hundred men wanting. But it seemed a number of the men were wanted for the western frontier. He was certain, that when these men were first raised, no idea was then entertained of employing them on that frontier. He could see no use for them there, except they were employed instead of other men; and if so, it was an improper disposition of them. It was giving to the Secretary of War the power to extend the number of the men, in order to employ them differently from what they were intended. He hoped they should not proceed to form another skeleton of a regiment, for field officers would not be employed, if made. In the last war, to the Southward, there was scarcely ever more than a captain's command. Indeed, he considered field officers as of little more use in the field than in garrison duty, and therefore wholly unnecessary. When the present regiment was first organized, one lieutenant colonel was objected to; but it was said this regiment was to operate as a kind of military school, and on that ground it was agreed to. He supposed the great depôts of commerce would have been attended to; but he did not think it was necessary to go to the extent in preparations for war which gentlemen contemplated. He hoped they would not give way so far to their wishes on this subject, without inquiring into our ability to support the expense. He believed the greatest want by and by would be the want of money, and that, therefore, no estimate should be made larger than necessary.

Mr. SMITH said, the present corps of artillerists and engineers consists of one lieutenant colonel, four majors, and sixteen companies of 62 men each, making 992 men, exclusive of the officers. Whether they are complete or not, he did not know. Men are constantly going out, and there have been some desertions. This corps has not been found sufficient for the western frontier and the Atlantic forts. The gentleman from Virginia had said, there was no occasion for artillery on the western frontier, as that service was not contemplated when the regiment was formed. On reflection, that gentleman must allow that they are necessary at Detroit, in the neighborhood of the British posts, at Niagara, Michilimackinac, and at Walnut Hills and the Natchez. That gentleman is also of opinion that field officers are not necessary in service. He was himself of a different opinion, and spoke of the manner in which they would be necessary. The chairman of the select committee has stated that it was the opinion of the committee that nine additional companies would have been sufficient. He did himself think these would have been sufficient; but reflecting further upon the subject, he believed 16 companies would not be too many. Our posts on the Spanish frontier must be substantially garrisoned, as they are far removed from any militia, except what may be formed from the people resident there.

It must be in the view of every gentleman, that we are about to be involved in war. It is more than probable. If this is the case, and he believed it was, we must have more artillery than is necessary to guard our posts. We must have sufficient besides for an army of 20,000 men. He, therefore, thought a complete regiment would be necessary.

An objection was made by the gentleman from Virginia on the ground of expense. This was no time to talk of expense. We must provide means of defence. This is our duty, and it is the duty of the people cheerfully to pay the expense. His object had always been to preserve the country in peace. He had constantly reprobated every measure which could lead to war. During the extraordinary session, he opposed the increase of our artillery or naval armament. He went heartily into the appropriation for the defence of our ports

and harbors; into the expense of equipping and manning our frigates, and that of two vessels of ten and twelve guns, for the purpose of protecting our coasts and ports. The House had been told that everything had been done with respect to the frigates with as much expedition as possible. This they must believe. They were also told that the cutters could not be put to sea for want of cannon. This must be believed also, but he was sorry to believe it. The present was, however, a very different appearance of things from that which presented itself during the extraordinary session. The documents which had been laid before the House show that war is almost inevitable; that it is not in our option to say, there shall be no war. It is in the option of another nation, which appears to be irritated with us, whether justly or unjustly, he should not inquire. It appears that peace is no longer within our grasp. Believing this, he would do all in his power, not only by his voice, but by all the means which nature and his own industry had given him, to support his country. Whilst he conceived it to be in our power to preserve peace, he was desirous of taking every measure to preserve it; but now, when he saw war approaching, he would meet it, and no man should be found more ready than he to defend his country. He would give the regiment of artillery now asked for, because he believed it necessary. He believed more cavalry would be wanted in the Southern country, though in the part from whence he came they were not wanted. He would also give them.

Though the question, Mr. S. said, was only for an addition to the corps of artillery, it involved in some degree the defence of the Union generally, and would warrant his saying what he thought necessary to say on this subject. Money, he allowed, was the great essential. With money everything was easy. We have, said he, within ourselves every means of defence, and recourse must be had to them. The Committee of Ways and Means have the subject of revenue before them. They will report a plan, which will not, perhaps, bring money immediately into the Treasury; but, in the present situation of things, anticipations might easily be got from the moneyed men of the country.

Mr. S. concluded, by saying he had gone further into the subject than, according to the rules of order, he ought to have gone; but trusted he should be excused, from having dwelt upon a question which would but too much interest us, he apprehended, in a short time.

Mr. MACON expected the gentleman last up would have spoken to the question, and shown the use of additional field officers. He did not wish to lavish money away, as, if we were to be engaged in war, we should have occasion for all that could be got. He had no doubt the moneyed men in this country would do as much as the moneyed men in any other. But as he could see no occasion, and none had been shown, for ten field officers in the artillery, he should oppose the present motion.

Mr. PINCKNEY said, it must give real pleasure to every true friend of his country, to find the unanimity which exists in this House for supporting every measure which may be deemed necessary for the defence of our country; and when they differed, it was merely about this or that mode of carrying into effect the plans proposed. He considered it to be the object of the gentleman from North Carolina, to be economical on this head, that we might have better means for effecting some other measures. But if the gentleman considered the amount of this economy as extending only to a few officers, he would scarcely think it worth contending for.

According to the establishment of the United States, they had no separate corps of engineers. The engineers and artillerists are connected together, and the field officers are the most proper persons to be employed as engineers, and therefore he conceived the additional officers would be necessary. Besides, these officers being experienced men, will be ready to take command in case of any sudden attack. Indeed, when the vast extent of our coast and frontier is considered, it must be acknowledged it would be bad economy to have too small a number of officers.

Mr. SHEPARD said, if it were likely we should go to war, it would be absolutely necessary to agree to the amendment. He doubted not men of knowledge and experience would be appointed as officers, two or three of whom would have to be employed as engineers to overlook the works at the different fortifications, by which means the United States would save more money than their pay would amount to.

Mr. J. WILLIAMS should be in favor of an additional Lieutenant Commandant and four Majors, if our artillery were to be doubled, as the officers, who would doubtless be men of science, would be capable of acting as engineers, and ready in some cases to command the militia in case of a war.

Mr. GALLATIN. If the object of this amendment had been solely to decide that there should be field officers according to the additional companies of artillery to be raised, he did not know that he should have troubled the committee upon the subject, as he did not pretend to be well acquainted with military matters, but sixteen companies were now proposed to be raised, in lieu of eight, which the select committee thought sufficient.

Upon this ground, it was difficult to decide this question. The chairman of the committee read a letter which had been written to him by the Secretary of War, which contained information on the subject, but as this letter had not been laid before the House and printed, as was customary in such cases, reference could not be had to it. When the House had been applied to for additional troops, it was customary for them to have before them an account of the present establishment, where stationed, and for what purpose the addition was wanted. Nothing of this kind was now before them; they had been told in a vague manner, that having appropriated largely for fortifications additional artillery would be wanted. He hoped when a bill was reported, this information would be given to the House.

It had been said by the gentleman from Maryland, that we are on the eve of a war. He agreed that the probability of a war is greater than it has been at any former period. He would not make any remarks on what has drawn us into this situation. But, among the causes, he would beg leave to mention the publication of the late despatches from our Envoys in France, ordered by the Senate. [The CHAIRMAN said this remark was not in order.] Mr. G. said, the gentleman from Maryland had grounded all his arguments upon the present alarming situation of the country, and he meant to state only, that the publication of these papers had destroyed the hope which he before entertained of a reconciliation. [A cry of order.] Mr. G. wished to know what was in order. He supposed if it was not in order to speak of what had led to the present situation of things, he should be at liberty to state in what the danger of this country exists. He conceived that the great danger with which a war threatens this country, is as it respects the capital of the nation, and the revenues of the United States. The greatest mischief would arise from the capture of our vessels, and, in the next, from being deprived of the ability to pay the revenues of the United States. The revenues would be immediately diminished by captures, and also from a want of ability in our merchants to pay. These he looked upon as the greatest evils to be apprehended from a war, and therefore he contended that it was the duty of the House to be cautious how they expended money unnecessarily.

If the effect of a war will be to decrease our revenue, every object of expense should be avoided, which is not essentially necessary; and it was possible, on further information, he might be convinced that it was proper to increase the artillery corps sixteen companies, instead of eight, as first stated; but, at present, he did not think them necessary.

Is there, said Mr. G., any person on this floor seriously afraid of an invasion? He was sure he was not. Because the enemy we may have to contend with, is weak in every point which relates to invasion. She has a weak navy; her means of transport are small; the immense sea which divides us is a security against it; but the greatest security is, our own power and resources, and the conviction that an attack upon this country can be no object with that. Their object will be plunder, and that will be carried on by attacking our vessels. There was, therefore, no real danger of invasion by an army; but he allowed it to be possible that a few ships might come and lay some of our towns on the coast under contribution, or plunder our harbors. Against this he was willing to provide. If, in the event of war, it shall be necessary to have an army of 20,000 men, then an additional number of artillery may be necessary; but as he considered the defence contemplated went no further than the protection of our harbors against the depredations of any few vessels which might attack them, he did not think it necessary to go as far as was proposed with respect to the artillery.

What, he inquired, was the additional number of artillery asked? Some say sixteen companies; others eight. We have sixteen at present. Where are they employed? Four in the harbors, and twelve on the western frontier. He asked what use twelve companies were on the frontier? A few at Niagara and Detroit must be necessary. Perhaps four companies. But he held in his hand the reasons which the Secretary of War had given for placing them there. It was not to preserve the frontier from Indian invasion. But in order to preserve the peace of the Union, to preserve order and good government among our own citizens. [Mr. G. read an extract from a report of the Secretary to this effect.] On this ground, Mr. G. said, he had an opinion of his own. Without being a military man, (which he was not,) he might say, an army is not necessary to keep the people from subverting order and good government. He conceived it was not the intention of Congress to place these men there when they were first raised. He thought, therefore, that eight companies might be withdrawn from the western frontier without inconvenience, and placed on the seaboard.

We ought, at this time, he said, to husband our resources as well as we can, and not go into any expense which can be avoided. He should, therefore, vote against the amendment; for if ever sixteen companies are necessary on the seacoast, eight might be drawn, as he had stated, from the frontier.

He had heard it twice repeated (once yesterday and again to-day) that we must first provide for the effectual defence of the country, and then look out for money. He believed it would be found extremely inconvenient to pursue this mode. On the contrary, he thought it would be wise to take a view of our resources first; and if it is found they are extensive, and equal to any purpose proposed, then let all be done; but first to go into every expense, and then inquire whether resources could be had, he did not think the most prudent plan. He believed it would be well to look into our means, and then select such objects of expense as would be of the greatest service to us.

He should wish that the resolution might be agreed to under the idea of eight companies; and before a bill was reported, other objects could be taken into consideration, and the Committee of Ways and Means might, in the meantime, make a report on the situation of our means, when the House would be better able to determine, than at present, what would be the fittest to be done.

Mr. G. said, he should vote against the amendment, not because he was against additional field officers, because he was not a judge of the subject, but because he thought sixteen additional companies unnecessary; because the committee had a number of objects before them, and neither knowing the extent to which they meant to go, nor the extent of our means, therefore, he should vote against it.

Mr. BROOKS agreed with the gentleman who had just sat down, that he was not a good judge of what relates to military matters; and he thought, by this time, the committee must be of opinion that he was a very indifferent judge of the whole

subject on which he had spoken. He had said that four companies of artillery are sufficient for the whole frontier. If the gentleman had taken a range from the lakes to the Mississippi, and viewed our numerous posts there, he would not have ventured the position. He had pretended to say that the Secretary of War had given it as his opinion that there was no occasion for artillery on the frontier, except to preserve order among our own citizens; but he could not think this was said generally with respect to all the posts. The gentleman has, on the other hand, represented the nation with whom we are likely to be at war as a weak people, from whom no danger is to be apprehended; yet he should not wonder, if, before the session rises, he should speak of them in a most formidable shape. Our inland towns he represented as in no danger, and, therefore, that the artillery proposed are not necessary; but if he took a view of our coast from Maine to Georgia, he thought it must convince him that employment might be found for fifteen or sixteen companies of artillery.

But the gentleman says, we are not to consider our danger, but first to sit down and count the cost. He thought the gentleman begun at the wrong end of the business. If he had been in the country at the commencement of our Revolution, he would not have thought this the proper course of proceeding. We then determined to defend ourselves and preserve our independence, whatever was the cost; and he believed this would be the best course to be pursued on the present occasion, and not calculate what the people can afford to pay, or what they will be willing to pay, and if this be not sufficient, sit down and suffer ourselves to be devoured. On the contrary, he thought it best first to determine whether it is proper to defend ourselves from invasion, and having determined this, go on to say what are the necessary preparations to be made, and after these are decided upon, then sit down and look out for the ways and means; and not fold our hands and cry out there is a lion in the streets, and we shall be devoured, without making an effort to defend ourselves. This doctrine, he could assure the gentleman, will not pass current in this country.

As to what the gentleman had said with respect to the publication of the papers, his intention was easily to be discovered. [A call of order.] Mr. B. concluded with saying, he was sorry any gentleman should have thought it necessary to alarm the people, by telling them we have not resources wherewith to defend ourselves. He hoped such an alarm, however, would neither spread far nor wide.

Mr. DAYTON (the Speaker) said, that the speech of the member from Pennsylvania, (Mr. GALLATIN,) in opposition to the amendment for increasing the corps of artillerists and engineers, must be considered as the exhibition of another leaf of that favorite book, in which was written the system of his uniform opposition to all the measures of our Administration. It was, in other words, the second part of that sort of manœuvre, or skilful management, which was first attempted in the case of the foreign intercourse bill; when, under the semblance of introducing an economical reform, his real object was to accomplish other and more important changes. It could not be so soon forgotten how that gentleman, in the recent instance alluded to, professing no other design than to regulate the compensations of foreign Ministers, did aim, in effect, by that indirect though certain means, to define and designate as well the number as the respective grades of our foreign agents, and thereby virtually to place himself in the Presidential chair. Possessing the same temper, and persevering in the same views, the gentleman, although then defeated, was not discouraged from again attempting to carry his point, under the like plausible professions of anxiety for economical arrangements. When an additional number of troops is called for, in order to man our fortifications along the seaboard, or indeed to prevent them from falling into decay, he does not deny that they are wanted for this purpose, and that those which are stationed at the fortifications in our ports and harbors are inadequate, but boldly takes it upon himself to decide and declare, that treble the number which are necessary are posted along our interior frontier, and that they ought to be recalled to the seacoast. Could such language and conduct, Mr. D. asked, be otherwise considered by those who viewed it in its certain effects, than as another attempt to usurp the place and duties of the Chief Magistrate, and to wrest from him, or what was equally unconstitutional, to participate with him, one of the most important attributes of the office, that of Commander-in-Chief of the Army? The member from Pennsylvania knew well that by defeating the proposition for adding to the number of troops, they would compel the President to withdraw those now in service from the stations where he, whom the Constitution has made exclusively the judge, had thought that the common defence and general welfare required them to be stationed. The member had, indeed, in words as plain as he could speak, (though, perhaps, inadvertently, because inconsistent with the profession of having a single view to economy,) declared unequivocally, that such was the very object which he aimed at. It was not possible, Mr. D. said, that a majority of that committee should be found to countenance an opposition which went in effect to say, let this fortress be dismantled, let that post be abandoned, let the interior frontier be stripped of its defence, and let the House of Representatives in future direct the movements and several stations of the troops. However well qualified the gentleman from Pennsylvania might be to regulate and direct those things, and to perform the duties of the Commander-in-Chief, yet it was very certain that the people had not called him to that station, nor confided to him that trust, and that in his legislative capacity as Representative, he could not be warranted in his attempt to exercise it.

As to the objection against the amendment upon the principle that sixteen companies must compose a regiment, and that they would be more than had been suggested by the committee to be

necessary, Mr. D. would remark, that by adopting it the House did not decide upon the number of the addition to be made.

The question was merely whether another regiment should be raised, and when the bill should be brought in, pursuant to the resolution, it would then be the proper time to decide whether it should consist of three or four battalions, that is, of twelve or fifteen companies. He acknowledged that, under his present impression, he should prefer the former, but he did not wish to decide that question now, because it was desirable to gain more information than they were now possessed of, or than the select committee was prepared to give them. Many advantages would accrue from organizing them in a separate regiment, and the additional expense would be no more than that of the Lieutenant Colonel, for the companies to be raised must be classed in battalions, and Majors of course be appointed to command them.

Mr. Gallatin believed he was as good a judge as the gentleman from New Jersey could be of the purposes for which he had been elected. He believed he was the sole judge of the line of conduct which it was proper for him to adopt, and of the extent of his duty; and he could not conceive that he had not a right to take into consideration the present disposition of the troops of the United States, in order to ascertain how far it was necessary to increase their number. He thought the objection which had been made extraordinary, especially as it appears from the report of the Secretary of War that he expected the House would take the matter into consideration, and therefore states the reasons why no reliance can be had upon troops on the frontier. He well knew that the President of the United States, and the Secretary of War under him, had the disposition of the troops of the United States; but he also knew that if more were asked for, for any particular service, and Congress did not agree to provide so many as were asked, the consequence would be that men would be drawn from quarters where they were of least use, and placed in others where necessity called for them.

As to the observations of the gentleman from New York, (Mr. Brooks,) he did not know whether they required any answer. He allowed that gentleman might be a better judge of military affairs than him, but when he spoke of artillery as being necessary on the frontier, he thought he made no display of military knowledge. It was well known, that from 1789 to 1794, we had only four companies of artillery. It is true that we have now got possession of the posts on the Lakes; but this could not be considered as a removal of our frontier.

The gentleman from New York had said that his (Mr. G.'s) mode of arguing would not obtain—that he proposed submission because of the expense which would attend defence—that he wished to alarm the people of the United States by an insinuation that we did not possess the means of defending ourselves. Was it to alarm the people of the United States that he said he did not believe we had reason to expect an invasion, from the strength and resources of our country, and from the weakness of the enemy? It was his wish that our danger, our real situation, should be known without exaggeration on either side. He had himself considered our situation, and it appeared to him that the most we had to apprehend was from our money resources. If in 1776 there was an immediate danger of invasion, he knew very well it was not a time to consider of expense; but when war is made upon our money resources, he thought it right to take these into consideration, and not cripple ourselves in that part which will be most exposed. Is it not true, said he, that our revenue is chiefly derived from imposts? And will not war greatly derange that revenue? And is it not proper to consider that at the time we are about to make large expenditures of money in defensive measures? If an individual was to act in the way recommended by the gentleman from New York, his conduct would not be much admired. He acknowledged there might be times when expenses might be a subordinate consideration; but he believed our present danger principally threatened our property and the destruction of our revenue. It was proper, therefore, to let our measures and resources go hand in hand, and it was on this ground that he should vote against the amendment.

He might be excused if he was actuated in some degree by the difficulty always attendant in the reducing of an establishment when once gone into. Causes which gave way to establishments may cease, and establishments continue. He need only refer to our present Military and Naval Establishments, which were raised for different purposes from those for which they are now maintained.

The question on the amendment was put and carried, there being 55 votes in favor of it.

The resolution, as amended, was put and carried, there being 61 votes for it.

Mr. Sewall then called up the resolution reported at the same time with the above, for the purpose of purchasing arms, ammunition, and cannon, which he moved to amend by giving the President power, in case he found any difficulty in purchasing cannon or arms, to purchase or rent foundries or armories.

Some opposition was given to this amendment, and the consideration of it was postponed until the information which some days ago was called for on this subject from the Executive was received.

The committee rose and reported the resolution agreed to, and a bill was ordered to be brought in accordingly.

The Speaker laid before the House a report from the Secretary of War on the subject of cannon and arms, (above alluded to;) which were referred to the Committee of the Whole on the state of the Union.

Friday, April 13.

Mr. Bayard, from the managers of the impeachment against William Blount, who were

appointed to confer with the Senate on the subject of their resolution, made a report, which was ordered to lie on the table.

Mr. SEWALL, from the committee appointed, reported a bill to provide an additional regiment of artillerists and engineers; which was twice read and committed.

The SPEAKER laid before the House a report of the Secretary of the Treasury, on a memorial of sundry merchants of this city, praying for the erection of certain piers in the river Delaware. The report states it to be the opinion of the Secretary of the Treasury, that it will be expedient to provide for the erection of the said piers, and recommends an appropriation of a sum of money for the purpose; committed for Monday.

CITY OF WASHINGTON.

Mr. CRAIK, from the committee to whom was referred the amendments of the Senate to the bill providing an appropriation for completing the necessary buildings in the city of Washington, reported it as their opinion, that the amendments ought to be agreed to. The report was committed to a Committee of the Whole, and being made the order for this day, the House resolved itself into a Committee of the Whole on that subject. The Senate had struck out all the bill, except the enacting clause, and inserted in its place a provision for a loan of 100,000 dollars, which, together with the 200,000 dollars which have already been obtained on loan under the authority of the law in which Congress guarantees a loan for the city of Washington, make up the 300,000 dollars there authorized to be borrowed. The original bill, as sent from this House, proposed a grant of 200,000 dollars; but the chairman of the select committee (Mr. CRAIK) said, as he believed this was all that could be got at this time, he hoped the amendment would be agreed to. It was agreed to accordingly.

PRIVATE ARMED VESSELS.

Mr. VARNUM presented a petition from the freeholders and others of the town of Cambridge, in the State of Massachusetts, stating their alarm on account of the privilege given to merchants to arm their vessels, (which they look upon as tantamount to war,) as they believe stronger reasons than ever now exist for restraining their arming; that they anxiously wish for peace, believing that we have nothing to hope from war, but dishonor and disgrace; that they hope no idea of false honor will prevent such measures being taken as shall preserve peace, and by that means most certainly promote the public welfare.

Mr. VARNUM moved that this petition be referred to the Committee of the Whole on the state of the Union.

Mr. DANA said he did not hear the petition distinctly, but he thought there were some things in it which were not very proper to be contained in a petition, and which rendered it improper to be referred.

The question was put, and it was referred—38 to 35.

PURCHASE OF FOUNDRIES.

Mr. SEWALL moved, that the Committee of the Whole, to whom was referred the bill from the Senate authorizing the President to purchase one or more foundries, be discharged from the further consideration of it, and that it be referred to the Committee of the Whole on the state of the Union; which being carried, he then moved, that the House go into a Committee of the Whole on the state of the Union, which was done accordingly; and the committee proceeded to consider the resolution which was yesterday under discussion, for appropriating a sum of money for the purchase of cannon, arms, and ammunition, and the amendment proposed by Mr. SEWALL to empower the President, in case other means should fail in any considerable degree, to purchase or hire foundries, or armories, which shall be employed in manufacturing the same for the use of the United States.

This amendment was supported by Messrs. SEWALL, BROOKS, OTIS, DANA, GORDON, HARPER, DAYTON, J. WILLIAMS, RUTLEDGE, ALLEN, HARTLEY, and PINCKNEY, on the ground of its being necessary to provide for a supply of cannon and arms at all events; that though they allowed it would be best to purchase whilst that could be done, yet there being but few places in the United States where cannon of a large calibre, in particular, could be cast, the proprietors of these works might unite together and refuse to contract for a supply of cannon, except upon very exorbitant terms; or it was possible they might be influenced by a foreign country not to furnish a supply, and, if such should be the case, an appropriation of money could not procure cannon, and it would be proper and necessary that the President should have power to hire or purchase foundries, and to employ persons to work them on our own account.

It was opposed by Messrs. LIVINGSTON, GALLATIN, MACON, NICHOLAS, MCDOWELL, LYON, and T. CLAIBORNE, from a conviction that cannon could be purchased to any extent; that if this power was given they doubted not the project of casting our own cannon would be immediately gone into, which, from past experience, they had every reason to believe, would be expensive beyond measure, without answering any good purpose; and so far from securing a supply, they thought it would be likely to prevent it, as when the founders see the President has a power to purchase, they may refuse to contract, from the hope of making a good bargain in the sale of their works.

The question on the amendment was put and carried, there being fifty votes in favor of it.

The resolution was then carried without a division; the committee rose, and a bill was ordered to be brought in accordingly.

PIERRE AUPOIX.

On a motion of Mr. LIVINGSTON, the House resolved itself into a Committee of the Whole on the report of the Committee of Commerce and Manufactures on the petition of Pierre Aupoix, who prays for a drawback on goods exporte

which was refused to be paid him by the Collector of New York, on the ground of his having omitted to take the oath (during the time of a former collector) not to re-land the goods in the United States, though he had complied with every other requisite, and it was an omission of the collector, that he did not do this. The report was favorable, and was concurred in, after some debate. The committee rose, and the House having confirmed the decision, a bill was directed to be brought in accordingly. Adj'd till Monday.

In the course of the sitting, Mr. Harper gave the following notice:

Mr. Speaker: Before the House goes into the order of the day, I wish to give notice of a motion which, at some time before the end of this session, I have resolved to submit to this House. It is for the reprimand, at the bar of the House, of one of its members, for the most vile and unfounded slanders against sundry members of this House. These slanders are contained in a letter which I have read in the public prints of this city, and which contains all that malice and falsehood could suggest for the purpose of defaming the members of this House, and of the Government, and of destroying their reputation. I allude, Sir, to a letter under the signature of William Findley, which has appeared in the public prints, and the writing of which, by that person, can, as I am well assured, be proved by the most unexceptionable testimony. Nothing, Sir, but my unwillingness to interrupt the important business of the public at this crisis of our affairs, prevents me from immediately submitting this motion; and I will add, that I should never have troubled the House on the subject of this person's conduct, did not that age, which he dishonors, render him an unfit subject for personal chastisement.

Mr. Findley wished to know whether a member had a right to attack another member in this manner. If he saw the letter which had been alluded to, he could tell whether it was his or not. Any letter of his, he believed, would speak for itself.

Mr. Gallatin wished to be informed by the Speaker whether it was in order for a member to rise in his place, under pretence of his giving notice of his intention of making a motion, and thus abuse another member in the House, saying he would chastise him, and so on. If the gentleman has a motion to make, why not make it without this?

The Speaker replied that a member had a right to give notice of any motion which he intended to make; but, in the opinion of the Chair, the gentleman from South Carolina had gone farther in doing it, than order and decorum would justify.

Nothing further passed on this subject.

Monday, April 16.

ADDITIONAL ARTILLERY.

After the presentation of a large number of petions, from different parts of the country, against the measure of arming merchant vessels, and all other measures which may have a tendency to involve the nation in war, the House went into Committee of the Whole on the bill providing an additional regiment of artillery and engineers.

Mr. Sewall moved to fill the blank, left for the period for which men should be enlisted, with five years.

Mr. Nicholas had no idea we should have occasion for these men for five years.

Mr. Dayton (the Speaker) said they might be wanted for five years. If they were, there would be a considerable saving in enlisting them for that time, as men would as readily be got for that period as for a shorter.

Mr. Nicholas was unwilling that the men should be enlisted for so long a period; and, if no one else did it, he should move a limitation clause to the bill.

Mr. Lyon did not think citizens would be fond of enlisting for five years. He thought three years long enough.

Mr. Gallatin called for the reading of the act which directs that men shall be enlisted for five years, as he found in the original law they were to be engaged only for three years. [The law of 1776 was accordingly read.]

Mr. Sewall wished the words in this case to be the same as in the former law, viz: "for five years, unless sooner discharged."

The question was put and carried, there being 60 votes for it.

Mr. Sewall moved to fill the blank for the number of battalions, with three, as he believed three would be sufficient.

Mr. J. Williams thought two additional battalions would be sufficient, as that would make in the whole twenty-four companies, or 1,488 men, and, in that case, another lieutenant colonel commandant might be had.

The question for three battalions was put and carried—47 to 30.

The bill being gone through,

Mr. Gallatin said he wished to move an amendment in the first section. In the year 1792, when the law was passed for raising three regiments of infantry, two provisions were inserted in it to prevent their being kept longer in service than the occasion for which they were engaged required. The first was, "Provided, that the said three regiments shall be discharged so soon as the United States shall be at peace with the Indian tribes." The other provision gave to the President a power to forbear the enlisting of men, and of dischaging them whenever, in his opinion, the state of things ceased to make them necessary. In order to effect the same purpose which these provisions had in view, viz: a discharge of the men when the occasion which calls them into existence ceases to exist, he proposed the following amendment: "Provided, that the said regiment shall be discharged as soon as the differences now existing between the United States and the French Republic shall have been adjusted." Those gentlemen who wished this regiment to be made a part of our permanent establishment, would of course vote against this

amendment; but those who wished it to cease when the present alarm ceases, will certainly vote in favor of it.

Mr. HARTLEY did not think it would be right to agree to this amendment; for if we were to be involved in war, it might not be with one nation only. He should be willing to agree to the latter provision, which his colleague had mentioned, viz: that the President will forbear to raise men, or discharge them, when he thinks proper. He saw no reason for being so pointed, as we had not at present declared war against the French Republic.

Mr. SEWALL thought this amendment pointed and improper. The gentleman from Pennsylvania would not have Congress say that these men were raised to act against the French Republic. If the French were to attack us, they would, to be sure, be employed against them. But this amendment supposed the end of a state of things which is not yet begun. He had no objection to adopt the provision which the gentleman last up had mentioned.

Mr. S. SMITH said he should be candid with the gentleman from Pennsylvania. He meant to vote for this corps, under the idea of voting $250,000 for the purpose of erecting and completing fortifications, in which it would be proper to keep a sufficient number of men, which he believed would require most of the men now contemplated, in addition to those already in existence. At Boston, he said, where there are none at present, one company will be wanted; at Rhode Island, New York, and Mud Island, each an additional company; at Ocracoke, in North Carolina, at Old Point Comfort, in Virginia, and at three forts on the Mississippi, each a company. He should, therefore, vote for this regiment under a prospect of its being a permanent corps. It was a corps which would require men of education as officers; and what inducement, he asked, would there be for men of this description to enter into it, if they were liable to be discharged from the service at the end of six months?

Mr. NICHOLAS hoped the amendment proposed would not be disagreed to upon the ground stated by the gentleman last up, which he thought a little singular. If the force contemplated was adequate for a time of war, the same could not be necessary in time of peace. The reason which would continue in force this regiment, after the occasion ceased for which it was formed, would hold for keeping up any other force which it may be found necessary to raise. At a time when measures are about to be taken, which will call for all the resources which the country can furnish, they ought to look to a period when they will have an end. He believed the expense of a war would be one of its greatest evils.

Mr. DAYTON said, if the gentleman from Virginia had shown that this additional regiment would be sufficient in case of war, his argument might have had some weight; but not having shown this, nor been able to show it, his argument failed. He was not himself prepared to say that this regiment ought to be a part of our permanent establishment, though he believed some of the men at least would be wanted to occupy the proposed new fortifications, and the posts which we had received from England and Spain. But he objected to the amendment particularly on this ground, and it astonished him that a sentiment of the kind should have come from the quarter from which this came. If anything in the proceedings of our Government could amount to a declaration of hostility against France, it would be found in this amendment. He hoped the committee would not agree to any proposition that looked that way. Hostility with that country was very probable; but shall we, said he, by a vote of this kind, declare that we are raising troops to be employed hostilely against France? He trusted no such thing would be done.

Mr. NICHOLAS was not particular as to the manner in which the limitation was introduced, provided the existence of this corps was subject to a limit. He did not believe there was any occasion for the scruple which had been mentioned with respect to France, since it was well known that all the measures which were now taken were to provide against the possible issue of a war with that country. He did not believe it could be said they were about to declare war, because they were about raising a regiment of artillery. He wished the law to be limited, because he did not desire to put it in the power of the President to continue this corps longer than was necessary. He should also wish to give the President power to discharge the men sooner than the time mentioned, if he should think it prudent to do so. He did not mean to say that a clause of this kind was absolutely necessary; for, though it had been denied by some gentlemen that the Legislature have a right to disband a part of the Army, by withholding the supplies, he was of a different opinion. But he saw no reason why they should tie their hands on this subject, and give the power to the other branches of the Government to keep these men in force contrary to the wishes of that House. If it were necessary that they should be continued in force, after the expiration of the limitation, there can be no doubt but there will be a disposition in Congress to re-enact the law.

Mr. J. WILLIAMS said, it was true that a bill had passed that House, appropriating $250,000 to be expended on fortifications; but that bill has not become a law, and therefore could not be acted upon. He was against making this regiment a permanent one, because he thought three battalions too many. The whole number of officers and men will be 1,902, which, in time of peace, will be too large an establishment, and far beyond what would be a due proportion to our infantry. If there had been only two battalions, he should have agreed to their being permanent. He should not object to a clause giving the President the power of discharging the men, whenever he shall be of opinion the circumstances of the country no longer require them to be kept on foot.

Mr. GALLATIN said, when he proposed his amendment, he stated that he had an intention of introducing another, giving the President the power to disband the men at an earlier period, if

he should think it proper. The gentleman from Maryland, (Mr. S. SMITH,) thinking this corps proper as a part of our permanent establishment, and the gentleman from New Jersey, (Mr. DAYTON,) though not positively necessary, yet in a great measure so, for our new fortifications and the British and Spanish posts, might be expected to oppose this proposition; but it would be recollected, that, when the law passed fixing the Military Establishment, Congress knew of the two treaties by which these posts were surrendered.

With respect to the form of the amendment, he believed, at a time when all our official reports were founded on the ground of our existing disputes with France, the present proposition could not add any degree of irritation to their proceedings. It did not say that we would go to war; but merely that the event was possible. He had, however, no objection to a modification of his proposition. He should be satisfied to say, "as soon as the differences between the United States and foreign nations shall be adjusted." But as we have no differences with any other nation besides France, he could see no objection to using the same words which were used in the law to which he had referred; and, also, in the law for building the frigates, which was to cease whenever we should be at peace with the Mediterranean Powers.

Mr. PINCKNEY believed the gentleman from Pennsylvania did not advert to one material circumstance of difference between our present situation, and those in which we were in respect to the Indians, and the Mediterranean Powers. We were at war with the Indians; and, though no declaration of war had been made against us by the Algerines, they were making war upon us. No delicacy of expression was there necessary; but, in the present case, he believed it was best to avoid all expressions which might admit of an unfavorable interpretation.

But, since this question had been agitated, he was of opinion this regiment ought to make a part of our permanent corps; and, when we shall return to a peace establishment, a deduction might be made from our infantry. He believed our militia (especially if organized upon the plan which had been proposed) would be equal to every purpose of defence; but this would not be the case with respect to our artillery and engineers. A degree of education and study was necessary in that corps, which was not required in any other.

Mr. NICHOLAS submitted to gentlemen, if such an alteration was proper to be made in our Military Establishment, whether this was a proper time to make it? When immediate danger calls for an increase of force, he did not think it a proper time to talk of increasing our permanent peace establishment. Besides, in order to secure the disbanding of a part of our infantry, in the way suggested by the gentleman from South Carolina, he should wish to preserve the power of the House over this corps. He thought whatever additional force was now raised should be made commensurate only with the occasion which calls for the increase, without taking into view an increase of our standing army in future. He hoped some limitation would be given to the law; and he wished the gentleman from Pennsylvania would withdraw his amendment, and suffer to be introduced a limitation clause instead of it, which would not be liable to the objections which had been urged against his amendment.

Mr. GALLATIN wished the gentleman last up would specify the limitation which he meant to propose.

Mr. NICHOLAS replied, that he meant to limit the law to one year, and from thence to the end of the next session of Congress; after which it might be continued, if Congress thought proper.

Mr. GALLATIN agreed to accept this amendment as a substitute for his.

Mr. SHEPARD was in favor of making this regiment a part of our permanent system, as it would serve as a sort of military school, and greatly promote a knowledge of military tactics. In the beginning of last war, there was a greater failure for want of men of this description than any other. If any part of the army were to be reduced, he should be in favor of reducing the infantry, rather than the artillery.

Mr. HARTLEY was a little surprised that an amendment of this kind should be so strongly urged by gentlemen who insist upon the power of controlling the Military Establishment by means of appropriation. He himself believed the House possessed this power, and therefore thought gentlemen very unreasonable in thus pushing this amendment. The present establishment had always been considered as very scanty; as originally passed, it was so much so, that the President put his veto upon the law. He was not an advocate for large establishments, but he wished to leave the power with the President of keeping these men in service for five years, if he shall see proper. It was true that, by way of accommodation, a clause of the kind mentioned by his colleague had been introduced into the law for establishing a naval armament, which had been very embarrassing. He hoped no limitation would be agreed to in this case.

Mr. MACON said, this question did not go to settle the question whether or not this regiment should form a part of the permanent establishment; because, at the expiration of the limitation, Congress would again have the subject in their power.

Mr. GALLATIN.—In respect to the ideas of some gentlemen, that it would be better to discharge a part of our infantry, and increase our artillery, for our permanent establishment, this certainly was not the proper time to settle that question. It was decided when the law fixing the present establishment was passed; and if gentlemen were desirous of reviewing that establishment, he should not object to it; but the present question was to provide an additional force, and not to settle that establishment.

In relation to the powers of the House with respect to appropriation, it was well known, that whenever that question came up, it occasioned

much debate; but if the law was limited in its duration, the question of the propriety of continuing the men in service would return at the expiration of the term, and it could then be best determined. He was not willing to leave it wholly in the power of the President to keep these men, nor to disband them. How did he know that the President might not be of opinion, with the gentlemen from Maryland and South Carolina, that they ought to form a part of our permanent corps. As the power of raising and maintaining armies is placed in Congress by the Constitution, he wished to keep it there, and therefore, when they raised a temporary army, they had a right, and they ought to limit its duration.

As to any bad consequences having arisen from the restricting clause in the law providing a naval armament, he did not believe that any had taken place. The only effect which it had produced was, that, instead of six frigates, we have only three, and those most in favor of a naval armament, he believed, would be glad that we have no more; as it is now seen that these vessels are not the best calculated for protecting our commerce; for no one now proposes to build three other frigates, but a bill had been received from the Senate, proposing the building 16 vessels of a less size. The Secretary of War had, indeed, proposed some ships of the line, but no new frigates. Upon the whole, he could see no objection to the amendment, except it arose from a desire of making this regiment a part of the permanent establishment.

Mr. HARPER was perfectly disposed to say, that he did desire to make this regiment a part of the permanent establishment; but he was not so wedded to that idea as not to accept of it upon the limited plan. He wished to see a military spirit in this country; to have a military school, and a corps constantly existing, in which officers may always be found fit to command troops. He wished that, if we should at any time hereafter be overtaken with difficulties, as we now are, that we might not be without officers as well as without troops to defend our country. It was with this view that he wished to see this regiment a part of our establishment. For can we expect to look forward to times of permanent peace? Can we expect to be exempt from the lot of all other nations? Our present circumstances ought to admonish us to the contrary. We may expect, in common with other nations, times of difficulty and times of exertion, and we ought to be provided to meet them when they shall arrive. It was wise for all nations to cherish the means of defence, which cannot be raised in a moment. If an army or revenue were wanted, they could at any time be raised; but good officers and military science could not be created without much previous application, by practice, and a course of study. These are the most valuable set of men which a nation can possess, except it be wise legislators. It contributes greatly to the safety of a country when it is known that such a class of men exists to any considerable degree. He did not think the object would be completely attained by this establishment; but it would increase our means of accomplishing it. He should, therefore, be opposed to the amendment.

Mr. R. WILLIAMS was in favor of the amendment. He had attended to the arguments of gentlemen opposed to it, and found they were generally grounded on the propriety of keeping this regiment as a part of the permament establishment, as it would be necessary for the purpose of teaching discipline and the arts of war. He was as willing as any member of the committee to have an institution of this kind; but not to effect it in this indirect way. He did not think it necessary to have a military school to consist of 15 or 1600 men. If this law passed, he should conceive himself bound to make appropriations for the payment of the men for the whole period for which they were enlisted, as he thought the men would have a just claim upon Government for that period.

Mr. DAYTON observed, that if the amendment prevailed on the doctrine which the gentleman last up had advanced, he must still conceive himself to be bound to pay the men for five years, though the law instituting the corps should be passed only for two. In this case the men would have been engaged and received a bounty to serve for five years, yet a clause of duration is fixed to the law; and, for himself, he believed that notwithstanding the limitation inserted in the law, the men having engaged to serve the United States for five years, would be bound by that engagement, and there will be no way of preventing it, except by a pretty highhanded act, and an appropriation was refused to pay them. So that, at the end of two years, the law will cease, and the greater part of these men may be wanted to complete the regiment now in existence; though they are yet bound to serve the United States for three years to come, they could not be transferred into the other corps.

If gentlemen were determined at any time to reduce the establishment without a limitation of this kind, they could withhold an appropriation, or pass an act for disbanding a part of it; but surely gentlemen did not wish this House to possess all power on this subject. Upon the ground of the gentleman from Pennsylvania, the present corps of artillerists and engineers are sufficient for a peace establishment; if so, why put it out of the power of Government to keep them perfect? He was willing to give to the President the power of disbanding this additional regiment when he shall believe the safety of the country will admit of it; but he was unwilling to restrict the law in the way proposed.

Mr. LIVINGSTON hoped the gentleman from New Jersey would permit him to remind him of a part of the bill which he seemed to have overlooked, when he stated the men as positively engaged for five years. The words in the bill to which he alluded are, *unless sooner discharged.* For his own part he was not fully convinced that this regiment was not necessary to be made a part of our permanent establishment. His opinion was rather inclined that way; but he was extremely

sorry, on this occasion, to find a question raised on which there is doubtless a contrariety of opinion, and which requires more deliberate consideration than they were now disposed to give it. Whilst the House were employed in providing measures against the dangers which threaten us, such a question is not only unnecessary, but it tends to destroy that unanimity, and the appearance of it, which it is so necessary to exhibit to the world on this occasion. But it was said that this regiment was to be a school of military discipline for future times. If this was intended, he did not think the term of five years sufficiently long; and whenever leisure and the circumstances of the country will admit of it, he should be ready to go as far into an establishment of this kind as any other gentleman; but at present he did not wish to lose sight of the immediate business before them, viz: the defence of the country. If the amendment was agreed to, it went only to put future Legislatures in the same situation in which they themselves stood, of determining what was proper to be done; and he was against tying up the hands of future Legislatures; he wished them to possess the same discretion which they themselves possessed. Gentlemen say that this establishment might be reduced by withholding the appropriation; though he believed this, yet he looked upon it as a violent remedy which never ought to be resorted to but in extreme cases.

Mr. R. Williams thought this was one of those questions which might have been legislated upon, merely upon the ground of expediency. As to what the gentleman from New Jersey has said about his (Mr. W.'s) not obtaining his object, if the amendment was agreed to, he was mistaken; and he believed men were seldom taken in when they acted with their eyes open. If the amendment was adopted, men could then say, they were engaged so serve for five years, as the language of the law would be, "we engage you for five years, if we want you so long; if not, you will be discharged sooner."

Mr. S. Smith believed all the purposes which gentlemen wished to effect might be obtained by the bill as it now stands, as it was in the power of Congress to disband any part of the Army when they please; they could newly organize the system, and reduce it when they thought proper; but, as he had before stated, he believed this regiment would always be proper; he wished, therefore, to put it upon such a footing, as to induce proper characters to accept employment in it, which if it were to have only a two years' existence, could not be done. It was not an easy matter, he said, to get gentlemen to go into a corps intended to defend our ports and harbors. He was desirous, therefore, of putting the business on a permanent footing. We have been constantly afraid of having too large an establishment, and this fear has produced the most expensive means of raising forces when wanted. If gentlemen would consent to the establishment of an efficient militia system, a less military force would be necessary; but they will not do this; they are always in favor of temporary measures. He wished. on the contrary, to possess a permanent defence, without depending upon the enthusiasm of the moment for it, when it is necessary.

Mr. Josiah Parker thought the amendment of little consequence. Whatever they might now do, would have no effect in giving permanency to our Military Establishment; because, according to the Constitution, that could have no longer a duration than two years.

Mr. Gordon could not vote for the amendment, because he thought it involved in it a strong absurdity, and would produce consequences which had not been avowed. He believed that the legal construction of the act would be, if the amendment were agreed to, that the whole regiment would be discharged at the end of two years. For the President would receive all the power which he had on this subject from this law, and the law would not warrant an engagement for longer than two years.

Mr. Otis said, if this amendment prevailed it would have a mischievous effect, not only upon the corps intended to be raised, but upon those already in being, as it might be supposed that the officers in the present corps would be candidates for a higher grade in the new corps; but, if the new corps were only to be a temporary body, they would not be induced to leave a permanency to enter into a temporary corps, and the regiment would therefore be filled with young officers, who would be placed over the heads of experienced men in the present corps. In this case, the old officers would resign, disgusted, and we should have inexperienced officers in the whole corps. It was important, therefore, that both corps be placed upon the same footing.

Mr. Varnum observed, that his colleague had supposed that the officers in the present corps would be candidates for offices in the new corps; but that they would be unwilling to make the exchange, if they were liable to be discharged at the end of two years; yet, he afterwards stated, that if young men were appointed over them, they would resign. There appeared to be an inconsistency in this, because, if they were very desirous of holding their situations, such a circumstance would not make them resign; and if they were not so desirous of holding their situations, they would not be prevented from accepting of offices in the new corps from the chance of their being disbanded at the end of two years. If he were of opinion that this new regiment was necessary to be made a part of our peace establishment, he should also be opposed to the amendment; but he did not. He knew it had been the wish of some gentlemen to keep up skeletons of regiments, in order to have officers; but he did not think it would be very advantageous to the United States to retain officers in this way. He could not see what military knowledge officers were to acquire by being in pay, except they were in a situation of acquiring knowledge from experience. He could not conceive either that any gentleman would consent to the discharge of any part of our infantry, on account of this additional regiment of artillery; but such an idea might assist them

in carrying their point. He could not see why gentlemen should distrust the conduct of this House two years hence; and if they were not distrusted no evil could arise from the present amendment. No act could be passed without the concurrence of all the branches of Government, and he thought no act ought to be continued in force contrary to that concurrence.

Mr. NICHOLAS said, every gentleman who had opposed this amendment, had acknowledged that it would place the law upon a different footing from that upon which it would stand without it. As to the want of security in the situation of officers, he could tell the gentleman from Massachusetts how he might increase that security: It might be done by telling them they should never be discharged; but he trusted, when gentlemen saw that this opportunity was seized for doing what could not be done at a time when no danger threatened us, they would be jealous of their right over military establishments. With respect to the difficulty suggested by the gentleman from New Jersey, he would say that, when there was a disinclination to do a thing, any apology, however weak, might be resorted to. The men would certainly be engaged for five years, and if the United States had occasion for them, would be obliged to serve for that time, either in the new corps, or in the corps now in existence. And when gentlemen say this regiment is necessary for a peace establishment, he would ask them, whether they could wish that we had had the expense of them for years past? He believed they could not regret the saving of this expense.

Mr. T. CLAIBORNE thought the bill without the amendment would be an oblique violation of the Constitution; at least, the arguments which had been used in support of it were of this kind. For though the Constitution says that no appropriation shall be made for a Military Establishment for more than two years, yet this bill was to lay Congress under an obligation of engaging men for five years. As he could see no reason for doubting that future legislators would act rightly, he should vote for the amendment.

The question was put on the amendment, and negatived—45 to 35.

The committee rose, and Mr. NICHOLAS renewed his motion in the House, and called the yeas and nays upon it; which were taken, and stood—yeas 36, nays 45, as follows:

YEAS—Abraham Baldwin, David Bard, Thos. Blount, Richard Brent, Stephen Bullock, Demsey Burges, Thomas Claiborne, Thomas T. Davis, John Dawson, Lucas Elmendorph, William Findley, Albert Gallatin, Andrew Gregg, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Edward Livingston, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Anthony New, John Nicholas, Josiah Parker, Tompson J. Skinner, William Smith, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Abraham Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, and Robert Williams.

NAYS—John Allen, Bailey Bartlett, David Brooks, Christopher G. Champlin, Joshua Coit, William Craik, Samuel W. Dana, John Dennis, George Dent, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Nathaniel Freeman, jr., James Gillespie, 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, James Machir, William Matthews, Daniel Morgan, Lewis R. Morris, Harrison G. Otis, Thomas Pinckney, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Nathaniel Smith, Samuel Smith, Peleg Sprague, George Thatcher, Mark Thomson, Thomas Tillinghast, John E. Van Allen, Peleg Wadsworth, and John Williams.

The bill was ordered to be engrossed for a third reading to-morrow.

A message was received from the Senate, informing the House that they had passed a bill for creating, in the Executive department, an establishment called the Department of the Navy; and that they have agreed to a resolution, in the words following, to wit:

"*Resolved*, That it is not, at this time, expedient to alter the return day of the summons directed to William Blount, so as to make it returnable at the present session of Congress, as requested by the managers of the House of Representatives; there being no certainty that this session will continue long enough to afford reasonable time for a proper service and return of this process."

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

The SPEAKER laid before the House a report from the Secretary of War, in pursuance of a resolution of the House of the 28th ultimo, accounting for the deficiencies stated to have arisen in the appropriations of last year in the Military Department; which was referred to the Committee of the Whole, to whom was referred the bill making appropriations for the Military Establishment for the year 1798.

Mr. SEWALL reported a bill to enable the President of the United States to procure cannon, arms, and ammunition, and for other purposes; which was twice read, and committed to the Committee of the Whole on the state of the Union.

TUESDAY, April 17.

Mr. D. FOSTER, from the Committee of Claims, made a report on sundry petitions for an increase and alterations in respect to pensions, many of which had heretofore been decided upon; and the House having determined that as full provisions have been made in respect to pensioners as it is expedient to make, this report states that the several petitions ought not to be granted. Ordered to lie on the table.

Mr. LIVINGSTON from the Committee of Commerce and Manufactures, reported a bill for the relief of Reuben Smith, Nathan Strong, and Pierre Aupoix; which was committed for to-morrow.

ADDITIONAL ARTILLERY, &c.

The bill providing an additional regiment of artillery and engineers was read the third time; when

Mr. MCDOWELL moved to have it recommitted.

He did not wish to vote against the bill; but if it passed in its present form, both he and many others would do so, from an idea that this regiment was intended to form a part of our permanent establishment. He also thought the number of men proposed to be raised was greater than was necessary for occupying our fortifications. He hoped, therefore, the bill would be recommitted, in order to undergo some revision.

The motion was negatived, there being only 26 votes for it.

The question on the passage of the bill was then put and carried.

NATURALIZATION OF FOREIGNERS.

Mr. COIT said, from the present situation of things, he apprehended some alterations would be necessary in the present law for the naturalization of foreigners. He therefore proposed a resolution, to the following effect:

"*Resolved*, That the committtee appointed for the protection of commerce and the defence of our country, be directed to inquire and report whether it be not expedient to suspend or to amend the act establishing an uniform rule of naturalization."

Some objection being made to the wording of this resolution, it was ordered to lie upon the table till to-morrow.

LIGHT-HOUSE AT POINT COMFORT.

On motion of Mr. LIVINGSTON, the House went into a Committee of the Whole on the bill for erecting a light-house on Old Point Comfort, in Virginia, and for placing certain buoys and stakes therein mentioned; when the blank for containing the sum of money to be appropriated being filled with $3,050 the committee rose, and the bill was ordered to be engrossed for a third reading to-morrow.

PURCHASE OF CANNON, &c.

The House being in Committee of the Whole on the state of the Union,

Mr. SEWALL called up the bill to enable the President to procure cannon, arms, and ammunition; which having been read, he moved to fill the blank left for the sum to be appropriated for the purchase of cannon, small arms, ammunition, and military stores, with $1,200,000; which, he stated, was agreeable to the estimate of the Secretary of War.

Mr. OTIS thought this an enormous sum. He wished the chairman of the committee to explain the items of which it was composed.

Mr. SEWALL owned the appropriation appeared a large one, but $600,000 of it were for 50,000 stand of arms, calculated at $12 each, which he believed would be at as low a price as they could be got for. If imported, they would cost less; but if manufactured here, more. The Secretary of War also recommends the purchase of 1,300 cannon. He did not know that the whole of these would be immediately necessary, but they would be wanted in the course of a year, or a year and a half. The ammunition and military stores, in which were included powder, ball, tents, &c., were estimated at $200,000, which he believed would not be too much.

Mr. J. WILLIAMS thought the sum far too large. He believed there were at present very large quantities of arms and cannon in the arsenals of the United States; and though it be admitted that the fortifications and vessels will require a great number of cannon, yet 1,300 would be too many. He should be willing to appropriate a sufficient sum, but not more. He knew the Secretary of War had made a calculation to a very extensive amount, but he wished to make his own calculations. He had done so, and was of opinion that $60,000 would be as large a sum as would be expended before Congress met again. From having been on a committee on the subject of arms heretofore, he knew something of their amount. The militia to the Eastward was generally well armed, though to the Southward this was not the case. If 20,000 stand of arms could be got, he thought they would be sufficient; and he believed they might be purchased for a much less sum than had been mentioned. Some of the brigades which he commanded had purchased a very good quality at nine dollars a stand, and where they were got he believed more might be had.

Mr. OTIS said, if a small part of this sum could be saved till next session it would be well. Every $100,000 which could now be saved was of consequence. Twelve dollars appeared to him to be a great price for a musket. He could not think so many cannon as had been named would be wanted. Instead of $1,200,000, he hoped $1,000,000 would be agreed to. He could not think that more would be wanted before the next meeting of Congress.

Mr. SEWALL said, a stand of arms was not to be estimated by the price of a musket. Several other articles were included. He was informed by the Secretary of War that they could not be manufactured here for less than fourteen or fifteen dollars, though they could be imported for less, but the importation would be attended with uncertainty. There would be no necessity, Mr. S. said, for retaining the whole sum proposed to be appropriated in the Treasury, and whatever price the arms were estimated at, it would not be given except it were necessary. He wished the appropriation to be liberal, as it was necessary the country should be provided with arms, whatever might be the expense.

Mr. HARPER did not wish to treat slightly the arguments of the gentlemen who conceive that the present situation of affairs does not require so large an appropriation as is proposed for the purchase of arms and ammunition, though he could not concur with them in opinion. Gentlemen speak of cannon and arms, but say nothing of military stores. Arms and cannon, it was well known, were of no use without these; and to procure them it will require considerable time and arrangements. They must be either created at home or purchased from abroad, and the latter would always be precarious. With respect to the quantity of cannon, he could not say that thirteen hundred would be necessary; nor would he

say they would not be necessary. Would gentlemen recollect what thirteen hundred cannon were on a coast of two thousand miles in extent, and for all the military operations for which they might be wanted; and not only on the coast, and for military operations, but also in the vessels proposed to be constructed or purchased for the protection of our trade and commerce. With respect to the number of small arms, how could any one say what number would be wanted? Was it not one of the most deplorable circumstances attending our Army? And ought they not to provide against future exigencies as well as the present? In vain would it be for us to raise revenue or troops, without arms, and if they were to be waited for till the time for using them had arrived, the price of obtaining them at present would be as a drop in the bucket compared with the consequences resulting from a want of them. The expense ought, therefore, to be met without hesitation.

Gentlemen had spoken of arming the militia, which alone, he supposed, consisted of eight hundred thousand men; or, if a select corps was agreed to, they would consist of 130,000. And of what use would the organizing of our militia be, if arms were not put in their hands? Could any man say we should not have occasion to call out 50,000 or 60,000 militia men? It would be wanton to say so at a time when we are threatened with enemies from without and within; when we may be assailed from the west, from the south, and from the east. When all these circumstances are taken into view, he trusted the committee would not act upon a short-sighted policy, but make ample provision, which could not be done, he was persuaded, by appropriating a less sum than had been proposed.

Mr. McDOWELL could not agree in opinion with the gentleman last up. He had attended to the statement made by the chairman of the select committee, but he could not believe it was necessary to appropriate so large an amount as he had proposed, though he wished to appropriate amply. Gentlemen who act under the impression that war is unavoidable will consequently wish for greater preparations than those who think differently. The gentleman who had just taken his seat was for providing for all possible cases, from without or within. He thought thirteen hundred cannon necessary, as, amongst other things, they would be wanted for the additional vessels contemplated to be built or purchased. He believed he made this calculation rather too early. He hoped that measure would not be gone into. When gentlemen supposed every possible (not probable) evil to happen to us, they might incur enormous expenses which were unnecessary. For his own part, he did not think we had much to apprehend from any enemy, either from without or within; but if we were attacked he had no fears as to the event. He hoped, however, they should not lavish away money unnecessarily, as he was sensible heavy taxes must be resorted to in support of these expenses. Speaking of cannon and small arms, gentlemen did not take into view what we have at present on hand. It is well known we have many of both, and that our militia are generally armed. He hoped, therefore, a small sum would be agreed to.

Mr. SEWALL discovered that he had made a mistake in the adding of the different items together. Making the deduction on this account, and taking off something from the number of the cannon which had been mentioned, he believed a million of dollars would be sufficient. He therefore proposed to fill the blank with that sum.

Mr. S. SMITH said, if men were always to calculate the expense of war before it was gone into, he believed wars would seldom occur. He was of opinion that the quantity of cannon which had been named was not too great. The vessels proposed to be built or purchased will require between three and four hundred cannon, the fortifications would also require a great many, and it would be necessary to have a stock on hand, to replace such as might be taken or destroyed. Fifty thousand stand of small arms, in addition to what we have, could not be too many. Yet it may not be necessary to provide for all these at this time. He did not believe that the Secretary of War could possibly expend a million of dollars before the 1st of January next, and no more need now be appropriated than could be expended before that time. He believed $800,000 would be full as much as could be expended before that time, and if a million was negatived he should move that sum.

Mr. GORDON was of opinion, with the gentleman from Maryland, that a less sum than a million of dollars would be a sufficient appropriation for the present. He thought a thousand cannon and thirty thousand stand of arms would be a very ample provision. If an invasion should take place during the recess of Congress, they would of course be again immediately called together, and before that time the money now appropriated could not be expended. If what he had mentioned should be thought sufficient, that, with the $200,000 for ammunition, &c., would amount to $890,000. He should, therefore, be in favor of $900,000.

Mr. SHEPARD was for doing everything necessary; but it appeared to him they were about to appropriate for a greater number of cannon and small arms than ever could be necessary. He thought a thousand cannon and twenty thousand stand of arms would be sufficient. He should, therefore, be in favor of the $800,000. They ought, he said, to consider a little how the money was to be obtained, before so large an appropriation was made. He believed the arms he had mentioned, in addition to what we have, would enable us to fight any enemy that could ever come against us.

Mr. MACON wished the bill had been differently drawn up, and a separate appropriation had been made for each of the items mentioned. He should have wished also to have known the number of fortifications, and the number of cannon they would require, as it would be useless to have fortifications without cannon. He believed it would be well (as the gentleman last up had sug-

gested) to look at the expense of this business as they proceeded. It had been said on a former day, first take every measure necessary, and then provide for the expense; but he was glad to find that gentlemen had now changed their opinions, and had begun to look at the expense. He should be for reducing the number of cannon and increasing that of small arms.

Mr. RUTLEDGE said, no gentleman was more sensible of the perilous situation of the country than he; but he thought this million rather an extensive calculation. The number of cannon not only appeared to him large, but the size, also, seemed extraordinarily large. He observed the estimate contained 100 thirty-two pounders. No vessels that we have or are likely to have, except the frigates, could carry cannon of this size, and they are already provided for. He did not think our fortifications required 32-pounders.

He saw in this estimate an item which he thought ought not to come within their calculation, which was $200,000 for copper and sheathing. In making this estimate, the Secretary of War had several ships of the line and twenty smaller vessels in view, which it was probable would not be agreed to; at least he should be against them. He thought what was necessary ought to be done, regardless of expense; but he was against incurring any unnecessary expense. He thought $800,000 would be sufficient.

Mr. DANA hoped a million of dollars would not be appropriated for this object. He should not hesitate at any expense if it were necessary to repel immediate danger; but because danger threatens, they ought not to make appropriations which would show that they did not think coolly upon the business. He did not believe it would be of any advantage to make a larger appropriation than could be expended within the year, because funds must be provided for every expense which is gone into; and if more than was necessary was appropriated in this instance, it would only serve to cripple us in other measures, particularly with respect to our maritime defence; and as he thought this of consequence, he should wish to lessen the present appropriation. The gentleman from Maryland had proposed $800,000, but he should think $700,000 would be sufficient.

Mr. HARPER again urged the necessity of making an appropriation for at least a million. He was sorry that $1,200,000 had been given up. He spoke particularly of the great want of arms in the Southern States. He allowed the Eastern States were better provided; but if an enemy were to attack us, it was not, he said, to be expected they would take the bull by the horns, and attack the Eastern States. On the contrary, they would seek out and attack the weakest parts. In Georgia, South and North Carolina, and Tennessee, the people were almost wholly without muskets. In the district which he represented, he believed there were not ten muskets. The people of this country, he was confident, would defend it against the attack of any enemy; but they could not do it without arms. Gentlemen might talk of the expense, but the question was, whether the people will pay this expense to their own Government for protection, or suffer a foreign army to collect ten times the amount from them? Gentlemen talked of resources; they must know we have ample resources untouched. He himself knew the people could and would pay to the amount of three or four millions in direct taxes, if necessary. The immediate expenses may be discharged by loans; and taxes may be raised for the discharge of them and their interest. He hoped, therefore, the House would not be deterred from incurring necessary expenses from an idea that the money cannot be raised.

Mr. LYON wished to go as far as any member with respect to muskets, as he believed in the district which he represented they had not sufficient arms for their portion of the 80,000 milita ordered to be held in requisition; but he had no wish to appropriate largely for the purchase of foundries and cannon. Vermont alone, he said, wanted 20,000 stand of arms. Indeed, they had had that quantity ordered; but they were taken and carried into England. He wished the appropriations could be made separate. Until he saw the progress of the bill, he should be in favor of a million, in order to secure an ample supply of small arms.

Mr. VARNUM said, if this country was determined, at all events, to go to war, different provisions were necessary from what would be necessary if they were determined to avoid war if possible. He himself had seen nothing in the conduct of a foreign country which led him to expect a declaration of war from them. He believed we had nothing to fear on this head, except what arose from measures which had been taken here. Those gentlemen who think a war unavoidable, will be willing to go into measures that those who are of a different opinion wish to avoid. Mr. V. referred to what had fallen from Mr. HARPER on the subject of the militia, and said, when he stated there were 800,000 effective militia men in the United States, he was mistaken at least one-half; and if he was mistaken as much in other points, then one-half the sum proposed would be a sufficient appropriation. The gentleman seemed to forget that we had any arms in our arsenals. The truth is, we have a great quantity of arms in our arsenals. Besides the arms used in the late war, there were those of two large English armies; and what had been purchased since, which, though they might not be sufficient, would enable us to meet any nation in the world. Nor were there better field artillery anywhere than in the United States, not only in the public magazines, but in those States in which the militia are organized. And as to large cannon for the seacoast, there were great numbers which only wanted their carriages repaired. He did not think the country in so destitute a situation, therefore, as had been stated. He believed it would be proper to increase the number of small arms, because he believed some of the militia were without arms; and he held it as an essential principle in a free Republic that every man should be armed, and ready to defend his country when attacked. He did not suppose the United States meant to purchase

arms for the militia; but he hoped individuals would endeavor to supply themselves. Mr. V. was of opinion that there was money yet unexpended, which had heretofore been appropriated for the purchase of small arms. He concluded by saying, he should be willing to appropriate what was necessary; but he was not prepared to vote for cannon to supply ships of the line, or any other additional public vessel. He thought $600,000 would be an ample appropriation.

Mr. SEWALL said, doubtless if gentlemen consulted their wishes, the smallest sum would be taken; but from the statement which he had made, it might be seen that the sum which he had mentioned would be required. Gentlemen propose various sums which they think sufficient; but they must show that a less quantity of arms are necessary, or that they can be purchased for a less price, before they can persuade themselves the sum which they mention can be sufficient. In this appropriation the cannon for the frigates are included, as they were not provided for in a former appropriation; but no provision is here made for cannon for the additional vessels which have been recommended by the Secretary of War.

Mr. NICHOLAS was in favor of a million of dollars; not because he thought the danger of being involved in war certain, but because he saw it possible; not because he thought we should have occasion for all the arms mentioned, but because he wished the country to be possessed of them. He believed gentlemen might make themselves easy as to the expense of small arms; because if they were not necessary for the United States, he was certain they would readily be disposed of in the Southern States; for the only reason why the militia of those States were not so well armed as in others was, the reason that they could not procure arms. With respect to the arms of the Eastern States, he believed they were better calculated for exercise than for service, and that it would be necessary that they also should be replaced. He hoped no nice calculation would be made as to the danger of war, but that on this subject ample provision would be made, as though we might not on this occasion have need of them, yet it could not be said they never would be wanted. He wished our arsenals to be well supplied, that we might at any time be ready to meet an attack. If our circumstances were perfectly tranquil, he should not object to an appropriation for this object.

Mr. LIVINGSTON was in favor of a million of dollars for this object, and was sorry the sum had been reduced. The form which this debate had taken, had convinced him that gentlemen had fully weighed the consequences of a war to this country; but if we were to realize such a state of things, it would be in vain to go into nice counting-house calculations about expense. Some gentlemen had said we were about to enter into war, others that we are engaged in war, and in a war of the worst kind—passive on our side, and active on the side of the enemy, yet, in such a situation gentlemen talk about saving $100,000. Some members say too many cannon are contemplated; would those who feel the want of small arms for the defence of their country, refuse to him cannon for the defence of his? He thought the estimate of the Secretary of War for 1,300 cannon was not too large, as it was necessary to have a supply in case of losses. He hoped, therefore, that the largest sum which had been mentioned would be agreed to, not because it will be immediately expended, but because it will be necessary; and if we escape our present danger, the arms will be a valuable acquisition for our future security.

Mr. L. hoped that the votes on this, and similar questions, would convince the gentleman from South Carolina (Mr. HARPER) that he had been mistaken in his repeated assertions, and trusted his good sense and candor would induce him to retract his opinion, that no event could induce some gentlemen to take part in the defence of their country. Mr. L. did not believe that the general position of affairs in this country would have called upon them for excessive expenses, if it had not been for some events which had taken place here, and which, though it would not be in order for him to name, was well understood [meaning, we suppose, the publication of the late despatches and instructions by the Senate] might involve us in war; and if this should be the case, he did not wish to be found wholly unprepared.

Mr. MCDOWELL was convinced, from the calculations which he had made on the subject, that $800,000 would be a very ample appropriation. He thought the gentleman from South Carolina had represented the Southern country to be in a more deplorable state than they really are, by saying that there are no arms in the country, and that the district which he represents does not contain ten muskets. If they had not muskets, he knew they had arms of another kind (rifles) which were very valuable, and which they used with success. With respect to North Carolina, the gentleman was much mistaken. In the part where he resided, the people were generally possessed of arms, though not of muskets, which they would not be willing to own, except called into the field. In Tennessee he believed the people were also generally in possession of arms. Gentlemen spoke of providing for the militia. These arms, he said, were not to go into the hands of the militia, except called out into service. He hoped those States which were destitute of arms would provide their own, and he should wish to see a sufficient spirit existing in the people to induce them to purchase their own arms.

Mr. DAYTON (the Speaker) said that, a few weeks ago, it would not have been believed that any member of the House, and more especially himself, should have thought it necessary, in the course of the present session, to rise, in order to check the overflowing zeal of the members from New York and Virginia (Mr. LIVINGSTON and Mr. NICHOLAS) in appropriations of money for the protection of commerce and defence of the country; yet this, extraordinary as it might seem, was actually the case. Those two members had ex-

pressed not only a willingness, but an eagerness to appropriate the largest sums which had been mentioned, viz: twelve or thirteen hundred thousand dollars, for the purchase of cannon and small arms, and would probably have gone to a million and a half of dollars, if there had been a prospect of their success. Believing, as he did, that not more than half that sum would be expended in those articles before the month of January next, when Congress would be again in session, he had determined, in his own mind, that six hundred thousand dollars would be sufficient at present, and therefore would oppose the motion to fill up the blank with a million of dollars, although, rather than divide upon the question, he would consent to a sum between the two extremes, and give his vote for eight hundred thousand. Gentlemen ought to reflect upon the state of our revenues and resources, and to consider also that other very extensive as well as expensive preparations were contemplated, and indeed were as indispensable as the objects of the bill under consideration. Although he (Mr. D.) did not feel disposed to declare that it was the object of the members from New York and Virginia, in advocating exorbitant appropriations for fortifications and the purchase of cannon and arms, to exhaust the national funds, before they decided upon the plans for procuring armed vessels and authorizing a provisional army, yet such would be the effect of the almost unlimited grants of money which they wished for those two objects only, and he should not be surprised to hear those very gentlemen make use of that as an argument against every other measure of defence which might be proposed and they be opposed to. If gentlemen were desirous of rendering defensive preparations unpopular and alarming, the most effectual way to do it would be by voting for every purpose, and on all occasions, the largest sums, and thus rendering the aggregate of appropriations enormously large, which would require not only new but heavy taxes to provide for them. The $250,000 for fortifications had been agreed to with too little consideration, but he hoped that gentlemen would pause, and not only reflect upon the state of their finances, but consider what other expenses must be incurred on other equally important objects, before they voted a million for the purposes mentioned in the bill, and which, if voted, could not be expended before next session, but must nevertheless be provided for in this.

Mr. Shepard again expressed his opinion as to the profuseness of the estimate of the Secretary of War.

Mr. Varnum did not know what the resolves of Congress were with respect to the arms in possession of the soldiers at the conclusion of the war; but he knew the soldiers of the State of Massachusetts had their arms taken from them, and they petitioned the State by hundreds for a restoration of them. In respect to the number of militia, the gentleman from New Jersey supposed he had taken his estimate from returns improperly made. This was not the fact; nor did he go into a calculation of the number of men in the United States capable of bearing arms. He had referred only to the number of men enrolled by law where accurate returns were made every year, and from those, calculated the number throughout the United States, and he was convinced the number did not much exceed 300,000; and if the militia were to be newly organized in the way proposed by the bill now before the House, that number would be reduced about one-sixth, as, instead of men being liable to serve till forty-five, they were restricted to persons of the age of forty years.

Mr. Gallatin said that, from the manner in which the bill was drawn; there was great difficulty in knowing how to vote. The sum is in gross, yet to be appropriated to several distinct purposes. From the different opinions which had been delivered, it appeared that some gentlemen wished a large appropriation, because they thought at least thirty thousand stand of small arms were necessary, others because they did not wish the number of cannon to be reduced; whereas other gentlemen wished a less sum to be appropriated, because they thought one or the other estimates was too great. In order to meet these different opinions, it would be well to have the appropriations distinct, otherwise members voting for a large sum from an idea of providing a sufficiency of small arms, or the number of cannon which they think necessary, cannot have any assurance of their object being accomplished. As to the quantum of money to be appropriated for each object, or for the whole, it ought to be governed by two or three considerations. Not altogether by the quantity of money which may be expended in the present year; but by the quantity which will be wanted in the whole, and also by the sums which would be wanted during the present session for other objects. For when contracts are made they must be for the whole quantity of arms, &c., wanted, and not for that part which may be delivered before the first of January, otherwise the Executive would be at a loss how to act.

Mr. G. said, we ought not only to consider the amount of this appropriation, but of others which may be necessary, and have an eye to our resources; for he did not agree with the gentleman from South Carolina that every expense should first be gone into, before they took a view of our resources. He thought it would be best first to see how much could be raised for all the objects in view, and if then all could not be provided for, those which were most necessary should be chosen. When he recommended this plan, he did it less on his own account, than on the account, of others, because he should oppose any increase of our naval armament; but as other gentlemen would act differently, it behooved them to consider of the whole sum which would be wanted, as the more money there was expended, the greater would be the loans and taxes to be raised. On this ground, he was in favor of appropriating less than a million of dollars; but except the different objects were distinctly specified, he saw no way of securing an application of the money according to their views of necessity.

As to the amount of militia in the United States,

he differed both from the gentleman from South Carolina and the gentleman from Massachusetts. He had made a calculation from the militia of Pensylvania, which consists of seventy five thousand, in the same way as the gentleman from Massachusetts had made a calculation from his State, but he made the amount of the whole to be about five hundred thousand. How the difference arose between the two calculations he could not tell.

The gentleman from South Carolina was in favor of the largest sum, because he considered there was a great degree of danger to be apprehended from an invasion in certain sections of the country, from the want of arms in those parts. But this only showed the propriety of providing arms for those parts, and not for others, where there is no such danger. Some States, he believed, were tolerably well supplied with arms; he knew the State of Pennsylvania had entered into contracts for 20,000 stand of arms; when they were to be delivered, he did not know, but he believed they must be got before those which are contemplated by this appropriation. Mr. G. was at a loss to know for what the nine and twelve pounders of cannon was wanted; and concluded with the wish that the appropriations might be specific, and if there were no material objections to their being so (for he did not wish to embarrass the bill) he would propose an amendment to that effect.

Mr. SEWALL said, he had no particular objection to the appropriations being specific, though he saw no occasion for it, as he supposed the President would apply the money so as best to answer the several purposes mentioned in the bill.

Mr. S. SMITH said, the nine and twelve pounders were wanted for some of the fortifications.

Mr. GALLATIN moved his amendment, making a specific appropriation for each object.

Mr. HARTLEY was opposed to it. He wished to leave the disposition of the money to the President; and went into arguments to show the propriety of a liberal appropriation, though he thought a million of dollars too much. He believed the militia of the United States to be at least 500,000 in number, and that there are about 100,000 stand of arms in possession of the United States which might be made fit for use.

Mr. BROOKS thought the amendment a good one; he wished himself to see each article appropriated for separately. He thought too many cannon were contemplated, and perhaps too many small arms.

Mr. DAYTON thought the amendment a very bad one, so bad, that if it were adopted, he should vote against the bill itself. He asked gentlemen how they could, at this time, say how many cannon, or what number of small arms would be wanted? Or, in the event of war, whether that war would be made on our commerce alone, or by predatory attacks upon our coast, or by invasion? If the former, a greater number of cannon, and a less number of small arms would be wanted; if the latter, a larger quantity of small arms and less cannon would be required. Besides, if a part of our cannon should be taken, though there might be a surplus of the money appropriated for one object, no part of it could be expended for another. He wished gentlemen, therefore, to look a little into this amendment before they determined to give it their support.

Mr. BROOKS said, the objections of the gentleman from New Jersey did not strike him so forcibly as they seem to impress himself. Whether the sums were voted specifically, or in the aggregate, the President might take such measures as he should think proper. If the appropriations were not made separately, the President would have to separate them before he proceeded to make his contracts; and the only difference was, whether he or they should say how much it was proper to expend upon each item.

Mr. GALLATIN said, it was his object to make a sufficient appropriation to meet the different kinds of warfare with which we might be attacked, whether it should be necessary to repel it with cannon or with small arms, and therefore the amendment would not produce the effect spoken of by the gentleman from New Jersey.

Mr. S. SMITH was opposed to this amendment, as he presumed the President would form a better opinion as to the kind of warfare which we should be likely to have to encounter than they could do. He thought it best, therefore, that the appropriation should be made in one sum, and leave it to the President to dispose of it as he thinks proper.

The amendment was put and negatived, forty-seven to thirty-four.

The question then returned on the filling the blank with a million of dollars.

Mr. W. C. CLAIBORNE was opposed to filling the blank with a million of dollars. It was certainly his wish to see the United States placed in a good state of defence, and to be able to combat any enemy which might assail them; and could he suppose that sum necessary for the purpose, it should not be opposed by him. But his present impression was, that a smaller sum would be sufficient. The number of cannon asked for, he thought larger than was necessary; as he believed his authority was good for saying that the United States were at present in possession of 300 brass pieces, and that several of the States had a considerable number of cannon. So far as relates to small arms, he wished the whole sum proposed to be granted, as he believed the expenditure would be prudent and proper. In case of an invasion, cannon would be of little use; the rifle and bayonet would be resorted to, which were preferable to the slow operations of cannon, and it would be with difficulty that the citizens of the United States would be prevailed with to use any other than the most speedy means of repelling any enemy which may attack our country.

Mr. C. did not believe the gentleman from South Carolina was strictly correct, when he represented the Southern and Western country as without arms. So far as relates to Georgia and South Carolina, the remark might be true: but as it related to the back part of North Carolina and Tennessee, it was not correct. Three years ago, when an Indian war raged on the frontier, every citizen

capable of bearing arms, had arms in his hands. Since that time peace had reigned, and there had been very considerable emigrations to that country. He could not say every citizen was now armed, but he believed by far the greater part were; and if an invasion were to be attempted from the quarter which had been glanced at, he believed his fellow-citizens would not thank the United States for a supply of cannon. All they would ask would be a sufficiency of rifles and bayonets; for they would have no inclination to use the musket, except for the sake of the bayonet. Mr. C. said, he was in favor of the amendment which had been negatived, because he wished to have secured the expenditure of a considerable sum in small arms; but, since that was rejected, he should be in favor of $800,000 instead of a million.

Mr. Harper said, the gentlemen from North Carolina and Tennessee had misunderstood him, when they thought he represented the Southern and Western States as being destitute of arms. He knew they had fowling-pieces and rifles; but when he spoke of arms, he meant those arms which would be useful in military service, and that they ought not only be provided with muskets, but that they should be uniform. The gentleman from Virginia was sensible of this, when he referred to the kind of arms possessed by the militia of the Eastern States.

Mr. H. said, the gentleman from New York (Mr. Livingston) had thought proper to make some flattering allusions to his conduct and good sense, with a hope that he would change the opinion which he had heretofore given as to the conduct of certain gentlemen in this House. He declared he had seen on this occasion, with heartfelt delight, many reasons for at least modifying that opinion; as soon as he should find complete reason for changing it, he should express it in the most feeling manner.

The question on filling the blank with a million of dollars was put, and negatived, there being only 26 votes for it.

The question was then put on $800,000, and carried, there being 61 votes in favor of it.

The blank in the third section was filled with $100,000, for the hire, purchase, and employ of foundries and armories, in case such establishments shall be found necessary.

On motion of Mr. Dayton, the following words were struck out of the above section, viz: "or shall be deducted from the sum hereinbefore appropriated, if, in the opinion of the President, it may be conveniently allowed therefrom."

The committee then rose, and the amendments having been agreed to in the House, the bill was ordered to be read a third time to-morrow.

Wednesday, April 18.

Mr. Harper called up for decision the resolution which he laid upon the table some days ago, proposing the appointment of a Superintendent of Fortifications; which, after some debate, was negatived without a division.

The bill for erecting a light-house and placing buoys and stakes in places therein mentioned, was read the third time and passed; as was, also,

The bill to enable the President of the United States to procure cannon, arms, and ammunition, and for other puposes.

Mr. Gordon, called up for consideration the amendment of the Senate to the bill for continuing in force the act providing for the compensation of clerks, and for other purposes; which being read, it was discovered that one of the amendments proposed an appropriation of money, and would, therefore, require first to be discussed in a Committee of the Whole. It was, therefore, committed for to-morrow.

PROTECTION OF TRADE.

Mr. Sewall moved that the House go into a Committee of the Whole on the state of the Union, in order to take up the bill from the Senate for providing an additional armament for the protection of the trade of the United States, and for other purposes. The motion being carried, the House resolved itself into a Committee of the Whole accordingly; and the bill (which authorizes the President to procure, in any manner which he shall deem expedient, a number of vessels, not exceeding sixteen, nor carrying more than twenty-two guns each, to be employed as convoys, or in any other manner in which the President shall think proper) having been read, and the first section repeated,

Mr. Nicholas observed, that he had some objections to this bill; but he believed he should defer his observations until they came to the section which directs the employment of the vessels, and if the motion he then made was not carried, he might find it necessary to make a motion as to the number of vessels contained in the first section.

The Chairman having read the three next sections of the bill,

Mr. Nicholas moved to strike out the 4th section, which is in the following words:

"That, to secure and maintain the independent rights of commerce and navigation which the laws of nations and the stipulations of treaties acknowledge and sanction, the President of the United States is hereby authorized and empowered to employ the armed vessels of the United States, as convoys, whenever he may think proper to afford such protection, or in any other manner which, in his judgment, will best contribute to the general interests of the United States."

To employ these vessels as convoys to the trade of the United States, Mr. N. said, would be so much real loss to the country. We are in a situation in which convoys are never resorted to. In a state of peace he did not know how this force could be employed. If they were now ready, and were to take charge of our vessels, they would be far from giving them security; for, unless an attack was made upon them, they would have no right to use their arms. And if these vessels were to sail as convoys, notice would be given of the time of their sailing, and privateers would act accordingly. And if, at any time, any of them should

make an attack on the ground of suspicion, it would be tantamount to war. Supposing the trade, then, would bear this expense, it does not appear that it would afford it anything like security. But what is the trade to which this force is to be applied? It is only to Great Britain and her colonies, and to neutral countries. Which are the neutral countries? We have every reason to believe that Hamburg is now under the influence of the Power against whom we are arming. We cannot expect to force a trade into the ports of France, or of her allies; so that there are only the ports of Great Britain and her dominions to which this arming can apply. But will these vessels be able to give a protection to our trade equal to the protection which Great Britain can give to hers? They will have no vessels to convoy; for our vessels must carry on as good terms as the British, or they will have nothing to carry. If Great Britian, from her superior convoy, can have insurance done on considerable lower terms than our vessels can obtain it, a preference will certainly be given by merchants to them. He owned it would be a painful thing to see our commerce carried on by a foreign nation; but we have no choice, if it is not in our power to give equal protection. The Southern States had acted very liberally in this respect, when they had anything in their power. They have consented to lay a burden on themselves to increase the navigation of the United States; but when they were called upon to support additional burdens, they would expect to see that the expense would conduce to some public advantage. But could gentlemen believe that with these vessels, in a state of peace, which destroys half the energy of such an armament, we could protect our trade equally with Great Britain, who is at liberty to act offensively? They could not.

But, upon this subject, another reflection occurs. When we see that this convoy is to act only upon the trade carried on between this country and Great Britain, it is necessary to consider how the treaty which has been entered into between this country and that will operate upon the navigation which we are about to protect at so great an expense. Mr. N. said, he did not pretend to understand this business as a merchant; but, so far as he had been able to get information upon the subject, there was little doubt on his mind, that if we could navigate on equal terms with Great Britain, the countervailing duty imposed by that country upon our vessels must give her ships the preference.

There was, in his opinion, another consideration of very great importance. We know, by statements lately laid before the House, that the exports to Great Britain and her dominions do not exceed eight millions of dollars a year; yet the committee were now called upon to appropriate, by way of a beginning, at least two millions of dollars for the first year's expense. He stated the expense at two millions, because the Senate originally contemplated only twelve vessels, and when the number was changed to sixteen, no alteration was made in the sum proposed to be appropriated; so that no gentleman could expect to see an end of this business for less than two millions. And could the merchants of this country, engaged in the business of navigation, expect that so enormous a sum should be expended in a vain endeavor to protect their trade?—a sum that would be equal to 25 per cent. upon the whole amount of produce exported? He knew gentleman might say that we imported goods to a much greater amount from Great Britain and her dominions; but if our trade with other countries was in a great degree cut off, we should of course import less, since we should have less money to pay for what is bought.

If we were to be engaged in actual war, gentlemen will agree that there would be no advantage which could result from these vessels which would equal the cost of them; since the superiority of the British fleet would then equally be felt, except we were to enter into an alliance with her. The only difference in this case would be, our vessels would be authorized to make attacks. The more effectual force of the British, and their countervailing duty, would still have their operation. And if an alliance between the two countries were to take place, the treaty will operate on the commerce of the two countries; and gentlemen may conceive this alliance would not be effected without some important sacrifices, which would entitle us to all the protection it could afford.

When the prospect of advantage to our navigating interest is so doubtful, all gentlemen must be willing to take into account the possibility of the measure destroying the remaining chance of avoiding war.

Mr. N. said, he was not, with some gentlemen, of opinion that our present situation could not be made worse: he believed it might be rendered infinitely worse. We are now, said he, suffering great inconveniences and losses on account of the war which now exists between Great Britain and France, which will terminate with that war. But when once war is declared, it will require a treaty to restore peace. How was this to be got? Have we, said he, the power of injuring the country with whom we are apprehensive of war, so as to induce her to make peace on good terms? He believed not. And we had sufficient reasons to believe, from the late despatches, that great difficulties would be attendant on such a situation of things. We do not know that it is the intention of France to declare war against this country. The last official account we have had of the acts of that Government towards this country, was the decree forbidding neutral vessels from carrying British produce or manufactures. And he asked whether it would not be better for this country to submit to that, than provoke a war? He allowed it would be a matter of considerable inconvenience, but it would principally affect only our carrying trade. Our revenue would not be greatly affected by it, because, our exports being free, and the means of raising money but little impaired, there is little reason to believe, if the decree was strictly executed, that we should want foreign manufactures; and the additional duty paid by foreign vessels would probably nearly equal any defalcation in the quantity of goods imported.

Mr. N. said, he expected, from the past conduct of France, the execution of this decree to its fullest extent. He admitted, that from the temper of that country, and the measures taken in this country, a reconciliation was not at present to be expected; but our situation may yet want the seal of *blood* to give it the greatest malignity; he hoped gentlemen would not embark in a measure whose effect would be to bring us into that situation.

Mr. N. said, he did not mean to justify the conduct of France. He had before said, and he repeated it, that if this country chose to do it, she had sufficient ground, from actual sufferings, whatever might have been the origin of the misunderstanding, to declare war, and that it is a question of policy whether we should do it or not. And so sure was he that true policy and the best interests of the country forbade it, that he was certain no gentleman of the committee would agree to any measure, however great a commercial advantage it might promise, that he thought would produce a war. For, however many the difficulties may be which we suffer at present, in the event of war, we may rest assured they will be increased, and be without the prospect of an end.

It had been asserted by some persons, that if our Commissioners did not come to terms with the French Directory, a declaration of war on their part will be the consequence. He did not think there was any ground upon which to expect this. The application for accommodation was made on our part to France. They have proposed a very disgraceful condition upon which a negotiation may be commenced; but he did not understand, that in case this condition was not complied with, we were to expect a declaration of war. All that he expected, in such an event, was a continuance of aggressions upon our commerce, and perhaps an increase of them. Our Commissioners had, indeed, been told by X or Y, that in case they went away without concluding a treaty, that we might expect our coast to be ravaged. But gentlemen should recollect the situation of these agents. He did not mean to say that the French Government was not to be considered as acquainted with any of the propositions made by these persons. He believed they were the movers of the loan proposed by them; but as to the inducements which were held up to the Envoys to bring them to their terms, he considered them as the suggestions of X and Y themselves, with which the Government was unacquainted. When it is recollected what abuse those persons cast upon the Government of that country, it must be evident that they acted, in these respects, wtihout authority. He did not believe, therefore, that there was any chance of a declaration of war from France, unless the manner in which we had treated the negotiation here should produce that declaration.

When the advantage of the measure was so very doubtful, as he had shown it to be, it was of the last consequence to consider the expense attending it, and the means which we have of defraying that expense. The gentleman from South Carolina (Mr. HARPER) tells the committee that this country is equal to the furnishing of all the money that may be wanted. Mr. N. said, he believed that he knew as much of the ability of this country to pay expenses as that gentleman. He worked his own lands, and lived in a country where produce was of as much average value as in most other parts of the United States; and he knew, in his part of the country, there would be great difficulty and a great want of ability to pay very heavy taxes.

But this country can defend itself against the whole world. We have men sufficient, and sufficient means of supporting them; but if we are determined to carry on a war at sea to defend our foreign commerce, which can only be done by means of a large money revenue, there we should be deficient. Gentlemen ought not to compare this country with others. The old nations of Europe possess crowds of enterprising and industrious manufacturers, and of course have an internal commerce which supplies the necessities of the country; and what they send to foreign countries is what they can spare from their own consumption, and which may, on urgent occasions, be drawn to the support of Government. We, on the contrary, all make our own provisions, and we have but little demand for our surplus. Few of us can obtain our clothes from within ourselves, but we must depend upon foreign countries for three-fourths of the necessaries of life. We must therefore have foreign commerce, to a certain extent, for the supply of our natural wants; and there is great reason to fear that the diminution of commerce by the war which threatens us, will be so great, in spite of any protection, that the surplus product of labor, on which alone the Government can draw, will be entirely lost. He did not say this to prevent any necessary expense to secure the safety and independence of the country; but he meant to show the difference between the present case and that of other countries who have borne such expenses, and the necessity of confining our expenses as much as possible to narrow limits.

He did not believe that the honor and independence of this country depend upon a Navy. He believed, by applying the means which nature has put into our power, in resisting all demands which require anything like submission, the honor and independence of our country were to be preserved. A demand of this kind had been made upon us by France for money, which could not be complied with. He did not believe that the honor and independence of a country depend upon its strength. It could not be expected that this country, which has but lately assumed its place in the list of nations, should be equal, in naval strength at least, with the old maritime countries of Europe. He did not think our duty required more from us, in this respect, than it is our interest to do. It would be perfectly consistent with the honor and independence of our country, to say we will have no Navy. If we cannot protect our commerce, without greatly injuring the rest of the Union, the Government ought to say to our commercial citizens, "We lament your situation. For a time, you must act as well as you can. In times of peace we will make you all the recompense we can."

In his mind, this was all this class of citizens could expect, and all that they ought to ask.

Mr. N. concluded, by saying, that this subject required mature consideration before it was gone into. It was very different from other measures of defence which had been before the committee. That we have reason for alarm, he was ready to own, and he was desirous of providing amply for our defence; but this subject presented itself as a matter of calculation as to the danger attending it, the good to be derived from it, and the expense of carrying it into effect. On viewing all these, he was decidedly against it, and hoped his motion would be carried.

Mr. DAYTON (the Speaker) said, he did not rise to answer the observations of the gentleman who had just sat down, but to ask whether, if the gentleman was indulged with striking out the fourth section, and all the sections which followed it, he meant to go back and strike out the first also. For himself, he should feel no great hesitation in striking out the fourth section, if those which preceded it were to stand; because, if the force was established, he believed the President, according to his Constitutional power, as Commander-in-Chief, could employ it as he thought proper.

Mr. NICHOLAS thought his intentions must have been understood. He meant to strike out everything which relates to convoys. He did not agree with the gentleman from New Jersey, that the President could employ these vessels as he pleased. He could not employ them as convoys, because they could not be effectual as such without violating the law of nations.

Mr. HARPER wished the gentleman who made this motion for striking out the fourth section, had moved to strike out the first section, for the purpose of destroying the bill itself; because, in that case, his arguments, which went not against the fourth section, but the whole bill—not against the employment of this force in convoy, but against the policy of providing the force at all—would have applied better to his motion. Indeed, before he heard the fourth section mentioned, he had conceived, from the scope of the gentleman's arguments, that the first section had been moved to be striken out.

Mr. H. agreed with the gentleman from New Jersey, (the Speaker,) that if the three first sections, which provide for raising the force, were retained, those which follow, and which relate to the manner of its employment, would be of very little importance; and if the gentleman from Virginia would leave him those three sections, he might take the rest. He was ready to make this division of the bill with that gentleman; for he, Mr. H., believed, that when once the force should be provided, the President, under his Constitutional powers, would have a right to employ it in such manner as, in his judgment, the public good, according to the existing state of things, might require. The President, he knew, could not alter the existing state of things. Admitting that state to be at peace, the President could not induce a state of war. But in what manner the public force, when provided by Congress, should be employed, conformably to the state of peace and the rights and duties resulting from it, was for the President to direct, under his responsibility, not for the House. The business of the House was to fix the state of the country, and provide force; that of the President to employ the force, according to that state.

The question, Mr. H. said, would then return, whether, admitting this country to be in a state of peace, we might give convoy to our trade, without exceeding the rights of neutrality which result from that state? If the House should be of opinion that convoys could not be given consistent with a state of peace, it would be for them to consider whether the country ought to remain in a state which prevented it from protecting its injured rights. But how could it be said that neutrals had not the right to protect their trade? Had not all neutral nations practised this right? Had they not asserted it during the present and all former wars? Had not the House and the country heard much of the modern law of nations, and the principles of the armed neutrality, for declining to assert which, in a late controversy with one of the belligerent Powers, the Executive had been loaded with censure? And what was this armed neutrality? It was an agreement among certain neutral nations to protect their trade against the aggressions of a belligerent Power. He could not discern with what consistency gentlemen, who had been so loud in the commendations of the armed neutrality and its principles, could now question the right of neutral nations to give convoy to their trade.

There could be no doubt, Mr. H. said, that the ships of war of belligerent Powers had a right to search neutral vessels, in order to discover whether they had on board contraband goods or enemy's property. But how was this search to be made? Not by seizing the neutral ship, and carrying it into port, but by sending a boat with a few men to make the examination; after which, if no just ground of suspicion appeared, the neutral ship must be suffered to pass.

Against what, then, would the convoy contemplated in our case operate? Not against a just and legal search, regulated by treaty, or authorized by the law of nations, but against those unjust and illegal decrees of the French Government, which order the seizure and condemnation of our vessels in a manner equally contrary to the treaty and the law. In the first place, against the decree which subjects neutral vessels to confiscation for not having on board a paper called a *role d'equipage*—a paper not required by the law of nations, nor in any manner stipulated for by our treaty with France—a paper with which none of our vessels were or could be furnished. Would any gentleman say that we had no right to resist a capture for this cause? The convoy would operate, in the second place, against the decree respecting British manufactures—a decree whereby any neutral ship having on board the most inconsiderable article of the produce or manufacture of any British possession, although the property of the neutrals, is declared good prize; and which, con-

sidering the vast extent and variety of the British possessions, and the degrees in which their productions and manufactures enter into our commerce and our consumption, amounts to little short of a declaration of war against our whole trade. Would any gentleman say that we ought, according to the law of nations, to submit quietly to the capture of every one of our ships, on board of which may happen to be found a hat, a handkerchief, a button, or a pair of stockings, of British manufacture? Surely all would allow that in such a case we might resist, without overstepping the rights of neutrality.

He had mentioned, Mr. H. said, under what regulations searches were to be conducted on the general ground of the law of nations; but, in our treaty with France, this matter is expressly stipulated. It is there stated, that no armed ship of France shall come within gun-shot of any of our vessels, but shall send a boat on board, with not more than three persons in it, who shall make inspection of the ship's papers; and if they be in legal form, then they shall depart, and the ship shall be suffered to proceed. Our vessels have a right, therefore, to say to a French privateer, "If you come within gun-shot, we will resist you; but if you choose to examine our vessel in a legal way, though we have a convoy which could, at a shot, sink you, we shall not refuse to be examined; but you shall not seize our vessel for causes not warranted by the law of nations." During various wars in Europe, in which England, France, Germany, Holland, Spain, and Portugal, have been engaged, the Northern Powers have maintained their neutrality, and yet have given convoy to their trade. How then could gentlemen say that convoys were not to be used by a neutral Power? If convoys could be granted in time of peace, then the President, as soon as a force should be provided by Congress, would have the power of granting convoys to our vessels, within the rules prescribed by the law of nations; and if he gave it contrary to those rules, he must be responsible for his conduct, as much as if he were to send our Army into Florida or Canada, while we were at peace with the Powers to which those provinces belong. He should, therefore, be perfectly indifferent as to the fate of this motion, if the gentleman from Virginia would be satisfied with striking out the fourth and the following sections, which relate to convoy; but, with his usual candor, that gentleman had declared what was his intention, viz: to prevent the vessels being employed as convoys; and, having thus rendered them useless, to urge that uselessness as an argument against providing them. He should, therefore, resist the motion, as it could be considered only as a preparatory step to the destruction of the bill itself.

Mr. H. said, he had heard one declaration from the gentleman with great pleasure, as he thought it indicative of that spirit which ought to actuate every American citizen. It was, that if he was convinced this force could be usefully employed, he should not be deterred from agreeing to the measure by the tendency which it might have to bring about a war. [Mr. NICHOLAS denied having said this, and explained.] Mr. H. was sorry the gentleman from Virginia was not entitled to all the credit he wished to give him; but he certainly understood him to have said what he had stated.

The gentleman from Virginia, said Mr. H., had founded his objections to the bill, in the first place, on the insufficiency of the force; in the next, on its possible or probable tendency to produce a state of war; and, in the third place, on the ground of expense.

As to the efficiency of the force, he apprehended the gentleman had calculated on erroneous principles. He stated, that provided we had now this force, it would not be adequate to the protection of our trade, so as to render our navigation equally safe with that of Great Britain; and that the British navigation being more safe, their ships would have a preference in the carrying trade. Is this, said he, a just argument? No. Why? Because, though our ships may not be so safe as the ships of England, yet we possess advantages which they do not, and which would more than counterbalance this circumstance in their favor. What were these advantages? In the first place, we can navigate our vessels cheaper, and can construct them cheaper; and, in the next, our foreign tonnage duty would continue to operate in our favor. But the gentleman from Virginia says, that the countervailing duty laid by the British on our vessels is equal to this foreign tonnage duty; but, when he said this, he believed that gentleman had not sufficiently attended to the subject. This countervailing duty, he said, would operate, in any considerable degree only, upon two articles of our exports, viz: rice and tobacco; and only on such parts, even, of them, as are consumed in Britain; which Mr. H. supposed (though not having the papers before him, as he did not foresee this discussion, he could not state it with certainty) did not amount to more than a fifteenth, perhaps not more than a twentieth, part of the whole. Heretofore the whole of our produce was sent direct to Britain, whose merchants re-exported to the foreign markets such parts as were not wanted for home consumption. Latterly, we had been in the practice of sending this produce ourselves direct to the foreign markets, where it is consumed. This operation will be completed by the countervailing duties, under which all our produce intended for British consumption will be exported in British bottoms: the rest we shall send in our own vessels to the countries which consume it.

On all our other exports, this countervailing duty would have but a trifling effect, as they are light in carriage, and pay but little freight. The advantage of our foreign tonnage duty, which had raised our shipping from 450,000 tons, which it was in 1791, to 914,000,* which was its amount in 1797.

Besides, he did not believe this was a true view

* This is the amount on which duties are paid, including double voyages of the same vessel, in the same year. The actual amount in the beginning of 1797, was 831,900 tons.

of the subject; nor did he believe if it were a true one, that it would warrant the inference which had been drawn from it. It was said, these vessels would not give our trade complete protection; but was this a reason why it should not be protected at all? If it did not protect it completely, it would protect it to a certain extent. But, according to the doctrine of the gentleman from Virginia, because we could not provide a complete defence, we were to go on without providing any defence.

This would be to say to France, "You may strip us of our property as you please, we will not resist you; we will not put you to the expense of a considerable armament! therefore, if you send three or four frigates and sloops of war on our coast, you may destroy the whole of our trade; for we are resolved not to suffer a single gun to be mounted against you." Was this, he asked, a wise language to hold to an enemy? Was it wise, when we see these people going on conquering and to conquer, and whatever submission is made to them, committing aggression after aggression, to say to them, "You may injure us to any extent you please, we will not oppose you?" Yet this would necessarily result from the course recommended by the gentleman from Virginia. If the sixteen vessels proposed would not prove an effectual defence, they would at least show to the nation of whose conduct we complain, that we are not disposed to suffer their aggressions without even an attempt to defend ourselves. And was it not more probable that that nation should desist from committing injuries against us, when she finds us disposed to repel them, than if we were to submit? He did not mean by submission, that we should ever submit to an invasion, but to that kind of warfare which is now carrying on against our trade. This was the kind of warfare which he expected to be carried on against us; for though we had provided against an invasion as a possible event, it could hardly be considered as a probable one by any person. But we know that France will continue to assail our commerce while she can do it with impunity, and we know her object in doing so. This object was, according to her own declaration, to do as much mischief to her enemy as possible, at our expense. He thought it wise, therefore, to provide against these aggressions; and though we cannot give to our trade the protection that Great Britain can give to hers, yet we can provide such a force as will make it troublesome and expensive to France to annoy us to any considerable extent.

What would be the consequence of the gentleman's doctrine? that, inasmuch as the English can render their trade more secure than ours, after all our efforts to protect it, we ought to resign our commerce into their hands, lock up our vessels, and tell their owners "we cannot protect you!" What would be the effect of such a conduct and such a declaration? Do gentlemen imagine that the States where this great portion of our property is owned, will sit still and be plundered? Do they imagine that it is within the power of human forbearance to sit down under such losses, injuries, and ruin, without an effort to repel them? And should we, said he, look upon this destruction of our commerce without holding out a hand to protect it? Can we suppose that the ship-owning States, which, in so great a degree, subsist by commerce, would long acquiesce in this abandonment of their property and their rights? He should be sorry to talk of disunion; but if any measure could break the American people into two nations, it would be a measure like this; it would be this total abandonment of one-half of the Union and their property. He did not believe this was the intention of the gentleman who recommended this course, but this he believed would be the effect of it. Suppose, said he, we had an insurrection to the Southward, and the people of the Eastward were to say, "we cannot afford them assistance; we have already been at great expense in assisting them to fight their battles against the Indians. We can waste no more money in taking care of them, or protecting their property." Would not the Southern States immediately consult upon measures for their own safety? No doubt they would; for self-preservation is the first law of nature. And could it be supposed, that these parts of the United States, which are so much interested in shipping, should sit down tamely under their losses, when all protection is refused to them by the General Government, on account of the expense which would attend measures of defence? Such a refusal would destroy, if any thing could destroy, the peace and union of this country. Thus to abandon our citizens and their rights, would also destroy every degree of public spirit in the country, of confidence or attachment to the Government, and introduce a submissive tameness of disposition, which would prepare the people to receive that foreign yoke, which would soon be bound upon them.

In the next place, it would have a most unpropitious effect upon the trade of the country in general. It would be to give to a foreign country a complete monopoly of our commerce. Our shipping, consisting of 800,000 tons and upwards, must be laid up, and our sailors, amounting to between 40,000 and 50,000, would all pass over to England, and she would thus obtain, without any pains on her part, what she was so anxious to get in the years 1775, 1776, and 1777, and thus that wealth which has been drawn to this country from commerce, must be sacrificed for the future, and all hopes of again carrying on our trade be cut off. Besides, Great Britain having got possession of our trade, she will lay what duties and burdens upon it she pleases, as thus we should give all our commerce to a nation whose great commercial predominancy is at present complained of, and whose restrictions upon our trade had so often been a subject of irritation and remonstrance.

The committee were next told, that the expense of this measure, which had been estimated at two millions of dollars, was to be gone into for the sake of protecting eight millions of exports. But was no commerce to sail from our ports but what went to England? Might not our whole trade, if not already included, soon be included in some

confiscating decree? Does not the *role d'equipage* relate to all our vessels? And has not the nation of whose conduct we complain, the power to go farther with her aggressions and restrictions, and declare that our vessels shall go only to such ports as she pleases? If we submit in one case, it might be expected that we should be obliged to submit in others. And unless gentlemen could be prevailed with to resist the oppressive conduct of this nation, he supposed that, in a few months, we should be called upon to submit to still more grating conditions; and when they have cut off our shipping, driven our sailors, that great arm of our force, from the country, and destroyed our commerce, and, consequently, our revenue, we shall be unable to support our Government, much less to resist their final aggressions. To know what we have to expect in such a case, we need only look to Holland, to Italy, to Switzerland, and to Germany.

But is it just to say that all the trade to be protected amounts only to eight millions? This would not be true, if we had reference to England alone; for though only this amount appeared by the estimate to be sent there, yet almost the whole of our exports, whether sent to the West Indies, to the Hanse towns, or to other places, were consigned to agents or correspondents of British merchants. The produce of these exports, being afterwards remitted to England, enables us to purchase the manufactures of that country, from the duties on which we derive our revenue. These vessels were intended to protect not our exports to Britain merely, but our imports from thence, for which we are enabled to pay by our exports to other countries. But it might be expected that the French would next say to us, if you send produce to Hamburg, to the Baltic, or the Mediterranean, it is only that you may be enabled to purchase British manufactures, and, therefore, we forbid you to send it any longer, for we mean to destroy the commerce of Britain, and we are resolved that you shall not purchase her manufactures. He had no doubt this would be her conduct. Indeed, if he were himself in the Executive Directory, and had so far lost sight of all morality and justice, as to adopt the system now pursued by that body, he should be for following up the business in this way, as long as neutral nations would submit to it.

It might be asked, how shall we hinder them from thus acting? He would answer, by showing them that we will not submit; by placing our commerce under protection, and if they commit depredations upon us, to let them do it at the mouth of the cannon. If she does not then let us alone, we shall have the satisfaction of having done all we can, and shall no longer remain in a humble, degraded, and cowardly situation.

But it was said that the sending out these vessels as convoys might hazard a war. So if France were to send a body of troops to take possession of New York or Philadelphia, to resist them might bring about a war. He believed our arming of vessels might have a tendency to produce war; but were we to submit from this fear? What, he asked, could France get by war? Could she invade our country? The gentleman from Virginia says not. She would take our ships? She now takes them. Therefore, we submit to all the evils of war, for fear of those evils. This was an absurdity which he was surprised that men of sense should fall into. Is this the way that nations become great and respectable? Is it by refusing, through fear of war, to protect their rights? No; it is by cultivating a bold and audacious spirit; a spirit which will prompt a nation, though it may be in danger of getting both its arms broken, to do all in its power towards breaking one of the arms of its enemy. This spirit, he said, placed a nation in greater security than the possession of fleets and armies. It was this daring spirit which despises danger, and yields to nothing, that had given empire to every nation which had heretofore possessed it. It was this very spirit which, by inducing the French, in this present war, to hazard all in the defence of their country, had enabled them to triumph over all the armies which have been brought against them. This same spirit now bears them on, conquering and to conquer; and, unless resisted by a corresponding spirit in other nations, will shortly spread out the wings of their dominion over both hemispheres. It was the same spirit, he said, which enabled a handful of shepherds and robbers, on the banks of the Tyber, to become a mighty nation, and finally to triumph over the whole earth. It was not a little, petty, calculating spirit, that would shrink at the expense of a few hundred thousand dollars for the defence of its country, that enabled a small city, with a little adjoining territory, to resist the greatest and most populous and wealthy monarchy that ever the world saw. Indeed, in proportion as nations possessed, or wanted this spirit, they conquered, or were conquered. Money, he said, could not be compared to steel; it was of worth to purchase steel, but of no value without it. Nations become great by the sword, and not by the purse; and, except there was a spirit to defend property, there could be no security in the possession of it. It was rather a lure to invite aggression.

But can we not provide the expense, at which gentlemen seem so much alarmed? Yes, the gentleman from Virginia admits we can; but he says it will be inconvenient to the people to pay it. He had no doubt of this. But would it not be more inconvenient to the landed interest to have our navigation destroyed, and our commerce given over to a foreign nation, than to pay a few millions of dollars? There could be no comparison between the two cases; and he had no doubt the good sense of this House, and the good sense of the people of this country, would discern the connexion between commerce and agriculture, and, if the former were given up to destruction, the latter must fall into speedy decay. The agricultural interest, which would be called on for contributions for defraying these expenses, would, he had no doubt, easily perceive that money paid for the defence of commerce, was, in effect, paid for the defence of agriculture; since it is commerce

which, furnishing a market for our agricultural productions, and supplying us in exchange for them with the comforts and necessaries which our own country does not produce, gives life and enterprise to agriculture, feeds its growth, and stimulates its exertions. Commerce is to agriculture what the stomach is to the limbs; and to refuse protection to it, for fear of expense, would be like refusing food to the human body, for fear of taking from the hands the fruit of their labor.

The people of America, he said, would further discern that the question now is between paying money to our own Government for the protection of our rights, and paying it to satisfy the rapacity and injustice of a foreign Power—between taxes levied by ourselves for our own defence, and contributions levied by a foreign foe. If we refuse the defence, there will be nothing to prevent the contributions, which, if not levied on land, against which we have no security but in our courage, would be levied at sea, as they had hitherto been, and to tenfold the amount of the expenses now contemplated. He had no doubt of the choice of the House and the people, for he knew, he felt, that there was not a single American who would not sooner pay ten millions, to be employed by our own Government in the defence of the country, than ten cents as a contribution to its enemies.

At this point the committee rose, without taking any question.

THURSDAY, April 19.

Mr. DWIGHT FOSTER, from the Committee of Claims, reported a bill for the relief of Obadiah Brown; which was twice read, and committed for to-morrow.

NATURALIZATION LAWS.

Mr. COIT called up for consideration the resolution which he had laid upon the table two days ago, on the subject of the naturalization law; which being read, it was made to run in the usual form, viz: that the committee, &c., be directed to inquire and report whether any, and what, alterations are necessary in the act, &c.

Mr. SITGREAVES wished the committee to have the whole subject before them, in order that they might report a new system respecting naturalization of foreigners, if they should think it necessary. He thought our present situation called for regulations on this head; since, at a time when we may very shortly be involved in war, there are an immense number of French citizens in our country. He could not say what might be the proper measures to be taken with respect to these persons; they should be such as the interest of the country requires; these might be to place them under certain regulations, or by sending them out of the country. He moved to add to the resolution, therefore, the following words, viz:

"And further to consider and report upon the expediency of establishing by law, regulations respecting aliens arriving or residing within the United States."

Some conversation took place as to the propriety of letting this resolution lie for the present, on account of some Constitutional objections; but Mr. DAVIS, of Kentucky, stating the necessity of some regulation of this kind, from a fact within his own knowledge of a Frenchman residing in that State, who, some time ago, had issued a number of commissions for a certain expedition, which commissions are yet in existence, and that this person constantly employs himself in alienating the affections of the people of that State from their Government; the resolution was immediately and unanimously adopted.

PROTECTION OF TRADE.

The House then again resolved itself into a Committee of the Whole on the state of the Union, Mr. DENT in the Chair, on the bill to provide an additional armament for the further protection of the trade of the United States, and for other purposes; when the consideration of the motion of Mr. NICHOLAS for striking out the fourth section, being resumed,

Mr. DAYTON (the Speaker) said, that the fourth section of the bill had never met his approbation, and, therefore, although the motion for striking it out had been made by the gentleman from Virginia, and advocated upon principles very different from those which influenced his mind, he should nevertheless vote with him for expunging it. He repeated, what he had yesterday intimated, that if it were possible for that member and himself to settle the measure by compromise, he would readily agree to give up the fourth, fifth, sixth, and seventh sections, which alone contained the word "convoy," so offensive to that gentleman, and against which he had displayed all his resentment, provided the other four could be retained. As, however, the matter could not be settled by composition between them in this way, Mr. D. thought it his duty to state his objections against the section, lest, in voting with the mover to expunge it, it might be supposed that he acquiesced in his doctrines and reasoning, than which nothing could be more adverse to his feelings. To him it had always appeared that when the circumstances of the country, or the general state of things, required any addition to their armed force, whether by land or sea, it became the duty of Congress to establish and provide for it, but that here their powers ceased, and that they were stepping beyond their proper province when they went so far (as in the section in question) as to declare who shall be authorized and empowered to employ and direct such force, and more especially the manner in which it shall be employed. This the Constitution had already decided by committing to the President of the United States the command of the Army and Navy, to be directed and employed by him as should seem best, consistently with the state in which we might happen to be; if in peace, consistently with a state of peace, and if in war, in furtherance of the object of it. He would not be understood as insinuating that the right of declaring war was not vested exclusively in Congress; but that, whether the declaration should be made, or refused to be made, the military and naval force was not the less under the

direction of the President, to be used as should appear to be most likely to promote the general welfare, having regard to the existing state of things, whether of peace or war. That the Commander-in-Chief possessed the Constitutional power of employing these armed vessels as convoys in time of peace, he himself had no doubt, for he did not see any distinction in principle between employing a naval force to protect our merchantmen in the prosecution of a fair and lawful trade, or in enforcing the observance of the law of nations and employing the military in enforcing the execution of the municipal law. It was, therefore, nugatory to enact, in the words of the section, "that the President of the United States be authorized and empowered to employ the armed vessels as convoys," or in any other manner for the purposes of defence, since he already possessed that power and authority, derived too from a higher source, the people and the Constitution. It might, indeed, be worse than nugatory, it might be of dangerous precedent, and considered as carrying a strong implication that, without this law, he could have no such authority, and very naturally too, for why else should it become the subject of legislation. If an act of Congress was necessary in this instance, as the section certainly implied, then, Mr. D. said, they must go further, and authorize the President by law also to employ the land forces in covering escorts of provision and clothing through the Indian country to some of our advanced posts, which could not be approached without passing through Indian territory, or to employ our armed vessels in convoying supplies across the lakes to other posts; for, in the navigation of these as of the ocean, we had not the exclusive right, but other Powers participated. Upon neither of these occasions, had this new doctrine been broached, and yet in principle they were certainly analogous, for in both cases, but especially the latter, hostilities might ensue upon the armed force protecting what was under its charge, and war might be the consequence. Convinced as he was that the section could convey not a tittle of power to the President, but that, if adopted, it might be thought to establish a principle, the extent and effects of which could not but be injurious, he trusted that it would be rejected. If this should be the case, and gentlemen were rather disposed to retain than to strike out the succeeding three, merely that they might serve as regulations for any convoys which the President should grant, he should take the liberty of moving to amend the fifth section by prefixing to it the following, viz:

"*And be it enacted, &c.*, That if the President of the United States should think proper to direct all or any part of the naval force hereinbefore provided, to serve as convoys, the following rules, regulations, and restrictions, be observed, viz."

With this amendment the three succeeding sections would very properly be incorporated, and become one, because they were regulatory merely in case of convoys being granted, and not directory as to the granting them, which should be discretionary with the President alone.

Mr. GALLATIN said, the gentleman from New Jersey had taken, this day, the same ground which he took yesterday on this subject, viz: That the section ought to be struck out, because the Constitution had already placed the power in the hands of the President of the United States of applying and employing any naval force which may be raised by law, in such manner as he thinks fit, according to the state in which the country may be in at the time.

Mr. G. did not think this principle was recognised by our laws. In the law for completing, manning, and equipping for sea the three frigates, it is said, "the President shall have power to employ the frigates," an expression which could not have been made use of had it been supposed that the President had a right to employ them in any manner whatever, by power derived from the Constitution. He believed this opinion of the gentleman from New Jersey arose from confounding two distinct ideas, viz: the Constitutional power of the President as Commander-in-Chief to command, and the Legislative application of any force which may be raised by the United States. There is, said he, an essential distinction between the power to command and the application of a force. To command is certainly subordinate to applying the force. The President of the United States is Commander-in-Chief of the Militia of the United States; but when that Militia is raised, it is to be applied in a manner specifically directed by law. It is true that, within our own territory, it is in the power of the President to grant escorts, or convoys, for the exportation of any provisions from one part of the United States to another. But these convoys are of a different nature from convoys at sea. The reason is very obvious. The one is within our own territory, wherein we have exclusive jurisdiction, where no interruption can take place, except from an invading enemy; but, over the sea we have no such jurisdiction. The sea is common property, and, being so, we have rights at sea; but other nations have also rights there, and our armed vessels meet there armed and unarmed vessels, some rights involved in which have given rise to questions of the most delicate nature.

Besides, if this power of granting convoys in the President be taken for granted, and that he has a right to grant convoys under our present circumstances, a distinction must be assumed, which is not recognised in the Constitution, viz: between the power of making war, and the power of committing hostility. Because it necessarily results from the power of granting convoys, that the President has also the power of authorizing the commission of hostilities. Convoys are granted for the protection, by force, of our trade, and any attack is hostility; and until the distinction which he had mentioned was assumed, it was impossible to allow that the President had any such power.

The committee had been told that the right of granting convoys, is a right which belongs to neutral nations; and the gentleman from South Carolina has given the same right which exists in the Kings of Sweden and Denmark to employ convoys to the President of the United States. Sup-

posing the premises to be true, all that could be concluded from those examples was, that the sovereignty of a neutral nation had a right to grant convoys; and therefore that Congress, and not the President, had that right here.

The question of granting convoys is one of the most delicate nature that could come before Congress. The motion made yesterday was made with a view of deciding that question. The gentleman from New Jersey, taking it for granted that the power of granting convoys resides in the President, is desirous also of striking out this section. If this section was struck out, then the motion would return on the 5th section, which he hoped would be struck out, and supersede the amendment which the gentleman from New Jersey said it was his intention to make. As there seemed to be a pretty general consent to strike out the 4th section, he would not detain the committee any longer at present. His only object in rising was to say that he differed altogether in opinion from the gentleman from New Jersey as to the power of the President in relation to convoys.

Mr. SEWALL said, it could not be expected that those parts of the country which principally depended upon commerce, would readily consent to the abandonment of commerce altogether; but whatever the intentions of gentlemen were, their arguments went that length. It is true, that when we shall enjoy a state of peace, and commerce shall want no attention, the gentleman from Virginia proposes to attend to it. He did not believe, however, that Congress would consent thus to act towards their commercial citizens.

As to the right of the President to employ convoys, he would make some observations on that point. By the Constitution he is made the Commander-in-Chief of the Army and Navy of the United States. Congress had seldom had naval subjects before them; but with respect to the Army, he believed no instance had ever occurred in which the President had been directed to employ, or restricted from employing, the armed force in any particular manner.

The gentleman last up had applied himself to the act respecting the frigates. He allowed that that act says the frigates shall be manned and employed; but it does not say how. By directing them to be employed, it was shown that they were not intended to be stationed within the United States. The word might perhaps be unnecessary. But it was at that time attempted to insert a clause in the act which should have obliged the President to confine the employment of the vessels within the jurisdiction of the United States. This failed; but did the gentleman from Pennsylvania then doubt that the President had the power of employing the frigates when and where he pleased? He believed he did not.

The gentleman from Pennsylvania admits that the President, from being Commander-in-Chief, has a right to grant convoys; but he says they are to be confined to our own territory. So that no regard is to be had to our commercial citizens, or to the commerce of the United States. Our citizens going without the territory of the United States, are to be no longer objects of our attention; our vessels, though they carry with them papers showing them to be the ships of the United States, it was to be understood that no protection could be afforded to them as such; being once at a certain distance from the United States, our citizens were to be abandoned to the elements, or to the hostility of mankind, wherever they went. If this was the intention of Government, that when the citizens of the United States go abroad, they are to be out of the protection of Government, and that they are to be attended to only within the lines of our own jurisdiction, this should be thoroughly and perfectly understood, that protection might be sought elsewhere.

Mr. DAYTON said, that he wished to bring to the remembrance of the member from Pennsylvania and of the committee, a section very similar to this contained in a bill "for providing a naval force," which was sent from the Senate to the House during the last session. It would be recollected, that he had then moved to strike it out, for the very reasons which he now suggested against the section under consideration, and they were very generally acquiesced in, and the motion carried by a large majority. It was true that the Senate did not at first accede to the amendment, but upon a conference being had, in which the principles that influenced the amendment were explained, they receded, and the section was rejected. He here read the section from the bill as it originally came from the Senate, expressly "authorizing the President to employ the naval force in such manner as the general interests might require," and repeated the assertion that it was a power which Congress could neither give nor take away, and they had, on the former occasion alluded to, so considered and decided it. As to the word "employed," which the gentleman had discovered in the act that was passed, and on which he placed some reliance as supporting his doctrine, it could only be considered as directing more fully their complete equipment for service, and that the ships should be put in commission for sea, in contradistinction to their being laid up in ordinary. But it was observable, too, that the general term only was used, and that no expression was found in the law prescribing, as was contended for in the present instance, the particular manner and service in which they should be employed.

Mr. NICHOLAS said, it appeared strange, that, when gentlemen were agreed as to the thing to be done, they should disagree so widely in their reasons for doing it. The words which the gentleman from New Jersey had stated to be struck out in the frigate bill, were struck out because they were absurd and unnecessary, because nobody denied that the President had the power of employing vessels within our own jurisdiction; but he would tell the gentleman what was the intention of inserting the clause for restricting their use. It was to prevent the operation of a sentiment which gave to the President all power, and this question was finally negatived by one vote only, from motives of accommodation.

That commerce may be protected in a time of peace nobody denied; but except such protection was authorized by Congress, and the peace of this country was lost by the measure, the President would be justly chargeable with having lost it. Mr. N. asked if there were no intervening acts between a state of peace and a state of war? And that if the President had the power to do acts, the event of which must be war, he had not the power of making war? This power, he insisted, was included in the right to grant convoys; for except searches were to be resisted, the convoy would be of no use; and if they were to be resisted, war must be the consequence.

Mr. N. said he was not surprised at the doctrine of the gentleman from New Jersey, as it was in perfect conformity to that which he held the other day with respect to the Military Establishment. Because the gentleman from Pennsylvania then gave his opinion, as to the force of the country, the gentleman from New Jersey charged him with arrogating to himself the command of the Army. So that, if the President were so to employ the military force as to leave a district of the country wholly naked and unprotected, the Legislature were not to inquire into the sufficiency of the force of the country, because that gentleman would tell them they were arrogating the command of the Army. For his own part, he never did see a case in which it was more necessary for the Legislature to act than the present, nor where, if they did not act, more responsibility would be thrown upon the President.

The question was put and carried, without a division, for striking out the 4th section.

After the question was carried for striking out the 4th section—

Mr. Dayton rose to move the promised amendment to the 5th section, by introducing immediately after the words "Be it enacted, &c." the following, viz: "That if the President of the United States should think proper to employ any part of the naval force herein before directed, as convoys, the following rules, regulations, and restrictions be observed, namely," &c. This would very properly, in his opinion, precede the 5th, 6th, and 7th sections, which should be incorporated into one, if the committee were disposed to retain them in the bill; but he acknowledged, for his own part, that he should prefer the striking out of these also, and he suggested this modification to be adopted in the event of a majority being found to vote against expunging them.

Mr. Nicholas supposed that the striking out of the 4th section had determined this question. He could not conceive how this amendment could be necessary, if, according to the gentleman's own opinion, the President has the power to employ these vessels as he pleases. He thought that gentlemen ought to be for striking out the whole section, as it is directory to the President how he shall employ convoys.

Mr. Dayton said, the adoption of the amendment he had proposed was not, as the member from Virginia insinuated, inconsistent with the doctrines he had held as to the impropriety of directing by law, by whom and in what way the naval force should be employed. If amended as proposed, the bill would not be directory to the President to use the ships as convoys, but only regulatory upon the commanders and upon the masters of merchantmen who might apply to be taken under convoy. They must produce certain papers before, and do certain things after, they were admitted to such protection, and some doubt might possibly arise with some of the captains of the private vessels, whether they were bound in strictness to obey the regulations without a legislative act.

Mr. Nicholas said, there must be some misconception in the business, for it was his opinion that the gentleman from New Jersey had not read, and did not understand, the clause; and, when the committee hear it read, he believed they would be of the same opinion. That gentleman says the section is for the regulation of merchant vessels; he (Mr. N.) said it was for the regulation of convoys. Mr. N. read it, as follows:

"That no merchant vessel bound from a port of the United States shall be taken under the protection and convoy of any public armed vessel, which is destined to any place that is besieged, blockaded, or invested; 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 of 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 vessels. 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 obtained from the Consul resident at such ports, one of which shall be delivered to the commander of the convoy, and, if no Consul should be established at such port, then certificates containing evidence of a like nature, attested by two witnesses, and taken before a judge, magistrate, or notary public, shall be procured."

Mr. Otis was in favor of the motion. He had, however, no doubt that, if the section was struck out, it would still be in the power of the President to employ the vessels as he should think proper; and he could see no contradiction between this amendment and the declaration of the gentleman from New Jersey; for, although the President of the United States may have the right, as Commander-in-chief, when vessels are armed, to employ them as convoys, yet it does not follow that the Legislature shall not point out the particular manner in which they shall be employed, and under what restrictions convoys shall or shall not be granted. The President is Commander-in-Chief of the Army, and of the Militia when called out, but Congress might, nevertheless, direct the use of them. He believed, therefore, it would be equally proper to leave the employment

of these vessels wholly to the President, or to direct them to be employed as convoys. The question recurs, whether it is expedient to introduce these regulations? and, for his own part, he thought them proper.

In our present relation with France, it was his opinion that the treaty between the two countries must be considered as annulled, by repeated and gross violations on her part. Whilst the treaty was in existence, a certain mode of search was directed; but the subject was now left at large, and some doubts might arise whether captains of vessels should now submit to a search. His opinion was, that every attempt made by a French armed vessel to search our merchant vessels ought to be resisted with force. But, if this limitation was not prescribed, the President would, perhaps, feel himself under an obligation to grant convoys only under certain restrictions, and cases might occur in which the captain of a convoy would not suffer a vessel under his care to be searched. He thought it better to take away this obstacle of search altogether, that our convoys might sail boldly through the ocean, and resist every attack made upon our trade.

Mr. S. SMITH said, he should be for striking out this section altogether. Had this proposition for convoys come forward during their extraordinary session, he should then have voted against it, because he then considered peace as within our grasp. But he should be against anything being said in this bill about convoys, as nothing had been said about convoys in the frigate bill. If a war took place, (and we must soon either have a war or a treaty with France,) some of the directions given in this section for the employment of the vessels would not be suitable to such a state of things; and, if a treaty could be accomplished, convoys would be unnecessary. It was useless, he said, to place things in this half-way between peace and war. The subject was taken up as a measure of defence, but it might soon become a measure of offence. He wished to strike out everything which relates to convoys.

Mr. HARPER did not think it of much importance whether these sections were retained or not. He was, however, most in favor of the mode pointed out by the gentleman from Maryland, as he conceived the right of employing these vessels as he pleased was placed in the hands of the President by the Constitution, and he believed he did not want the instructions of this House how he was to employ them. Whilst we remain at peace, (if we could be considered in such a state at this time,) he would doubtless adopt all those regulations which should not interfere with a state of peace; and, if that state of things should be changed, he would also change his mode of acting.

Mr. DAYTON was happy to find that very many members concurred with him in opinion that the power of employing these vessels, as he thought proper, was vested in the President of the United States. Finding this to be the case, he would withdraw his motion, and be in favor of striking out the 5th, 6th, and 7th sections.

As to the member from Virginia not understanding him, he did not wish to be understood by that gentleman, but by the committee; for, when he was urging arguments in favor of his own motion to strike out the 4th section, that gentleman represented him as arguing against it.

The 5th, 6th, and 7th sections were then struck out, without opposition.

Mr. S. SMITH now moved to strike out sixteen (the number of vessels to be employed) in the first section, for the purpose of inserting twelve. He did not make this motion, he said, because he thought sixteen too many, but because he did not believe we could, in any moderate time, put in force more than twelve. He took up this idea from the report of the Secretary of War, now on the table, which stated that cannon could not be procured for the two revenue cutters during the recess of Congress; because, also, he thought there would be some difficulty in procuring a sufficiency of men to man the three frigates and twelve of these vessels; and because he thought this number of vessels, with proper exertions, might be purchased and got to sea in two months from the passing of the law. When he said this, he meant that application should be made to the different ports in the Union, where he apprehended these vessels might be met with, and such as were calculated for the purpose. He would state such a division of this force as would appear to him proper. At Salem, he supposed, one of these vessels might be got ready; at Boston, one of the large and one of the small size; at Newport, one of the largest size; at New York, Philadelphia, and Baltimore, one of each size; one at Norfolk, of either of the two sizes; and one at Charleston. At Baltimore, he knew that one of his constituents had for sale a vessel in every respect suited to carry twenty-two or twenty-four guns, a prime sailer, and which might be got ready for sea in six or eight weeks. This was the mode which he contemplated following; for if the vessels were to be built it would require a year to get them ready, and then perhaps they might not be wanted. He was for that kind of force which could be got without delay; and he also wished to provide such as should not too much exhaust our resources. Money, he said, was defence; oppress our money resources, and the whole system will be oppressed.

Mr. SEWALL was sorry to differ in opinion with a gentleman whose conduct in joining heartily in effecting measures for the defence of our country, since his conviction from the late despatches with respect to the danger of our situation, must have afforded great satisfaction to the public. The gentleman from Maryland is for limiting the force, not because he does not believe it to be necessary, but because he is of opinion more cannot be got ready in time to be of service. He has enumerated the ports at which he supposes vessels may be obtained; but he has omitted a number at which the remaining four vessels might be supplied. He did not mention Newburyport, where the frigate Alliance (one of the best in the service) was built in the late war. In that neigh-

borhood, he doubted not, all the four vessels might be supplied. But Portsmouth was also omitted, at which place there lie materials which were purchased for the frigates in the year 1794, equal to the building of one of these vessels. Portland was also omitted; so that nothing would be more easy than to supply the deficiency. As to our means with respect to money, he believed there was a spirit existing in the country on this occasion which would provide the means of our defence; and he believed our resources could not be better applied than in procuring sixteen of these vessels.

Mr. JOSIAH PARKER seconded the motion in favor of twelve vessels, not because he thought sixteen was too many, but because he thought it better to agree to such a force as could immediately be got ready. He believed that more men could not easily be got than would man the three frigates and twelve of these vessels, and it would be doubtful whether arms could be got for more. He thought it would be well, however, to cause the additional frigates to be built, many of the materials for which being on hand. He had no doubt twelve vessels might be immediately got. He had authority to say that, in one hundred days, two vessels of twenty guns each could be built at Norfolk. Mr. P. regretted that we had occasion to raise this force. He had, before things came to the present crisis, thought it would have been well to have shut ourselves up from European broils; but he was now convinced of the necessity of placing ourselves in a posture of defence; and when he recollected we had 800,000 tons of shipping, and between 40,000 and 50,000 sailors, who, at fifteen dollars a month, earn $9,000,000 a year, and who will, without the proposed protection, be thrown upon the wide world, and probably be driven out of their country, and the capital which employs them be lost, he was desirous of taking such measures as would produce the best and most prompt defence.

Mr. BROOKS was in favor of the larger number. He did not think the objections to it well founded. The gentlemen from Virgina and Maryland acknowledge that twelve vessels can be procured within a few months; and, if so, there could not be great difficulty in getting four more. To the places mentioned at which vessels could be procured might be added Hudson. With respect to the guns, they were a mere bagatelle. There would be no difficulty in obtaining nine-pounders.

Mr. GALLATIN was in favor of the smaller number. He did not think they could be employed upon any rational plan as convoys, considering the extent of our coast and tonnage; but, in case of war, they might be used along our coast to drive off privateers. In that case, although a larger number than sixteen might be wanted, yet the twelve, with the three frigates, would be as many as our resources could conveniently meet the expenses of. He should therefore be in favor of that number. He stated the expense of this armament, according to the estimate of the Secretary of War, to be at the rate of $100,000 for each vessel, and referred to the expenses already incurred, and to be incurred, for our internal defence, in order to show that twelve would be as many as could be conveniently provided for at present.

Mr. J. WILLIAMS was in favor of the amendment, because he thought twelve vessels more than sufficient. There could be no doubt that any number might be built and purchased; but it was necessary to consider where the immediate resources could be found to pay for them. $340,000 were already provided for our fortifications, which he thought too much; also, twelve companies of artillery, which were, in his opinion, four companies too many. $900,000 had been appropriated for cannon, arms, &c., though he thought $600,000 would have been sufficient; and the committee were now called upon to vote for sixteen vessels, when he thought half the number might suffice. They had been told that our revenue would be found equal to every expense; but to make it so, they had also been told that the landed interest must be called upon for three, four, or five millions of dollars a year. He knew the landed property of this country was equal to any expense, and in case of a war (which God forbid) both money and personal service would be cheerfully afforded; but when farmers were called upon to pay their money, they would inquire into the propriety of this and that appropriation. They would inquire into the business of the frigates, and ask how many revenue cutters we have. He had heard nothing said of them. If war was to take place we should want floating batteries, gunboats, and the like, for the defence of our ports and harbors. The question was, whether these vessels were to be considered as for the defence of our seacoast only, or as for convoys. If for the latter, neither sixteen nor six and thirty would be sufficient; but for the protection of the coast, and partial convoys, he thought eight, with the three frigates and cutters, would be adequate. It was of no use to say vessels could be built here and there, he would purchase those already built, and perhaps it would be proper to direct six or eight others built with the materials on hand.

It was true that our shipping amounts to about 800,000 tons, or perhaps, deducting for captures, it may be reduced to 700,000, and that our seamen amount to 40,000 or 50,000, a great part of which property and men would be thrown out of employment, if protection in some measure was not afforded to our commerce; but he also knew that several seamen of the Eastern States, finding their employment of late precarious, had settled as farmers in his neighborhood, and after a little time were among the best farmers in the country. He thought it probable that others might take the same course.

As to the commerce of this country, he thought it had been extended too far. As an agriculturist, he would go all reasonable lengths in the protection of commerce; but when that commerce becomes so unwieldy that it is not possible to protect one-fourth of it, he could not go to the lengths that some gentlemen were desirous of going for

the protection of it. Nearly five millions of drawback were last year allowed to the merchants of this country on goods imported, from which our revenue has not been increased. He was ready to meet the commercial gentlemen on this assertion, and if twelve vessels were agreed upon, he should propose an additional duty on drawbacks, as well as some additional duties on articles of luxury imported. He knew that the commercial and agricultural interests were intimately connected, but he wished agriculture not to be too heavily burdened for the support of commerce. If the landed interest was to be called upon for three or four millions of dollars a year to protect commerce, the country had better have no commerce at all.

Mr. W. asked if the strength of the country did not consist in the number of its inhabitants? Does extensive commerce populate the country? It did not; it was a mistaken zeal which drove men to pursue commerce instead of agriculture, and to suppose that it was that which served the best interests of the country. He did not believe it. At the close of the late war, in 1783, and 1784, in the part of the country from which he came, the people never saw happier days—their wealth flowed in on all sides; any quantity of money could have been had; but two years afterwards, the people were drawn off from their own domestic manufactures, to purchase foreign commodities, and their state became completely changed. In the Eastern States, in particular, manufactories were increasing; but when foreign commodities began to flow in such abundance into the country, the home manufactories were annihilated, and the people got into debt.

This expensive protection of commerce had long been foreseen, and on that ground the establishment of a Navy had always been opposed; but the dispute with Algiers had unhappily given birth to a naval system, and he feared it would imperceptibly increase upon us; and if the landed interest did not keep it down, the whole commercial income would not support it. Mr. W. referred to the navy of England, and said it had been the parent of her immense national debt; and if we went to any extent in the establishment of a Navy, we might bid adieu to the plan of paying off our national debt; we should be forever climbing the hill, and forever sinking to the bottom. He was satisfied the landed interest would cheerfully come forward to defend the country against invasion, but not for extensive convoys to protect our trade. He had no objection to eight vessels for the protection of our coast, and partial convoys to our trade from depredations, which, with the frigates and cutters, he thought would be sufficient. The Eastern States, he said, had nothing to fear on their coast; it was the Southern and Middle States which stood most in need of defence.

Mr. MACON said, the present debate was a very uncommon one, for they were all upon one side. For his part, he was against building or purchasing any vessels; there was a provision in the bill which had not been noticed, which was, that the President should have power to hire vessels; he hoped they would be hired, instead of being either purchased or built, as it would require much less money, and he believed money would be much wanted, if we were to go to war; but he did not think either twelve or sixteen vessels would be equal to the protection of commerce. He did not think it necessary to bring all the subjects into debate, which some gentlemen had thought it necessary to introduce. If a land tax was found necessary and laid, he had no doubt it would be collected. He wished the question might be taken, and they might get home, and do something towards raising the money they were now about expending.

Mr. HARPER had no doubt the landed interest would have sense enough to see that the connexion between the commercial and agricultural interests was such, that whatever was paid for the protection of one, was paid for the protection of the other. He should vote in favor of this motion, not for the reasons assigned, but because he agreed in opinion with the gentleman who made, and the gentleman who seconded the motion. He believed such a number of vessels might be effectually employed, and a greater number, if they could be immediately got; but he believed twelve, with the three frigates, would be as many as could be immediately got into service, and by the time they were got in readiness, it would be seen what farther number were necessary, and as twelve would combine a more general vote than sixteen, he should be in favor of that number; not from any apprehensions that the resources of the country were not equal to the expense, or that the people would be unwilling to bear it—upon neither of these points had he any hesitation.

The question was put and carried—49 to 27.

Mr. GALLATIN believed it would now be in order to renew the question which had been waived, with respect to the employment of these vessels. He should, therefore, in order to bring this subject under view, move an amendment in the first section of the bill, nearly in the same words as the one which had at first been adopted by the House at the last session in the bill relative to the equipping and fitting for sea the frigates, viz: "provided they shall not, in time of peace, be employed as convoys to any foreign port or place." The words "in time of peace" were not in the amendment of last year; but as he conceived that the vessels authorized to be procured by this bill, were either to be employed for the defence of our coast and our trade within our jurisdiction, in the present state of things, or for general purposes of attack and defence in case of war, he wished only such amendment to be adopted as would be proper in either case. If there was war, let the vessels be applied in the most efficient way; but if they were intended to be used as convoys under our present circumstances, he was going to state that such an employment would inevitably change the present state of things.

But before he took this ground, he would make some observations on the real advantages that might result from employing these vessels as convoys in the actual state of things, supposing even

it was not changed by that employment. Whoever had considered the extent of our coast, and the nature of our trade, must be convinced that twelve ships cannot be employed to any great purpose as convoys. To what part of the globe were they to be convoys? To the West Indies, or to Europe? It could not be intended to convoy vessels from our own ports to an European port with these vessels; it could not be supposed that they would be able to cope with vessels of war in the European seas. The object of this convoy, then, must be our vessels to the West Indies. But he asked whether this force would be sufficient for that purpose, or whether the trade to the West Indies was of such a nature as to be susceptible of being convoyed? There are a variety of small ports in the West Indies, and merchants endeavor to take advantage of the best markets; their vessels, therefore, sail singly and not in companies. He believed the only use to which these vessels could be applied with any effect, so as to protect our trade, would be by attacking privateers to drive them from the coast; but this was by all agreed to be an act belonging to an actual state of war, in which we were not yet plunged.

As to the right of convoy in neutral nations, it was a right at least of a doubtful nature. He believed it had been exercised; but not in an effectual manner, except by nations whose maritime force, the belligerent Powers were unwilling to provoke against them; but wherever belligerent Powers were not afraid of being involved in war with the nations employing such convoys, they have disregarded them. This fact was elucidated by the Armed Neutrality, which, on account of the maritime strength of the Powers concerned, and of the apprehensions of Great Britain, was then respected. But the Dutch convoys never were regarded by the British; and Mr. G. quoted an instance where a whole Dutch fleet and convoy were taken into port by the English, who at that time were at peace with them.

But the question with him, Mr. G. said, was not so much the right, as the policy of the measure. Supposing that neutral Powers have a right to grant convoys to their trade, the object of such a convoy, according to the section of the bill which had been struck out, was "to secure and maintain the independent rights of commerce and navigation, which the laws of nations and the stipulations of treaties acknowledge and sanction." This must be the object of convoys in time of peace, and the question was, whether it would be good policy to grant a convoy to secure these rights. We know, that, in the present case, all the belligerent Powers have not only violated the laws of nations, but stipulations of treaties; and to attempt to secure these rights by convoys, is precisely to say, we mean to employ violence to repel these aggressions; it is to all intents and purposes to go to war. It is not the case in the present European war, as in common wars, that the laws of nations and treaties are tolerably well respected by the different belligerent Powers. In this war, both the belligerent Powers have declared from the beginning, they would not respect the laws of nations and treaties. On this account he had before declared, that France had given us just cause for war; but if Congress do not think proper to go to war, they ought not to grant these vessels as convoys, which would be in fact war.

The question is, whether we shall bear with the losses which must result from capture in the present state of things, or resist them with force and war?

Mr. G. said, he knew the question of war did not depend altogether upon this country. He knew that it was possible that within three months we might be in a state of war; and if the House thought it necessary to have the vessels built to be ready to meet such a state of things, the amendment went only to prevent them being used so as to involve us by our own act in war.

He had said that, from the beginning of the present European war, the belligerent Powers had set aside the laws of nations and stipulations of treaties. At the very beginning of the war, Great Britain entered into treaties with Russia, the Emperor, Spain, and Prussia, and inserted an article into each to declare that not only they themselves should do all in their power to starve France, but that they should prevent all other countries giving them assistance by virtue of their neutrality. [Mr. G. read the article from the treaty entered into with Russia, dated the 25th of March, 1793.] It was well known, he said, that these Powers had acted in conformity to this declaration. The British Orders of June and November, 1793, were issued on that principle. France had also behaved in a still more extraordinary manner. It was immaterial, in the present consideration, to inquire whether Great Britain or France was the first to break the laws of nations; the fact is, that all the different belligerent Powers have at times infringed them; and even the last arrivals from Europe bring accounts (which though not official, carry every appearance of being true) of instructions given to the commanders of British vessels of war, which are direct violations of the laws of nations and of treaties.

It is true, that at present the infringements of the laws of nations made by France are vastly more oppressive, and in their consequences far more extensive and injurious to our trade than those of any other nation; but it is not less true, that until we do deem these infringements sufficient cause of war, we ought not to enter into any measures which will in their effects amount to the same thing as actual war. To grant convoys is such a measure; and before that is done, it ought to be considered whether in a state of war we should be in a better condition than at present.

Mr. G. was aware he should at once be met with an exclamation, What! Will you not protect our commerce? Are you not bound to protect it? So far as this complaint was considered in a local point of view, he thought it unfounded. He had heard it said, and repeated, that those States which are more commercial than others would not quietly sit down under the neglect, if protection was not given to commerce. So far as relates to the Eastern States, he believed they

had no greater reason to complain than some other States on this ground. Whilst on this floor, Mr. G. said, he considered himself as a representative of the whole Union, and bound to attend to the protection and to the interests of every part of the United States; but if the matter was to be considered on local ground, the Middle States had as great right to complain as the Eastern, and therefore no reasons of locality could induce him to give the vote which he proposed to give, since the States of Pennsylvania and New York have as much interest in commerce as the Eastern States. The total amount of the tonnage of the four Eastern States employed in foreign trade is 248,000 tons, and that of the States of Pennsylvania and New York 95,000. The representation of the Eastern States on this floor, compared with the States of New York and Pennsylvania, (which was the best criterion of their respective population,) is as 27 to 23, and the proportion of foreign tonnage between them is as 27 to 21¼. There was, therefore, no sensible difference between them.

The question was, which was the best way of protecting our trade in our present situation. Government was bound to protect all its citizens in whatever occupation they choose to follow; but its power of protection is restrained to a certain extent. In this instance, instead of convoys protecting our trade, they will be the destruction of it; for, if by any act of ours, war is produced, our trade would be in a worse situation than at present, bad as it is.

But he would examine to what extent our present injuries go, and how convoys would apply.

Convoys were to apply more specifically in two cases, viz: where a seizure was attempted for want of a *role d'equipage*, or where, according to the late French decree, our vessels have British manufactures or produce on board. He had never examined to see how far the demand with respect to the *role d'equipage* was an infringement of our treaty with France. He had taken it for granted that if it were justified by our treaty, it was now made a mere pretext for seizure, because our treaty had been in force since the commencement of the war, and this ground had never been taken till lately. But upon this subject he would observe, that almost all the mischief which could be done had been done, for want of these papers, as our vessels could now always furnish themselves with them. He did not think it necessary, therefore, to grant convoys for this purpose.

So far as relates to British manufactures being good prize, he agreed with the gentleman from Virginia, (Mr. NICHOLAS,) that we ought to take into consideration the extent of our trade to that country; not only our export trade, but our returns from thence. The effect of the French decree will be either to raise the price of insurance much higher upon our own vessels, or the carrying trade will be carried on in British vessels. But great as these evils would be, he believed it would be better to bear with them than to go to war. The only evil in one instance will be, that the consumer would have to pay the additional rate of insurance, and he would much rather do this than change our present situation. For in case of war, not only all British manufactures will be equally liable to captures, but all our trade will be in the same situation. And will any gentleman say that there will be less captures on our trade in a state of war than in our present state? Is it to be supposed that these twelve vessels, with the three frigates, and all the vessels we can build and man, will protect our trade so as to reduce our captures below their present number? He believed not. He believed that in a state of war more captures would be made, as not only the vessels which are now captured under different pretences would still be captured, but that part of our trade which now escapes capture will then be seized.

The amount of our exports, Mr. G. said, was fifty-one millions. Out of these fifty-one millions, eight and a half are sent to Great Britain. Though this is the amount, according to the statement from the proper Department, the gentleman from South Carolina (Mr. HARPER) has said that considerable quantities of goods sent to the British West Indies have been entered at the custom-house as for the French West Indies, in order to avoid capture; but it had also been stated by a gentleman who must be supposed to be better acquainted with commercial subjects than him, (Mr. S. SMITH,) that full as many goods were entered for the French West Indies, intended for the English, as in the other case. It was, at all events, only an assertion, which ought not to lessen the credit of an official statement.

On the other hand, it appears by this estimate, that to the amount of twenty-five millions of dollars is exported to France, Spain, and Holland. This, in case of war, will doubtless be cut off. And if we are not at liberty to export that portion of our produce thither, what must be done with it? The only country to which we shall have a free trade will be Great Britain. The effect of this will be to sink the price of our produce; because the whole is not wanted, and cannot be consumed in Great Britain, and she is shut out from those ports to which we now send it. Independent, therefore, of additional captures, that immense American tonnage, which it is intended to protect, would at once be reduced to one-third of what it now is, for want of a market for our produce.

Nay, in addition to these twenty-five millions, our trade to the Hanse Towns will also be destroyed, as it is well known what was the situation of Hamburg; so that, in case of war, the whole of our trade will be cut off, except eight and a half millions to Great Britain and her dominions, and a few millions to Sweden and Denmark. He could not, therefore, see how the granting of a convoy could protect our commerce, when the effect must be war, which will destroy it.

The gentleman from South Carolina (Mr. HARPER) yesterday told the committee, that the effect of not granting convoys would be to give the whole of our carrying trade to Great Britain. He wished to know, if this was to be the effect of not granting convoys, what would be the effect of

war? The moment we go to war we give to Great Britain the whole of our trade. But the gentleman went on to tell the committee, what France would say to this country next, if we did not resist her. He said she would tell us, You shall no longer go to Hamburg, or to any other place at which you get money for your produce, because you will pay that money to Great Britain for her manufactures. If this would be the case, in case we declined granting convoys, he wished to know what would be the effect of war? Was it expected that France would give more latitude to our trade, in case of actual war, than at present?

When gentlemen spoke of the immense increase of our tonnage, from 450,000 to 800,000 tons, did they consider to what this increase was owing? It has been owing to our neutrality, that it has taken place during the present European war, whilst the tonnage of Great Britain employed in the trade of this country, has, by the effect of that war, decreased from 206,000 tons, which it was in 1792, to 196,000, which it was by the last returns at the end of 1796. Seeing, therefore, that nothwithstanding all the captures made of our vessels, our tonnage has increased from year to year, in order to save that valuable tonnage, and to afford every possible protection to it, if that was the only object of the House, they must wish the present state of things to subsist in preference to a state of war, and must therefore refrain from taking steps which cannot fail to produce war.

It was not only his opinion that the granting of convoys would lead to war. The point has been conceded. For what did the gentleman from South Carolina (Mr. HARPER) state convoys were wanted? He said they were wanted against the depredatory decrees of the French—the *role d'equipage*, and the decree making vessels with British manufactures on board legal prize. He said it was to resist these decrees. He went farther; he said they ought to be resisted at the mouth of the cannon. If capture was to be resisted at the mouth of the cannon, without war, he could not understand it. If he understood the gentleman from Massachusetts, (Mr. OTIS,) he went still farther, and said that he would resist a search. And certainly the moment a principle of this sort was assumed, it was nothing more or less than war. Unless, indeed, some unintelligible metaphysical distinction should be attempted between fighting and war. If, then, it is better, as a matter of calculation, to be in the present state of things than at war, were there any other considerations which ought to set aside this matter of calculation? The committee were told by the gentleman from South Carolina, that if we did not resist, France would go on step by step in her course of aggressions against this country. This is mere matter of speculation. It is possible France may go on in this way. If she goes on to make war upon us, then let our vessels be used in their full power. Let us not, however, said he, act on speculative grounds; but examine our present situation, and if better than war, let us keep it.

The committee have been told, that this doctrine is a doctrine of submission. The gentleman called war by the name of resistance, and they gave the appellation of abject submission to a continuance of forbearance under our present losses and captures. He affixed a different idea to the word submission. He would call it submission to purchase peace with money—he would call it submission to accept of ignominious terms of peace—he would call it submission to make any acknowledgments unworthy of an independent country—he would call it submission to give up by treaty any right which we possess—he would call it submission to recognise by treaty any claim contrary to the laws of nations. But there is a great difference between surrendering by treaty our rights and independence as a nation, and saying, "We have met with captures and losses from the present European war; but, as it is coming to a close, it is not our interest to enter into it, but rather to go on as we have done." This, he thought, would be a wise course, and extremely different from a state of submission.

The committee had been told of a spirit of money as improper, and that it ought to be set aside. To speak of expense is no proof of that magnanimity, national honor, and national spirit, which have enabled other nations to repel their enemies. He did not think the instances quoted by the gentleman from South Carolina were happy. He had quoted France, and said, that it was because she had set aside every other consideration but the necessity of supporting the war; because she had disregarded every thing like property, and deluged her own country with blood, that she had been successful.

Mr. G. had no objection that France might be adduced as an example to lead us to repel any enemy which may attempt to invade us; but in her disregard for property, in her confiscations and requisitions, in those measures which have had conquest and plunder, and not resistance, for their object; and above all, in the deluge of blood that had been shed for the sake of ambition, or caprice, or faction, he trusted never would be set up as a proper model for this country.

The instances of Rome and Athens, which the gentleman adduced, were not more happy. He did not think the spirit of conquest, which animated the first, the spirit of plunder towards every other independent State of Greece which actuated the last, the lust for power which characterized both, to be that spirit which would be best calculated to promote the happiness of America.

Mr. G. concluded by saying, that he meant to have gone further into a consideration of what was called a spirit of submission, and to have drawn some comparisons between our present state, and what it had been in some stages of the European war, but finding the usual hour of adjournment past, he would forbear to do it at present. He then recapitulated his arguments, and sat down.

Mr. DAYTON (the Speaker) expressed an earnest wish that the Committee of the Whole should rise, and have leave to sit again, not so much for

the sake of further discussing the merits of the amendment as of affording to members an opportunity of exposing the dangerous and fatal tendency of the arguments adduced in the support of it. Feeling as he did upon the occasion, it would be almost criminal in him to forbear to declare, that he had heard with astonishment, and he had almost said with indignation, the speech to which they had been listening, from the member from Pennsylvania (Mr. GALLATIN.) He had never expected to have heard such tame and submissive language, within the walls of Congress, and from a Representative of the American people, at a time, too, when they were smarting under injuries and insults. If that member had ever made himself acquainted with the principles that actuated the Americans in 1776, with which his doctrines were in direct hostility, yet he surely could not have so soon forgotten the tenor and spirit of the despatches from our Commissioners in Paris. That this speech had been prepared before the receipt of those despatches was by no means improbable, but that it should be uttered thus openly and boldly, after those important communications had been published to the world, was indeed surprising. If it were a motion in order in that body, Mr. D. declared that he should immediately move that it be printed, and that copies should not only be given to every member, but as far as possible to all the citizens of the United States, that they might all, as with one voice, disclaim the principles which it tended to inculcate.

Mr. NICHOLAS hoped the committee would rise, that the gentleman from New Jersey might have an opportunity given to him to state in what this speech was so extraordinary, which would be much more conformable to Legislative proceedings, than making denunciations in general terms.

Mr. S. SMITH hoped the committee would not rise, but that the question would be now taken.

Mr. ALLEN wished, rather than rise, that the committee should sit till midnight to show their resentment to the gentleman from Pennsylvania, on account of the speech which he had delivered to them. It was astonishing to him that the same spirit should still exist in that gentleman which had always opposed the Executive of this country; which had condemned the proclamation of neutrality; which had justified the conduct of a French Minister in his appeal from the Government to the people of the United States; that spirit which, by preaching up the rights of man, had produced the Western insurrection. [A cry of order, and Mr. A. sat down.]

Mr. BROOKS said, though he had as great an aversion to the submissive course recommended by the gentleman from Pennsylvania, as any member of the committee, as he believed it repugnant to the feelings of the American people, yet he thought his speech ought not to go unanswered. This speech would have been thought an extraordinary one in the year 1775; and if the sentiments contained in it had been then adopted, our Revolution would never have been accomplished. He hoped, therefore, that the committee would rise, that arguments, which would lead to a surrender of the peace and independence of this country to a foreign nation, might be resisted.

Mr. MACON hoped the committee would rise, for the reason assigned by the gentleman last up, because, if the speech of the gentleman from Pennsylvania was such as he stated it to be, he wished to hear it exposed. It had struck him very differently.

Mr. SITGREAVES hoped the committee would not rise. He believed no profession was necessary on his part. It would be readily credited that he felt as much opposition to the opinions of his colleague as any gentleman could do; but he did not think his speech of such importance that the committee should sit another day to answer it. He believed the answer to it was to be found in the late despatches of our Envoys, and in the convictions of every American. He believed the time was come when, instead of speaking, Congress ought to act. This speech had already been answered, since everything, which had now been repeated, had been heard before; and all that could be said upon the subject could not add to the conviction of any one. He believed the present was a subject well understood by every man, both in and out of doors, and no good effect could be produced by delay. The best answer to this speech, he believed, would be an immediate decision against the doctrine which it contained.

Mr. BRENT felt solicitous for the committee to rise, because he felt a great desire to know what it was in the speech of the gentleman from Pennsylvania, which had apparently created so high a degree of indignation in certain gentlemen of the committee. For his part, he owned the gentleman from Pennsylvania had engaged his most serious attention; and, if that gentleman was culpable, he was equally so, for he approbated every sentiment which he delivered. He thought it one of the most temperate discussions he had ever heard, being free from all personalities, and, as it struck him, of any expression which could excite irritation in any one. If, when a gentleman rises on the floor of this House, on a great and important question—a question on which, perhaps, depend the peace and independence of this country—he is to be treated in this manner, there is an end to all freedom of debate. He must own he had never, on any occasion, seen so much indecency of conduct shown towards the gentleman from Pennsylvania, for having delivered sentiments, which, in his opinion, did honor both to the head and heart of that gentleman.

Mr. DANA wished the committee to rise. When he reflected that the gentleman from New Jersey was a native American, and had been an American soldier through the late Revolution, he could not be surprised at the indignation which he felt on this occasion; but he wished the committee to rise, in order to show that the gentleman had perverted the sense of the laws of nations. As to his argument to prove that it would be more our interest to submit to, than to resist the terms offered to us by France, he believed the answer which our Envoys returned to the agents of the French Government, would be a complete answer to them.

Mr. GALLATIN said he did not mean to make any kind of observations upon what had fallen from the member from Connecticut (Mr. ALLEN,) or the Speaker. He meant only to notice what had been said by the gentleman last up from Connecticut, who had perverted his sentiments. That gentleman had said that his observations would find an answer in the reply of our Envoys to the agent of Talleyrand, thereby signifying that he, Mr. G., had expressed himself in favor of an acceptance of such terms as had been offered to our Envoys. That gentleman could not surely have attended to what he had said, because he had expressly stated that he should consider it as submission to pay to that nation any money, or to recognise any claim contrary to the law of nations; but he had said he would rather submit to our present captures, under the hope that they might not have a long continuance, than take a measure which was war.

He would just add that the Speaker was mistaken when he stated that the speech, which he had delivered, was prepared before the late despatches were communicated. It was prepared at the time of its being delivered, and in answer to the speech of the gentleman from South Carolina, (Mr. HARPER,) delivered yesterday. Before the despatches were communicated, he had hopes of peace; after he had heard them read, those hopes were not extinguished; but, from the publication of them his hopes were very feeble—feeble as they were, however, he did not wish to blast them by any act of this House. As to the sentiments which he had delivered, he was not ashamed of them, and should support them at any time, in opposition to what that gentleman, or any other, may oppose to them.

The committee now rose, without taking any question.

FRIDAY, April 20.

It being announced by the Clerk that the Speaker was sick, and unable to attend the House,

Mr. SPRAGUE moved that a Speaker *pro tem.* be appointed. After some observations on the propriety of so doing, the motion was put and carried, there being 46 votes for it.

The Sergeant-at-Arms accordingly proceeded to collect the ballots, which being done, Messrs. JOSIAH PARKER and MORRIS were called upon to count the votes; which Mr. PARKER reported to be as follows, viz: for Mr. DENT, 40; Mr. SITGREAVES, 19; Mr. BALDWIN, 12; Mr. J. WILLIAMS, 1; and Mr. BLOUNT, 1.

Mr. DENT was accordingly declared to be elected, and having been conducted to the Chair, by Mr. SITGREAVES, he addressed the House as follows:

"GENTLEMEN: In the execution of the duties of this temporary appointment, my endeavor will be to evince strict impartiality. Permit me to hope your co-operation in maintaining order, and to expect your support in all cases of official decisions, where it ought to be afforded."

On motion of Mr. SITGREAVES, it was resolved that a message be sent to the Senate, informing them that the House had elected a Speaker *pro tem.*

PROTECTION OF TRADE.

The House then resolved itself into a Committee of the Whole on the state of the Union, on the bill to provide for an additional armament for the further protection of the trade of the United States, and for other purposes; when the consideration of Mr. GALLATIN'S amendment to the first section being resumed, viz: to insert, "Provided, they shall not, in time of peace, be employed as convoys to any foreign port or place."

Mr. ALLEN rose and addressed the Chair as follows: Mr. Chairman, I wish to inform the committee of the reason for the strong expressions of abhorrence and indignation, which fell from me yesterday, at the language of the gentleman from Pennsylvania, (Mr. GALLATIN,) when the House was in Committee of the Whole on this bill.

I confess, sir, that I have not that perfect command of myself; I have not that iron system of nerves, which I could wish, the event of which I lament, and which I so much admire in others. Constitutionally too irritable, I meet such insults to my country with a degree of warmth which I desire to repress, but which I hope does not banish from my bosom that consideration and that candor which is necessary in my place. The situation of our country requires a cool and temperate deliberation; and I wish for nothing more than for the adoption of such measures as true wisdom shall point out as proper. The committee, I trust, will pardon me for the astonishment and displeasure I felt at what I heard from that gentleman; a similar displeasure marked the countenances of almost all who heard him. I did expect, upon the disclosure in the despatches of what had passed at Paris between our Commissioners and the Government of France, that a spirit of unanimity would have been, in some degree, produced in our councils, though a perfect unanimity could not be expected. I did expect that every member of the Legislature would have laid his hand upon his heart and considered what was necessary to be done for the safety of his country, and would have determined to support such measures as should be deliberately adopted by the majority. But, sir, what do we behold? I have long considered it as the most prominent feature in the Jacobinic character, the spirit of obstinacy, which knows not to yield: that furious, clamorous spirit, which never acquiesces in measures nor principles, however well settled; which never yields to majorities, but which always seeks, by force or art, to convert minorities into majorities; that spirit which drives men to overset, destroy, or render ineffectual, measures which it disapproves, though adopted by the general consent and approbation of the country; that spirit which ceases not to reprobate, in the most bitter manner, measures which gentlemen know and acknowledge cannot now be set aside. I pray God this spirit may have an end; if it continues it will ruin this country. It appears to me, that the course gen-

tlemen are now taking will overwhelm us with irretrievable difficulties. I hope I am mistaken; but it appears to me to be the duty of every American, at this time, seriously to declare that he will support the measures which have been and which may be adopted by the Government.

The Senate have passed, by a large majority, and sent to us, a bill to provide an additional armament, and no expression of disapprobation of it is heard out of doors. The objects of it are, the defence of those parts of our coast which are most exposed to the enemy; our trade from port to port; our trade to foreign countries, where within reach of our shores; and the general defence of the nation. The first step is to provide the means of defence. How it will operate I know not; it cannot be particularly foreseen. Let us possess the power and consult the mode of conducting it afterwards. All men must confess our situation requires it. It is intended to place this force in the hands of the Government, to be used as the exigencies of the nation may demand. But it is attempted, by the gentleman from Pennsylvania, at the very outset, at the very threshold of the business, to shackle it, to make a declaration which goes to a prostitution of the country. He requires that we declare that we will not make use of these vessels to defend our acknowledged rights; that whatever may be our situation, whatever may be the event, condition, or contingency, however effectual may be the means of defending our ships, our property, these vesseis shall not be used as convoys. Is this wise? Is this prudent? For I wish to avoid the discussion of all Constitutional questions, and to speak only of the expediency of the measures. Will gentlemen refuse their assent to the bill unless accompanied by a declaration that the vessels shall not be used in a particular manner? Surely every gentleman who is anxious only for the true interests of his own country, must consent to leave the manner of employing these vessels to be settled hereafter, by Congress, or by the President, when our situation, with respect to France, shall be fully known. The events of next month, next week, nay, of to-morrow, may render this restriction idle, absurd, and dangerous. If gentlemen are unwilling to trust the President, are they afraid of themselves? If their jealousy leads them to put manacles on the Executive, must they also fetter themselves? Can we not discuss this question at a future day, and make a law providing for the operation of this force long before it will be prepared for action? Why occupy the time which is wanted for preparing the armament in quarrelling about its course and destination? What will be the use of these vessels without the proposed restriction, I cannot tell; but I am not afraid to confide this power to the President; I am not apprehensive they will be improperly employed. If there were any such danger as gentlemen seem to contemplate, the public sentiment, the general opinion of the country, would influence the Executive conduct on the occasion. Under all the attacks that are constantly made upon us, and the threats of destruction that alarm our country, surely there can be no danger of these vessels defending us and all our rights too zealously, or too effectually.

The question is, shall we suffer these armed vessels to act as convoys in time of peace; and, by peace, he confesses he means that state in which we now stand; plundered, insulted, menaced, as we now are?

It is said, policy forbids it. I believe policy calls upon us to defend ourselves in the best manner we are able, unoperated upon by anything which has taken place heretofore. Policy calls upon us to consult our own safety and interest, without giving way to our affection for one nation or hatred to another. There are absurd and dangerous passions in nations. It is our true policy to defend ourselves and our rights to the fullest extent; we have an awful lesson of what we are to expect from submission and tameness.

It is said, that it is a vain attempt to defend our commerce; because we cannot defend it effectually. Sir, no nation ever did defend its commerce effectually, in the sense the gentleman means; no nation ever expected or attempted it. Every country at war will lose very many of its merchant ships; it is sufficient that we exert so great a force in their defence as, under all circumstances, we can afford, and bring into action. But, sir, no nation ever said, in the spirit of this amendment, that it would not protect its rights and commerce. It would be an invitation to all the pirates on earth to plunder it, under a promise of impunity. Whatever may be expedient to be done in fact, however much we may really be disposed to endure in hope to escape a war, we should not publish to the world and to our foe, our intention to submit to his robberies. The man who would say this, would never have the spirit to defend the country in case of an actual invasion. It is a spirit calculated only to surrender our independence to the first Power who shall have courage to demand it.

It was said by the gentleman from Virginia (Mr. NICHOLAS) that, by refusing to protect our commerce we should lose only the carrying trade; that the ships of other nations would come to our ports and furnish us with such foreign productions as we might want, and take from us such of ours as we might have to spare; and that the object of the protection was not worth the expense and the hazard. This was not always the language of that gentleman. He formerly thought the carrying trade of the utmost importance to the country. Every one remembers the long and earnest debate which, four years ago, took place on a set of resolutions brought in by a gentleman from Virginia, (Mr. MADISON.) They were founded on certain commercial regulations said to have been adopted by Great Britain, injurious only to the carrying trade, which we are now invited to surrender without a struggle. [Here Mr. A. read some observations of Mr. NICHOLAS on that occasion, in which, speaking of the wrongs this country had suffered from Great Britain, he asks if there was so little American feeling in the House as not to lead them to take retaliatory measures, &c.] Let gentlemen compare our situation at that time with

the present, and they will discover that all which that gentleman then said was applicable at this time, and infinitely more. Those who then opposed the measures of the gentleman from Virginia, called for specific facts of the injuries complained of—they were told of the savages being let loose upon our frontiers, and the Algerines upon our commerce; and of commercial advantages being denied us; yes, sir, the same gentleman from Virginia was then indignant at our commercial losses, and at restraint on our trade. No gentleman now calls for "specific facts;" no gentleman now calls for evidence against France; every gentleman now agrees we have just cause of war against her; but now they profess to doubt the policy of protecting that trade which they then thought so important; *now* it is not worth defending; *now* it is mere bagatelle; *now* they are willing to let foreigners regulate our markets, take our ships, imprison our seamen, and take possession of our cities. *Now* we are seriously invited to draw our heads within our shells, and humbly take what foreigners will please to give us; and all this without an effort to defend rights so dear and sacred.

These were not the sentiments which animated the gentleman on the former occasion, and I cannot account for the difference of conduct in situations so similar. The gentleman on that occasion stated the question to be, whether commercial regulations should be adopted, or whether we should go to war? Arms were to be the resource if milder measures failed in their effect. These gentlemen were then ready to resist and to repel the aggressions committed on us, and their measures were strenuously urged. At that time Great Britain did not avow the wrongs she had committed on us, nor did she threaten to continue them and ravage our coasts, both which France now does. Our complaints against Great Britain were few and light, compared with those we make against France; yet, had the commercial regulations then proposed by these gentlemen proved insufficient, blood would have been shed in defence of the rights then violated, though of no importance compared with the injuries under which we now groan. It is contended by the gentleman from Virginia (Mr. NICHOLAS) and I believe by the gentleman from Pennsylvania (Mr. GALLATIN) that, by the law of nations, France has a right to search our vessels in order to discover whether they have on board contraband articles, or enemy's property. But has she not declared she will not be governed by the law of nations? that she will make her power her only rule of conduct? And will it be said that she may avail herself of rights given by a law, the injunctions of which she will not obey? May she protect herself under that law, while she will refuse to all other nations the protection it promises to them? Do we allow the Algerines or the pirates of Asia to search our vessels? We may reply to every Frenchman who demands to search our ships, "You shall not; you declare you will condemn for causes which you admit not authorized by the law of nations, and you shall not search for any cause whatever." Certainly while gentlemen admit that we have just cause of war against her, they cannot consistently contend for her right to search, and our duty to submit.

The gentleman from Pennsylvania says: "We ought not to permit our vessels to serve as convoys, because to convoy our merchantmen is to protect them against the unlawful attacks, and against all attacks of foreign ships; that to defend our vessels against the aggressions of France by force, is to fight; and to fight is to go to war; and a state of war is a greater evil than the present state of things." And he adds, "we had better suffer the French to go on with their depredations, unjust and enormous as they are, than to take any step which may lead to war."

This I cannot admit. This course of argument is chosen. I believe, to give currency to the opinion than the Executive and a part of this House are determined on war in behalf of Great Britain. This is continually insinuated or asserted, though contrary to the repeated and most solemn asseverations of the late and present Chief Magistrates, and of many of the members of this body, that they anxiously wish peace with the French Republic. This alarm is rung throughout the United States, and is everywhere preached up and declaimed against, in order to excite meetings, and to raise up a part of the people to resist the measures of the Government, however just and necessary they may be. I think I am warranted in this assertion by a number of circumstances. Look at the petitions, from a number of places, against suffering your merchantmen to arm in their defence against a nation of robbers. Everywhere exertions are made to excite dissatisfaction, and a flame against our Government. Everywhere are found men base or deluded enough to present their faces in broad daylight, and revile the measures and the administration of the Government. Everywhere do they recount the measures they condemn—the funding system, the bank law, the excise, the British Treaty, the building of frigates, the Federal City, and the stamp act, are rung in the ears of the public as monstrous, unjust, impolitic, and destructive; although they have the repeated and decided approbation of majorities in Congress, and of the people; and although almost all men, even those who excite and join in the clamor, acknowledge that every principle of justice now forbids their repeal. Instead of alarming the public mind, gentlemen would do much better service to their country by quieting and appeasing it; and by instructing the people in the true principles of the laws, in the absolute necessity of submitting to, and resting satisfied with, the decision of majorities, unless those decisions obviously and manifestly led to the destruction of the country; and I should doubt even in such a case of the propriety of a forcible interference, because of the danger of exercising the right of insurrection. When measures are deliberately adopted, unanimity ought to prevail in carrying them into effect; but nothing is in fact heard but the jarring sounds of discord and division; if the laws are not openly opposed and disobeyed, it is a grumbling, reluctant

submission which is yielded, indicative of a temper which is ready for resistance, revolution, and blood. This disposition, though seen in all places, commands but a few voices; for the honor of our country, a very great majority of the people remain uninfluenced by these factious disturbers of the public peace; and, thank God, they have lately experienced a fatal and dismal defeat in a particular part of the Union.

But, says the gentleman from Pennsylvania, (Mr. GALLATIN) we had better rest contented as we are, "we had better suffer the French to continue their captures of our ships, and imprisonment of our seamen, we had better suffer them to go on with their depredations than to go to war." Sir, what loud and insolent complaints have been made against us for "suffering" the British to commit the very same kind of violence upon us; our ears yet tingle with the reproaches heaped upon us for suffering precisely the same atrocities which we are now invited to meet with tame submission. These gentlemen have heretofore told us that the French were excused for their robberies by our "suffering" the British to strengthen their forces and man their ships with our seamen. Is not this astonishing? What measure of depredation and plunder may the British not adopt by this rule, if we "suffer" the French to strip us at the present rate? They have hitherto proceeded in at least a quadruple ratio. By this rule we shall be required to "suffer" the British to take our last ship, and our last man, and our last farthing.

"We had better suffer the French to go on with their depredations than go to war!" Sir, this is all the French claim for themselves. They now take all they can find; they are perfectly contented with their present condition. If they can take and destroy the whole of our trade, they will be satisfied. The continual plunder of our commerce will be worth more than all the money we can pay. But let gentlemen recollect that France has expressed the strongest hopes of conquering her enemy, Great Britain; that Power which now alone opposes itself to this monster, which has devoured half of Europe. What will be our condition, what will be our means of defence, when she has stripped us of all our ships and seamen? To me it appears clear, that if we "suffer" France "to go on" it will end in the complete destruction of all those articles in which consist our best means of defence. I am not for doing this, I am not for giving up all our ships and seamen to French rapacity; because, I believe, if we give up these we have those within our bosom who would give up our country too. I again call on the gentleman from Virginia (Mr. NICHOLAS) to remember the spirit which actuated him and the language he spoke, on the former occasion. That spirit, were it now awake, would hold a different tone from what we hear at present. We are advised to refrain from using the power we possess for defending ourselves on the ocean, and to declare that we will fold up our arms and submit to be stripped. No nation that had endured the wrongs we feel, and against whom such threats had been pronounced, ever said "we will not resist, we cannot afford effectual defence, and therefore we will give no defence at all." I hope we shall not subscribe to such a declaration.

Sir, I should have stood astonished at the language I have heard from these gentlemen; I should have wondered what could have induced it, but for what I have in my hand. Is there not something peculiar and alarming in an invitation at this time to surrender our rights and independence to a foreign nation; for I believe the conduct recommended amounts to this? If we turn to the despatches from France, however, we shall see it all accounted for. Mr. A. then read the following paragraph from the conversation of M. Y. with our Ministers at Paris:

"Perhaps you believe, that in returning and exposing to your countrymen the unreasonableness of the demands of this Government, you will unite them in their resistance to those demands. You are mistaken. You ought to know that the *diplomatic skill* of France, and the *means* she possesses in your country, are sufficient to enable her, with the *French party* in America, to throw the blame which will attend the rupture of the negotiations on the *Federalists*, as you term yourselves, but on the *British party*, as France terms you; and you may assure yourselves this will be done."

This, Mr. Chairman, furnishes the solution of all the questions which arise, of all the inquiries that are made into the motives of certain gentlemen on this floor. If the French had applied their "diplomatic skill," the means "they possess in this country," with the most perfect address and dexterity, what more could they have promised themselves than has occurred? Were France herself to speak through an American mouth, I cannot conceive what we would say more than what we have heard from certain gentlemen to effect her purposes. On every proposition for a prompt, energetic, and effectual defence of our country, we are met with Constitutional questions, theories, doubts, nice distinctions, learned metaphysical disquisitions, and long speeches to excite divisions, to encourage their party, occupy time, and protract the debate to an interminable and provoking extent; and this by men who have been long devoted to her cause. This is the greatest extent to which her most artful agent would think it prudent to go; open and direct opposition to all defence would defeat itself; she must be condemned and her measures reprobated; she must be confessed to have committed outrages on our rights; but policy, policy, the sweet, enchanting song of policy, must be chanted in our ears forever; policy forbids resistance to the only wounds she inflicts. She attacks us only by sea. It is there only that we at present are vulnerable; and there this syren, policy, is to sing us to sleep. We are invited to surrender the ocean, and "all that in it is," without one feeble effort of defence. We are advised not to resist the demands of France, though called upon to pay her large sums of money.

Mr. LIVINGSTON interrupted Mr. ALLEN, and said he had sat still a long time, and heard a most uncommon strain of calumny and attacks; but this was too serious a charge to pass unnoticed.

He wished Mr. A. to state specifically who had expressed such a sentiment, for he had not heard it.

On the penalty of my life, said Mr. ALLEN, I would not, in this place and on this occasion, falsely state the arguments of gentlemen. I allude, sir, to what was said, and so laboriously supported, by the gentlemen from Pennsylvania, (Mr. GALLATIN.) His very words were, "we had better suffer the French to go on with their depredations, than to take any step which may lead to war." I thought I had so often repeated the expression that no gentleman could be ignorant of what I alluded to. If it does not amount to what I have stated, I hope I will be pardoned. But it seems impossible to put the sentiment into plainer and more explicit language than that in which the gentleman himself clothed it.

France takes our ships, condemns them, and treats our seamen as prisoners of war. That is, she shuts them up in her jails. We complain of her conduct, and demand that she cease her outrages, and make us satisfaction. She replies that she will continue these captures unless we pay her money; and the gentleman now says, "suffer her to go on." To refuse compliance would be or refuse to suffer her to continue her wrongs to enforce any of her demands; but that is, it would be to stand on our defence and repel her attacks; but the gentleman says, "suffer her to go on." This I call advice not to resist her demands. Her demands, taking her language and conduct together, are, "pay me money, or let me take your ships;" for neither of which does she pretend any justification. And the gentleman says, "let her take your ships." Is this the language of an American who loves his country? No, sir, it is the language of a foreign agent. Genuine Americans, sir, disdain such language; they love their country and will defend it, unless the art of these gentlemen shall paralyze our arm. Gentlemen say we cannot defend ourselves; we cannot raise the necessary funds to maintain a war. Sir, we have houses, farms, and cattle, and we will spend the last farthing. We have spirits, blood, and bodies, and we will lay them in the field of battle for our country. Do gentlemen say that we cannot defend ourselves? Sir, this is a language which Americans are not used to hear; they will defend the rights, the honor, the independence of their country or perish; the "diplomatic skill of France, her means, and her party in this country," notwithstanding.

In aid of this argument of policy, it is urged that there still remains some chance, some hope of preserving peace; and this chance, this hope, is attempted to be made a basis of action. I wish any such existed on which a single operation could be built; but I discover none. The gentleman from Virginia (Mr. NICHOLAS) told us yesterday that he did not believe the present state of things could long exist, that peace must soon take place in Europe—on which, such was his opinion of France, justice would be done us.

Mr. NICHOLAS interrupted Mr. A., saying he had said no such thing.

Mr. ALLEN said the gentleman's words were, "we shall be restored to our rights."

Mr. NICHOLAS replied that he meant that the Powers at war would then cease to violate our rights.

Mr. ALLEN continued. That may have been the gentleman's idea, but his words naturally imported remuneration, a compensation for the violation of our rights. But, sir, as the gentleman himself has now stated his idea, what foundation is there for it? I do not understand France thus to speak for herself. I understand her to make her passions her guide, and her power her only rule; and though, while she is engaged in combating the most powerful nation in Europe, she cannot wage an open war with us; yet when she has brought that Power to her feet, she reminds us of our fate by the mention of Venice, and other Powers of Europe, which have been obliged to submit to her dominion. [Mr. A. read another passage from the despatches, in which it is said, should not an invasion of England actually take place, yet the alarm, interruption of trade, and the expense which it would create, would ultimately wear them out, and oblige them to make peace.] The latter I fear will be the event. I believe they will not conquer that country by attack; but there is too much reason to believe they will drive it to an ignominious peace by the long continued conflict. And can we expect that France, when she has made peace with England, will sit down in quiet and cultivate only the arts of peace, and breathe nothing but good will to men? When she has humbled the only power that presents a formidable front and terrible aspect, is she to set about the introduction of that millenium of peace and purity of which we have heard so many fine promises and poetical predictions? On the contrary, if our difficulties are not settled with her before the subjugation of, or a peace with Great Britain takes place, and by that means her fleets which now serve us as a barrier, are withdrawn from the contest, they will not be settled at all; and if the course to which we are invited is taken, and we now "suffer" her to strip us of our ships and seamen, we shall be incapable of defending ourselves. We have every thing to expect that the avarice, the ambition, the malice, and the power of France can inflict. Sir, if Great Britain falls, and we remain a divided people, I look for nothing but bloodshed, slaughter, pillage, and a complete subjection to France. How can we prevent it? Nothing else can be expected while gentlemen continue their present line of conduct; while to every measure of defence the expense is objected, and the people are told they cannot pay it; while a land tax is held out to the people as the greatest of all evils, and by these and every possible art the public arm is paralyzed, the public force destroyed.

Let me add, as no contemptible engine in this business of sowing discord, dissension, and distrust of the Government, a vile incendiary paper published in this city, which constantly teems with the most atrocious abuse of all the measures of the Government, and its administrators. A

flood of calumny is constantly poured forth against those whom the people have chosen as the guardians of the nation. The privilege of franking letters is abused in sending this paper into all parts of the country; and the purest characters are, through this medium, prostrated and laid low in the view of the people. No nation, no Government was ever so insulted. In another country, this printer and his supporters would long ago have found a *fourth of September;* and this paper is well known always to speak the sentiments of, and to be supported by, certain gentlemen in this House. These, sir, are the fruits of "the diplomatic skill of France"—these are the effects of her "means"—these are the efforts of "her party in this country." I am aware that our Government may not always, on *all* occasions, have acted with the most perfect wisdom; what Government ever did? we are not perfect, it is the lot of humanity to err. But who would have conducted our affairs more wisely? Will gentlemen never cease their reproaches? The gentleman from Pennsylvania, not many days since, declared that if we have war with France, it will be owing to the publication of the despatches and instructions? I wish we may avoid a war, if possible—but if we do not, if war must come, I cannot believe it will be produced by that publication. The publication of those papers is acknowleged by the gentleman to be an innocent act in itself. A proceeding so proper and so honorable cannot draw upon us hostility and vengeance; our enemy needs no such pretext, she scorns it—she finds in her ambition, and her lust of domination, motives enough for war. I desire that all the citizens of the United States should learn that this gentleman has said "the publication of these papers will lead France to make war on us," and I am sure they cannot mistake the motives to the declaration. It is not the language of patriotism to say that the publication of what the people were anxiously looking for and expecting is to produce a war. The language of every man who loves his country ought to be, "A majority has determined what shall be done, and we will support it; if it was our *error* it was not a *vice*, and we will defend it." But it was not an error. Such is not the language to be produced by the "diplomatic skill of France." That *skill* shows itself in great apparent moderation and candor, but will slyly promote principles calculated to palsy our efforts and defeat all the exertions for the protection of our country's rights and independence. Such things will be practised until all men will agree to prefer their own country to every other. But I believe there are men in this country, in this House, whose hatred and abhorrence of our Government leads them to prefer another, profligate and ferocious as it is.

The gentlemen who press upon us these two ideas, viz: "we have some chance of peace; and, an European peace will restore to us our rights," have heretofore assumed to understand the temper, policy, and projects of the French Government; and thereupon have claimed authority to direct our affairs in relation to France; and have bitterly and loudly condemned our want of faith in them. Let us examine the grounds of their claims—let us see how far their predictions heretofore have been verified.

Genet and his partisans in this country told us France did not wish us to join her in the war. A few months after this, he pulled his instructions from his pocket, and they were found to enjoin upon him to employ all possible means to draw us into the war. These gentlemen understood Great Britain too—they *knew* she would not treat with us at all, much less on any terms of reciprocity. When that treaty was made and ratified, they so clearly saw her perfidy, and her hypocrisy, they were certain she would not perform on her part those stipulations which were favorable to us; they knew she would not deliver up the western posts, &c. Sir, we see that Power performing her engagements with a religiously good faith, that France and her ferocious tyrants never knew.

These gentlemen have constantly assured us that all the robberies, the decrees of spoliation, the violations of her treaty with us, her embargoes, her compulsory contracts with our merchants in her ports, and her disregard of *all* her contracts, were measures necessary to her very existence, that they were the result of "an imperious necessity;" and that when that necessity ceased, when her liberties were secured, when she had repelled and humbled the despots of Europe who were leagued against her, she would cease her outrages, and would render justice to all who had suffered by her wrongs. Let the gentlemen hold up their heads, and declare to us what is now the case. She extends and increases her ravages; her voracious jaws have engulphed all that has come within her reach. Sir, I will remind the gentleman from Virginia (Mr. NICHOLAS) and the gentlemen who then acted and now act with him, that to the Answer to the President's Speech, at the session last Summer, he moved an amendment in the following words, viz: "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 attention 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."

This amendment was most zealously supported, and the debate upon it occupied this House near three weeks at the extraordinary session last Summer. I then thought it ill-timed, but I now believe it was a fortunate motion—it serves as a *test* by which to try these gentlemen. The plain language of it was, "We will make another attempt to negotiate, and a repetition of her abuses will convince us that we cannot have any friendly connexions with France." Sir, putting an end to all friendly relations between two countries, I understand to be placing them in a state of *hostility*. I know of no *mongrel, half-breed* state of things, after such an end is put to our relations with a foreign nation; it is war, or it is peace. The citizens of one have a right to be received in the ports of the other in a friendly manner, or they have not—if they have, it is peace; if they have not, it is war. The President has made a fresh attempt at negotiation; he has sent three Ministers in place of the one, to beg and pray for compromising, for negotiation, for justice, and for peace. The haughty Directory will not receive them, will not hear them; its vile agents insult them with demands of enormous sums. Sir, France not only will not negotiate, but she will not even suspend her depredations while one of our Envoys can return home to procure such powers as she demands to be given them. She admits the justice of our complaints, and declares we shall submit to her power. The event on which the gentleman counted in his amendment has happened, but he now warmly contends for a continuation of *friendly relations* between the two countries. It is proved the Government of France did not intend only to suspend the ordinary diplomatic intercourse, and to bring into exertion those extraordinary agencies. We have resorted to such extraordinary agencies; we have sent three Envoys Extraordinary. Her first rejection of our Minister has been followed by similar measures, and a refusal of all negotiation, and the gentleman now vehemently contends against even *defence* and *resistance!*

It is proved that the gentleman's "confidence" in the success of this "fresh attempt" to negotiate was utterly destitute of foundation; and now again he says "there is some chance of peace," and "peace in Europe will restore to us our rights." By this time I think the gentleman should hesitate and pause a little before he pronounces any more creeds on the subject of French justice, French honor, French moderation, French magnanimity.

The gentleman in his amendment also said: "We cannot believe that any serious expectation can be entertained of withdrawing the support of the people from their Constitutional agents"—and now she boasts of "her means and her party" in America.

Sir, our dangers are too imminent, too awful, to trifle with; our measures must be prompt, energetic, and decisive. I wish the gentleman from Pennsylvania could be convinced of the propriety of withdrawing his motion, and of the necessity of unanimity in our councils.

[Mr. A. read from the despatches a part of Mr. Y.'s address to our Envoys.] "What," he (Mr. Y.) asked, "would be our situation, if peace should be made with England before our differences with France could be accommodated?" This is a solemn inquiry; this is a question on which we should well consider; I pray the gentlemen who are now opposing our measures to make the answer, and I wish the light of a Divine revelation in the solution. But if gentlemen will not join us heart and hand, in the defence of our rights and our independence, I do trust a fervor will kindle and spread through the country which will compel gentlemen to act and do their duty.

I hope, sir, the committee will pardon my ardor on this occasion; I am sure a majority will. I cannot hear the threats which are thrown out against us—I cannot hear the denunciations of France against my country—and sit down calmly to calculate the pounds, shillings, and pence, which it will cost to defend it. I do hope, sir, the fervor of the country, if nothing else can affect certain gentlemen, will oblige this House to proceed immediately in such measures as are proper for our defence. I pray God this may speedily be the case, or we are a ruined and devoted people. But while I see such motions as the present brought forward, and a pure American (Mr. BRENT) declare that such sentiments as we heard yesterday from the gentleman from Pennsylvania "would do honor to the head and heart of any man," I despair of any considerable degree of unanimity in this House.

Mr. ALLEN having concluded—

Mr. OTIS said, he would not pretend to judge of the sincerity of gentlemen who declared themselves ready to adopt effectual measures for the defence of the country, according to their conception of that object, but he thought their construction of the term, "defence of the country," was extremely limited and partial. If, in ordinary cases, it was requisite for the illustration of a question to agree upon the definition of terms, it was still more important on the present occasion. When the gentleman from Pennsylvania, and others, speak of the defence of the country, they evidently mean to confine their ideas to a defence of the soil. He, on the other hand, conceived that the essential part of a country was the people; and, when he considered the subject of defence, he wished that it might be such a defence as would embrace the whole mass of the citizens distributed into different professions, and together constituting what he called the country. The soil was no otherwise deserving of protection than as it formed a portion of the property of the citizens. It was, without doubt, the principal and most valuable portion; but there were other kinds of property which, for the same reason, had also claims to protection. The ship of a merchant is not less the property of the country than the house of a farmer. The sailor who ploughs the ocean is not less a citizen than the husbandman who ploughs the soil. There is nothing sacred in the soil, distinct from the people who inhabit it. Many extensive tracts of the soil of this country—

deep morasses, trackless swamps, and howling deserts—were of no value whatever; yet they belong to the people—they are a part of our public or private property, which no man would feel authorized formally to abandon.

Mr. O. would agree that sometimes the resources of a country would not be found equal to the protection of all the citizens, or of their property. In such instances, he allowed that a preference was due to the most numerous class of citizens, and to the most valuable part of their property, if all were equally exposed to danger; but when a Government is unable to extend its protection to the whole community, it is sufficient to be silent with respect to that part of it which is left defenceless and exposed. It is an aggravation of the misfortune to declare this imbecility to the world, to depress the spirits of your own citizens, and point them out as victims for your enemies. In the bill before us, it is sufficient to provide such a number of vessels as are nearly equal to the defence of the coast, without saying to our merchants, "Your country cannot protect you." It is enough to leave them to take care of themselves, or to permit the Executive to allow them convoy or not, as circumstances may arise; but to declare to the merchants of the United States—to fifty thousand seamen—to the manufacturers, tradesmen, and laboring poor dependent on them—in explicit terms, that they are abandoned and expatriated; to say, in the mournful language of gentlemen, "We wish to God we could protect you, but we cannot do it;" to pronounce this tremendous sentence upon a number of persons, equal, upon a moderate computation, to the inhabitants of the largest State in the Union, would be an impolitic, unjust, and dishonorable insult.

Let us, said Mr. O., try this principle by another test. Great sums of money have been appropriated for the fortification of ports and harbors, and for the defence of the coast, still no gentleman believes that every part of our extensive coast is capable of defence, or that our resources will enable us to fortify all our ports and harbors. But have we said to any part of the people of our country, "It will be too expensive to protect you?" Or have we said to foreign nations, "Look here, or there, and you will find us vulnerable and defenceless?" No. The means of defence will be employed and apportioned to the best advantage; but, if it were doubtful whether Georgia or Maine could be put into a posture of defence, we should hardly declare to those districts, or to the world, that we thought them untenable. Yet this is the amount of the proposition of the gentleman from Pennsylvania, and it is in this view of it he was astonished to find it introduced. He had often heard from gentlemen the assertion that we were not able to protect our own commerce, and that our utmost means were equivalent only to a territorial defence. He would not comment upon the truth or policy of such remarks. He did not however expect that a proclamation of them, in the form of this amendment, would have been offered for the sanction of the House. Yet this is strictly the fact. We are invited to say that we will guard against an invasion of our shores, but not against the wanton and unjust attacks of our property at sea; that we will defend what is not exposed to danger, and desert what is every moment liable to destruction. If this system is to be adopted upon the eve of a war, we may as well submit at once to the proud and oppressive nation, of whose conduct we complain.

But the question recurs: Do the United States possess the means of protecting their commerce? He believed that no country was naturally more competent to afford this protection. Our country abounds with the principal materials requisite for building a Navy. This opinion is not novel, but has received the sanction of great men and wise Legislatures. Examine the Journals of Congress in the year 1775. It will there appear that resolutions were passed for building six or eight frigates and other vessels of war; and at the close of the session no difficulty appeared in providing the ways and means. They resolved that the money should be provided after having decided that the expense was necessary. Such was the mode of doing business at that period, such ought to be the mode of effecting it now, under circumstances beyond comparison more auspicious—with double the population, an immense addition to our mercantile and agricultural capital, and a regular Government. It is true, that towards the end of the war, the Navy of the United States was diminished by captures, but not before it had much more than indemnified the Government for the cost of its construction and maintenance by prizes. So firmly persuaded was Congress of its utility, that in the year 1783, immediately after the conclusion of peace, upon a recent view and fair estimate of the gain and loss of a Naval Establishment, a resolution was adopted declaring a respectable marine to be a desirable object, and recommending to the States to provide funds for its accomplishment. In the Notes on Virginia (an authority he was fond of quoting) the expediency of a naval armament is also advocated. Besides, sir, said he, why have we not equal ability to build and maintain a Navy with the States of Denmark or Sweden, whose population and resources are inferior to ours? Why cannot this country provide a fleet as well as Peter the Great of Russia, at a time when his people were just emerging from barbarism, and when the arts were imperfectly known in his country? It may be said, indeed, that this was achieved by the force of despotism; but he believed that the force of patriotism could effect much greater miracles; that the free American could serve his country more effectually than the Russian boor, and that the impulse of liberty was a greater stimulus than the lash of the knout.

But it was objected to this power of granting convoy, that this employment of the vessels would be a cause of war. [Mr. GALLATIN said he did not say it would be a cause of war, but that it would be war.] Mr. O. replied that he could not conceive that any act perfectly consistent with the laws of nations and a state of neutrality should be considered as actual war; no principle

was more indisputable than this right of convoy. It had been denied with great audacity, but it could not be doubted by any man moderately conversant with the law of nations, or who had read a history of modern Europe. A difference had been hinted between the situation of the northern Powers of Europe, at the period of the armed neutrality, and the state of this country; but this right had been exercised prior to the formation of the armed neutrality, and has been uniformly asserted and adopted in practice during the present war. On the 27th of March, 1794, a new convention was framed between Denmark and Sweden, recognising this right and resolving upon a naval force to maintain it. [He read this convention.] In the same year we find that a demand was preferred by these Powers to the British Government for an indemnity for their captured ships and property. An ample compensation was made, yet the fleets of Sweden and Denmark were not equal to the British fleet; but the equipment discovered a determination to defend and vindicate their rights, and it produced its effect. But how was this convoy, Mr. O. asked, equivalent to actual war? Is it because our vessels will not submit to be searched by the French? If this be deemed by gentlemen equivalent to an actual state of war, it will not be induced, but may be prevented, by convoys; for under present circumstances a private vessel may resist the attempt to search when destitute of a convoy. Does the gentleman from Pennsylvania then intend that this bill will amount to a declaration of war? That cannot be pretended. Or will it afford a pretext for war? It is too late to think of avoiding pretexts. France wants no pretexts, she waits only for convenience. She threatened to ravage your coasts; she warned you of the fate of Venice; the feet of the nation are raised to trample on your necks; their bayonets are burnished to plunge into your bosoms. The war with England affords her sufficient employment at present; let them succeed in their enterprise against her, and then see whether you will escape from oppression and war.

Great reliance has been placed upon the assertion that the late decrees of the Directory affect only an inconsiderable and disadvantageous part of our commerce. Our carriage of British goods and our direct trade with the British dominions, in which branches of commerce the British will exclude us, from their ability to convoy and to carry at a cheaper rate. It is further said that if we remain at peace our trade will be unmolested, except in the cases specified in those decrees, but that a rupture with France will deprive us, not only of her trade, but of that of all the nations in alliance with her or under her control. He wondered greatly that gentlemen did not perceive the simple answer to these objections. In all those cases, if their arguments were just, there would be no occasion for the employment of convoy, and the vessels would either not be purchased or they would be destined to some other use; to defend the coast, or to protect the transportation of our troops and military stores. But he did not believe in the solidity of these arguments. France did not mean to permit this country to carry on any species of commerce that she could prevent; no gentleman could seriously believe that she would confine herself, though unjust and cruel in a high degree, to the letter or spirit of her late decrees. We have authentic information that she captures all she meets, and the Arch Bucanier of the West Indies has published an edict purporting that nothing must be suffered to escape; neither was it to be imagined that, in the event of war with a nation, we should be shut out from the ports of the other European nations. Of the fifty-one millions of our annual exports, a moiety consists of the produce of other countries, of sugars, teas, coffee, cotton, and other articles, the demand for which is constant and must be supplied. This supply must be obtained from those countries which can carry cheapest. At present, for this reason, it is principally derived from this country. It is a monstrous supposition that France should acquire such an ascendancy in Europe as to compel Spain, Holland, the Hanse-Towns, Russia, and the Italian States, to foreclose our commerce, and to deprive themselves of the advantages of purchasing supplies from those who can furnish them with the best advantage; such a system could never be enforced; all those countries would be interested to elude it; the trade that was interrupted in a direct course would be carried on circuitously; but still it would continue, and, if protected, would flourish. The effect, therefore, of denying convoy to our merchants will be to destroy this great and beneficial carrying trade; to transfer its emoluments to other nations; to annihilate forty millions worth of shipping, and to starve or banish sixty thousand sailors and their families. Upon the value of our lands and produce, the operation of this amendment would be highly pernicious. The farmers have been amused with the idea that if our own vessels are embargoed, the British and neutral ships will come hither for their produce, and that their interest will not suffer. But it should be remembered that, with respect to the produce of our country, there is a great difference between seeking and waiting for a market. It chiefly consists of provisions and the necessaries of life, with which nature in some measure provides all countries. As the seasons vary; as the harvest is more or less abundant; the demand for this produce also fluctuates, and one nation may accidentally possess an immense surplus, while another is threatened with famine. The enterprise of the exporter enables him to discover and avail himself of such circumstances, and when trade is free the amount of our produce will be the greatest quantity which our industry can raise, but when exportation is restrained, the demand is uncertain; the merchant will not risk the purchase of great quantities, which may perish on his hand; and an immense diminution both of quantity and value is the unfailing consequence. Besides, said he, admitting that other nations should send vessels sufficient to take off all of our produce, they must provide convoys; they will

not venture unarmed; and unless your produce can be bought on terms that will defray the expense of arming, they will not come at all. The question therefore remains, whose convoy will you pay for, that of foreign nations or that of your own country? Honor and interest give one answer, humiliation and meanness another.

It has been asserted within these walls and echoed throughout this continent that we are going to war in support of British manufactures, and of a trade the balance of which is against us. To show the disadvantage of our trade with Britain, it has been insisted that in the last year France has taken eleven millions of our exports and Great Britain but eight millions and a half. But he would assert that either this comparison of our exports was not an infallible test of the relative advantages of our trade, or, if it be so, the same principle taken for a series of years is in favor of our trade with Great Britain. In the year preceding the last, our exports to Great Britain were twenty-three millions; to France eleven millions only. By the report of Mr. Jefferson, in 1794, formed upon a view of our commerce in peaceable times, we sent to Great Britain nine millions annually, and to France about four millions. In the year 1785, it appears, by a memorial of the British merchants to the King, that such is the natural tendency of our export-trade in favor of Great Britain, that although Germany and Holland wanted annually 18,000 hogsheads of tobacco, they could obtain but 5,000; and that out of 25,000 hogsheads for which the French market would afford a sale, they would get from us but 1,200. The rest was sent to Great Britain.

Gentlemen may contend that a great part of our exports to Britain is re-exported; but the quantity thus re-exported is not precisely known, nor can it conclude against the general position. The markets of other countries being open, we should carry these exports directly thither, if it were not convenient and advantageous to permit them to centre in Great Britain. And whether they are remitted in exchange for merchandise, which we want, and cannot obtain on equal terms from other countries, or as a fund to facilitate our negotiations and commerce in other parts of the world, it equally results that this bias proceeds from that commercial sagacity, which is always acute to discern, and active to pursue, its true interest.

He would further add that the exports of the last year, for another reason, were not the true criterion of trade. The depredations of the French corsairs had already increased to a degree, which induced many to clear out for the French dominions, when the actual destination was to some other country; and of the nominal eleven millions appearing to be thus cleared out, only three millions consisted of our own produce or manufactures.

Mr. O. said that he would not take the wide range of the gentleman from Connecticut, (Mr. ALLEN,) nor give the same scope to his feelings. Gentlemen agreed that the time was arrived for placing the country in a state of defence, and declared themselves ready to adopt certain measures for this purpose. For these professions he gave them due credit, but their measures are not adequate to the object. He never would agree to declare that this country could not, or would not, protect its commerce, nor assent to a process of outlawry against all the merchants, mechanics, and sailors, in the United States. He thought it not very honorable to say to the merchants, "proceed in your commercial projects, and, in the event of your success, we expect a portion of your earnings to bestow upon the protection of the other classes of the community." The farmers of this country would never find an interest in holding this language, and they had too much generosity to adopt it. From the nature of the landed interest, valuable as it certainly was, and constituting the basis of all riches, it could not be pretended that great sums could be drawn from it for sudden emergencies. If loans are wanted, the merchants are able and willing to lend. They cheerfully support a great share of the public burdens, and if we could not shelter them from destruction, it was a weakness over which he should mourn in silence, but which he would never think it politic to publish to the world.

Mr. S. SMITH wished to have risen before the gentleman from Connecticut, (Mr. ALLEN,) to have expressed a single sentiment, with the hope that the question might have been taken without further debate; but that gentleman had taken such a wide field of declamation and irritation, that he had lost all hope of speedily taking the question. He was of opinion, with the gentleman from Pennsylvania yesterday, (Mr. SITGREAVES,) that this was a time in which they ought to act, and not to make speeches. The observation he wished to make was, that we have already a Naval Establishment of three frigates and two cutters, in the law providing for which, nothing is said to restrict their being employed as convoys. There was a clause of this sort introduced into the bill, but the Senate disagreed to it, and this House concurred in the amendment. It would be an extraordinary thing, therefore, to prohibit these twelve vessels from being employed as convoys, while the three frigates and two cutters were liable to be thus employed. There would be a contradiction between the two laws.

Mr. NICHOLAS expected that when the gentleman from Connecticut (Mr. ALLEN) rose to-day, instead of giving the committee new instances of passion, instead of making new attacks, as unfounded as unjust and unreasonable, he would have some reason for the heat which he yesterday discovered. But the committee had received a reason which went to every act of this sort, which must be taken as a full apology for his conduct of yesterday and to-day, viz: that he is differently formed from other persons; that his passions are not under his control; and that, therefore, he must not be expected to answer for them like other men. He should not, therefore, have taken any notice of them, had not calumnies been introduced, which would extend as far, and if unnoticed, might inflict wounds as deep, as if scattered by a person of a different description.

Mr. N. acknowledged he was never more astonished, than he was yesterday, at the real or affected indignation and anger shown on account of the speech of the gentleman from Pennsylvania, and which he found, by the speech of the gentleman from Connecticut to-day, was partly intended for himself; because he did suppose more moderation or more temper could not have been discovered on a discussion of this kind, on which subject, it was known, a great division of opinion existed. The member from Connecticut charges gentlemen with having always been opposed to certain measures; and could he suppose, then, that such a question would be suffered to pass without notice? Could he suppose gentlemen would sacrifice their opinions in silence? Or, could it have been expected that they should have come forward and declared that they had heretofore been always mistaken? As the country was about to answer for the misconduct of its Administration, could gentlemen rationally suppose this could happen?

If the gentleman expected absolute and unlimited submission to opinions which others think erroneous, he may despair of ever seeing it. He trusted there never would be a freeman in the world found, who, though he conforms to the act of a majority, will justify it against his own opinion. What, Mr. N. asked, is the ground of difference between gentlemen on the present occasion? Have we not, said he, concurred with gentlemen in measures of defence, and did we not canvass these measures on the ground of utility? If any objection was made to the different measures proposed, it was as to their propriety, the greatness of expense, or the inefficacy of the measures themselves. And, is it not pardonable, exclaimed Mr. N., that where I see a measure proposed which cannot be useful, but which must plunge the country in a war, that I deplore the consequences of such an event, and express my sentiments on the occasion? Upon a review of the conduct of gentlemen in this business, it appeared to him that they did not wish the people to think upon our present situation, but to keep up their resentment and irritation, and prepare them for taking measures which they themselves seemed determined to take. He was sorry to believe this was the case, but in his mind there was no doubt as to its being so.

Could it have been believed, that after the gentleman from Pennsylvania had enumerated so many instances in which he should deem it as an unworthy submission to give way, that he should have been immediately afterwards attacked, and charged with a disposition to surrender the independence of the country? That gentleman had been grossly caluminated, and he could not discover for what, except gentlemen found that their own political conduct would not bear the test of examination.

Gentlemen have said that the independence of the country consists in resisting unjust demands; that you must defend your commerce against aggression, or your honor and independence are gone; but when we suffered under the aggressions of another country nothing was said of forfeiting our honor and independence if we did not resist. And would gentlemen say that honor and independence were of such a nature that they were to bear till the last moment before they complained? If he understood anything about this feeling, it resisted the first inroad upon right, and there was as much loss of honor in suffering an encroachment to the amount of a shilling as there would be in suffering to the greatest amount. By submitting to search, which our vessels were obliged to do by the laws of nations, they have to submit to the decision of a foreign tribunal; therefore he could see but little difference between submitting to the laws of nations and submitting to aggressions. It would be a matter of interest merely. Honor and independence had nothing to do with it.

Mr. N. said, he was much at a loss in following the gentleman from Connecticut through his long and tedious charges against himself, and others who generally acted with him. Many of them were such as he should not take up the time of the committee to notice. He, as well as the gentleman from Massachusetts who followed him, relied much upon the declaration which he had made, that we cannot effectually defend our commerce. He believed this to be the truth, and though the gentleman from Massachusetts formally denied it on the outset of his arguments, he afterwards seemed to acknowledge it. [Mr. OTIS said, he declared in the most unequivocal terms that we are equal to the protection of our commerce.] The gentleman stated, that to declare our weakness was to invite aggression; but, he asked, what would be the consequence of holding out protection to men whom the Government cannot protect? To do so would certainly invite enterprises which would end in ruin. Gentlemen say no country ever did completely defend their commerce; but our argument is, that we cannot defend it so as to be of any service, and that though we might attempt it, Great Britain would have a preference on account of her superior force, and our trade would fall a sacrifice to our attempt.

Upon this subject he was called upon to defend himself against great inconsistency, and against a charge of a loss of character and national feeling from what he felt three or four years ago. He was stated as then being a great advocate for the carrying trade; but did not the gentleman from Connecticut see that it was a mere carrying trade that was then spoken of? Those aggressions, which ended so fatally to this country, had gone on to a considerable extent when this proposition was made. The gentleman had stated him as saying that the matter was not so much a commercial as a political grievance; and the intention of the measure then under consideration was to force Great Britain to forbear to do us wrong. If the gentleman examined the subject more attentively, he would find that the same line of conduct governed him at that time which now governs him. All that was then proposed were defensive operations, and the gentleman was obliged to have recourse to his own imagination to make anything else of them. If he might be believed,

he would declare he never did contemplate a situation in which he should have wished to have gone to war with Great Britain, unless she invaded this country.

The gentleman from Connecticut has very directly charged members of this House, who act in opposition to him, with acting under the influence of French diplomatic skill, which the persons denominated X and Y, in the late despatches, have spoken of. He was perfectly willing that that gentleman should circulate every opinion of this sort which he pleased; he was not afraid of this sort of calumny; but he asked that gentleman, when he attended to all the information given by these agents, whether he could charge the Government of France with the whole of it? Did he suppose that Government, or any other, would authorize persons to inform the Ministers of a foreign country that they were not actuated by principles of justice, and that the present state of things could not long exist? Had not insinuations similar to those now made by the gentleman from Connecticut been heard in this House almost as often as gentlemen speak? and was it improbable, Mr. N. asked, that men of the description of which these agents appear to be should address themselves to the fears which they supposed existed of a factious spirit in this country? If gentlemen in this House are sincere in what they say, they have long held such an opinion. The gentleman from Connecticut himself had this morning charged every member, differing from him in opinion, with a devotedness to France. He believed such insinuations, which had for a long time been constantly made, had in this case been taken advantage of by these agents. If there existed a party in this country who were active in furthering the views of France, was it not probable, Mr. N. asked, that some one person would, before now, have been detected? If any such existed, why did not their names appear? No such thing was seen; and he would confidently say, a detection of this kind never would be made. He knew more of the character of the gentlemen alluded to than those gentlemen who made the insinuations knew; and he was certain that no person of his acquaintance had carried on any correspondence with that country since our dispute with it has become of a serious nature.

But gentlemen say that those opposed to them in opinion propose to submit. Where and on what occasion had this been proposed? Do we not, said Mr. N., expressly declare we will not submit? And has it not been acknowledged that the instructions given to our Ministers were ample and proper, and that everything had been done that ought to be done on our part to effect a negotiation? How, then, could it be said that gentlemen wished to submit, because they declined to go into measures from which they could see no advantage, but which would certainly produce war? If the gentleman from Connecticut does believe, as he states, that Great Britain is in imminent danger, and that she will either be invaded, or ruined by other means, and afterwards that the French will go seriously to war with this country, will it not be good policy to forbear exhausting ourselves at present? It certainly would; for if we went into the measures proposed, they would not only be abortive, but mischievous. He did not believe the time would ever come when this country would submit to the will of a foreign Power; but if anything could force us into such a situation, it would be premature exertion on objects beyond our reach.

Mr. N. said, he was charged with expressing hopes of peace being yet preserved, and that he certainly could not believe in the hopes he expressed. It certainly must be allowed that before war is declared a better hope may be entertained with respect to peace than afterwards; and he believed that if we could escape a declaration of war until the war in Europe is closed, we might escape it altogether. There is a possibility that war will not be declared againt us; he hoped greater objects—the bringing about a general peace—would engage the attention of the French, and take it off from this country. And if this was not only a possible, but a reasonable course of things, would it not be wise to forbear measures of war? He thought it would.

But the gentleman from Connecticut has declared what he expected from those who differed from him in opinion. He expected that whenever a majority proposed a measure, the minority ought immediately, and without discussion, to agree to it, without anything being said as to the expediency of the measure proposed. [Mr. ALLEN said he had expressly stated that difference of opinion must exist; but that the decisions of a majority ought always to be abided by.] If that was the gentleman's expression, then his clamor was made too soon, because it was not known, whilst a question was under discussion, what was the will of a majority. Mr. N. did not believe that whenever that gentleman came into a minority that he would show a greater degree of submission, excite less clamor, or do less to thwart the measures of Government than he and his friends did.

But it was said gentlemen ought not to speak of our means. Was it supposed they were inexhaustible? And if they were not, would it not be proper to inquire into the tendency of measures before they are gone into? No—this will not be allowed, and when gentlemen do it, they are branded with treason, with diabolical intentions, and with a desire to subjugate this country to the will of another!

The gentleman had alleged against him that, at the last session, an amendment was proposed by him (Mr. N.) to the answer to the President's Address, which pledged the country to make war. He believed this was what the gentleman was ready for, but he kept his intentions in the back ground. The present question is on a peace measure, and it is objected to because it would produce war. If the gentleman thinks the time is come when we ought to go to war, why does he not declare it? If gentlemen meant to make war, they ought to bring forward a proposition for at once declaring it, as, by

the Constitution, Congress only had the power of doing this; but he was sorry to be obliged to believe, though gentlemen were not ready for this question, it was their desire to produce war in a different way. Rather than agree to a measure which would certainly lead to war, he thought it would be more for the interest of the country to make a positive and unequivocal declaration of war at once.

The gentleman from Massachusetts, (Mr. OTIS,) with an art which is greatly practised upon in this House, (and which he was sorry to see, because he did not wish the peace of this country to be thus acted upon,) asked whether, after being successful in a contest with one nation, we were prepared to crouch to another? Mr. N. said, he had before stated that this question does not at all include anything of this kind. In the instance to which the gentleman alludes, things were very different from what they are at present. The country was invaded, submission was demanded, and an armed force ready to enforce it. It was resisted, and the issue was favorable, and he never could have a doubt, that if this country should ever be called to a similar contest, it will have a similar issue.

Sweden and Denmark, it was said, have navies, and that Russia built one when in a barbarous state, though they had far less means to rely upon than this country. When the subject of a navy was formerly under consideration, Mr. N. said, the examples of Sweden and Denmark were quoted, and it was then shown that the whole of our revenue would not support in this country a navy equal to that of either Denmark or Sweden, the expense would be so different in the two countries. As to Russia, he could not calculate upon the difference of means between this and that country; but Peter had an immense number of people whom he could direct at his will; but here everything that is done in this or any other way, must be done by freemen, who will be well paid for their labor. The gentleman from Massachusetts added, that the Vice President has given an opinion that this country is equal to the building and maintaining of a navy. Mr. N. advised the gentleman to look again into the book to which he referred, and he would find that the revenue which the writer supposed would be equal to the support of a navy, we have already raised and applied to other objects. It is appropriated to the payment of a debt, of an army, of a civil list, and of a diplomatic establishment; and in order to prove that we may create and support a navy, it must be known that we may raise a revenue twice as large as what we now have, or was contemplated by the Vice President, in the book which had been quoted.

As to the right of convoying our trade, Mr. N. said, he never had denied it. Where we can declare war, we can convoy our ships. The only question was whether, because the foreign Power of another country can grant convoys, the President of the United States can do it? With respect to the effect which the convoys of Denmark and Sweden had produced, it must appear to have arisen from their united force being formidable, and which, if their convoys had not been respected, would have been thrown into the scale against the belligerent Powers which would have attacked them.

But it was said, if France wished to declare war against us, she would not want pretexts. All that was known on this head was, that France had not yet thought proper to declare war, and it was to be presumed she will not do it. But the gentleman from Massachusetts could not suppose that, any more than other Governments, to be free from passions, and if we determined to sink their vessels, and put to death their people, it may produce a different effect.

But all this was said to be of no consequence; because, if the British are to carry our trade, convoys will not be employed. This would, Mr. N. said, be a new kind of legislation, to go into a very expensive measure, without inquiring into the use of it, because the President will be at liberty to divert it to some other object, if it should not be wanted for the purpose for which it is provided. He wished, on the contrary, to inquire into the usefulness of the armament, before he agreed to it; and if there was not great probability of its being useful as a convoy, he should wish it to consist of a less number of vessels for the defence of our coasts and rivers.

The gentleman says, we shall have to pay the price of convoys to another country, if we do not provide them for ourselves. This he knew; and from the best information he could get on the subject, he believed we should have to do this, if the measure contemplated was gone into.

With respect to the amount of our exports to France and Great Britain, it had little to do with the present question. It was only introduced to show the probable effect of our being shut out of French ports, in consequence of a war. As to the amount of the exportations from this country to Great Britain, in the year 1785, no inference could be drawn from that as to the present amount; because, before the establishment of the present Government, Great Britain was a depot for most of the exported produce of this country; but, since that period, a direct trade has been opened to all the world from our own ports.

The gentleman from Massachusetts had also talked about submission, and seemed to suppose that, since the publication of the late despatches, gentleman were to come forward and declare they had heretofore been in error. [Mr. OTIS said, he had never any idea that the despatches would change any opinion of gentlemen; he was glad, however, to find himself mistaken in part.] It was said, nothing could save us but union. Are we continually to be abused, until we concur in every measure which certain gentlemen bring forward? Is our attachment to the interests of the country constantly to be suspected, until we conform to the wishes of these gentlemen? Why are we sent here if we are not freely to exercise our opinions? If a tyranny was to be set up over opinion; if attempts were made to influence them by speaking of the passions of the people, he begged gentlemen

to banish them at once; for this tyranny of opinion was worse than slavery in chains. He wished gentleman to consider of what use this kind of clamor could be. Have we anything but their own professions for the excess of patriotism which gentlemen tell us and the world, they possess? And have those who differ from them in opinion less reason to be attached to their country, than they who are continually charging them with a want of that attachment? Do they believe (they do not) that the influence of another country has spread from one end of the continent to another? Whatever influence there may have been in this country in favor of France, it has been merely the influence of sentiment. It could not be supposed she had the power to buy up the interest of a large part of the country. The idea was too absurd to be entertained. When, said Mr. N., we confess we are injured by that country, and that if they make an attack upon us, we will fight them to the last, what more can gentlemen wish? Why, then, all this clamor? He feared it was intended to make the people out-of-doors believe, what gentlemen themselves did not, that there was a party in this House connected with the French Government, and determined on the destruction of their own.

Mr. N. concluded with an apology for having taken up the time of the committee in noticing these calumnies, which were too gross to be imposed upon the most credulous; but, being so often repeated, he thought it necessary thus to notice them.

Mr. DANA.—Perhaps many gentlemen of the committee, in speaking on this subject, have displayed too great an enthusiasm. It must be admitted that the gentleman from Pennsylvania (Mr. GALLATIN) had delivered his observations with great apparent moderation, yet it might not be any easy matter to answer those observations, without sentiments of indignation. An American, not very ambitious as to the glory of his country, may yet abhor the idea of reducing it to a state of submission to a foreign Power; and when gentlemen propose a course to be taken which would abandon our commerce to the depredations of foreigners, and thereby destroy it, it is natural that an American should spurn at the idea. And for this reason, the moderation with which gentlemen speak of measures which would stain our country with infamy, is the thing which excites indignation.

The present question, Mr. D. admitted, ought to be considered with calmness and moderation. In the view he meant to take of the subject, he should endeavor so to consider it. He should have hesitated in speaking upon it at all, if the whole delegation of Connecticut had occupied so much time of the House, this session, as the gentleman from Pennsylvania alone had done.

Mr. D. referred to the late despatches of our Ministers in France, as to the opinion entertained in France relative to our state of union and capacity of defence. Our incapacity for defence was drawn from the want of union in our councils, and therefore of the ability to call forth our resources. France believes she has a powerful party in this country, and in these despatches it appears that her agents have been guilty of a most infamous slander, in saying that they have even supporters in this House. He wished to repel the slander; and whilst that country claims everything, because she has the power to claim it; whilst she plunders us, because we are weak; whilst she insults us, because we do not resent the injury, he should wish to convince France and her agents of their folly and of their ignorance, as to the state of the country.

France is as proud of her diplomatic skill as of her glory achieved by her arms; and by whatever means she has divided the people of this country, whether by means of money, or by artful hypotheses in favor of liberty; whether we are their dupes, or their tools purchased with money, is of little consequence.

This being the opinion held in France, what then will be the effect produced by a number of gentlemen of this House undertaking to oppose measures of resistance against the depredations of that country? The effect certainly will be, that the French will conceive their opinions well-founded, however upright the conduct of those gentlemen may be.

Mr. C. said, he should not repeat the observations of his colleague on this subject; but call the attention of the committee to the exhibit A, in the late despatches, which mentions the application of a lady to General PINCKNEY. [Mr. D. read an extract from it relative to the loan of money desired by France from this country.] France, Mr. D. said, did not propose to reduce us to submission by invading our country; the only plan suggested is that of ravaging our coasts, and destroying our commerce. The conduct of the French Government showed, he thought, that something might be expected from a firmness in the decisions of Congress; since it appears, by the firmness of our Envoys, the terms proposed by the agents of that Government, were, in some degree, relaxed, and they were evidently unwilling the Envoys should leave the country without entering upon any negotiation. It was in this view that he considered a declaration that we would not resist, as an encouragement to them to proceed in their depredations upon us. And he took the liberty of saying, that, whatever was done here had its effect in France. He had seen the observations of gentlemen opposed to the measures of administration of this country, in the publications of that country. [Mr. D. read a quotation from a speech of Mr. NICHOLAS in one of these publications.] These extracts are published to prove to the people of France, that the people of this country are disaffected towards their Government; and that we are a discontented, divided, and contemptible race. In justice to the gentleman from Virginia, he had heard him say this was not correctly stated; but he quoted it to show that gentlemen ought to be careful how they deliver sentiments which may be used so greatly to the disadvantage of their country.

When opposition to measures of this kind pro-

duced a belief in France that there exists a division of opinion as to the justice of our cause, if he were in the situation of those gentlemen who make this opposition, he should feel some repugnance in resisting any measure which had the defence of the country for its object. If he stood in so observable a situation as to be considered the chieftain of a party, he should feel some apprehension, however innocent his views and intentions might be, lest he should be suspected of being influenced by improper motives. If he stood in the situation of the gentleman from Pennsylvania (Mr. GALLATIN) he acknowledged his patriotism would not allow him to oppose, at this time, a measure intended for the defence of our country. Far be it from him, however, to censure such a conduct. He would render honor to that patriotism, which, he owned, he did not himself possess.

The question before the committee, Mr. D. said, was one of the highest importance; for, if it were carried, it would be the means of annihilating the whole of our foreign commerce; it would destroy the principal part of our revenue; prostrate our public credit; impoverish and ruin our merchants; and would irretrievably lose the great body of our seamen. This was the question upon which they were now about to decide; whether we shall submit to a complete abandonment of our commercial rights; whether only our territorial rights shall be protected, or whether our commercial citizens have not a claim also upon the protection of Government? Gentlemen say they are willing to defend our commerce according to our means. And what are our means? We have been equally pillaged by all the world. Gentlemen will cause respect to be given to our flag? By suffering it to have the honor of being equally insulted by all the world! They say they feel for the misfortunes of seamen; but they will not do a single thing for their relief. The gentleman from Pennsylvania refuses public protection to our vessels, and disallows the right of self-defence, for fear our armed vessels should commit acts which would lead to war. He was, therefore, for letting things remain as they are; and the present situation of things he dignifies by the name of peace. And is this a peace which is valuable? He had supposed that a state of peace was a state in which the rights of nations was respected, and in which the voice of justice reigned. But what is the peace spoken of by the gentleman from Pennsylvania? It is a state of political purgatory; a state of corruption and distress, in which a foreign Power does with us what it pleases. The system of the gentleman from Pennsylvania is perfectly passive; it is, as it respects naval matters, a system of passive obedience and non-resistance. But is this a peace worthy the American Republic to cultivate? No American will say so.

Our present state, the gentleman from Pennsylvania says, is not war, and he undertakes to assert that, to defend our rights against lawless attacks, is to produce war; so that we are never to defend our property but upon the principle of war. Has the gentleman to learn what constitutes a principle of war? He says our authorizing convoys will produce war. This was a position which he could not admit. When a declaration of war is authorized, every treaty is done away, and it would be lawful to seize Frenchmen, or French property anywhere. But would the authorizing of convoys introduce a state of war? Because, if once introduced, it cannot be terminated, except by a treaty of peace. If our convoys produced a war, it would be such an one as would require no treaty to terminate it. Were a declaration of war to take place, a man who went from this country to join the French army, would be a traitor, and a man who corresponded with any person in France, would be guilty of treason. These are essential characters of war. But it is assumed by one of the most respectable writers on the laws of nations, that defence is not hostility; nor do mere reprisals amount to war. [Mr. D. read an extract from *Vattel* in confirmation of this opinion.] But it is evident, from the universal law of nature, that men may defend themselves against violent and lawless attack. This principle is also warranted by municipal law.

Mr. D. said, it was not intended that we should do more than defend ourselves. It was not contemplated either to authorize reprisals or captures, and he called upon gentlemen to state an authority which says that there exists any right of search when vessels are taken under convoy. The question whether a vessel has enemy's, or contraband property on board, was to be determined by some Government, and when a nation takes vessels under convoy, it is to be supposed they have examined to see that there is nothing improper on board; and the true reason why merchantmen are liable to be searched, is, that the national Government does not say anything about their being laden with goods not liable to be seized. The matter is, therefore, referred to the Government to whom belongs the capturing vessel.

On the right of neutral nations to convoy their vessels, there could be no doubt. He referred to the armed neutrality, and to what had been said on this head by three different French Ministers in this country. Genet, Fauchet, and Adet, all complained that we did not arm to protect our trade, and because we did not do it, they told us we abandoned our rights as a neutral nation.

If this amendment took place, Mr. D. apprehended it would drive 40,000 sailors from this country into the service of the British, or some other foreign Power, which would prove a loss which ought not to be disregarded, as they are a deserving and suffering set of men. But, according to the doctrine of the gentleman from Pennsylvania, if a cargo was seized, the owner, and those concerned, ought to rejoice that the vessel was saved; if the vessel were taken, that the sailors were saved; if the sailors were cast into prison, that they were not tortured with thumb-screws; if tortured with thumb-screws, that they were not starved to death; and if starved to death, that they were relieved from the pains and troubles of mortality. Indeed, he saw no limits to the submission which he proposes. He does not, it is true, say that we ought to submit to an

attack on land, and there was good reason for it. He knows that many of the citizens of America have arms in their hands; that they have been trained to the use of them, and that they want no commission to defend themselves. He could not impose submission, therefore, upon them.

Mr. D. then took a view of the amount of our exports and imports to different countries, in order to show the advantage of a convoy for our trade. The late French decree struck at all our East India trade, as no vessel came from thence without some article of British manufacture on board, and even to our vessels bound to the French dominions themselves. So that that decree will go nearly to annihilate the trade of this country.

But it is said, this convoy ought not to be provided, because the expense of effecting it will produce a land tax; but if it were considered, that if commerce was destroyed, the landed interest would not be able to pay anything at all, he trusted a convoy would not be objected to on this ground. Especially when it is evident that, if we do not pay the expense of a convoy of our own, we shall have to pay for one to a foreign country. The gentleman from Pennsylvania, and the gentleman from Virginia, have both said they will not submit. But what does this declaration amount to? Do they join in any measure to defend the country? They do not.

The state of the case is this. If we will give France a certain sum of money, then she will relinquish her piratical practices. The demand is $30,000,000 for this forbearance. He did not think that France, in this respect, stood upon so good a footing as Algiers, because he did not know that the Dey had departed from his agreement; but we have not the same security with France.

But the gentleman from Pennsylvania says, it will be cheaper to submit to French depredations than to undertake our defence. He thought, however, if we were to submit at all, the terms which the French themselves offered would be much cheaper than those of the gentleman from Pennsylvania. The French depredations, it was supposed some time ago, amounted to fifteen millions—perhaps equal to four or five millions a year. The French, on the other hand, propose a loan of $36,000,000, the interest of which would be little more than two millions, and a nation so famed as the Dutch for adherence to their engagements, would certainly pay the principal. Besides, in the one case, we should be at liberty to collect the money in any manner we pleased; whilst, in the other, we must submit to be robbed of it by French corsairs. If the tribute were paid, our merchants would know upon what to rely; but, in the other case, the knowledge of the hazard would be more oppressive to our commerce than the seizures themselves. The reply of gentlemen, he supposed, would be, "Take the least disadvantageous terms." But, added he, I will take neither.

It being past three o'clock, a motion was made for the committee to rise.

This was opposed by Messrs. HARPER, BROOKS, CRAIK, and SEWALL, who were determined to take the question before the committee rose, if they sat till midnight; for, if it were entered upon again on Monday, they said they supposed it would occupy another week. It was supported by Messrs. LIVINGSTON, FINDLEY, BRENT, MCDOWELL, and MACON. They complained of being deprived of an opportunity of replying to what had been said, and of being coerced into a decision on a question upon which depended the peace of the country; that there would be no necessity for adjourning till Monday; the House could meet to-morrow, and no time would be lost. The question on the committee's rising was put and negatived—47 to 39.

It having been determined the committee would not rise,

Mr. MACON proceeded to make some observations. He did not think, that in case of war, the loudest talkers here would be amongst the first to defend their country. He believed though others were less willing to plunge the country in war, they would be found more ready to defend it in case of danger. The arguments of the gentlemen from Connecticut and Massachusetts led directly to war; for a kind of *fighting peace*, Mr. M. said, our measures would be too strong, and for war too weak. If gentlemen were determined on war, and would come to a declaration of it at once, he should know what to do.

Some very strange charges had been made against gentlemen desirous of preserving the peace of the country as long as possible, such as being under the influence of the French Government, &c., but if these charges applied to the members of this House, they would also apply to those who sent them; and could so strange an absurdity for a moment be countenanced, as that half the people of this country should be thus influenced? It could not. Whatever a majority did, would doubtless be abided by; but, in the mean time, it was certainly proper that every man should express his free and unbiassed opinion. These charges were not made to have an influence here, but out of doors, where the characters of the persons charged were not known.

There was one part of the observations of the gentleman from Connecticut which he did not understand, viz: by the information which he received from his constituents, he believed that this House would be *compelled* to act. Mr. M. said he was not afraid of any compulsion from that quarter. And why did gentlemen talk of compelling Congress to act? Was this proper? If he were to be compelled to act, of what use was it for his constituents to send him there? He would assure that gentleman he would not be compelled to act.

It was objected against gentlemen that they spoke of ways and means. He considered money as the sinews of all our exertions. With money we could do everything; we could, he knew, do a great deal without it; but was the country to be led blindfold into a war for the protection of commerce, without speaking of the expense?

Gentlemen were continually talking of French diplomatic agency. For his part, he cared not

for these charges. He never knew six Frenchmen in his life. Congress had no proof of any such agency; but they had good proof of the diplomatic agency of another country; and he wished they had a rule similar to one which is established in England, that no member of Congress should visit a foreign Minister.

Certain gentlemen had been so long in the habit of acting with large majorities, that when the House was likely to be nearly divided upon a question, they became angry; but they could not suppose that the method which they took of abusing the agents of one half the country, and consequently the people of that part of the country also whom they represented, was the best for producing unanimity.

At one time, Mr. M. said, it was stated that the whole of these vessels were wanted for the protection of that part of the coast which is not fortified; at another, for convoys. If they were employed for this latter purpose, they could not protect the coast. Besides, he thought the idea of convoying the trade of the United States was a fanciful one, and could not be carried into effect. He hoped, therefore, that the motion would be agreed to.

Mr. McDOWELL wished to make a few remarks on what the gentleman from Connecticut had said respecting the conversation of X and Y, as to the division of sentiment which existed in the United States, which went to insinuate that some members of this House were improperly acted upon by French diplomatic skill.

There could be no doubt how these agents came in possession of such opinions. Certain gentlemen, opposed to them in opinion, have frequently proscribed one half the Union on this floor, and it has been openly declared that only men of a certain political opinion could expect to be employed by Government. As to diplomatic skill, he believed no country exceeded the British in their knowledge of this art; that House had proofs of its having been carried to a considerable extent in this country. And it must be acknowledged that Great Britain has a much greater influence in the seaports than the French, by reason of their extensive commerce.

The gentleman from Connecticut had spoken of American feelings; and said that foreigners could not possess the same feelings in favor of this country with them. There were members of this House, Mr. McD. said, who were not born here, who had given the strongest proofs of their attachment to this country, by having been engaged in that service which produced the independence of the country. [Mr. DANA explained, by saying he made no allusion to him, as he knew he took an active part in the late revolution.] Mr. McD. concluded, by saying he had no doubt gentlemen who were so loud in their boastings, would, when danger appeared, come forward to defend their country; but he believed others, who differed in opinion from them, would be as ready to do it as they. He hoped, therefore, gentlemen would not take the liberty of representing others as disinclined to support every measure which they think necessary for the support of the country, so as not only to irritate members themselves, but the people whom they represent.

Mr. T. CLAIBORNE said, if ever there was a time which called for harmony in transacting the business of the Union, it was at this time. He hoped the committee would rise. To-morrow being Saturday, the House could sit on that day, and the day would be well spent in a further discussion of this question. It was now five o'clock; he wished to rise.

The question on rising was put and negatived—44 to 33.

The commitiee having determined to sit,

Mr. GALLATIN then rose. It would seem, he said, that a majority of this committee insist upon taking the question before they rise. He felt reluctance at troubling them again at this late hour; yet, after what had passed yesterday and to-day, it could hardly be supposed that he should give his vote without making a few observations upon what had taken place.

He had been at a loss to know whether the warmth displayed yesterday by some gentlemen was occasioned by the amendment itself, or by the manner in which he had supported it. The amendment was in substance the same which had been proposed the day before, by Mr. NICHOLAS, the decision of which had then been evaded, but upon which no reflection of this kind had taken place. Nor could he, upon reflection, and still less from what had fallen from gentlemen in reply to his observations, find that there was any thing improper in the manner in which he had supported this motion.

It appeared to him, however, from the general turn of the debate, that the great object of gentlemen was to compel by fear those who differed from them in opinion, to vote as they pleased, or at least to oblige them to give silent votes.

He was justified in that assertion by what had fallen from themselves to-day. They say, that in reading the late despatches, they find that certain unauthorized agents of the French Government, in unofficial conversations held with our Envoys, expressed an opinion that there was a French party in this country, who, if the negotiation failed, would throw the blame upon the Envoys. And, said Mr. G., we are now told it is our duty to show that we do not approve of these sentiments, in other words, that we do not belong to that French party. And how is this to be done? By voting as these gentlemen please, and by agreeing to every proposition, however extravagant, which they may choose to bring forward.

Nay, one of the members from Connecticut insisted that gentlemen ought not to reprobate or oppose any measure of Government. Meaning, he supposed, the Executive. [Mr. ALLEN explained by saying that he had said, that minorities ought always to acquiesce in the determinations of majorities.] How that member meant to apply such an observation to the present question before it was decided, he could not tell. The remark which he alluded to, fell from him in speaking upon what he (Mr. G.) had said with re-

spect to the publication of the late despatches. And after a vote had been carried in this House by a majority of more than three-fourths against the publication, had he not a right to say that his hopes of peace were diminished by this publication? But the member from Connecticut had also in very general terms declared that no men who were not devoted to France ought, in the present situation of things, to say anything which might reflect upon the conduct of the Administration. To those observations coming from that quarter he would perhaps have paid no attention; but the gentleman from Connecticut on his left (Mr. DANA) also stated, that the opposition of members to the present motion, would encourage France to pursue her attacks and insults upon us; that she knew there were divisions in this country, and that whether the people were the tools or dupes of France, made no difference. He went on to show that the speech of the gentleman from Virginia was known there, and that therefore, he (Mr. G.) and others ought to be very careful of what they said. He went farther, and said, if he (Mr. D.) were in his (Mr. G's) place, he should not have possessed so much patriotism as to have offered any opposition to the present measure, for fear, however innocent his intentions might be, that slander might attack his character; so that it is only necessary, according to the gentleman's doctrine, to spread slander, and the person attacked must be compelled to acquiesce in any measure that shall be proposed by gentlemen of different political opinions. Did that gentleman really feel so sensibly the voice of calumny as to suffer it to prevent him from doing what he conceived to be his duty, lest he should be thought by the world to be actuated by improper motives? He would not give credit to such an assertion; on the contrary, he must think that that gentleman, conscious of his innocence and integrity, would, if in his place, act precisely as he himself had done. He would despise the attacks of calumny, and follow that line of duty which his own judgment told him was right and proper.

And, indeed, he could hardly understand how any member on that floor could suppose that it was sufficient to shed his venom on the character of another member, in order to force him to be silent. He could hardly have believed that any member would have supposed those gentlemen who, from principle, were opposed to certain measures, and him, among others, so destitute of fortitude, as not to be able to resist unfounded slander and vague imputations, so weak and unprincipled as to abandon his real opinion on account of suggestions of this kind.

The question before the committee was, whether the power of granting convoys should be restrained in time of peace.

The bill under discussion was brought forward avowedly for the purpose of protecting commerce. It was objected to the present amendment that it went to the annihilation of commerce, merchants, sailors, and revenue; and yet, when it is shown that if the bill passes without the amendment, commerce will be in a worse situation than at present, that a war will be more prejudicial to commerce than even the present state of things, gentlemen forget the object of the bill, and speak of infamy, and of the absurdity of calculating on pounds, shillings, and pence, on a question of defence, though the bill itself is introduced for the express purpose of protecting pounds, shillings, and pence.

For what purpose, said Mr. G., was this bill brought in? Was it for the protection of commerce, or for the purpose of producing war? His idea was that it was intended to afford protection to commerce, and wishing commerce to be protected, he introduced the amendment under consideration, and had attempted to show that it would answer that purpose. He had considered it on the ground on which it was brought in as a fair subject of calculation.

Mr. G. said he went upon the idea that when peace shall be restored in Europe, we shall be restored to the same situation in which we were before the war—not that he expected full compensation to be made to our merchants for their losses, but that in other respects we should be restored to the full enjoyment of our commercial and national rights. The committee had, however, been told that the object of France is, after the conclusion of the European war, to subjugate and deluge our country in blood, if not resisted. Mr. G. said he would not undertake to correct those wild ideas. He owned he had himself no fears of actual invasion or subjugation; but, if he had, what would be the best way of preventing it? Are we to throw ourselves into a war to do it? Would our making war prevent the supposed consequences of war? Will it prevent the invasion or ruin of England, which the gentleman seems to apprehend? Will it increase our resources, or put our revenue upon a better footing than at present? It certainly would not.

But a gentleman (Mr. DANA) had insisted that the granting of convoys will not produce a state of war. He has taken a position peculiar to himself, for the other gentleman who opposed this amendment, spoke of our present state as a state of war. The gentleman from Massachusetts called it a commercial war. The gentleman from Connecticut (Mr. DANA) does not deny that the consequence of granting convoys may be fighting; but, notwithstanding that, though there is no difference in fact between fighting and war, that gentleman rests his argument upon certain circumstances belonging to a state of war, and which will not attach to a state of fighting, before war is actually declared—such as that the property of Frenchmen here, and of American citizens in France, would not be liable to sequestration, that it would not be treason for Americans to hold a correspondence with the French Government. But how will this apply to the present question? When he and those who support his motion object to the granting of convoys as leading to a state of war, it is because it will produce a worse state of things than the present; and will it be less mischievous, because sequestration and treason would not attach, as it would do in a

state of war? If the gentleman would prove that the state which would be produced by convoys was not as bad as war, he should have shown that it would not be attended with the evils of war, and not have dwelt upon mere verbal or legal distinctions between the two states. It did not appear to him to be any great source of consolation to say, though we engage in hostility which will make all our property at sea liable to capture, yet our citizens may go over to France or hold correspondence with the French Government, without being liable to punishment. His opinion was, that to produce hostility in this way would be worse than an open declaration of war, because we should suffer all the evils of war, without having either the power of punishing traitors, or that of retaliating, by making reprisals and captures in our turn. If gentlemen were determined upon war, therefore, he should wish them to propose an open declaration of it.

The gentleman from Connecticut drew another distinction, which was, that self defence was not hostility. Though he knew the laws of nations spoke of a discrimination between these two states, he would venture to say that it was a distinction in terms, and not in fact. That gentleman had also remarked, that to grant letters of marque and to make reprisals, is not war, but an intermediate state between peace and war. It was true that writers on the laws of nations have made distinctions of this kind; but he believed the gentleman could point to no instance in the present century, where letters of marque have been granted, in which war did not succeed them. War, indeed, has commenced sometimes by partial hostilities, sometimes by granting letters of marque, sometimes by convoys, sometimes by reprisals, and sometimes by taking what were called measures of self-defence. When it has not been thought proper to come to open war at once, measures of this kind have been carried on for two or three years, during which time all the evils of war have existed, without its being actually declared. He did not wish to follow this course.

The gentleman from Connecticut seemed to rely much upon another principle, viz: that vessels, when under convoy, are not liable to be searched. Now he called upon that gentleman to prove his assertion; to prove that when the Government grants a convoy, it was to be a sufficient proof that the vessels under its care had nothing contraband or improper on board. He denied the position to be well founded. And in every case of this kind, the event would depend on the strength of the convoy, or the force attacking it. Convoys in time of war have never been respected, except where the belligerent Powers apprehended an open rupture with the neutral Power to whom the convoy belonged.

But the fact was, Mr. G. said, he did not consider it very important what was the law of nations on this head, because he knew that the present belligerent Powers had wholly disregarded both the laws of nations and stipulations of treaties; that France had prostrated them altogether, and, therefore, given us justifiable cause of war; and the question was in fact whether we think it our interest to declare war against her, or not. Gentlemen on both sides have said they do not wish to declare war. He, therefore, went upon that ground, and if we take measures grounded on the right we derive from the laws of nations, which we know the belligerent Powers do not respect, those measures will as certainly produce war, as if we were at once to declare it.

Why, then, said Mr. G., will those gentlemen who do not choose to come forward with a declaration of war, (though they are willing to go to war without this declaration,) tell us we mean to submit to France; that we have not the spirit of Americans; that we mean to invite further aggressions from that country? We might, said he, retort the charge upon them, and say they wished to involve the country in a war; at the same time that they dare not declare it, although they thereby deprive America of any advantages to be derived from such a state.

Mr. G. said that no gentleman had attempted to account for that inconsistency, and, indeed, there were many other unaccountable proceedings on the part of some gentlemen on that floor. Whence, for instance, the prodigious clamor on the subject of the late despatches? Gentlemen go at large into all the unofficial conversations which take place between our Envoys and certain persons who are said to have been agents of the French Minister, and they then insist that the knowledge of those conversations must necessarily change our opinions in relation to measures to be adopted. But he would say that the reading of these despatches had added only one circumstance to the knowledge we had already of the insults and injuries committed by France against this country, which was that they want money from us. Everything else that could have any effect upon their deliberations, was as well known before the arrival of those despatches, as since; for it would not be said that because certain individuals in the Government of France are corrupt, or choose to say there are parties in this country, or speak disrespectfully of their own Government, that a knowledge of these circumstances could have any serious effect upon the acts of Congress. It was true these despatches had produced one effect upon their deliberations. Before they were communicated, a resolution was under discussion, declaring "that under the present situation of things, it is not expedient to resort to war against France," which, after the promulgation of these despatches, was postponed to a distant day, as improper for further discussion at this time; but he saw nothing in the despatches which could make any act necessary that was not necessary before they were read in Congress. For if war, or war measures, or measures of self-defence, were necessary, it was not because there were corrupt individuals in the French Government, or because those individuals or that Government wanted money from us. They ask money, we refuse it; and if this was all, there would be an end of the business. But the true ground of offence on the part of France—the offence which gave us justifiable cause of war, if

we thought it for our interest to make war, and which, therefore, gave us right to take any measures however leading to a war we thought proper—consisted in reiterated depredations upon our trade, and in the refusal of receiving or treating with our Envoys, expressly sent for the purpose of negotiating on that subject. And those captures, and that obstinate refusal for a period of four months, were known to us before the despatches were communicated. What do, therefore, the despatches amount to? To disgrace certain individuals in the French Government, and of course that Government itself, to a certain degree. And why should the knowledge of that fact change the opinion of Congress, and induce them to adopt different measures? Mr. G. thought that the gentlemen who expected so great effects from those papers, grounded their expectations upon an erroneous idea they had previously conceived. They have supposed that gentlemen, who differed in opinion from them, have all along acted under an idea that there was attached to the French Revolution, and to the French Government, a superior degree of justice, virtue, and purity; and having once established this idea in their minds, they will suppose that a discovery of a corrupt mind in a number of persons in France will produce a revolution in their minds. Supposing, also, that such members had been actuated in their conduct, not so much by wishes for the good of this country, as by a blind admiration for the French Republic, they naturally conclude that a discovery of corruption in the councils of that country will work a wonderful change in our conduct and opinions. And also because the communication of the instructions to our Envoys, had fully convinced every one that the President of the United States had, by those instructions, made concessions to the full extent of what could be made by this country, it is now expected that every past measure of the Executive shall be approved, and every proposition coming from that quarter shall be supported by the very gentlemen who may heretofore have reprobated some of those measures, or opposed some of those propositions. That expectation—the expectation of a change of conduct in those gentlemen—arose from the same fallacious idea that because some gentlemen have less confidence in the Executive than others, that want of confidencee has heretefore dictated measures injurious to their country, and contrary to their duty.

Mr. G. then said he would take some notice of some of the arguments which had been used by the gentleman from Massachusetts, (Mr. OTIS.) That gentleman had stated that if convoys are not granted, war will be as likely to be produced by the arming of merchant vessels as by convoys; and that the vessels having been permitted by the President to arm, no objection ought to be made to the employment of public vessels as convoys. He would just observe that another gentleman was mistaken when he supposed that he (Mr. G.) was of opinion that merchant vessels had not a right to arm by the custom of nations. He had no doubt that they had a right, and that it was exercised by neutral Powers; but this difficulty arose in the question, when it was lately presented to the House, viz: that of permitting vessels to arm, after they had been forbidden by the President to do so for a number of years. The right had been abandoned by that restriction and the acquiesence of the Legislature, and having been abandoned, it made a great change of the ground taken at the beginning of European hostilities. But, whatever act of hostility might be produced by the arming of these vessels, it would be a much less evil than those resulting from granting of convoys. The difference between the two cases must be obvious. When merchantmen do arm, they, like any individual who may carry arms, are answerable for the abuse of those arms, and Government are not; whereas, Government will have to answer for the conduct of commanders of public vessels.

But the gentleman says a commercial war already exists. Mr. G. said he did not mean to dispute about words; but if he called the present a state of commercial war, that state would be changed by the granting of convoys. Notwithstanding all the losses we have experienced during the present war, it was a fact that our tonnage and exports have greatly increased, so that our commerce is now in a more flourishing state than at the commencement of the war. Mr. G. then took a view of the different amounts of our tonnage at different periods, and proved that it had been increased sixty per cent. since the year 1792; so that he did not think our affairs were so desperate as to drive us into a war to retrieve them. He also showed that the tonnage of Great Britain had decreased, in consequence of the war, from 206,000 tons, which it was in 1792, to 19,600, which it was when the last returns were made.

In an actual state of war, not only our tonnage will be reduced, but every evil we now experience will be increased tenfold. Not only our revenue will be cut off, but our inability to pay at home will be increased. If gentlemen think the question of revenue is a question which ought not to be considered, but that we ought to go forward without considering anything as to our ways and means, can they deny that a state of war will not only sink our revenue, but that it will at once affect our merchants, our seamen, and every other description of citizens?

The gentlemen from Massachusetts tells the committee that though we preserve the present state of things, France will not permit us to trade to Holland, Spain, the Italian ports, or the Hanse towns; and that she will continue to capture our vessels upon fresh pretences. If that gentleman does believe that, unless we take some active measures, France will not permit us to trade with these places, but that she will add to aggressions already committed, by capturing all our vessels, then we must declare war. It is possible, perhaps probable, that this event may take place; but they ought to act upon existing circumstances, and not upon conjecture only. But the gentleman from Massachusetts went further, and said that, from the nature of our exports, France could not, in time of war, shut the ports of Spain, Holland, the Italian ports, and the Hanse towns; so that, ac-

cording to his doctrine, in time of war, we should have a better chance to carry our produce to those countries, under the influence of France, than at present. [Mr. OTIS explained.] The same gentleman also stated that, if our trade was to be conveyed by British ships, the expense must be borne by the citizens of this country; and that, therefore, we might as well pay our own convoys in the first instance. But, he would ask that gentleman, whether, in case of war, our twelve ships were likely to give a better protection to commerce than the immense Navy of Great Britain? and, whether, therefore, that event would not render British convoys still more necessary, and give to the British shipping the most decided advantage over our navigation?

But it was stated, that he and those who voted with him were willing to defend the soil, but would give up our property on the ocean. He was willing to give this species of property all the protection we have it in our power to give, and if he believed that the present state of things was as bad as war—was war—he would immediately abandon his amendment. In such a case, he would do all he could to protect our trade by armed vessels. In 1775, Congress gave that protection; and, in time of war, he should be ready to give it; but to grant a convoy, in the present state of things, would be, in his opinion, to injure the merchants and sailors, and not to serve them.

Mr. G. then apologized for the manner in which he had replied to the observations made on that day. Compelled to sit without interruption to so late an hour, (it was then near seven o'clock,) exhausted as his faculties must be, and under a necessity of answering immediately the speeches of gentlemen who had occupied the whole sitting, he had it not in his power to arrange his arguments as he might have wished, but he could only remark on the observations of those gentlemen just as they happened to occur to his mind.

Much had been said, on the motives and conduct of those gentlemen who supported the amendment. Much illiberal and unfounded abuse had been heaped upon them, and particularly upon him. It was well known that, having never conceived personal abuse as a fit topic for this House, or as a ground of argument anywhere, he had uniformly treated it with that silent contempt it deserved. So far as it related to those vague and general imputations which had been made, he would still treat them in that manner, he would not condescend to enter into a justification against charges of so loose a nature. But he would, for once, make a few observations on those attacks where the member to his right (Mr. ALLEN) had ventured to make anything like a specific charge.

In the first place, he had stated, that a number of members of Congress, in the year 1794, were willing at that time to take much higher ground than at present. The gentleman from Virginia (Mr. MADISON) was charged with saying, that he had no hopes from negotiation, and that therefore it was necessary to adopt measures for ourselves; and from the manner in which this was quoted, it might be supposed that the question was with respect to obtaining redress for captures, and that Mr. MADISON had declared that, if redress could not be had by negotiation, it must be had by force. What, said he, was the question then under consideration? It was a question of commercial regulation, which did not relate to any infringement of our neutral rights, but which had application altogether to a state of peace. The British having made certain commercial regulations, the question then debating was one intended to counteract the effect of those regulations. And it was said, that no hopes were entertained that by negotiation Great Britain would recede from the steps she had taken, and that therefore the only way to counteract was by adopting counter regulations ourselves. And the fact proved that those gentlemen were right; Great Britain had not receded; and the British Treaty contained stipulations which went to prevent Congress from making, in future, any such regulations as were then proposed.

Another gentleman from Virginia (Mr. NICHOLAS) was charged by the same gentleman with having thought differently with respect to the advantages derived by this country from the carrying trade, when the depredations of Great Britain and Algiers were under consideration. On the contrary, if the conduct of that gentleman was examined it would be found that he was always opposed to measures which in their effects might lead to war. If the conduct of the two parties in the House at that time was looked into, it would be found that the gentlemen who now opposed war against France, had opposed it against England at that time; that they had adopted only such measures as, in their opinion, would induce or compel Great Britain to change her conduct, without the necessity of recurring to war; such as a suspension of commercial intercourse; but at that time those gentlemen did not threaten war, nor were they in favor of provisional armies, naval armaments, arming merchantmen, granting convoys, or any other war measure whatever.

The member from Connecticut had also represented him as opposed to the proclamation of neutrality of the President, and as a supporter of the measures of the French Minister, Mr. Genet.

Mr. ALLEN said he spoke of the French party in this country being always opposed to it, and not him in particular.

Mr. GALLATIN said, Mr. ALLEN might now unsay what he had stated yesterday. But, indeed, had the remark only fallen from him, he did not believe that he would have noticed it. But it was not he alone who had referred to this opposition. The gentleman from South Carolina (Mr. HARPER) had entertained the House for some time on the same subject, on a former occasion, and insisted upon it that the same gentlemen who wish now to preserve peace, when we had a dispute with Great Britain, were all in favor of war: and with respect to the proclamation of neutrality, the gentleman from South Carolina asserted that though gentlemen at first were violently opposed to it, yet, when Congress met some time afterwards, the people having in the meantime shown their appro-

bation of the measure, they dared not express their disapprobation with the conduct of the Executive. This shows that neither of the gentlemen are acquainted with the facts, because the public records of the country will give a direct contradiction to their assertions.

In 1793, when M. Genet arrived in this country and took such steps as went to an infringement of our neutral rights, and the President issued his proclamation of neutrality, the first public body which met after that period was the Legislature of Pennsylvania, (of which he was then a member,) and he must be permitted to say that this Legislature was, what gentlemen term, a very Jacobinic body. No better proof, he supposed, could be given of this than that they elected him (Mr. G.) a Senator of the United States. This Legislature met before it could be ascertained what was the public voice; and the first thing they did was to present an address to the Governor, expressing their unanimous approbation of the conduct of the President of the United States, with respect to his proclamation of neutrality, and all the other steps he had taken in support of that neutrality, namely, the preventing French privateers from being fitted out in our ports, and the seizure and restoration of prizes made by those privateers. He would add, that that part of the address, which he read, was drawn by himself. The Governor of Pennsylvania (whom gentlemen will also doubtless term a Jacobin) fortified Mud Island during the recess of the Legislature, in order to carry into effect the measures of the Executive, borrowing money for the purpose on his own private credit, and the same Legislature approved his conduct and made the necessary appropriations. Before gentlemen indulged themselves in making these charges, they should take a little pains to make themselves acquainted with facts, for he was persuaded that their prejudices were in a great degree to be ascribed to their want of information.

As to the general charge that the wish of those who supported the amendment was to submit to the claims of the French Republic, he would say that, to submit to those claims, or to recognise them, would be degrading; but that to suffer the present state of things to continue, was a temporizing measure, dictated, under the present circumstances, by the soundest policy. It is true, that the aggressions received from the French, exceed everything which has taken place during the course of the war; but, on the other hand, every day draws nearer the period when war must have an end in Europe. This consideration, with him, outweighed the great extent of depredations which might otherwise induce him to take a different line of conduct. If, in 1793, or 1794, depredations had been made to their present extent, it might have been thought better to have become parties in the war, than to remain neutral. We were justified for not doing so at that time, from the depredations being more confined. The depredations were now much greater, but the period for which the war could continue, had become much shorter. When he considered the growing resources of this country, which, if we can escape war, will every day improve; when he considered that our wealth and population were increasing beyond calculation, he confessed it was with great reluctance he abandoned the last hope of preserving peace. He considered that the event of war must be the loss of that property which they were proposing to protect; the loss of our commerce, of our tonnage, the ruin of our merchants, and the abandonment of our sailors. The natural consequence must be that the loss of our revenue must be supported by heavy taxes on our lands and internal consumption, and the expenses of the war must be supported by loans, borrowed at an interest, proportioned to the wants of the country; so that our debt will be increased in proportion to our efforts to protect our commerce in time of war, that is to say, in proportion to the increase of our navy, the effects of which would be felt for a long time after the war should cease. Taking all these things into consideration, he would rather bear the captures now made of our property; he would rather see a total want of British manufactures, and abandon that part of our trade, than take measures which will not only be war, but worse than war.

Under these considerations it was, that he proposed the present amendment; if it was not carried, he certainly should submit to the decisions of a majority. It would remain with the President to apply the force as he shall think fit; but when an amendment was proposed, the object of which was to prevent war, he did not expect to be charged with wishing to submit to the surrender of the independence of the country. If he had proposed to pay the money which the agents of the French Government demanded, or to recognise by treaty the unjustifiable violations of the law of nations made by that country, or have refused to have taken measures for our defence, there might have been some ground for the charge. Indeed, as long as gentlemen declined proposing a declaration of war, they had no right to make the charge. For, while no such proposition was made, he and those who supported the amendment might retort upon gentlemen, and say, "You say France has given us justifiable cause of war, and yet you mean to submit, and will not declare war."

He must suppose, therefore, that gentlemen opposed this amendment because they did not believe that, to employ these vessels as convoys, would destroy every hope of peace. He acknowledged peace was not altogether in our power. France might declare war to-morrow, or give an order to seize all our vessels; but so long as the fact was not so, it cannot be denied that there is some hope that the state of peace may not be broken; to preserve that hope he urged his amendment.

Mr. G. concluded with saying that, notwithstanding all the violent charges and personal abuse which had been made against him, it would produce no difference in his manner of acting; neither prevent him from speaking against any measure which he thought injurious to the public interest, nor, on the other hand, inflame his mind so as to induce him to oppose measures which he

might heretofore have thought proper. Neither a fear of slander, nor of violent attacks in that House, nor even of that compulsion threatened by the member from Connecticut, should ever produce any change in his votes or in his conduct.

The question was put on the amendment, and negatived—49 to 34.

The question on the sum of money to be appropriated, coming under consideration,

Mr. S. SMITH moved to strike out $950,000, and to insert in its place $1,200,000. This motion was not seconded, and the motion for $950,000 was then put, and carried.

The amendment for striking out sixteen vessels, and inserting twelve, being under consideration,

Mr. SITGREAVES called for the yeas and nays on this question, which were ordered to be taken.

Mr. LIVINGSTON said, he should be in favor of the largest number of vessels: for, though he was decidedly against the employment of this armament as convoys, because he believed such an employment of them would have an unavoidable tendency not only to involve this country in war with France, but with England, and all the other belligerent Powers, and because no instructions which the President can give will prevent it. Since this was the case, he believed twelve vessels would be totally inadequate to such a state of things. He had said, it was the unavoidable tendency—for what, he asked, was the object of convoys? Gentlemen say they are to be used to resist infringements upon the laws of nations, or of treaties; and if this was to be the use of them, war must doubtless ensue; for France has decreed that vessels shall be lawful prize in cases which are contrary to the laws of nations, and of treaty; Great Britain has done the same; and it must be allowed, that if we shall have to engage all those Powers, twelve vessels will not be sufficient. On the contrary, Congress ought now, since this decision had been come to, to go into effectual measures, as if in war, for he considered the country now in a state of war; and let no man flatter himself that the vote which has been given is not a declaration of war. Gentlemen know that this is the case; and now they have concurred in plunging the country in war, they ought to come forward and provide the means for our defence; but he did not wonder that they tremble and falter, now they are at the last step to be taken; a step which they had been endeavoring to accomplish for many years past; a war with France, which they had so long wished, is now accomplished; at a period, too, when we are likely to be left alone to sustain the shock, when almost all the Powers of Europe have fallen under her force, or become allies in her schemes. We ought to concert means of attack; for we should not have to wage defensive war only, but offensive war also. Now, said Mr. L., let us see who is possessed of American feelings; let us see whether those who call members cowards, and devoted to the service of another country, or those so calumniated, possess the truest American feeling. As to these slanders themselves, he should always treat them as they merited; he considered himself as dignified a character as any man who made the charge. [The SPEAKER called Mr. L. to order, and he sat down.]

Mr. HARPER was glad the gentleman from New York would for once in his life be consistent and support the decisions of a majority, and that this flash of his would not end in smoke. If the dignity of this House would have permitted him to say so, he should have said the gentleman had made a very silly speech. He could not imagine what had given rise to it, except that the gentleman found himself disappointed, in not having been able to carry the amendment which had been negatived. As to the sufficiency of this force, he did not believe it was contemplated to fight France and Great Britain, and for a good reason, because it was not necessary to fight them both.

If Great Britain shall not only persevere in her present measures, but, after infringing the laws of nations and of treaties, shall follow it up by decrees which will amount to a general confiscation of our trade, and instead of listening to our applications to get them altered, shall drive our Minister out of the country, he should then be ready to go to war with Great Britain. At present, however, he saw no cause of war against her, though he saw occasion for negotiation and remonstrance. For the present, he wished to confine our views to one of the belligerent Powers whose injuries all allowed had given just cause of war to this country. He did not mean, Mr. H. said, to prepare measures for offensive war, and he believed what the gentleman had said on this subject was one of those puffs which were introduced for no other purpose than to round off a period; and he was astonished that any gentleman could get his own consent thus to impose upon himself.

Mr. SITGREAVES said, he called for the yeas and nays, in order that he might have an opportunity of recording his dissent to the reduction of the number of vessels agreed to by the Senate. He thought it an improper time to agree to an amendment of this kind; he did not think it proper, at the present crisis, to show symptoms of distrust, weakness, or timidity. As the bill proposed sixteen vessels when it came from the Senate, he did not wish to reduce the number to twelve; especially as it was allowed that sixteen vessels would not be too many, and the only reason for reducing the number was, that a greater number could not be immediately got ready in the recess of Congress; but having no doubt that if sixteen vessels are necessary, the President would be able to procure them, he should be against concurring with the amendment of the Committee of the Whole.

Mr. LIVINGSTON was proceeding to remark upon what had fallen from the gentleman from South Carolina, of a personal nature, when the Speaker called to order and he took his seat.

The question on concurring with the amendment reported by the Committee of the Whole, for striking out sixteen and inserting twelve, was then taken, and stood yeas forty-five, nays thirty-seven, as follows:

YEAS—Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Stephen Bullock, Demsey Burges, Thomas Claiborne, Wm. Charles Cole Claiborne, Joshua Coit, Thomas T. Davis, Lucas Elmendorph, Dwight Foster, John Fowler, Albert Gallatin, Andrew Gregg, William Barry Grove, Robert Goodloe Harper, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Matthew Locke, Samuel Lyman, Matthew Lyon, Nathaniel Macon, William Matthews, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, Josiah Parker, John Reed, William Shepard, Tompson J. Skinner, Samuel Smith, Peleg Sprague, Richard Stanford, Thomas Sumter, Thomas Tillinghast, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, and John Williams.

NAYS—John Allen, Bailey Bartlett, David Brooks, Christopher G. Champlin, James Cochran, William Craik, Samuel W. Dana, John Dawson, John Dennis, Thomas Evans, William Findley, Abiel Foster, Jonathan Freeman, Nathaniel Freeman, jun., Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, James H. Imlay, Edward Livingston, James Machir, Lewis R. Morris, Harrison G. Otis, Thomas Pinckney, John Rutledge, jr., James Schureman, Samuel Sewall, Samuel Sitgreaves, Nathaniel Smith, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, and Peleg Wadsworth.

Mr. GALLATIN then renewed his motion for limiting the use of these vessels, which was decided in the negative—yeas thirty-two, nays fifty, as follows:

YEAS—Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Demsey Burges, Thomas Claiborne, William Charles Cole Claiborne, Thomas T. Davis, John Dawson, Lucas Elmendorph, William Findley, John Fowler, Albert Gallatin, Andrew Gregg, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Edward Livingston, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Anthony New, Tompson J. Skinner, Richard Stanford, Thomas Sumter, Abram Trigg, John Trigg, Philip Van Cortlandt, and Joseph B. Varnum.

NAYS—John Allen, Bailey Bartlett, David Brooks, Stephen Bullock, Christopher G. Champlin, James Cochran, Joshua Coit, Wm. Craik, Samuel W. Dana, John Dennis, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Nathaniel Freeman, jr., James Gillespie, Henry Glen, Chauncey Goodrich, Wm. Gordon, Roger Griswold, William Barry Grove, Robert Goodloe Harper, Thomas Hartley, Wm. Hindman, Hezekiah L. Hosmer, James H. Imlay, Samuel Lyman, James Machir, Wm. Mathews, John Milledge, Lewis R. Morris, Harrison G. Otis, Josiah Parker, Thomas Pinckney, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Samuel Sitgreaves, Nathaniel Smith, Samuel Smith, Peleg Sprague, George Thatcher, Richard Thomas, Mark Thomson, Thomas Tillinghast, John E. Van Alen, Peleg Wadsworth, and John Williams.

The bill was then ordered to be read a third time on Monday, and the House adjourned, at eight o'clock, till Monday next.

MONDAY, April 23.

The SPEAKER attended to-day, and took the Chair.

Mr. D. FOSTER, from the Committee of Claims, reported a bill respecting Loan Office final settlement certificates and indents of interest, and the unfunded or registered debts credited on the books of the Treasury, which was committed for Wednesday.

The bill providing an additional armament for the further protection of the trade of the United States, and for other purposes, passed, forty-two to twenty-six.

The bill from the Senate establishing an Executive Department to be denominated the Department of the Navy, was twice read and committed for to-morrow.

The House severally resolved itself into Committees of the Whole on the bill for the relief of Reuben Smith, and Nathan Strong, and Pierre Aupoix, and on the bill for the relief of Obadiah Brown, which were agreed to, and ordered to be read a third time to-morrow.

NATIONAL AFFAIRS.

Mr. VARNUM presented two petitions, one from the freeholders and others of Harvard, and the other from Lexington, both in the State of Massachusetts, against the arming of merchant vessels, expressing their desires for a continuance of peace, and that every possible means may be taken to avert so great an evil as war would be to this country.

Mr. IMLAY presented an address to the President and both Houses of Congress from Princeton, Kingston, Montgomery, and New Windsor, in the State of New Jersey, approving the conduct of the Executive in our negotiation with France as temperate and wise, and stating that they have seen with disdain the infamous proposals of the agents of France towards this country; that having broke the yoke of one tyrant, they wish not to be dictated to by another, and pledge their lives, fortunes, and honor, in support of the Government of the United States, either against foreign enemies, or domestic traitors; they deprecate war, but they believe no evil can befal this country so great as that of becoming dependant on the will of a foreign nation; they trust that the divisions which have heretofore appeared in Congress, and which have given ground, in their opinion, to a foreign Power to commit the injuries upon us which they have done, will in future disappear, and that unanimity will prevail for taking such measures as shall secure us against the attacks of any nation whatever.

This address and the foregoing petitions were referred to the Committee of the Whole on the state of the Union.

STEPHEN CANTRILL.

On motion of Mr. W. C. CLAIBORNE, the House resolved itself into a Committee of the Whole on the report of the Secretary of War on the petition of Stephen Cantrill; and the report and papers accompanying it were read. The report was as follows:

"The Secretary of War, to whom was referred the petition of Stephen Cantrill, respectfully reports: That

the services for which the petitioner prays compensation to himself and a company which he commanded, were performed in the month of September, 1794, on an expedition conducted by Major James Ore, into the Lower Cherokee country, which issued in the destruction of two considerable Indian towns, the Running Water and Nickajack, the killing of a number of Indians, and the taking about twenty prisoners.

"That the report of Major Ore to Governor Blount, dated at Knoxville, the 24th September, 1794, shows, that this expedition marched on the 7th of the same month, and was ordered by General Robertson, of Mero district.

"That the orders of General Robertson for this purpose were afterwards communicated by himself to Gov. Blount, in a letter dated the 8th October, 1794, detailing his reasons for the order.

"That letters from Governor Blount to the Secretary of War, dated the 22d of September, and 2d of October, 1794, as well as the copy of an order, which he states to have been the last given by him to General Robertson, previous to this expedition, evince that the Governor did not sanction the measure.

"That the Secretary of War, previous to Major Ore's expedition, in a letter to Governor Blount, dated the 26th July, 1794, strongly discouraged the idea of destroying the lower towns of the Cherokees, in the following words, viz: 'With respect to destroying the lower towns, however rigorous such a measure might be, or whatever good consequences might result from it, I am instructed specially by the President to say, that he does not conceive himself authorized to direct any such measure, more especially as the whole subject was before the last session of Congress, who did not think proper to authorize or direct offensive operations.' And that as soon as the destruction of the Running Water and Nickajack was communicated to him, the Secretary strongly disavowed any participation in the business, by his letter to Governor Blount, dated the 22d of December, 1794, in these words, viz: 'The destruction of the lower Cherokee towns stands upon its own footing; that it was not authorized is certain.'

"That the President at all times, as well before as after this expedition, endeavored to confine the protection of the frontier of the Southwestern Territory to defensive operations, and to restrain from those which were offensive.

"That, on the whole, it appears, the services for which compensation is prayed by the petition of Stephen Cantrill, were performed on an expedition, offensive, unauthorized, and in direct violation of the orders from the President to Governor Blount, by whom also they were not sanctioned.

"The documents referred to, and others connected with the subject, are herewith presented, numbered from No. 1 to 9, inclusive.

"All which is respectfully submitted to the House of Representatives.

"JAMES McHENRY.

"WAR OFFICE, *April*, 1798."

The reading being finished, Mr. W. C. CLAIBORNE said, that, in his opinion, this claim was founded on the principles of justice; and he trusted every member who had attended to the reading of the documents, must accord with him in opinion, that the Nickajack expedition, undertaken by Major James Ore, in 1794, into the Lower Cherokee country, was authorized by General Robertson; and it remains now to be decided, whether soldiers shall not be entitled to pay until they have previously assured themselves of the legitimate authority of their commanding officer. At the time when this expedition was set on foot, a war raged between the United States and the Cherokee nation of Indians, the horrors of which bore hard upon the district of Mero; the very existence of the settlement was threatened; scarcely a day passed without some one or other of the inhabitants, or of their acquaintance, being murdered. Information was received that the Indians were embodied in order to carry the war into the settlement. What was the General to do? Was he to stand still without making any attempt to avert the danger? The safety of the people required him to act, and he struck the first blow, which was a defensive measure, authorized by the usage of all nations. The citizens on this expedition obeyed the command of their officer; they did not think it necessary to inquire by what authority he acted; all for them to be assured of was, that he was an officer of the United States, and this they well knew, as this was not the first time they had served under him. Without a discipline of this kind no military operation could be carried on. General Robertson acted also under the authority of Governor Blount, who acted under the orders of the President of the United States. Having then performed this duty—a duty, too, which put an end to a war which might have cost the United States a million of dollars—he trusted the petitioners would be compensated for their services. The amount, he believed, would not be more than about $4,000, as the party was out only twelve days. To effect this purpose, he proposed the following resolution for the adoption of the committee:

"*Resolved*, That the proper officers be directed to settle the accounts of the militia who served on the expedition commanded by Major James Ore against the Cherokee Indians, in the year 1794."

This resolution was agreed to without opposition. The committee rose, and after some few observations, it was agreed to in the House, and a committee appointed to report a bill accordingly.

ORGANIZING THE MILITIA.

On motion of Mr. J. WILLIAMS, the House went into a Committee of the Whole on the bill for organizing, arming, and disciplining the militia of the United States. Very soon after the committee was formed,

Mr. OTIS wished the committee to rise, in order to move, in the House, a postponement of the consideration of this bill till the next session of Congress. He was convinced that the principle in the bill which went to divide the militia into a select and reserved corps, was a good one; but he did not think this was a proper moment to make the new arrangement. The bill contained a great variety of detail, which would consume considerable time to discuss, and after all, he did not believe it would be got through this session. It was probable that a provisional army, or some other arrangement, would be necessary for the present, in order to prepare for any attack that may be

made upon us; and he thought it would be very wrong to disorganize the present system of militia at this time, since he saw no good effect that could be immediately produced by the change.

This motion was supported by Messrs. SKINNER, VARNUM, and T. CLAIBORNE, and opposed by Messrs. SHEPARD, S. SMITH, R. WILLIAMS, NICHOLAS, McDOWELL, and MACON. It was negatived—38 to 37.

The consideration of the bill was then resumed, and some progress made on it, when the committee rose, and the House adjourned.

TUESDAY, April 24.

Mr. W. C. C. CLAIBORNE, from the committee appointed, reported a bill directing the payment of a detachment of militia, for services performed in the year 1794, under Major James Ore, which was twice read and committed.

PROVISIONAL ARMY.

A bill from the Senate, authorizing the President of the United States to raise a provisional army of 20,000 men, was read the first time; and upon motion made to read it a second time,

Mr. NICHOLAS objected to the second reading of the bill, as he believed it possessed a principle which could not be assented to. He did not believe it was necessary to pass a bill of this sort under any possible modification. The highest act of Legislative power was, by it, proposed to be transferred to the Executive, viz: the power to raise an army, which he was to exercise at his pleasure. If an army was necessary, the Legislature ought to raise it; but he did not think it was necessary at present. Indeed, when discussing the bill for providing a naval armament, gentlemen had said that members had been willing to make preparations for defence on the land, where there was no danger, but were unwilling to do it at sea, where the greatest might be expected. He did not believe there could be any necessity for going into a measure of this kind at the present session. In case of predatory attack, the militia would be equal to repelling them. Mr. N. said he lived in a part of the country perhaps more defenceless than any other; but, so far as he or his constituents were concerned, he did not wish for a force of this kind. He was willing to confide for defence on the militia of the country.

Mr. OTIS thought it very extraordinary that the gentleman from Virginia should endeavor to surprise a part of this House into a decision upon this bill in this stage of it. He hoped he would consent to its taking the usual course. The gentleman had gone into the merits of the bill; he could not follow him, because he had not heard it read; so far as he did hear it, he was of opinion that the gentleman had anticipated objections which did not lie against it. He seemed to suppose that this bill declared that a standing army should be raised. It does no such thing; it only declares that if existing circumstances shall make it necessary, then the President shall raise an army not exceeding a certain number of men. It may happen that the necessity may not exist; but the gentleman from Virginia must be able to fathom the intentions of France further than he could pretend to do, if he could say that no such necessity would exist. If what was said by the agents of that Government to our Envoys could be relied on, there was a direct threat to ravage our coasts. He hoped, however, no invasion would take place; but, when he said this, he calculated upon the French acting as reasonable beings, but perhaps he calculated delusively. Indeed, they are now threatening the invasion of a country, where one may suppose they would have as little chance of succeeding as in this country; and was the idea, then, to be so much scoffed at, as not to suffer a bill, intending to provide against it, to be read a second time? If the arms of our citizens were to be tied up, and our militia were many of them without arms, with what should we oppose such an attempt, if it were made? What, said he, is to prevent Victor Hugues sending over two or three frigates? It had been said that he expected open war, and that he was ready for it. In short, he thought it would be the most disgraceful conduct that ever was attempted in that House, if the bill should be rejected without a second reading. It would be in vain to talk of unanimity, if a bill from the Senate was to be treated in this way. If the gentleman persisted in his motion, he trusted he would find himself nearly alone.

Mr. GALLATIN wondered that the gentleman from Massachusetts should be so greatly surprised at a motion of this kind, because if he had attended to the rules of the House, he would have found that it was a course expressly prescribed by them. It had been acted upon before during this session. The principle, he said, was well understood. When a member disapproves of the principle of a bill altogether, and does not wish to go at all into a discussion of the detail, he moves to reject it before it goes to a second reading.

This bill goes to authorize the President to raise an army. He did not know what was meant by a provisional army. He did not find anything said in the Constitution of the United States relative to provisional armies, or of giving the President power to raise armies. He found mentioned there no other kind of defence than an army and militia. It says Congress shall raise and support an army, not provide for the raising of an army; but this bill is to enable the President of the United States to raise an army. The Constitution has declared that the raising of an army is placed in Congress, but this bill goes to declare that this power shall be vested by law in the President. That is the principle of the bill; and if Congress were once to admit the principle that they have a right to vest in the President powers placed in their hands by the Constitution, that instrument would become a piece of blank paper. If it were to be admitted in one case, it would be admitted in another; and, if admitted in one department, it might be admitted in another. The power to raise taxes, he said, is contained in the same article of the Constitution which says Congress shall raise armies. And if they could delegate the power of raising an army to the Presi-

dent, why not do the same with respect to the power of raising taxes? He supposed the House would next hear of provisional taxes, to be raised if the President shall think fit. Mr. G., therefore, thought the principle inadmissible. If the circumstances of the Union required an army, let it be raised; if not, he wished to give no power to raise it—especially, as the President, if he saw necessity, could call Congress together, if he should find that the circumstances of the country required it. Mr. G. thought the House had already decided that no additional army was necessary at present, in agreeing to an additional regiment of artillery; as the select committee, when they brought in that bill, had the report of the Secretary of War before them, which stated, besides the regiment of artillery, that other additional force would be necessary; and having reported no other, it was to be supposed they thought no other necessary. But, if it was thought the House had not gone far enough, he was willing to go farther, but not willing to transfer their power to judge of the propriety of raising an army.

Mr. DANA hoped this bill would not be rejected on its first reading. It required no labored arguments to prove that the motion might be made; but more than had been adduced to show that it ought to be adopted. He thought the gentleman from Massachusetts ought not to have been surprised at this motion, because it was best calculated for exciting alarm. It was said the Senate proceeded in a similar way on the bill sent up from this House for a repeal of the stamp act; but that question had already been agreed upon in the Senate on a distinct proposition, and there was, therefore no necessity for going again into it. The gentleman from Pennsylvania had said that when the House agreed upon an additional regiment of artillery, they negatively decided against any other standing force. The gentleman might put what construction he pleased upon that vote, he could assure him for himself that he had no such idea when he voted.

This bill, Mr. D. said, provided for the raising of a regular force, in case the President shall think the situation of the country requires it. He is also authorized to accept of the services of volunteer corps. The bill could be amended in any manner which gentlemen thought proper. But the gentleman from Pennsylvania does not know what a provisional army means. He believed this was no new principle. He believed it was acted upon when the three additional regiments were raised to the then existing corps. It was in principle the same as when an army is directed to be raised, but where the President has power given him to suspend the raising of it, if he shall see it necessary.

Mr. SEWALL said that, though the present motion be not irregular in point of form, yet it is a manner of proceeding very objectionable at this time. His colleague had complained of this motion being a surprise upon the House. He had good reason so to consider it. And the House will consider whether it is expedient, without entering into a consideration of the bill, without seeing whether any alteration could be made in it, so as to render it more agreeable to gentlemen, thus to attempt to destroy the bill. What was the motive of the gentleman from Virginia in making the motion might easily be discovered. He had obtained leave of absence, which might have a tendency to hurry him in his political course. He wished to be heard on this subject, but this hurry of his to return home ought not to hurry the House in its proceedings. Those gentlemen who had determined to take this course had the advantage of others who were unprepared for such a motion.

This bill was said to be unconstitutional; but it was observable that gentlemen did not themselves rely upon this objection, or they would not have had recourse to others of little consequence. Mr. S. denied that the House had already decided that no farther army was necessary. When the Committee for the Protection of Commerce and the Defence of the Country had the additional regiment of artillery under consideration, they had not before them the report of the Secretary of War, which the gentleman from Pennsylvania had mentioned; that measure was grounded upon a resolution long since referred to them. What, he asked, was the amount of the objections to this bill? Will it be said that the House cannot authorize the President to begin to raise an army two months from this time? If so, may they not say he may do it upon certain contingencies? But if gentlemen relied upon this objection, they might say that an army should be raised, but not until a certain time, or until a certain contingency shall have taken place.

With respect to the expediency of the measure, there was a great variety of opinion. Some gentlemen think the danger of our situation greater than others; some think it is not only probable that predatory attacks will be made, but that part of our territory may be taken possession of. If we were to discover the fleets of France approaching with an intention of landing men on our shores, or to hear of a landing from the Mississippi, in the State of Tennessee, would it not be desirable that the President should have the power to take advantage of voluntary enlistments, and to raise an army of 20,000 men? He believed it would. The expense would not be gone into except it be necessary, and he saw no danger that could arise from placing this power in the hands of the President. For though militiamen might be depended upon to repel any sudden attack, their continuance in the field could not be relied upon. If the militia was wholly under the authority of the United States, and under the command of officers appointed by them, they might be more relied upon; but as they are under the authority of the several States, and commanded by officers in some cases appointed by the States, and in others by themselves, and in many parts without arms, he did not think they ought entirely to be relied upon. Or will gentlemen say, that the people in the Southern States, in case of attack, are to rely upon the militia of the Eastern States to march for their relief? Surely it would be

much better to enlist men from among themselves, where danger threatens the most, to form an army to repel any such attack.

Mr. S. said, if this army was proposed to be raised immediately, it would be objected against it, that no one could say it would certainly be wanted; and now it is proposed to be raised, in case there should be a necessity for it, it is called an extraordinary measure. Thus, it was true, gentlemen would prevent effectual means of defence being gone into; but, as he conceived, though there is now no immediate occasion for these troops, there might be in the recess of Congress, he wished to give the President the power to raise them, if he should see occasion.

Mr. HARPER believed, notwithstanding what had been advanced by the gentleman from Pennsylvania, (Mr. GALLATIN,) that this was a very unprecedented measure; because however prepared the House may be on some occasions, at the first blush of business, to decide upon the abstract principle, yet it was perfectly novel in their proceedings to reject a bill on its first reading, which contains such a variety of propositions, and which are capable of such a variety of modifications as the present. It was also as little consonant with the present situation of the country as it was with their usual modes of proceeding. The allusion to the decision on the bill for repealing the stamp act (as had been shown) was no way applicable. He could see no other view in a proposition of this kind but a determination to resist every measure for the defence of the country. If the intention had not been to destroy the bill, it would have been suffered to have taken its usual course, and attempts would have been made to amend it. If a provisional army was not liked, gentlemen might have had the army immediately raised; or, if 20,000 men were too many, fewer might have been proposed. If gentlemen did not think the army immediately necessary, and did not choose to leave it with the President to judge of that necessity, they might make it to depend upon a declaration of war by France, on an invasion, or in case Victor Hugues were to bring his black troops, or send his threatened frigates against us, or if an insurrection should be excited by our enemy, then the President should be empowered to raise an army.

But gentlemen say this bill ought to be rejected, because it is unconstitutional. Could gentlemen be serious in making this objection? Were troops ever raised in a different manner? And if they had the power to authorize the President to raise troops immediately, they could certainly do it under such contingencies as they thought proper. Did not Congress entrust the President with the discretionary power of borrowing money, of, in some cases, fixing salaries, &c., which powers were equally vested in them with the power of raising armies; and this must be the case, except gentlemen insist that Congress should itself do all the acts committed to it; and if so, they must always be in session.

But the gentleman from Pennsylvania says, that if this power be delegated to the President, Congress may as well entrust the President with the power of raising provisional taxes. He had no hesitation in saying, that he believed this might be done; that the House might determine upon a tax, and authorize the collecting of it, only in case the President should find it necessary, or in case a certain event should take take place.

With respect, then, to the expediency of the measure—he did not speak of the expediency of raising 20,000 men, because any other number might be determined upon—but as to the thing itself. What is the internal and external state of this country? Do we not know that the enemy has in view a plan upon which they place great reliance—of gaining over to their cause a certain class of men, who abound in the Southern parts of this country, and by whose means they intend to subjugate or destroy the country? We do know this—gentlemen from the Southern States know it; yet they say it is impossible to raise any regular force to repel the enemy. He could not believe, that when we had to meet an enemy, who has always fought by means of domestic insurrection, who is now subverting the most ancient Governments in the world by these means, it would be consistent with any maxim of common sense to be unprepared for the worst.

Gentlemen rely upon the militia; but do they not see the difficulty there is attending the adoption of any regular plan for training the militia? That great opposition is given to the bill for newly organizing that force, and that, according to the present organization, it would be a work of time and difficulty to draw an effectual force to the quarter where an attack might be made; besides, that there is a great want of arms in the militia. He would not speak of the other enemy which we had within our own bosom, and upon which, he supposed, the French greatly relied, because he did not believe that enemy existed to any extent. As to the intentions of some gentlemen, he was not bound to pronounce his opinion upon them; he was not obliged to say that he believed that there are individuals in this country who would be glad to see a French force in it; or that there are those who carry on a correspondence with a foreign country, or that the measures pursued abroad inimical to the interests of this country, are not concerted at home. He would not say that he had such a belief; but he would not say he had not. As to there being any number of this description of persons, who could be relied upon by a foreign nation, he repelled the idea with disdain. He knew the American people, and he knew them better than to believe any such thing. He knew that they loved their country; that they would sometimes dispute on political subjects, but when the finger of violence was pointed at them, they would feel the family spirit and repel all attacks with one heart. As to the few persons which there might be of a contrary spirit, he did not believe any provision was necessary as to them; he believed the courts of justice would take care of these persons. Whilst they remain behind their batteries, they do little harm; and, if they come forward, the remedy

would be found in the existing laws. But the other foe, formidable by its numbers, in a part of the country where the population is thin; in a climate favorable to the health of these people, and unfavorable to the health of the persons of a different description; formidable, because of the contingency to the quarter from whence an attack may be expected, he wished for an effectual force to strike that foe whenever or wherever it may show its head.

What, said he, is our external situation? Do we not see the nation with whom we are at variance, find quarrels with every country who is not strong enough to resist her? Does she not injure us on every side? Do we not hear of depredatory threats, and the mischiefs she has the power of doing us, urged as reasons why we should submit to her? And yet, after being told of these designs, shall we sit with our arms folded, and make no defence? For the measures already taken will be nothing without this. Fortifications would be nothing except supported by a sufficient number of infantry and cavalry.

What, he asked, is the situation of the West Indies? Were they not told that Victor Hugues, with 5,000 of his best troops, is ready to make a blow upon the Southern country, whenever the word of command shall be given? They knew that these troops existed; they had been seen, and the desperate character of their leader was also known. Yet, with this enemy upon our threshold, within four or five days sail of us, we still fold our arms, and say we will make no defence.

When he reflected upon these things, he could not help deploring that fatal blindness, that stubborn spirit of opposition, in certain gentlemen, which could hide from their view the danger of our present situation; that, at a period when the veil is rending from before the eyes of the community; when those who have been the most blind out-of-doors begin to see, that those gentlemen in this House, who, from their ancient birth and fortunes, might be supposed to possess the true American spirit, should still persist in their blind, their destructive course, was greatly to be lamented. And though he could not doubt the fate of this bill, yet that there should be a few men found supporting measures which tend directly to the destruction of the country, he could not help lamenting.

Mr. BALDWIN did not agree with the gentleman who had just sat down, that the present motion was either unprecedented or improper. When it is proposed to make a law on any subject, it presents itself to discussion on two grounds, the principles of the law and the details. The proper stages to debate the general principle on which the law is to be founded, by the rules of this House, are, when it is proposed to introduce the law, and at the third reading, when it is considered as finished, and on its passage; the intermediate stages of the discussion are all supposed to be employed to settle and adjust the detail. He had often regretted that members, having been accustomed to different modes of proceeding in their State Legislatures, were so apt to disturb and keep unsettled their modes of proceeding in this House. He knew it was sometimes a practice, after a bill had been read the second time, and was referred to be shaped and formed by free discussion in Committee of the Whole, a member would rise to amend the bill by striking out the first section, declaring, at the same time, that he made the motion for the purpose of destroying the bill—a mere law fiction, under color of detail and amendment, to contest the original principle and destroy the bill. Without doubt the commencement of the business is the regular stage to contest the principle. If it originates in this House, it is on a motion in Committee of the Whole, expressing in general terms the expediency that such a law should be provided; if it comes from the Senate, the same question presents itself after the first reading, in the words of the present motion, which are the very words prescribed by the stated rule of the House. If on this question the majority of the House appear in favor of the principle of the bill, it goes on through the stages of its detail and formation, and at the third reading the general question occurs again, Shall the principle, detailed as it now appears, pass into a law? He was sure no member could object to the fairness and propriety of the present motion.

As to the principle of the bill, he must say, it did not meet his approbation. If the House is convinced it is necessary to raise an Army of twenty thousand men, as the bill now proposes, they ought to say so at once, and let it be done; if they are not convinced that it is necessary, the law ought not to pass, the Army ought not to be raised till they are convinced it is necessary. The Constitution made the Legislature the sole judge on this subject. The present bill says it is not necessary to raise this Army now, but perhaps it may be before Congress meets again, it therefore proposes to transfer the right of judging on this subject to the Executive; he thought it a very improper transfer of Legislative power. It has been said that all our troops are raised thus provisionally. If attention is paid to those laws, it will be seen that they did not pass till the Legislature was convinced that circumstances then required the troops to be raised; a clause is added, that if circumstances should alter so as to make the troops unnecessary, the President might forbear to raise, or discharge them; it gives him power to disband the Army, but not to raise one.

The gentleman last up, supposes that the opposition to the principle of this bill arises altogether from a disguised intention of leaving the country entirely without defence, and making no provision on the subject. He would assure the gentleman that he had no intention in the case which he was not ready to declare. The circumstances of the part of the country where he lived, would make him as solicitous as any man could be, to concert the best measures for the most prompt and adequate protection. The nature of things did not admit, neither did experience justify the expectation, of much relief or protection in time of danger from the slow and distant levies of regular troops. He thought it a plan by no means best suited to the exigencies of the present Summer. So far as

he could judge himself, and so far as he was aided by the opinions of those among whom he lived, prompt provision for obtaining the assistance of the troops of the State, and of the adjoining States, would be to them the most grateful and the most sure reliance. The President is empowered by law to call out, at any time, those of the militia who now hold themselves in readiness, and he had strong hopes that some effectual militia system, which would add still greater protection, would be passed this present session; if he should be disappointed in this, he should then be not merely for giving power to the President, but for passing a law actually to raise without delay some additional regiments for the most exposed parts of the country. His respect for the members of the House, and for the people who sent them here, forbade him to entertain for a moment any doubt that they were not all for taking the most effectual measures for general protection, There could be but one intention on that subject. He trusted they should this session make effectual arrangements in the militia law before the House, which is the only prompt and adequate defence of all parts of the country; if that failed, they must then resort to other measures.

It is said now, and it has been said before, that some members have got so much into the habit of making opposition to everything that is proposed, that they seem to do it blindly, or perhaps from an obstinacy of character, much to the injury of their country; it did not appear to him a very wise or proper observation. The supposition itself is very improbable, that if any individual could be so lost to his own interest, all the society where he lives should also be lost to their interest, or should not know what he is about. He could never take any part of such observations to himself; no friend had ever pointed out to him any particular vote or act of his which he had occasion to regret, as having opposed a law which would have been for the happiness of the country: his recollection, and the review of his conduct, always presented to him a very different course of reflection, for having erred on the other extreme, as being too easy, and having given way too much to importunities for frigates, mints, and military expeditions, which had commonly had his votes, and which he sometimes supposed had unnecessarily burdened and brought expense upon the country.

Mr. B. said, he was glad to hear the gentleman last up, and others, declare that they had no doubt of the general good intentions and patriotism of the House, and of all parts of the country, especially when he recollected how many times the contrary declaration had been made: these good dispositions ought to be mutual; it is infinitely important to the country to cultivate them. He was sorry to see the gentleman was disposed to make exceptions; if he had any fact, or any foundation, to entertain any apprehension that there were individuals in this country who were acting an unfaithful or traitorous part, he trusted that that gentleman, or any other, would feel it to be his duty, without delay, to make the proper use of it, and not suffer the people of this extensive country, who possess as social principles towards each other, and as strong attachment to their Government as ever existed in a people, to be tormented with apprehensions respecting their public servants, who are so distant from them that they have rarely opportunity of personal knowledge of them; apprehensions so totally inconsistent with the necessary confidence in those who are conducting their Government—the very foundation of rational subjection to the laws—and so destructive of public happiness. He had seen with inexpressible regret this disposition in some individuals manifest itself on many occasions; he was sorry to see them undertake to carry measures which could not be supported by other arguments; he considered it as arising from an excess of cruelty, or from the most deadly aims. He concluded with assurances of a disposition to join in all measures to afford the most effectual protection.

Mr. RUTLEDGE said, as the principal objection against this bill seemed to arise from an idea that the militia would be found sufficient for every purpose of defence for this country, he thought gentlemen had better concur in letting the bill go to a second reading and be committed, and before it again came under consideration, the militia bill would probably have been determined upon. He was pleased to hear gentlemen say that the country must be defended, and if an effective militia could not be had, it must be done by a force of this kind. For his own part, from the proceedings already had upon the militia bill, he had not much to hope of its passing; and if not, gentlemen would certainly see the necessity of some additional standing force. Mr. R. could not conceive what objections could have been induced by the gentlemen from Pennsylvania (as he was not in the House when he spoke) on a Constitutional ground. Mr. R. adduced, as in point, the law enabling the President to call out troops in consequence of the Western insurrection, and that making provision for the effectual protection of the frontiers of the United States. Mr. R. then mentioned his expectation of despatches being received from our Ministers in Paris in the course of twelve hours (a particular mention of which has already been made) which might convince all of the propriety of going into this measure; for he believed it was the wish of all to defend the country with vigor and effect, and that they only differed as to the means of doing it.

Mr. CRAIK said, the gentleman from Georgia (Mr. BALDWIN) had spoken of the sincerity of his professions of zeal and of good will; but he hoped the people of this country would not consider mere professions on this occasion, except accompanied by acts. If that gentleman had the faculty of making up an opinion at once upon a subject, he ought to give others, who have not that faculty, time to consider. Certain gentlemen met every proposition for defence, whether by land or by sea, by saying they are desirous of going into measures of defence; but when the protection of commerce is the object, then they are desirous of confining their views to the land; and now, when

the protection on shore is the object, they tell the committee there is no fear of invasion. For his own part, as, at first view, this measure appeared to be calculated to afford a more effectual defence to the country than any other which had been offered, he wished for time to examine the details of the bill.

But this bill was said to be unconstitutional. The gentleman from Georgia endeavored to distinguish between this law and that of 1795, as this gave the President the power to raise the troops or not, and that the other directed that a certain number of troops should be raised, except he should think it necessary to forbear raising them. For himself, he saw no difference between the two. He believed that this was the first time that the propriety of granting the power had ever been questioned. Mr. C. quoted the following instances to show that a similar power had been granted heretofore, viz: the law authorizing the President, if he shall judge it expedient, to alter the usual place of meeting of Congress; the law authorizing the President, if he shall judge it expedient, to build and equip certain vessels as galleys; and the law for regulating and revoking embargoes.

Mr. MCDOWELL was in favor of the motion for rejecting the bill, as it contained two principles which he thought inadmissible; the first, because it delegated Legislative powers to the President; the other, as it respects volunteer corps. The first, he believed, would be unconstitutional, and the last would go to the destruction of the militia of the United States. If our situation be such as it had been figured to the committee by the gentleman from South Carolina, they ought to turn their attention to it, and create an army themselves, and not direct the President to do it if he shall judge proper. But if there be no real appearance of danger, but it is merely conjectural, then it is not necessary to act. Gentlemen have talked of members folding their arms and doing nothing for the defence of the United States. It must be recollected that we have gone considerable lengths in measures of defence. We have voted large sums for the frigates, for fortifications, for an additional regiment of artillery, and put in requisition 80,000 militia. If gentlemen can show that these measures, with our former establishment, are not sufficient for our present situation, he was ready to go further, but he was not willing to delegate any power lodged with that House to another branch of the Government.

It was well known, Mr. McD. said, that it had been the wish of the late President, that it was also the wish of the present President, of the Heads of Departments, and many members of Congress, to increase our Military Establishment, and to fix a standing army in this country. It has heretofore, however, been opposed with success, except in time of war. If we were to be involved in war, an army must be resorted to in aid of the militia; but, in the first instance, the militia might be depended upon as a sure and safe defence of this country. He was sure they would be equal to any invasion, and if we were to engage in a lengthy and formidable war, we must provide accordingly.

The gentlemen from South Carolina and Massachusetts had expressed much concern for the safety of the Southern States, and said it was necessary for their protection that this standing force should be raised. Though one part of that country is expressed, there is a formidable force in the Southern States; a force which had protected them heretofore, and he doubted not would do it again, if there was a necessity for it; and as they had faced the most formidable part of the British army and beat them, the gentleman from South Carolina might feel himself perfectly easy on account of any attack from Victor Hugues and five thousand of his black troops.

It had been stated that there are no arms, or very few, in the Southern States. He believed, if the fact could be ascertained, there would be found as great a portion of arms in the Southern as in the Eastern States. He believed Virginia alone had as many arms as any other three States. North Carolina had also a very considerable number, and South Carolina had several depots of arms, and one, he believed, in the very district which the gentleman (Mr. HARPER) himself represented, though he had stated there were not twelve muskets in it. He hoped, therefore, for these reasons, the bill would not pass.

Mr. S. SMITH hoped this motion would be withdrawn. At a time like the present, when the people of the United States are looking up to Congress in expectation of their taking effectual measures of defence against what they think not only a possible, but probable event, he wished nothing to appear like indifference to that object. He agreed with the gentleman from South Carolina (Mr. HARPER) that, if gentlemen did not like the bill, it might be amended; but to reject it altogether would have too much the appearance of indifference to the defence of the country. He did not know that this would be the best and most effectual mode of defence; he thought a better might be established, but he had not made up his mind upon it. He would, however, throw out an idea or two for the consideration of the committee. Last session, eighty thousand men were ordered to be held in requisition. He thought, if the President was to draw out twenty thousand of these for three months, and when their time expired, to draw out twenty thousand more, and so on, till the whole had been out, it might afford a sufficient protection, and more speedily than any other, and it would have the good effect of making eighty thousand soldiers. In addition to this, there might be a provision authorizing the President to receive volunteer corps of cavalry from the Southern States, to be commanded by their own officers, to serve in a manner as shall be directed by law, the equipments for which to be furnished by the United States, which would be more effectual than a general law to raise three or four thousand cavalry.

In addition to the remark of the gentleman from Massachusetts (Mr. SEWALL) that it would be attended with great inconvenience for men to

travel from the Eastern to the Southern States, for the purpose of protecting them, he would say, that in the late war, Southern men were seen to the Eastward, but never Eastern men to the Southward. He believed the Southern States had more effective militia, according to their Representatives on that floor, than the Eastern States had; and though they had not all arms in their hands, the States had arms sufficient in their arsenals. In the Western insurrection, they armed their own men. In the State which he represented, though their men were not all armed, they had ten thousand excellent stands of arms belonging to the State. Mr. S. said, he had merely thrown out these ideas to induce members to withdraw their opposition to the second reading of the bill.

Mr. MACON said, that some of the arguments used on this occasion were of an extraordinary nature. The motion was first said to be contrary to rule, and then unprecedented. It must certainly be allowed to be as proper to debate a bill on its first reading, as to refuse to refer a resolution. The fact was, that motions of this kind were made every session. It was said to be a surprise upon gentlemen; this could not be the case, if they had done their duty, as it had lain on their desks for some time. One reason, with him, for wishing the bill to be rejected in this stage was, that he was desirous of bringing the session to a close. It was wonderful that gentlemen should persist in bringing standing troops into the Southern States against their will. If members from that quarter were of opinion that their militia was sufficient defence, why will gentlemen be so over civil as to force troops upon them? It was a little extraordinary that gentlemen most in favor of this bill are the most opposed to the plan for newly organizing the militia. [Mr. DANA doubted the fact.] It was said that, because gentlemen are opposed to this bill, they are opposed to all measures of defence. The fact was otherwise; they wished only to avoid unnecessary expense. If they were to bring forward a proposition for raising one hundred thousand or two hundred thousand men, and it was opposed, they might say the same thing. He supposed every man wished to defend his country. He had only heard one reason in favor of committing the bill, and that was, that it was probable we might shortly hear from our Commissioners. If there was any certainty in that, it might be ground for delaying a decision.

Mr. J. WILLIAMS was sorry that so much time had been spent on this question. He never found that going out of the ordinary way of doing business saved time. He had hoped that, after the observations of the gentleman from Maryland (Mr. SMITH) the motion would have been withdrawn. The gentleman from North Carolina wished to bring the session to a close; but he must allow that it would be necessary to give the President power to repel any attack which may be made upon the country during the recess of Congress. He was as much opposed to a standing army as any man; but if gentlemen will not give us an effectual militia system, what are we to do? He wished, instead of consuming the day with this matter, the militia bill had been gone into, and a decision come to on that subject. He hoped the motion would be withdrawn; for, said he, what are we, in this discussion, telling the world? Why, that one branch of the Legislature has sent us a bill to provide a public army, which we wish immediately to throw out. This would exhibit but a poor specimen of unanimity, and of determination to defend our country.

Mr. D. FOSTER called for the yeas and nays, which were agreed to be taken.

Mr. GALLATIN could not conceive why it should be insinuated that there was anything unfair in making opposition to this bill on its first reading; for, if gentlemen were not ready to vote against the bill, they would, of course, vote for committing it, so that the opposition would have less chance of succeeding now than in the future stages of the bill. In the meantime, he wished to take every opportunity of endeavoring to destroy the bill. If a majority could be got against it on the first reading, so much the better, as it would prevent a loss of time in future discussion. He was not, however, afraid of discussion; he believed, the more it was discussed, the more the committee would be convinced of the impropriety of passing this bill. He did not believe, as had been supposed, that it was capable of amendment in any of its essential parts. It had been said, that a contingency might be mentioned; or a time fixed, at the expiration of which, the army might be raised. Such a bill would, however, be altogether different, as this bill vested the power of judging of the proper time with the President; nor could he see how it was susceptible of the amendments suggested by the gentleman from Maryland. If he thought it was, he would certainly agree to its being committed, as he perfectly concurred in the plan he mentioned; but such a system would be so different from the present, that it would be a much shorter and better course to reject this bill, and originate a new one.

He believed the principle of the bill to be improper (as he before stated) because it vested Legislative power in the President of the United States; and it was very extraordinary that gentlemen who have undertaken to answer this objection, have neither shown the propriety nor the constitutionality of doing it, but referred to laws heretofore passed as precedents. If these precedents deserved all the weight they wished to give them, they would only show the danger of setting bad precedents; for, after vesting the power where no danger could arise from it, they are referred to for the purpose of vesting it in a case of the greatest magnitude. Out of all the instances quoted, the only case which came near to the present bill, was the clause of the law of 1792 and 1794, which, after having declared an army shall be raised, declares that it shall be lawful to forbear to raise any part of the troops, or to discharge them after they were raised, if he shall think proper. The power of discretion he did not like; but the clause giving the President the power to forbear to raise, he thought an improper clause, and when this was shown, it proved that they had heretofore done

wrong, and that they ought to be more careful in future.

If the principle upon which this bill is founded, were to be established, our Constitution would become a mere blank; it would be to transform our Government into a Monarchy, or, if gentlemen like the expression better, into a despotic Government. For if Congress can transfer power to the President to raise 20,000 men, they can (and, according to the doctrine of the gentleman from South Carolina, Mr. HARPER, it would not be improper to do it, vest the power in him of raising taxes—and these powers, connected with the doctrine which denies to Congress the power of withholding appropriations, would not leave a solitary power in Congress worth possessing, and the Government would be totally transformed.

But supposing, said Mr. G., that the House has the discretion to transfer its own powers to the President of the United States, he asked whether, in so important an instance as this, especially when they saw that every power of this sort, however trifling, was adduced in support of the propriety of doing it, and when they are told the power of raising taxes might also be transferred, to transfer a power so likely to be abused as that of raising an army—a power which is immediately connected with raising money; for having once given the power to raise the men, they would be told ever afterwards they are bound to support them. So that in giving this power, they would not only authorize an expense of about seven millions of dollars a year, but lay themselves under an obligation (according to the opinion of many members at least) to continue them until the President shall think proper.

He thought a bill of this kind was sufficient to alarm the House, and that it ought to be opposed in every stage, notwithstanding what was said about the danger of the country: indeed that danger was what strengthened his opposition to the bill; for, if our danger be as it is represented, likely to come from Victor Hugues and his troops, from an insurrection of the negroes, from disaffected persons, from our enemy being at the door, it is the duty of Congress to raise an army themselves, and not to give the President the power of doing it; but if it is not believed that this representation of danger rests upon any specific ground, but that it is merely imaginary, then there is no necessity for giving the President the power, as he can call Congress together whenever he thinks proper.

If the danger of invasion was great, he should not hesitate to raise an army, without waiting until the event took place. He thought, therefore, the gentleman from South Carolina was not right to say that the opposition to this bill arose from a determined opposition to everything like defensive measures. Mr. G. said it was true he did not apprehend all the dangers which that gentleman had spoken of; but, if they really did exist, he had a much greater reliance upon the militia of the country for defence than that gentleman seemed to have. He knew that though in some States they were not either well disciplined or well armed, yet they were organized, and had their officers, and the States being in possession of arms, they would be a much more effectual defence, and sooner brought together than any other force. He did not believe that giving the President the power to raise 20,000 men, would be so effectual as the calling out of 20,000 militia, as the one could be raised immediately, and the raising of the other would be doubtful. Besides, in proportion as the danger exists, it would be better to call upon the people themselves to defend their country, than upon hired troops. If any danger was to be apprehended from the negroes, they would be best suppressed by the people in the States where they are. A militia is everywhere; whereas a standing army may be very distant from any attack which may take place. A standing army in Virginia, for instance, would do little good against insurgents in South Carolina; and if an insurrection of that kind was not immediately suppressed by the people, the mischief would be incalculable.

Mr. G. concluded by saying he should not be deterred from doing what he thought right, by being told by the gentleman from South Carolina (Mr. HARPER) that he was fatally blind, or that he had a veil before his eyes. He did not choose to be enlightened by that gentleman, though he wished to hear every question discussed; but so far as relates to political conduct, the more experience he had, and the events unfolded themselves, the more he had to be satisfied with his own conduct, and to be convinced that the doctrines of that gentleman would prove most fatal to this country. It was not likely, therefore, that they should meet on the same ground; for whilst he (Mr. G.) thought well of his own sentiments, he doubted not that gentleman thought as well of his, which would of course keep them from uniting.

Mr. NICHOLAS hoped, after so many occasions had been given to the gentleman from South Carolina (Mr. HARPER) of imputing the worst of motives to gentlemen, that he would have been satisfied without again repeating his charges, when he saw with what contempt all such abuse was treated. As to the attack of to-day, said Mr. N., in which he has made comparisons between himself and me, if he thought such comparisons of service to him, he might continue to make them. Mr. N. said he might, if he chose, in his turn, go into an inquiry as to the motives which actuated that gentleman, and ask whether he does not, at least, promise himself as much advantage from his political conduct, as he (Mr. N.) is in expectation of? For his part, he would assure the gentleman he wanted nothing from the Government. He would not, therefore, envy that gentleman whatever he might get from that quarter.

The opposition to this bill, it was said, must destroy an effectual defence to the country. Mr. N. was sure he stated the question fairly when he made his motion, and no such design could be imputed to him. As to the time being proper for discussing the principle, he thought it the most proper, as the discussion of such a question in a

Committee of the Whole was, as had been stated by the gentleman from Georgia, a very awkward way of doing it; and the sooner an attack of this sort was begun, the better opportunity it gave gentlemen of bringing their utmost force against it; because if members were not prepared to vote for the rejection, the discussion must again arise.

It had been said, that power had heretofore been given to the President to disband an army, when he saw no longer occasion for it, which was the same as raising it. He saw the thing in a very different light. He was not afraid of an army being disbanded too soon; but he objected to the principle of having or not having an army, according to the will of the President.

Mr N. took notice of the precedents which had been adduced in support of this transfer of power to the Executive; some of which he acknowledged were in point, but of trifling consequence, when compared with the power now proposed to be vested in the President. Besides, he was not for being bound by precedent; if that were to be the case, frequent elections of members could be of no use. And he could see no reason for vesting this power in the President to raise an army, unless gentlemen are ready for the measure, and wish to throw a business upon the President which they do not like to undertake themselves.

But the gentleman from South Carolina says this force is necessary for the Southern country. He did not believe the gentlemen from that country would ask for it; nor did he think it was paying much respect to their country to suppose that four States, whom he supposed could turn out 150,000 men, would want the assistance of 20,000 standing troops to repel Victor Hugues with his 5,000 men. He believed they would neither want this force, nor any of the militia from the Eastern States.

Mr. N. assured the gentleman from Massachusetts he was not hurried in his political conduct because he was going home. He had received information which required his presence at home, but he should not agree to the bill being committed from the apprehensions which had been named, as he believed nothing but a declaration of war, or an actual invasion, would warrant the raising of this force; for, though an enemy might not be prevented from landing, the militia would always be equal to meeting of them when they were landed. As, however, it had been suggested that despatches might shortly be expected from our Ministers, he had no objections to the bill being committed, that gentlemen might be satisfied as to their contents before they voted on it.

Mr. RUTLEDGE thought it necessary, as the gentleman from Virginia had withdrawn his opposition to the commitment of the bill from what had fallen from him with respect to the probability of despatches being shortly received from our Ministers, to state upon what ground he had said this. [Mr. R. then mentioned the arrival of the *Pomona* at Baltimore.]

Mr. MCDOWELL did not think the information given by the gentleman from South Carolina (Mr. RUTLEDGE) ought to put off the decision of the question which had been under consideration; because, whether the despatches were favorable or unfavorable, he should still be against the bill. If favorable, he should think there was no immediate necessity for an army; and if unfavorable, he should be for raising it immediately. He hoped, therefore, the question would be taken.

Mr. LYON moved an adjournment, as it would be probably ascertained, he said, by the time at which the House met to-morrow, whether Government had really received despatches by the arrival referred to, and what were their tendency. The motion was carried, and the House adjourned.

WEDNESDAY, April 25.

Mr. OTIS, from the committee to whom was referred the consideration of the propriety of amending the law with respect to insolvent debtors, made a report on the subject, with a bill, supplementary to the present law, which, it was stated, included provisions for the different petitioners who had applied to the House, except for James Greenleaf, to whom it was recommended leave should be given to withdraw his petition. The bill was twice read, and committed for to-morrow.

PROVISIONAL ARMY.

The SPEAKER having declared the question on the bill from the Senate for the raising of a provisional army, viz: "Shall this bill be rejected," to be first in order before the House.

Mr. MCDOWELL said, upon further consideration, and conceiving that gentlemen might wish to see the contents of the despatches of our Ministers, which had been mentioned, before they gave their vote on this occasion, he should withdraw his opposition to the second reading of the bill.

The bill was then read a second time; and a motion being made to commit it to the Committee of the Whole on the state of the Union,

Mr. LYON called for the yeas and nays; but only himself and another member rising in support of the motion, it was not carried.

The bill was then referred.

MILITARY APPROPRIATIONS.

On motion of Mr. HARPER, the House again went into a Committee of the Whole on the bill making appropriations for the Military Establishment for the year 1798; when a supplementary report of the Secretary of War was read, in which was the following estimate of the probable expenditures in the Quartermaster's department for the year 1798:

Deputy, assistants, and clerks, in the Quartermaster's department - - - -	$4,500
Boatmen - - - - - -	12,000
Pack-horse men - - - - -	5,000
Wagoners - - - - - -	7,000
Laborers - - - - - -	3,000
Armorers - - - - - -	6,000
Artificers - - - - - -	14,000
Pay and subsistence of the captain and crew of the sloop Detroit - - - -	4,000
Occasional repairs for the sloop Detroit -	1,000
Schooner, building at Detroit - -	6,000

Packet boat, building at Detroit	2,000
Pay and subsistence for the captain and crew of the new schooner for six months	2,500
Pay and subsistence of the captain and crew of the packet boat for six months	1,200
Four galleys, building at Pittsburg	16,000
Pay and subsistence for the crews of four galleys, 60 men each—240 men, at —— dollars per month	28,000
Picketing in ship-yard, erecting wharf, repairing barracks, &c., at Pittsburg	6,000
Hire of expresses	6,000
Bar iron and nail-rods	4,000
Stationery	2,000
Kentucky boats	1,000
Keel boats	1,500
Fuel	8,000
Forage	20,000
Occasional purchase of oxen and draught-horses	3,000
Horses for express service	2,000
Occasional purchase of pack horses	6,500
Hire of private boats, on freight	5,000
Bags, lash-rope, pack-saddles, &c.	600
Occasional purchase of carpenters' tools, smiths' tools, &c.	400
Retained subsistence	1,500
Saddles, bridles, gears, &c.	1,000
Tents, camp kettles, entrenching tools, &c.	6,000
Repairs to fortifications and barracks at Michilimackinac	5,000
Repairs to fortifications and barracks at Detroit	6,500
Erecting new barracks at Presq'Isle	3,000
To strengthen and repair the fortifications at Chickasaw Bluffs and Walnut Hills	12,000
For erecting a fort near the Western national boundary, including barracks, magazines, casemates, &c.	20,000
Erecting new barracks at Wayne	2,000
Total	$207,200
To this estimate was added another, for articles wanted by the troops and garrisons on the frontier of Georgia, transportation, &c.	29,400
Do. for the same on the frontier of Tennessee	29,400
Do. for transportation of ordnance, Military and Quartermaster's stores, medicines, &c., to Pittsburg, and other places	63,762
Aggregate	$357,762

Mr. HARPER moved to fill the blank for the Quartermaster's department with $200,000.

Mr. S. SMITH said, in the estimate for the Quartermaster's department, he found some pretty large items for a schooner, galleys, &c., building at Pittsburg and Detroit. He knew of no law for these. He wished to know by what authority they were built.

Mr. HARPER said, the sums which the gentleman alluded to, were not included in the calculation which he had made. He did not found it on the estimate which was last received, but upon the original estimate. He did not know of any law for erecting the schooner and galleys on the Ohio and Mississippi. He supposed the Secretary of War or Quartermaster General had ordered them, for sufficient reason, but he was not acquainted with that reason. He meant to fill the blank with $200,000, which was according to the former estimate. If this should not be found sufficient, the deficiency could hereafter be made good.

Mr. GALLATIN said, it was proposed, when this bill was formerly before the committee, to fill the blank with $200,000, to which he objected, and called for certain estimates from the War Department. In consequence of this call, a supplementary report had been received, in which, amongst other extraordinary charges, were estimates for building a sloop of war, four galleys, erecting fortifications, &c; all which were expenses unconnected with the Quartermaster's department, which, instead of $200,000, amounts, in the whole, to $357,762. If the estimate was to be regarded at all, therefore, the whole sum ought to be appropriated; if not, he could not see why $200,000 should be agreed to, as an appropriation of that sum would be supposed to authorize the whole expense. Mr. G. said two-thirds of the $207,000 estimated above would be expended in his district, and of course be very grateful to his constituents; but he thought it extravagant, and therefore should oppose it. He wished a number of the items included under the head of the Quartermaster's department to be appropriated for under distinct heads. He could not say that he was at present prepared to make the discrimination which he intended, and would therefore move that the committee rise, and against to-morrow he would make the necessary calculation.

Mr. HARPER said, if the committee thought it necessary to have this detail, they would rise; for his own part, he did not see any necessity for it, as it could only tend to embarrass the service, which had already experienced considerable difficulty, from making the appropriations too particular. He was himself not a little surprised to find articles in the last estimate of the Secretary of War which had not been authorized by law; and he should have no objection to any course being taken to check the expenditures under this head, that would not embarrass the business of the department. He was willing to restrict the appropriation to such heads as the House should think proper, or to take any other way of restricting the expenditure. He had no idea of appropriating large sums, to be expended as the Secretary of War or the Quartermaster General pleased. $34,000 were charged for the transportation of ordnance and stores, which were sent to Pittsburg by order of the Commanding General. He wished some better information on this head, and also as to some other items. But as the average of the expenditure in this department for the last five years was $250,000, he thought $200,000 would not be too much for the present year.

Mr. S. SMITH said, he was at a loss how to vote on this subject. The estimate before the committee was an extraordinary one. It appears, that under the head of Quartermaster's department, vessels of war and galleys have been built. He wished to vote for $200,000; but, if this sum was voted, the House had no security for its expenditure being confined to the Quartermaster's department; it might be employed in equipping vessels of war. Unless Congress can get the Secretary

of War to understand what they mean by appropriations; if, instead of confining the expenditure of money to the purposes for which it is appropriated, he employ it in building ships of war and fortifications; they may vote $500,000, and still be called upon to supply deficiencies.

The committee rose, and had leave to sit again.

DEPARTMENT OF THE NAVY.

Mr. HARPER called for the order of the day on the bill for establishing an Executive department, to be denominated *The Department of the Navy.* The House accordingly went into a Committee of the Whole on this bill, and rose without making any amendment in the bill; but, upon the question, in the House, of its passing to a third reading,

Mr. GALLATIN said, he had not proposed any amendment to this bill in the Committee of the Whole, because, what he had to say upon it, would go against the principle of the bill. He did not think it necessary to establish a Navy Department. He did not suppose our Army and Navy were at present so large as to require two separate departments. If the business was so much increased as that the persons at present employed could not do it, they might be increased. Nor did he believe, with some gentlemen, that such an institution would produce economy; on the contrary, he always found that the increase of officers was the increase of expense. Some time ago, it was said that great economy would arise from appointing a Purveyor of Supplies; but he had seen, from the time of this establishment, a great and constant increase of expense in everything which relates to supplies. Not seeing the necessity of it, therefore, he should vote against it, except good reason should be given for it; for he believed, the moment a department of this kind was established, the head of it would wish to make it of as great importance as possible, by endeavors to extend the object of his superintendence. He called for the yeas and nays upon the question, which were agreed to be taken.

Mr. J. WILLIAMS did not feel disposed to vote for this bill. It appeared to him that the Secretary of War, with officers under him, would be sufficient for the management of our naval concerns also. It was some time after the Constitution was framed, before the War Department was established. Whenever an office was established, something was always found for it to do. Soon after the War Department was established, we had an Indian war; and after that Indian war ceased, another establishment was made under the name of the Accountant's Office. If the business was increased, new clerks might be employed, but he should be against any new department. If we were engaged in hostilities, and our naval power of course increased, such an establishment might be necessary; but at present he did not think it necessary, nor did he think our revenue equal to the support of a Navy which should require such an establishment to take care of it. If this office was to superintend the construction of vessels, persons acquainted with this business might be employed under the Secretary of War. The present expense of the War Department was $18,250 a year; and though there would not be much to do in this new office, he supposed the expense would not be much less; and, besides, Congress would be importuned, from session to session, to increase our naval force. Mr. W. said he was desirous of making every defence for our country, yet he wished to keep down our expenses as much as possible. If circumstances called for going further into the business of the Navy, he should not object to it.

Mr. SEWALL said, when the House was considering any subject relative to the increase of the Navy, complaints were made of the enormous expenses and of the little responsibility which attends the business; and when it has been said that the greatness of the expense might have arisen from a want of knowledge in the persons who had the care of the business, it was said that defect ought to be remedied. This department is intended to do that, and, by the expense of a few hundred dollars, he had no doubt thousands would be saved. When talking about vessels, it was complained that too great an expense was incurred on this object; now it is said there is no object for the proposed officer to attend to. But the gentleman from New York (Mr. WILLIAMS) was afraid, if this office was established, it would be the means of increasing the Navy. This certainly could not be done, contrary to the will of Congress.

He thought there were obvious reasons for the establishment of this department. It was well known that an officer might be well acquainted with the business of the army, without knowing anything about a navy; and a man employed at the head of such a department ought to have some knowledge of the business committed to his care. Mr. S. said, however well the present Secretary of War might be acquainted with army concerns, he believed he was not conversant with naval matters. In consequence of this, he had a number of agents employed under him. Indeed, the War Department had so much business on its hands, as not to be able to pay a sufficient attention to our Naval Establishment. He therefore believed it was necessary to make this new establishment, especially as the Navy Department was likely to be considerably augmented.

Mr. S. SMITH believed, after all the struggles which had been made on this subject, it would at length be found necessary for the United States seriously to turn their attention to the establishment of an efficient naval force; and the sooner gentlemen could bring their minds to this, the better it would be for the general good. If this proposition had been brought forward at the commencement of the session, he should have thought it unnecessary; but, from the increase which had been made during this session, he thought the establishment proper. $950,000 had been appropriated for providing twelve vessels; a number of galleys were also contemplated. A ship of war or schooner, it appears, has been built on the Lakes, and some galleys on the rivers. These, with the frigates and cutters, form an establishment which will require a naval man to superintend it. An expenditure of two millions of dollars, he supposed,

would be authorized this session; and a man knowing something of naval architecture will be able to save more in the course of this year to the United States than will pay ten years of the expenses of this office. A merchant going into the building of vessels without a knowledge of the business will find the truth of this fact. The great expenditure attending the building of the frigates, he supposed, had been chiefly owing to the want of such an establishment as the present. The gentleman from New York had stated the expense of the War Department at $18,250; but one half of that expense was incurred in the office of the Accountant of the War Department; and as there would be no need of a new Accountant, the expense could not be doubled. The duties of the War Department are greatly increased, and might be further increased during the present session; and an expenditure of the kind proposed might save the throwing away of thousands of dollars.

Mr. MACON said, the arguments in favor of this bill were derived from a want of knowledge of naval affairs in the War Department. He thought that might be supplied without the establishment of a new department; but he believed the building of the frigates had mostly been carried on under the direction of the captains who were to have the command of them. More clerks had been added to the War Department, in consideration of the business which the Navy had occasioned. He believed the more officers were appointed, the more money would be expended.

Mr. OTIS said, the gentleman from New York had opposed this bill on different grounds from the gentleman from Pennsylvania. He did not make any reply to the gentleman from Pennsylvania, because he expected opposition from him, and some others, to every measure which had the defence of the country for their object; and, as the session was drawing to a close, he thought it best to have as little debate as possible, and that the sooner the question was taken, the better; but when he saw a gentleman rise in opposition to it, upon whose support he calculated, he was apprehensive lest it might have an effect upon other persons on whose support he also relied. The gentleman from New York seemed to apprehend some new and heavy expense was to be incurred, and that some greater caution was now necessary than heretofore. What saving, then, does he mean to make by opposing the establishment of this office? Since he supposes the same clerks will be sufficient, it will only be the salary of the chief officer, which, Mr. O. supposed, would be $3,500—a greater saving than that which would be made by such a person in every ship built or purchased. Taking the expense of our Naval Establishment at one million dollars a year, it would only be an expense of one-third per cent., which every one must allow was a mere trifle, to have the money of the public well expended. The services of the War and Navy Departments were, he said, perfectly distinct. The duties of the War Department became every day more arduous, and whatever gentlemen may think, they must become still more so. This opposition coming from a friend, he could not suppose it arose from a bad motive, but merely from a narrow conception of what is conceived to be the agricultural interest. Agriculture and commerce, said Mr. O., are twin sisters, and cannot live separate from each other; they must live together, or expire at the same moment. It was the duty of gentlemen representing agriculturists thus to speak to their constituents. It was an axiom realized by every politician in the world. The fact was, that everything spent upon the Naval Department was so much saved, in which the agricultural part of the country partake very largely.

Mr. O. said, it was necessary, even for the sake of appearances, to establish an office of this kind. We ought not only to prepare measures of defence by sea and land, but, in doing this, we ought to do it in conformity to the opinion of the European world. He thought $5,000 a year would be well expended in purchasing the good opinion of the European nations in this respect, and particularly that of France. Though our state was at present that of an infant, it would in time become that of an Hercules.

Even if the present storm should blow over, and our naval power should not be wanted, and the theory of the gentleman from New York should overcome his theory, the establishment of this office could at any time be suppressed, and the money expended in it would be more than saved, by the additional information and care employed in our naval concerns, as it was a thing impossible for one man to undertake the business of the War and Navy Departments. As well might a merchant be set to do the business of a lawyer; a lawyer that of a physician; a carpenter that of a bricklayer; or a bricklayer that of a carpenter. He hoped, therefore, as he had heretofore had the pleasure of voting with the gentleman from New York, he should also have it on this occasion; whilst gentlemen who believe that no danger threatens us, and who are disinclined to take measures of defence, may call the yeas and nays, and find themselves in a minority as usual.

Mr. T. CLAIBORNE never remembered to have heard such language as had fallen from the gentleman last up. He laments, said Mr. C., that a gentleman who usually voted with him should dare to think for himself. Are gentlemen's opinions and language thus to be circumscribed? [Mr. O. explained.] Mr. C. continued, the gentleman was willing that all questions should now be taken without debate. Does this mean, said he, that there are a majority of members in this House who must always be in the right, and a minority always in the wrong? If this be the case, they had better dismiss the minority, and do the business themselves. Were not gentlemen any longer to express their difference of opinion? Would this be the way to keep the Government together, or to preserve harmony in the country? If this were to to be the situation of things, he should regret it with tears in his eyes. He had himself no mathematical certainty that any opinion of his was right; nor did he think the gentleman from Massachusetts ought to expect men to bow to his. Such an assumption led to mischief

of a serious kind. What! to say we have a majority, and therefore we will have no debate. [The SPEAKER said, no such expression had been made use of; if it had, he should have checked it.] Had it not been for an expression of this kind, he should not have risen on this question. He wished to hear every man deliver his opinion freely. Mr. C. did not believe the bill to be a proper one, and he should therefore vote against it.

Mr. McDOWELL said, he should be opposed to the bill, if he had no other objection to it than that it went to countenance the idea, according to the gentlemen from Maryland and Massachusetts, that this country must go into the establishment of a large naval power. The great saving to be derived from this office, he understood to be from savings in the building of vessels; but, as the twelve vessels which were lately voted are proposed to be purchased, ready built, he supposed this reason did not apply at present. If there was no intention, therefore, (which he trusted there was not,) of carrying our Naval Establishment to any considerable extent, he could see no occasion for the creation of this office. For, if this Secretary of the Navy was appointed, he would also be obliged to rely upon others, in a great degree, for information.

But the gentleman from Massachusetts (Mr. OTIS) says the establishment of this department will operate as a defence to the country, by favorably impressing the minds of foreign countries with our force; and he lamented the loss of the vote of one of his friends, and reflected upon all those who differed from him in opinion as being unfriendly to himself and the country. He could not discover how the passing of this bill would defend the country. If sound or declamation could alarm France, or subdue her armies, the gentleman might have some share of credit for his services; but he supposed other means would be necessary, if an attack was made. But how could that gentleman think of charging others in the manner he had done? Is there a man, said he, who votes in opposition to him, who is actuated by the motives with which he has charged them? No man really believes it. But, because members do not choose to go all lengths with him to involve the country in a war, which may go to the destruction of the liberties of it, they are thus calumniated. They are willing to go all reasonable lengths; and if there were any attack made upon this country, he believed they would be much more ready to meet the enemy than that gentleman. Indeed, many of those members whom he abused had been the means of raising the Constitution and Government under which he has the liberty to legislate. Such reflections could have no effect upon those against whom they were made, where their characters were known: they were meant to produce effect in other parts. He thought enough of this calumny had heretofore passed, without again introducing it. It would not lessen the credit of the House if no more was heard of it in future.

Mr. HARPER said, the naval defence which this House thought necessary for the service of the country having been voted, he could not agree with those gentlemen who consider this as a question of defence He thought it a question of economy, and, in this view, he should reply to some observations which had been made upon it.

He believed our naval defence would be much more efficaciously and speedily provided by means of the proposed establishment than if the bill was rejected. So far, indeed, it is a question of defence, but only collaterally so. The point of view in which this bill should be considered, is simply this: will it not effect with more speed and economy the marine defence now existing, as well as that contemplated? He himself had no doubt as to the fact. Indeed, he would ask the gentleman from North Carolina, whether, if he were about to erect a distillery on his place, he would employ his overseer to do it, who, though he might understand the business of his farm very well, knew nothing of building. He certainly would not; and if this would be bad policy in an individual, it would be equally so in a nation. Besides, the expense would be so trifling as only to amount (as had been stated) to one-third per cent., though traders were in the habit of paying five per cent. to have their business done.

But it was said, that if an office of this kind was established, it would soon create business. But the business is already created. We have, said he, already a marine of fifteen ships of war. This, he knew, was comparatively a small force, but in the establishment of which we shall yet expend two millions of dollars, and the support of which will amount at least to $700,000 or $800,000 annually. When the War Department was first established, the object of its care was not, he believed, of equal magnitude.

These two departments, Mr. H. said, had no connexion with each other. No nation was without two such departments, and our own experience had shewn the want of a Naval Department. Therefore economy, the practice of individuals, the common practice of other nations, and our own experience, concur in support of this bill.

Mr. R. WILLIAMS was ready to acknowledge he did not believe it could ever be the interest of this country to go into the establishment of a large naval power, and therefore he should not be in favor of the present bill on that ground. Nor did he think there was any good reason for dividing the military and naval business, except there was more than could be attended to by the present establishment. But it was said the business was of a different nature, and therefore it ought to be in separate departments, as one man cannot be supposed to understand both concerns. That objection would apply to any of the other departments; and whenever this rule of dividing business shall be adopted, we shall get men of inferior talents to do it. When the Government was established, it was thought that a War Department would be equal to the military and naval concerns of this country. But it was said a navy was not then thought of; it was however doubtless thought of when the frigates were ordered to be built, and it was not then gone into. It was, however, said that

much money had been lost for want of an officer of this kind. This was mere assertion, and it was by no means clear that the business would be done better with such an officer than without him.

But it was said, it was necessary to go into this measure for the sake of appearances. To whom are these appearances to be be made? Not to our own people, but to European nations. The gentleman from Massachusetts says we ought to adopt their opinion upon this subject. He viewed a policy of this kind the most fatal of any other to this country. He believed that the less we had to do with European politics, and their mode of administration, the better. The only object in view, with that House, ought to be the interest of their own country. What, said he, is the situation of those countries which have gone into the establishment of large navies? They are involved in debt which they never can, and never will, pay.

Mr. W. said, when he considered that almost every day some new construction was either given to the Constitution, or some mode of administering the Government altered; when they were told, that, though such a thing had been understood so and so for two or three years, it would bear a different construction; and now, when he saw they were about to add a grand department to our Government, not contemplated by the Constitution, he owned he was alarmed. Whenever he saw the business of the Navy so extensive as to require a separate department, he should vote for it; but he thought it would not be wise to go on with the establishment of new departments before there was business for them to do; because whenever such a department was constituted, he had no doubt business would be found for it to do, as the officer at the head of it would be continually drawing out and laying before Congress plans for its increase.

As to what had been said about the line of conduct adopted by gentlemen in this House, he should say nothing about it. He thought too much had already been said on that subject, and he believed it would be best to suffer such reflections to refute themselves.

Mr. J. WILLIAMS said, the only point in dispute was, whether a separate office should be established for the business of the Navy, or whether it should be put under the care of a superintendent in the War Department. He wished the gentleman from Massachusetts (Mr. OTIS) had spared his observations until he had heard those of the gentleman from Maryland, (Mr. S. SMITH.) It had appeared to him that a superintendent in the War Department would have been sufficient, and he yet thought so. He did not think the business of the Navy was so great as to require a separate establishment. There was more business in the War Department in 1794 than at present, and nothing was then heard of a new department. He should not have opposed this measure if he had not been convinced that every measure taken to increase the Navy beyond its present establishment would have a bad effect on this country. It had been proposed last Winter to purchase all the live-oak timber in the Southern States; afterwards a proposition was brought forward for the establishment of navy yards. Those measures had been defeated, and they were now called upon to establish a new department for this favorite object. He was not willing to do it. The gentleman from Massachusetts said there would only be a difference between making a new office, and continuing to do the business in the War Department, of the salary of the chief officer; but if he looked at the second clause of the bill, he would find himself mistaken, as there was in that, provision for a principal clerk, and such other clerks as he shall judge necessary: so that he may have a clerk for every port in the Union, if he pleases. If he represented, as the gentleman from Massachusetts does, a commercial interest, he might be as favorable to a Navy as him; but as that was not the case, he was opposed to it. He gave his approbation to such appropriations as he thought necessary; and if, in this instance, he differed in opinion from the gentleman from Massachusetts, he should stand excused. He believed with that gentleman, that the commercial and agricultural interests were closely connected; they differed only as to the extent to which it was proper to carry our naval defence. He did not wish, however, at present, to reject the bill. He believed it might be amended, and he had no objection to the question being postponed for that purpose.

Mr. LIVINGSTON said, he was almost tempted to smile at the arrogant pretensions of some gentlemen in this House, in their treatment of others, at least their equals on this floor, whatever they might be out of doors, being equally with them Representatives of the people. They were told by the gentleman from Massachusetts (Mr. OTIS) that opposition was expected, was looked for, from certain gentlemen; that no argument was necessary on the occasion, because those members who were opposed to all measures of defence, would oppose this measure also; but that those who had originated the measure would carry it into effect. This simple declaration of a strength of party, was also attended with a very handsome rebuke of one of his colleagues (Mr. J. WILLIAMS) for having dared to doubt the propriety of the measure before the committee. He was happy to find this rebuke had produced its effect, and that though his colleague was at first very decidedly against the bill, he was now disposed to doubt; and the effect of another rebuke, he supposed, would obtain his vote in favor of the new establishment. For his own part, neither the rebuke, nor the preliminary observations with which it was accompanied, had produced any effect upon him. He did very much doubt the propriety of the measure; for, although there was a great deal of business in the War Office, and the same person could not be supposed to be acquainted with military and naval affairs, if a shipbuilder was to have the appointment, he could not think such a person fit to be one of the great council of the nation; and it must be recollected that the person who holds this office will become one of the counsellors of the President on all great concerns.

But if the idea was adopted that no person in the Government was to have business under his direction which he does not perfectly understand, this division must not stop here. Could it be said that the Secretary of War had a perfect knowledge of everything under his direction, except what related to the navy? Certainly not. To be so, he must not only be a perfect engineer, but be acquainted with the construction of arms. To carry this idea to its full extent, it would not only be necessary to have separate departments, but also a great variety of subdivisions; they must have, he supposed, commissioners of gun-barrels and of ramrods.

But it was said that the establishment of this new office would be the means of saving money; and the excess of expenditure on the frigates was pointed at as a proof of the want of an officer of this kind; but he believed if other business was looked at which had been immediately under the direction of the Secretary of War—the frigate for the Dey of Algiers for instance—it would be found to have been well and speedily done, which was a proof that the Secretary of War could attend to that business.

It was said that this establishment was necessary, in order to give an appearance of defence to Europe, as if the establishment of a Department of the Navy was to have the effect to do away all our past and to prevent future injuries. But our appearance to Europe was not all; the example of European countries was mentioned. All were said to have a Marine Department. The practice of Europe, Mr. L. said, had proved itself to be a bad one, as the navies of those countries had proved the ruin of them.

Mr. L. would make no reply to the insinuations thrown out against gentlemen, which represented them as being opposed to every measure of defence, as not a question came before the House in which the same unfounded charge had not been repeated; and he supposed, by and by, that a new post office could not be proposed, or the most trifling business done, without a repetition of those charges.

The yeas and nays were taken upon this bill going to its third reading, and decided in the affirmative—yeas 47, nays 41, as follows:

YEAS—John Allen, Bailey Bartlett, James A. Bayard, Christopher G. Champlin, John Chapman, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, John Dennis, George Dent, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, 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, Josiah Parker, Thomas Pinckney, John Reed, John Rutledge, junior, James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Tompson J. Skinner, Nathaniel Smith, Samuel 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, Stephen Bullock, Thomas Claiborne, William Charles Cole Claiborne, Matthew Clay, Thomas T. Davis, John Dawson, Lucas Elmendorph, William Findley, John Fowler, Albert Gallatin, James Gillespie, 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, William Smith, Richard Sprigg, jun., Richard Stanford, Thomas Sumter, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, John Williams, and Robert Williams.

COMPENSATION OF CLERKS.

On motion of Mr. HARPER, the House then took up the amendments of the Senate to the bill respecting the compensation of clerks.

Mr. HARPER stated the effect of these amendments to be, to give to the Secretary of the Senate and the Clerk of that House, an addition of $250 each to their present salaries. He recommended an agreement to these amendments as reasonable, as the salaries of these officers were fixed at the same time at which the salaries of the clerks and inferior officers were fixed, which had been advanced.

Mr. GALLATIN inquired what the present salaries of these officers were. It was answered $1,500 a year, and two dollars a day during the session of Congress. Mr. G. thought this sufficient, and that since their salaries had not been increased at a time when living was much dearer than it is at present, or likely to be, he could not consent to the proposed advance.

The question was taken by yeas and nays, and negatived—36 to 28.

THURSDAY, April 26.

The bill for establishing an Executive Department, to be denominated the Department of the Navy, was read the third time and passed—42 to 27.

Mr. THOMAS presented a petition from 5,000 inhabitants of Philadelphia and Liberties, expressive of their approbation of the conduct of the Executive in its negotiation with France, and a determination to support every measure which may be thought necessary by the constituted authorities for the support of our Government, Constitution, and independence. A very large body of merchants and others attended the House with this petition.

Mr. CRAIK presented a set of resolutions which had been agreed to at a public meeting at Georgetown, approbating the measures of the Executive with respect to France, and expressing the firmest reliance on the councils of the nation.

MILITARY APPROPRIATIONS.

On motion, the House again resolved itself into a Committee of the Whole on the bill appropriating for the Military Establishment for the year 1798; when, the question for filling the blank in the Quartermaster's Department with $200,000 again recurring,

Mr. HARPER said it would be recollected that

when the House last rose it was for the purpose of affording time to make some discrimination in the appropriations. The gentleman from Pennsylvania (Mr. GALLATIN) had done this, and it appeared to him correctly. Mr. H. enumerated the different items, and the sums calculated for each. The vessels on the Lakes, he had no doubt, would be an useful object, and ought to be provided for, but not under the Quartermaster's Department. He would introduce it as a distinct item; but he did not know under what authority the vessels on the Ohio and Mississippi were constructed, or for what purpose they were wanted. Perhaps it might have been for the lower part of the Mississippi, from the idea of a rupture in that quarter; but though this might have been the case, he was far from admitting the principle that the War Department had a right to determine the propriety of such a measure. He believed, if such an expense was necessary, an appropriation ought to have been made by Congress. He was therefore willing to drop this item altogether. It was stated that the construction of these vessels was commenced; he was notwithstanding willing that it should be suspended, until some inquiry was made into the business, and Congress shall pass a law to authorize the expenditure. He could not say these vessels were not necessary; but he was willing to say they should not be provided for at present. Mr. H. again objected to the expense of $34,000 for the transportation of ordnance and stores from Philadelphia to Pittsburgh. As Congress had no assurances of these being wanted, he should be willing to omit this item also. He wished likewise to inquire whether ordnance could not be procured in that country, without being at so great an expense in transporting them from Philadelphia.

Mr. H. still wished the blank to be filled with $200,000. The former estimate was $188,000; but he believed it would be well to appropriate the even sum he had named, as the average of the expense of the five last years in this Department (as he had already stated) had been $250,000.

Mr. SEWALL wished to know whether the gentleman from South Carolina had had any conversation with the Secretary of War respecting the vessels constructing on the Lakes and the Ohio? He supposed it was not expected that an act should be passed to enable the President to replace vessels used as transports, when worn out. Perhaps it might be necessary to arm these transports occasionally, as they were subject to the attacks of the Indians.

Mr. HARPER said, he did not object to the vessels on the Lakes; he meant to propose a separate appropriation for them. It was to the vessels on the Ohio and Mississippi that he objected, which were not wanted for transportation.

Mr. CRAIK did not think the committee were prepared to say these vessels were not wanted. He had so full a confidence in the Secretary of War that he was ready to vote for all the items which he had recommended. He wished, therefore, that the decision upon this question might be postponed until further information was received on the subject.

The rising of the committee was advocated by Messrs. CRAIK, DAYTON, and RUTLEDGE, and opposed by Messrs. HARPER, S. SMITH, and GALLATIN. The question for rising was negatived.

Mr. MACON said, he was at a loss how to vote on this subject. Whatever sum was appropriated for this Department, there was always a deficiency; it was not, therefore, worth while to be very particular.

Mr. GALLATIN moved to fill the blank with $150,000, which was the sum he had proposed on a former day, since which, he said, the House had received a number of statements from the Secretary of War, in order to induce a larger appropriation. As there seemed to be a general concurrence of opinion to restrict the expenses of the War Department, he wished some gentleman, better able to do it than himself, would compare the number of troops in service with the sums there required. Mr. G. noticed a number of items which appeared to him unaccountably extravagant, and contrasted the very great expense incurred on the Northwestern frontier with that of the troops employed on the seaboard. Mr. G. also took a view of the expenses under this head from the year 1789 to the present time, in order to show that $150,000 would be a sufficient appropriation.

After commenting pretty freely and at large on the estimates from the War Office, Mr. G. said, he believed there was some radical defect with respect to the connexion subsisting between the Accountant's department, the Treasury and War Departments, which prevented a proper investigation of accounts. So far as relates to the Treasury Department, the accounts were always very clear, and there was no ground of complaint; but, from the connexion which subsists between the War Department and the Accountant's department, there seemed to be a want of responsibility.

In the details which had been laid before the House, Mr. G. said, he found items under the head of contingencies, which he should never have expected to have found there; one was for the pay of an inspector of the troops and garrisons of the United States, at a salary of sixty dollars a month. He could not say such an officer was not necessary; but if he was, he would say he ought to have been provided for by law. The other item was for a much larger sum, viz: the pay of an engineer of the fortifications of the United States, at a salary of three thousand dollars a year, which was a salary greater than that of the Secretary of War. It appears that this engineer was engaged for three years; but, after he had been some time in the service, two thousand dollars were given him over and above his pay, to relinquish his contract.

After a few observations from Mr. DANA, in favor of the Secretary of War,

Mr. SHEPARD rose, and went over the different items contained in the statement read yesterday, particularly the boatmen, $13,000; the pack-horsemen, $5,000; the wagoners, $7,000; the laborers, $3,000; the armorers, $6,000; the artificers, $14,-

000; hire of expresses, $6,000; and fuel, $8,000. He could not tell how so many boatmen, pack-horsemen, and wagoners, could be employed (for it was not for boats, pack-horses, and wagons, but for the men alone;) and what so many laborers could be employed in he could not imagine. He did not see why the soldiers could not do all the labor the Army had to do themselves. When he was in the Army, he was at no expense like this. And how the repairing the arms for three thousand men could cost $6,000 he could not tell; nor could he see how $14,000 could be expended on artificers. If we were to be involved in war, it would not do to expend money in this manner. It was easy to write down thirty, fifty, or one hundred thousand dollars for this or that, but when the taxes came to be laid, the money would not be so easily raised. Mr. S. passed over a number of articles, till he came to fuel. He thought $8,000 a year for fuel, in a country where the trees were ready to fall upon them, was a very exorbitant charge. While he was in the Army, it never cost him sixpence for fuel. The United States had better purchase the land upon which the timber grows, at once; they would be able to get it for a much less sum. If these expenses were to be incurred for five thousand men, what would be the expense of an Army of thirty thousand men? This estimate, he was sure, must be much too large; and it became Congress to be careful how they gave encouragement to such charges as these, for the country would scarcely be able to support the expense of any considerable establishment if more economy was not used.

The question on filling the blank with two hundred thousand dollars, was put, and negatived without a division.

Mr. CRAIK moved to fill the blank with two hundred and twenty-four thousand dollars, in order to take in an item recommended by the Secretary of War. Mr. C. thought the character of this officer had been very illiberally and very unfairly attacked by the gentleman from Pennsylvania. If this gentleman had acted improperly, he might be called to account, when he would have an opportunity of speaking for himself. [The CHAIRMAN said, these remarks were not in order; no such charges had been made.] Mr. C. thought the observations of the gentleman to whom he alluded must have been so understood.

The motion of Mr. CRAIK not being seconded, it fell to the ground.

Mr. GALLATIN moved to fill the blank with $150,000. He said that, with respect to the integrity of the Secretary of War, he did not doubt it in the least; as to his talents he had no opportunity of forming a correct judgment of them; he was, however, some judge of accounts, and he saw enough of them to authorize the declaration which he had made as to the improper connexion of the different departments. He had spoken of facts only.

The question for filling the blank with $150,000 was put, and carried without a division.

After agreeing to several other items, amongst which was one for the vessels on the Lakes, the committee rose, the House agreed to the amendment, and the bill was ordered to be engrossed for a third reading.

PRESENTS TO MINISTERS.

The SPEAKER said he had received a letter this morning, signed Thomas Pinckney, which he was desired to lay before the House. It was accordingly read. It stated that when he (Mr. Pinckney) had concluded the late treaty with the Spanish Government, the Spanish Minister, the Prince of Peace, informed him the presents usually given in such cases would be prepared for him; and that also when he took leave of the British Court, the like information was given to him by the Minister there. To both of which he replied, that the Constitution of the United States forbade its Ministers from receiving any present from any foreign Prince or State, without the consent of Congress; that in due time he would ask that consent and act accordingly. This letter asks for the determination of Congress.

It was moved by Mr. RUTLEDGE, to refer this letter to a select committee.

Mr. MACON wished it to go to a Committee of the whole House.

After some observations, the latter motion was negatived, and the former carried.

FRIDAY, April 27.

On motion of Mr. W. C. CLAIBORNE, the House went into a Committee of the Whole on the bill directing the payment of a detachment of militia, for services performed in the year 1794, under the command of Major James Ore. The bill was reported without amendment, and ordered to be engrossed for a third reading to-morrow.

A bill from the Senate for the relief of the legal representatives of Samuel Lapsley, deceased, was twice read, and referred to the Committee of Claims.

Mr. S. SMITH reported a bill for continuing in force the first section of an act respecting revenue cutters; which was committed for Monday.

The Senate, by message, informed the House that they persisted in their amendments to the bill respecting the compensation of clerks; and that they had passed a bill to authorize the President to purchase or build a number of small vessels, to be employed as galleys, or otherwise.

LEAVE OF ABSENCE.

Mr. HARPER said, he wished to lay a resolution upon the table on a subject which every day appeared more striking and improper. He alluded to a very alarming abandonment of duty by the members of this House. He hoped this charge would not be considered as too harsh against members who were now leaving the public business at this important crisis, when very considerable arrangements remain to be made, particularly on the subject of finance. He need not inform the House that there was now little more than a quorum of members present; and if the present practice continued longer, the public business would be to do, and there would be no Congress to do it.

In order to put a stop to this evil, he proposed the following resolution:

"*Resolved*, That no member of this House, during the remainder of the session, shall have leave of absence, except in case of sickness."

It was ordered to lie on the table.

MILITARY APPROPRIATIONS.

The bill making appropriations for the support of the Military Establishment for the year 1798, was read the third time; when

Mr. GALLATIN moved a recommittal of the bill, in order to correct a mistake which had arisen from the War Department having made a subtraction twice over; which was carried. The House went into a Committee of the Whole on the subject; the error was corrected, and the bill was re-engrossed, and passed.

ORGANIZING THE MILITIA.

The bill for newly organizing the Militia being the order of the day,

Mr. OTIS again moved to discharge the Committee of the Whole from the further consideration of this bill; which was negatived, there being only 22 votes for it.

Mr. RUTLEDGE then moved to postpone the consideration of this bill until Monday week, in order to give time for a decision upon the bill authorizing a provisional army. This motion was negatived, there being only 20 votes for it.

The House then resolved itself into a Committee of the Whole on the Militia bill, and made some further progress therein. The committee rose and had leave to sit again.

IMPEACHMENT OF WILLIAM BLOUNT.

Mr. BALDWIN, from the committee appointed to inquire into the authenticity of a letter of General Clarke, of Georgia, which appears in the documents relative to the conspiracy of William Blount, intimating that an attempt had been made to engage General Clarke in favor of the British in an attack against the French and Spaniards, reported certain answers to interrogatories which had been put to General Clarke, in which he acknowledges the letter to be his, and states that a person of the name of William Carrick, who called himself a British captain, offered him a salary of £10,000 from the British Government, if he would engage in the British service against the French and Spaniards; and that after he had refused the proposal, he asked him if any sum would induce him to join in the service proposed, which being answered in the negative, the said Carrick extorted from him a promise that he would not disclose this proposal. The General states that he knows of no other proposal made to any other person. This report was ordered to be printed.

ORGANIZING THE MILITIA.

The House went again into a Committee of the Whole on the bill for newly organizing, arming, and disciplining the Militia of the United States; when, after considerable discussion,

Mr. DAYTON (the Speaker) moved that the committee rise, in order that it might be discharged from a further consideration of this bill, as there appeared an evident disposition against going into an amelioration of the Militia system at present; and howevery salutary the proposed regulations might be in a state of tranquillity, he did not think it would be proper, under the present circumstances of the country, to derange the whole Militia system to so great a degree as would be occasioned by a change of officers and of men from one company to another. Until the present state of things, therefore, had either blown over or become exhausted, he thought it would be best to suffer the Militia to remain on its present footing.

The committee rose accordingly, was discharged, and the bill was recommitted.

MONDAY, April 30.

The bill directing payment to a detachment of militia for services performed in the year 1794, under Major James Ore, was read the third time, and passed.

The amendments of the Senate to the bill empowering certain officers and others to administer oaths, were taken up and agreed to.

A bill was received from the Senate for the relief of Joseph Nourse, and was read the first time.

On motion of Mr. OTIS, the House went into a Committee of the Whole on the bill supplementary and in addition to an act for the relief of persons imprisoned for debt; and, after some discussion, and several amendments made, the committee rose, was discharged from a further consideration of the subject, and the bill was recommitted.

Mr. RUTLEDGE called for the reading of the bill from the Senate 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. It was read, and referred to the Committee of the Whole on the state of the Union. The number of vessels is not to exceed ten, and the money to be appropriated not to exceed $80,000.

On motion of Mr. LIVINGSTON, the House went into a Committee of the Whole on the report of the Committee of Claims on the petitions of Alexander Macomb and William Edgar. These petitioners, it appears, were purchasers of certain lands in the Northwestern Territory, sold at New York in 1787, under the ordinance of Congress of the 20th of May, 1785. The memorialists having neglected to pay the instalments according to the terms of the contract, the first payment which they made became forfeited. They request that Congress will either permit them now to accomplish the payment of the purchase money on the original terms, and thus obtain a grant of the whole quantity of land purchased, or a provision by law to grant to them so much of the said land as will be in the proportion which the sum heretofore paid bears to the whole amount of the purchase money. Several of the lots for which these persons made their contract having been sold at Pittsburg, in pursuance of the act of the 18th of May, 1796, the committee states, that if

the prayer of the petition should be granted, it will be necessary to indemnify the purchasers by granting other lots of equivalent value. But as the petitioners have shown no reason why they did not fulfil their contract, excepting that their funds were otherwise employed, and as the United States must have incurred considerable expenses in the negotiation when the contract was first made, the Committee of Claims can find no reason why the forfeiture to which the petitioners have subjected themselves by the terms of their contract should be remitted; they, therefore, report it as their opinion, that the prayer of the petition ought not to be granted. The whole purchase money was $88,764; one-third, viz: $29,669 had been paid, and by the contract forfeited.

This report was advocated by Messrs. D. FOSTER, BAYARD, MACON, and ALLEN, and opposed by Messrs. LIVINGSTON and HARPER. It was agreed to, there being 51 votes in its favor. The House concurred.

On motion of Mr. HARPER, the House went into a Committee of the Whole on the report of the Committee of Claims on the petition of Captain Thomas Lewis. The petitioner prays for extra pay as an Aid-de-camp to General Wayne, for a certain time. The committee report that the General had already two Aids (which was all that he was entitled to) and that it was a settled principle with respect to the Army not to pay an officer in two capacities. As it appeared by the discussion that Captain Lewis had been employed by General Wayne as an additional Aid, and that the principle spoken of by the Committee of Claims had heretofore been departed from, the report of the committee was disagreed to, and a resolution directing the accounting officers to settle his account, was agreed to. The House concurred in the report, and a bill was directed to be brought in accordingly.

PROVISIONAL ARMY.

Mr. SEWALL moved that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill authorizing the President of the United States to raise a provisional army, in order that it might be referred to a select committee. Agreed to, and

On motion of Mr. SITGREAVES, it was referred to the Committee for the Protection of Commerce and the Defence of the Country.

Mr. SEWALL said, as Mr. LIVINGSTON, who was a member of the committee just named, had obtained leave of absence for the remainder of the session, it would be necessary to add a member to that committee in his place; which was agreed to, and Mr. BROOKS was added.

Mr. DAVIS moved to meet in future at ten o'clock instead of eleven in the morning. The motion was lost, only 21 for it.

TUESDAY, May 1.

Mr. D. FOSTER reported a bill for the relief of Thomas Lewis, which was committed for to-morrow.

On motion of Mr. D. FOSTER, the House went into a Committee of the Whole on the report of the Committee of Claims on the petition of William Parsons, who served on board the Ranger sloop of war, in our war with Great Britain, and who states that he was out of this country from the time of signing the preliminaries of peace till after the act of limitation foreclosed this claim. The report was favorable. It was negatived, there being only 18 votes for it. The committee rose and the House concurred in the decision.

On motion of the same gentleman, the House went into a Committee of the Whole on the report of the same committee on the petition of James Perry, for himself and partners, who prays for compensation for certain supplies taken from their iron works at Spotiswood, in New Jersey, in the course of the war, on the ground of himself and partners having been out of the country since the conclusion of peace. The report of the committee was unfavorable, and was concurred in by the Committee of the Whole and by the House.

POST OFFICES AND POST ROADS.

Mr. SPRIGG called up the report of the committee appointed on the subject of Post Offices and Post Roads. It was read, and states that it will be inexpedient to make any alterations in the law relative to Post Offices and Post Roads at present.

Messrs. DAWSON, SPRIGG, and W. CLAIBORNE, each expressed their disapprobation of this report, and concurred in blaming the committee for having so long delayed making a report, and for having now reported in this way, though very many petitions had been presented for the alteration and addition of roads, and as there was a surplus of revenue, arising from the Post Office, of $50,000.

Mr. THATCHER did not think the committee were chargeable with delay, for, as they conceived, from time to time, that there was not sufficient ground for making any change in the present law, they waited to see whether anything should arise to change that opinion, and when the committee had been applied to by the gentlemen who had expressed their disapprobation of this report, they were repeatedly desired, if they thought the committee ought to report, to call upon them by way of resolution. Mr. T. said, upwards of 3,000 miles of new road had been applied for, and from the best information he could get, not any road of fifty miles in length would pay one-half the expense of carrying the mail. Upon an average, he believed, the roads applied for would not pay 15 per cent of the expense. A few shorter roads might pay more than half the expense. He was as desirous as any gentleman of extending the post roads as fast as possible; but he thought once in two years, which had been the custom heretofore, was often enough to take up this subject. Seven thousand miles of new road had been ordered to be made at the last Winter session, which, he believed, would not pay 20 per cent. of the expense; and as he believed there were ten thousand miles in the United States which had as good a claim for post roads as the three thou-

sand applied for, and though there was at present a surplus of revenue, (not so great, however, as had been stated) as he was apprehensive from the conversation he had held with the Postmaster General on this subject, that the circumstances in which this country might expect to be involved, would lessen the revenue arising from the Post Office, he did not think it expedient to go into the subject at present. Mr. T. said he was perfectly unconcerned as to himself whether the report was agreed to or not; but if it was disagreed to, and referred to the same committee, he should not think it right now to make any other report on the subject at present.

Mr. HARPER, Mr. GALLATIN, and Mr. BLOUNT, each expressed their disapprobation of the report; and Mr. MACON, and Mr. T. CLAIBORNE (the other two members of the select committee) their opinion in favor of it.

The question on agreeing to the report was put and negatived—38 to 31.

Mr. DAWSON moved that the subject be recommitted. Agreed to, and a committee of seven members appointed.

NAVAL EXPENDITURES.

Mr. LIVINGSTON, from the committee appointed to inquire into the expenditure of money in the Navy Department, informed the House that the committee had received a number of statements from the Head of the Department, which he was desired to move to have printed.

Mr. OTIS thought the printing of so large a volume of papers, which he did not think one member in fifty would ever read, would be a useless expense.

Mr. GALLATIN advocated the printing, assuring the gentleman from Massachusetts he should read every one of them, as he was desirous of knowing how the money which had been appropriated for this object had been expended.

The motion was carried.

PURCHASE OF SMALL VESSELS.

On motion of Mr. HARRISON, the House went into a Committee of the Whole on the state of the Union, for the purpose of taking up the bill from the Senate for authorizing the President of the United States to build or purchase a number of small vessels, to be equipped as galleys, or otherwise; which being agreed to, the bill was gone through without debate or amendment. The committee rose, and the bill was ordered to be read a third time to-morrow.

ADDITIONAL REVENUES.

Mr HARPER, from the Committee of Ways and Means, made a report, in pursuance of a resolution referred to that committee on the 6th ultimo. directing them to inquire and report whether any, and what, additional revenue will be necessary. The report was read, as follows:

"That, in their opinion, it will be necessary to raise the sum of two millions of dollars by a tax on lands, houses, and slaves, to be appropriated among the several States, according to the Constitutional rule, and on the basis of the last census; the mode of assessment and collection to be uniform throughout the United States.

"This opinion they have founded on a view of the probable amount of the ordinary expenditure of the present year, and of revenue from the existing taxes, presented by certain statements from the Secretary of the Treasury; which, together with the letter of the committee to him on the subject, and his answer, are subjoined to this report.

"From these statements, it appears that the ordinary expenditure of the present year, making an allowance of one hundred thousand dollars for occasional grants, and one hundred and thirty thousand for reimbursing the unfunded registered debt, and the payment of old accounts, will amount to six millions nine hundred and twenty-six thousand four hundred and sixty dollars.

"And that the revenue from existing taxes, stating the impost and tonnage duties at seven millions of dollars, and the internal duties at seven hundred thousand dollars, will amount to eight millions eleven thousand eight hundred and ninety-seven dollars.

"The imposts and tonnage are stated at something more than five hundred thousand dollars below the actual receipts of last year, which were seven millions five hundred and forty-nine thousand six hundred and forty-nine dollars—an abatement which the Secretary has thought it prudent to make, on account of the effects likely to be produced on this great branch of the revenue by the depredations on our commerce. The internal revenues are stated higher, by a sum of one hundred and twenty-five thousand dollars, than the actual receipts of the last year, which were five hundred and seventy-five thousand four hundred and ninety-one dollars. This increase, the Secretary supposes, may be expected from an improved mode of collection.

"The stamp duties are stated at two hundred thousand dollars annually—an estimate which the committee conceive to be sufficiently moderate.

"Taking the total amount of revenue, from all the present branches of it, to be eight millions eleven thousand eight hundred and ninety-seven dollars, as above stated, and deducting that of ordinary expenditure, taken at six millions nine hundred and twenty-six thousand four hundred and sixty dollars, there will be a clear surplus, in the present year, of one million eighty-five thousand four hundred and thirty-seven dollars; which, if left unappropriated, would go to the discharge of the public debt, but may be applied towards defraying the extraordinary expenses voted during the present session.

"These expenses consist of the following items: fortifications, three hundred and forty thousand dollars; fabrication or purchase of arms, cannon, and military stores, nine hundred thousand dollars; naval armament, nine hundred and fifty thousand dollars; new regiment of artillery, one hundred and seventy-two thousand one hundred and forty-three dollars—making an aggregate of two millions three hundred and sixty-two thousand one hundred aud forty-two dollars.

"To this it will be proper to add a sum, probably not exceeding forty thousand dollars, for quartermasters, and contingent expenses attending the new regiment of artillery. And should the bill now before the House for providing galleys be agreed to, an expense of eighty thousand dollars will be incurred on that account. These two sums, added to the former, will raise the aggregate of extraordinary expenses to two millions four hundred and eighty-two thousand one hundred and forty-two dollars.

"The committee have not taken into view the expenses which may be incurred for the military defence of the country, either by a provisional army or detachments of militia. It is certain, however, that whichever of those modes may be preferred, a considerable expense, in case of actual service, must be incurred; it will be for the House to decide how far a provision for this expense ought now to be contemplated.

"Neither have the committee taken into their estimate a provision for the deferred debt; the interest and extinguishing annuity on which, amounting to one million one hundred and forty-six thousand three hundred and seventy dollars, will become payable in the year 1801; nor for the heavy instalments on the foreign debt, which will become due in the years 1802, 1803, and 1804. But they conceive it is of use to state that those instalments, joined to the interest which in this year are only six hundred thousand and forty-one dollars, will amount, in the year 1802, to one million nine hundred and one thousand nine hundred and thirty-one dollars; in the year 1803, to two millions six hundred and forty-one thousand four hundred and fifty-three dollars; and in the year 1804, to two millions fifty-two thousand six hundred and twenty-three dollars. After which, they decline to one million thirteen thousand two hundred and thirty-two dollars, in the year 1807; and to two hundred and fifty-four thousand five hundred and twenty dollars in 1809, when the debt will be extinguished. Hence it appears, that in the year 1801, the ordinary expense will be increased one million one hundred and forty six thousand three hundred and seventy dollars; in the year 1803, to the amount of three millions seven hundred and eighty-seven thousand eight hundred and twenty-three dollars, being the sums payable, in that year, on the foreign and deferred debts—which sums it will be necessary to provide, in those years, above the amount of the present ordinary expenditure.

"To meet the above mentioned extraordinary expenses, amounting to two millions four hundred and eighty-two thousand one hundred and forty-two dollars, Congress has no present funds beyond the surplus already stated, and amounting to one million eighty-five thousand four hundred and thirty-seven dollars, which being deducted from the aggregate of extraordinary expenses, leaves a balance of one million three hundred and ninety-six thousand seven hundred and five dollars to be provided by new revenue.

"The committee would also observe, that two instalments on the debt to the Bank of the United States, amounting to four hundred thousand dollars, and not continued on loan, will become due on the 31st of December, in the present year. It will be for the House to consider how far provision for the discharge of those instalments ought now to be made. Should such provision be considered as necessary, it will raise the amount to be provided for by new revenues to the sum of one million seven hundred and ninety-six thousand seven hundred and five dollars.

"This sum, it will be observed, falls considerably short of the proposed tax; but in the present situation of the country, with such probability of increased expenses; such possibility, not to say probability, of defalcation in the greatest branch of the present revenue, the impost and tonnage duty; and the certainty of a great augmentation in the ordinary expenses, by the deferred debt and the increasing instalments of the foreign debt; the committee do not think it safe to contemplate an additional revenue, from permanent sources of taxation, to a less amount than two millions of dollars.

"On this view of the subject, they submit to the House the following resolutions:

"*Resolved*, That it will be expedient to raise an additional revenue of —— dollars annually by a direct tax.

"*Resolved*, That the said tax ought to be laid, by uniform assessment, on lands, houses, and slaves.

"*Resolved*, That the apportionment of the said tax ought to be made among the several States, according to their respective number of inhabitants, as ascertained by the last census."

Some objections being made to this report by Mr. BAYARD and Mr. CHAMPLIN, on the ground of its not having been laid before the Committee of Ways and Means since it was drawn by the chairman, (and Mr. HARPER declining to withdraw it) it was recommitted to that committee.

NATURALIZATION LAW.

Mr. SEWALL, from the Committee for the Protection of Commerce and the Defence of the Country, who were instructed to inquire and report whether any and what alterations were necessary in the naturalization act, and into the expediency of establishing, by law, regulations respecting aliens arriving, or residing, within the United States, reported as follows:

That by force of the act, entitled "An act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on that subject," aliens are admitted to become citizens of the United States, when, in the opinion of this committee, there is not sufficient evidence of their attachment to the laws and welfare of this country to entitle them to such privilege; and that, for this purpose, a longer residence within the United States, before admission, than the act provides, is essential, and ought to be required. The committee are also of opinion, that some precautions against the promiscuous reception and residence of aliens, which may be thought at all times advisable, are, at this time, more apparently necessary and important, especially for the securing or removal of those who may be suspected of hostile intentions.

On these subjects, respectively, the committee beg leave to recommend the following resolutions:

1. *Resolved*, That provision ought to be made by law, to prolong the term of residence within the United States, which shall be proved by an alien before he shall be admitted to become a citizen of the United States, or of any State.

2. *Resolved*, That provision be made, by law, for a report and registry of all aliens who shall continue residents, or shall hereafter arrive within the United States, with suitable descriptions of their places of birth and citizenship, and places of arrival and residence within the United States.

3. *Resolved*, That provision be made by law for the apprehending, securing, or removal, as the case may require, of all aliens, being males, of the age of fourteen years and upwards, who shall continue to reside, or shall arrive within the United States, being natives, citizens, or subjects of any country, the Government whereof shall declare war against the United States, or shall threaten, attempt, or perpetrate any invasion or predatory incursions upon their territory, as soon as may be after the President of the United States shal

make proclamation of such event. Providing, in all cases where such aliens are not chargeable with actual hostility, that the period settled by any treaty with such hostile nation, or other reasonable period, according to the usage of nations, and the duties of humanity, shall be allowed for the departure of such aliens, with all their effects, from the territory of the United States; and excepting all cases of such aliens to whom passports or licences of residence may be granted consistently with the public safety.

This report was referred to the Committee of the Whole on the state of the Union.

On motion of Mr. S. Smith, the House went into a Committee of the Whole on the bill to continue in force part of an act therein mentioned, (relative to the revenue cutters,) which was agreed to, and ordered to be read a third time; which was accordingly done and the bill passed.

Wednesday, May 2.

The bill authorizing the President of the United States to build or purchase a number of small vessels, to be employed as galleys, or otherwise, was read the third time and passed.

A message from the Senate informed the House, that they have passed a resolution authorizing Thomas Pinckney, late Minister Plenipotentiary in London, to receive the presents offered to him by the Courts of Great Britain and Spain, to which they request concurrence.

Mr. Harper presented the report from the Committee of Ways and Means, recommending a direct tax of two millions to be raised by a direct tax upon land, houses, and slaves, which was yesterday recommitted. It was referred to a Committee of the Whole, and made the order for Friday.

NATURALIZATION LAW.

On motion of Mr. Sewall, the House went into a Committee of the Whole on the report made yesterday by the Committee for the Protection of Commerce and the Defence of the Country, on the subject of naturalization; and the report having been read, and the first resolution for prolonging the term of residence before aliens shall be admitted as citizens, being under consideration,

Mr. Sewall said, the term of residence now required from foreigners before they can become citizens, is five years. The committee think this period too short; it is much shorter than the period adopted by the French Government. The committee were of opinion that a residence of at least ten years should be required; but this might be left a blank in the bill, and afterwards filled.

Mr. Harper believed that it was high time we should recover from the mistake which this country fell into when it first began to form its constitutions, of admitting foreigners to citizenship. This mistake, he believed, had been productive of very great evils to this country, and, unless corrected, he was apprehensive those evils would greatly increase. He believed the time was now come when it would be proper to declare, that nothing but birth should entitle a man to citizenship in this country. He thought this was the proper season for making the declaration. He believed the United States had experience enough to cure them of the folly of believing that the strength and happiness of the country would be promoted by admitting to the rights of citizenship all the congregations of people who resort to these shores from every part of the world. Under these impressions, which, as he supposed they would have the same force upon others as upon himself, he should not detain the committee by dilating upon, he proposed to amend the resolution by adding to it the following words, viz: "that provision ought to be made by law for preventing any person becoming entitled to the rights of a citizen of the United States, except by birth."

The Chairman declared this amendment would be a substitute to the resolution before the committee, and therefore not in order.

Mr. Otis said, he would propose an amendment, which he believed would be in order, which was as follows, namely, "and that no alien born, who is not at present a citizen of the United States, shall hereafter be capable of holding any office of honor, trust, or profit, under the United States."

Mr. Harper moved to amend this amendment, by adding the following words: "or of voting at the election of any member of the Legislature of the United States, or of any State."

Mr. H. said, he was for giving foreigners every facility for acquiring property, of holding this property, of raising their families, and of transferring their property to their families. He was willing they should form citizens for us; but as to the rights of citizenship, he was not willing they should be enjoyed, except by persons born in this country. He did not think this even was desirable by the persons themselves. Why, he asked, did foreigners seek a residence in this country? He supposed it was either to better their condition, or to live under a Government better and more free than that they had left. But was it necessary these persons should at once become entitled to take a part in the concerns of our Government? He believed it by no means necessary, either to their happiness or prosperity, and he was sure it would not tend to the happiness of this country. If the native citizens are not indeed adequate to the performance of the duties of Government, it might be expedient to invite legislators or voters from other countries to do that business for which they themselves are not qualified. But if the people of the country, who owe their birth to it, are adequate to all the duties of Government, he could not see for what reason strangers should be admitted; strangers who, however acceptable they may be in other respects, could not have the same views and attachments with native citizens. Under this view of the subject, he was convinced it was an essential policy, which lay at the bottom of civil society, that none but persons born in the country should be permitted to take a part in the Government. There might have been, Mr. H. acknowledged, individual exceptions, and there may be again, to this general rule; but it was necessary to make regulations general, and he believed the danger arising from admitting foreigners generally to citizenship would be greater than

the inconveniences arising from debarring from citizenship the most deserving foreigners. He believed it would have been well for this country if the principle contained in this amendment had been adopted sooner; he hoped it would now be adopted.

Mr. S. SMITH believed it would be best first to decide upon the resolution as reported; if it was negatived, the gentleman from South Carolina might then introduce his amendment as a substitute. To adopt the resolution as reported would be, he believed, to agree upon an *ex post facto* regulation. It could not be intended, he should suppose, to prevent persons who had resided in this country two or three years, under the expectation of becoming citizens at the end of five years, from that privilege.

Mr. CHAMPLIN suggested whether, if this amendment was adopted, it would not prevent foreigners, who are not at present citizens of the United States, from becoming officers in the Military or Naval Departments of the United States. If so, he believed it would be proper to insert the word "civil" before "officers."

Mr. OTIS acknowledged that the objections of the gentleman from Maryland (Mr. S. SMITH) were, in some degree, well founded; but there might be regulations introduced into the bill to avoid them. The present law, he believed, directs that persons shall give notice of their intention of becoming citizens of the United States. Where this notice had been given, he thought such persons should be excluded from the operation of the law. These resolutions having only been laid upon the table this morning, he wished, however, that the committee might rise, in order to afford a little time for consideration. He wished to exclude all foreigners, whom he could Constitutionally exclude, from holding offices in the United States; but not to entrap such as are in the way of becoming citizens.

Mr. HARPER said, that, having had it suggested to him that the Constitution would not admit of restraining the States in their admission of citizens, he should withdraw his amendment for the present, until he had had an opportunity of examining the Constitution in this respect.

The motion being put for the committee to rise, it was carried, and the committee rose accordingly.

COMPENSATION OF MARSHALS, &c.

On motion of Mr. HARPER, the House went into a Committee of the Whole on the bill to provide compensation for marshals, clerks, jurors, and witnesses in the Courts of the United States; and, after considerable discussion, the committee rose, leave was refused to them to sit again, and the bill was recommitted to a committee of sixteen members.

Mr. GALLATIN then proposed the following instruction to the committee:

"*Resolved*, That the committee to whom this bill is referred be instructed to inquire into the annual official emoluments received by marshals, clerks, and district attorneys, distinguishing between fees paid by individuals and what is paid by the United States."

After considerable opposition from Messrs. DENNIS, BAYARD, HARPER, and OTIS, this resolution was carried—36 to 35.

THURSDAY, May 3.

PRESENTS TO MINISTERS.

Mr. BALDWIN called up the resolution from the Senate, authorizing Thomas Pinckney, Esq., late Envoy Extraordinary in Spain, to receive the presents offered to him by the Kings of England and Spain, on his departure from those Courts; which, having been read, Mr. B. said, the same subject had been referred by this House to the select committee, and he was instructed to report a resolution similar to that from the Senate; but the Senate having sent down this, he supposed it would be unnecessary to report another resolution.

Mr. SITGREAVES hoped the House would concur in this resolution.

Mr. MACON moved that it be referred to a Committee of the Whole. If Congress authorized the receiving of presents from foreign Courts, they must also, he supposed, go into the European custom of giving presents to foreign Ministers.

It was committed for to-morrow.

NATURALIZATION LAW.

Mr. SEWALL moved the House to go into a Committee of the Whole on the state of the Union, in order to resume the consideration of the resolution which had been reported on the subject of aliens.

Mr. OTIS wished to propose a resolution to the House, before it resolved itself into a Committee of the Whole on the state of the Union, as a substitute for the first resolution, reported by the Committee for the Protection of Commerce and the Defence of the Country. It was to the following effect:

"*Resolved*, That no alien born, who is not at present a citizen of the United States, shall hereafter be capable of holding any office of honor, trust, or profit, under the United States."

Mr. VENABLE did not think the House were authorized to enact such a principle into a law. If taken up at all, it ought to be considered as a proposition for amending the Constitution. If it was thought necessary by gentlemen to amend the Constitution in this way, he should not object to going into the subject. After foreigners were admitted as citizens, Congress had not the power of declaring what should be their rights; the Constitution has done this. Foreigners must, therefore, be refused the privilege of becoming citizens altogether, or admitted to all the rights of citizens.

Mr. OTIS had no idea that this proposition could be considered as a proposition to amend the Constitution. If the House had the power to amend the naturalization law, and to extend the time of residence necessary to entitle an alien to citizenship, they could certainly extend it to the life of man. The idea of citizenship did not always include the power of holding offices. In Great Britain no alien was ever permitted to hold an office, he wished they might not be allowed to do it here.

The SPEAKER said this was not the proper time to argue whether this proposition ought to be considered as an amendment to the Constitution. The Committee of the Whole would report upon it as they thought proper.

Mr. VENABLE did not object to the resolution being referred, but thought it ought to go rather to an ordinary Committee of the Whole than to that on the state of the Union, as he did not believe Congress had the power of saying, men who were entitled to hold offices by the Constitution, shall not hold them.

The motion for reference was put and carried, there being for it 45 votes.

The House then resolved itself into a Committee of the Whole on the state of the Union, Mr. DENT in the Chair; when

Mr. OTIS moved to postpone the consideration of the resolution formerly under consideration, for extending the time of residence of aliens before they should be entitled to citizenship, in order to take up the resolution which he had proposed, and which had been referred to this committee.

The question was put and negatived—51 to 26.

The question then returned upon the motion made by Mr. OTIS yesterday, to amend the first resolution, by adding words of the same tenor with those contained in the resolution referred this morning.

Mr. MACON said, whether it would be good or bad policy to adopt a regulation of this kind, he would not inquire, because he believed the President and Senate could always appoint such men as they thought proper to office. If a man is a citizen, he is eligible to office agreeably to the Constitutional rule, and that could not be altered by law. If the people chose to elect a foreigner as a member of the Legislature, if he had been a citizen seven years, Congress could not say he should not be eligible. They might, indeed, make the time of residence, to entitle a foreigner to citizenship, so long, as to prevent him in that way from holding a seat in the Legislature; but, after a man is a citizen, he must be entitled to the rights of a citizen.

Mr. OTIS said, gentlemen could certainly read the Constitution for themselves, and draw their own conclusions from it. He himself had not the smallest doubt as to the Constitutionality of restricting aliens in the way proposed. He believed that Congress, having the power to establish an uniform rule of naturalization, could, if they thought proper, make a residence of forty or fifty years necessary before an alien should be entitled to citizenship, which would extend to the whole life of a person, and prove an effectual exclusion. If Congress, then, had a right to exclude foreigners altogether from citizenship, any modification of that right was certainly within their power, and would be an advantage to aliens, for which they ought to be grateful. There would be nothing in this contrary to the Constitution; for it was always acknowledged that where an absolute power may be exercised, a conditional power may also be exercised. What advantage, he asked, was derived to this country from giving aliens eligibility to office? The people of this country were certainly equal to the legislation and administration of their own Government, comprising all the aliens who are now become citizens. He had no doubt but many aliens would become very valuable acquisitions to this country; but he had no idea of admitting them into the Government. He did not wish to open the door to the intrigues of other countries in this way; since we know there are countries whose chief attention is paid to the obtaining of influence in the internal concerns of the countries over which they wish to have dominion. And he could see it possible that persons might be furnished by such a country to come here and buy lands, and by that means, in time, get into the Government. Great Britain, he said, was very careful of the avenues which led to her liberty in this respect. Aliens were there excluded from holding all places of honor, profit, or trust. The situation of America heretofore was different from what it is at present. It had not only been thought good policy, in times past, to encourage foreigners to come to this country, but also to admit them into the Legislature, and important offices. But now, said he, America is growing into a nation of importance, and it would be an object with foreign nations to gain an influence in our councils; and, before any such attempt was made, it was proper to make provision against it; for if the time ever should arrive when a number of persons of this description had found their way into the Legislature, a motion of this kind would of course be very odious. If, however, gentlemen were of a different opinion, and think the object would be better accomplished by extending the residence of aliens, he should not object to that course being taken, though he thought the one he proposed perfectly within the power of the House.

Mr. SITGREAVES wished that, in attaining an object in which all seemed to concur, they might avoid any Constitutional embarrassment; and this it was allowed might be done by extending the time of residence of aliens so far, as to prevent them from ever becoming citizens, by which means persons who could not be considered as having a common interest with the citizens of the country, would be effectually excluded from holding offices in the Government.

The amendment of the gentleman from Massachusetts, he believed, was liable to an objection of a different kind. It proposes that no alien born shall enjoy any place of honor, profit, or trust, under the United States. It was a doubt which had been suggested, (and not yet decided,) in the business of W. Blount's impeachment, whether a member of either branch of the Legislature could be considered as an officer of Government. This question would be avoided in the other mode of proceeding. With respect to military employments, he supposed it would be improper to exclude aliens from them, and there might be others in which they might be properly employed, of which the President and Senate would be the proper judges. The great object was to prevent such persons from being elected into either branch of the Legislature, or into the offices of President or

Vice President; offices in which the sovereignty of the country is materially concerned, and in which, of course, foreign influence might prove most mischievous. He hoped, therefore, that the present motion would be withdrawn, and that the same object would be attained in the way he had mentioned.

Mr. OTIS withdrew his amendment; and then all the three resolutions were agreed to, without a dissenting voice.

The committee rose, and reported the resolutions. The two first were concurred in; but, on the question being put on the third,

Mr. N. SMITH said, a foreign Government might do an act tantamount to war, without declaring it, yet, according to the wording of the proposition, the citizens of that country could not be removed. He therefore moved to amend the proposition by adding the words, "being native citizens of any country the Government whereof shall be at war with the United States."

Mr. SEWALL said, the only objection that he had to this amendment arose from the consideration that Congress alone had the power of deciding on the question of war, and he could not therefore see how it could be determined that any nation was at war with us, until the declaration was made by that nation, or by Congress.

Mr. OTIS wished his friend from Connecticut would admit of an amendment which he held in his hand, in the place of that which he had offered. It was in the following words: "or shall authorize hostilities against the United States."

Mr. N. SMITH had no objection.

Mr. MCDOWELL thought this motion more objectionable than that of the gentleman from Connecticut. It ought to be remembered, Mr. McD. said, that inducements had been held out to foreigners to come to this country, and many of them had come with a view of becoming citizens of this country, and many, he believed, were as good as any amongst us. Out of respect to these foreigners, he should not wish to place them in the situation which this amendment went to place them in; because it might be said hostilities were authorized when no war was declared, and these people might be treated as if the nation from which they came was at war with us, when no war existed. It had been said our population was now sufficient, and that the privileges heretofore allowed to foreigners might now be withdrawn. In some parts of the country, this might, in some degree, be the case; but he knew there were other parts which wanted population. From this consideration, and as he did not wish unnecessarily to distress the minds of foreigners who had taken up their residence amongst us, he should vote against this amendment.

Mr. J. WILLIAMS was persuaded, that, if this proposition passed, no good citizen need be afraid of being disturbed. He had no objection to this resolution without the amendment, nor had he any particular objection to the amendment.

Mr. RUTLEDGE was so far from believing that this amendment would check the immigration of foreigners, that he believed it would encourage it. Foreigners came here to live under a good Government, and the more secure the Government was made, the greater would be their desire to live under it; and he believed a greater security could not be given to it, than was proposed to be given by this amendment. It was wished to vest a power in the President to send out of the country persons who were natives of a country with whom we are at war, or who may have authorized hostilities against us. In fact, in the situation of things in which we are now placed, the President should have the power of removing such intriguing agents and spies as are now spread all over the country. What, said Mr. R., would be the conduct of France, if in our situation? In twenty-four hours every man of this description would either be sent out of the country or put in jail, and such conduct was wise. Was there nothing, Mr. R. asked, to admonish us to take a measure of this kind? Yes, there was. A gentleman from Kentucky (Mr. DAVIS) had said, that a person was in that State delivering commissions into the hand of every man who was so abandoned as to receive them. Other means were also taken to alienate the affection of our citizens; and are we still, said he, to say we will not send these persons out of the country until a declaration of war is made? If these persons are suffered to remain, France will never declare war, as she will consider the residence of these men amongst us as of greater consequence than the lining of our seaboard with privateers, or covering our coasts with men.

Mr. VENABLE did not wish to show any particular encouragement to foreigners; but, if persons thought they could live happier here than in their own country, he should not object to their making the change. He could not agree to the amendment. Suppose hostility was committed upon the property of any of our citizens by France, such hostility might not be sufficient cause for placing all our commercial citizens in a situation of having their property seized. Many cases might be deemed hostility by the President which ought not to go to cut off all communication between the citizens of the two countries. In such a case, if any of the citizens of France should be taken up here, it would produce a similar conduct towards our citizens in that country, which would be allowed to be a serious evil.

Mr. SEWALL again urged, as an objection to this amendment, the Constitutional power of Congress to declare war. Too many circumstances of insult and aggression, he allowed, had been experienced by this country from a foreign Power, which might have been understood by other nations as war, and might have been so considered by this country; yet, as it is an act of Congress to declare war, we could not be considered as at war until Congress declared us to be in such a state, except war was declared against us. This provision was not intended for any particular case, but as a general provision, which might at any time be called forth by proclamation. It should, therefore, be as well guarded and definite as possible. If the words proposed were introduced, the propo-

sition would be rendered too indefinite; and the President might proceed to send aliens from this country, and of course cause our citizens in a foreign country to be sent from thence, or to be imprisoned, and their property confiscated, at a time when Congress might not judge it expedient to go to war. France, said he, has now done towards the United States what might be considered as hostility. Suppose we pass a law which calls upon the President to act, what ought the President to do? Was he to determine the point whether France has authorized hostilities against the United States? If so, he would doubtless say she had, and in consequence every Frenchman in this country will be liable to be removed out of the country, and our citizens who happen to be in France will be placed in the same situation. Mr. S. said, though it might be proper for Congress to declare this to be the state of the country, he thought it would be improper to give the President this power. He wished the power of sending persons out of the country to be confined to such cases as were particularly dangerous, which were included in the resolution without this amendment. As to foreigners guilty of crimes against the United States, they ought to be apprehended and punished according to the existing laws: the present regulation was not pointed at them.

Mr. OTIS said, as his colleague had chosen to call his amendment indefinite, he must excuse him when he said he considered the resolution without it, as trifling and ineffectual, and argued a timidity which ought not at this time to be shown by this country; and had he not been thoroughly acquainted with the uprightness of intention and the purity of the motives of his colleague, he should really have doubted whether he was sincerely desirous of exerting all the energies of the country in her defence; but, being persuaded of these, he would suppose that he himself was wrong in his conception on this occasion, and would make a few observations as to the ground upon which he formed his opinion.

He believed it would not be proper to wait until predatory incursions were made—until the enemy was landed in our country, or until what shall be considered as threatening or actual invasion appeared—before any steps were taken on the subject now under consideration. He was of opinion that when an enemy authorized hostilities, that was the time to take up that crowd of spies and inflammatory agents which overspread the country like the locusts of Egypt, and who were continually attacking our liberties. The provision would doubtless be exercised with discretion. There might be Frenchmen in this city and others (and he doubted not there were) who were peaceable, well-disposed persons, and against whom it never could be thought necessary to exercise this power; but there were other persons, not only in this city, but in others, who have not only been extremely instrumental in fomenting hostilities against this country, but also in alienating the affections of our own citizens; and it was men of this description whom he wished to remove from the country.

It is proposed by this resolution to give the President the power to remove aliens, when the country from which they come shall *threaten* an invasion. Some believe that this country is at present threatened with an invasion, and with a ravage of our coasts, yet others say that the despatches from our Envoys only consist of unauthorized conversations with X, Y, and Z, and therefore not to be relied upon. Mr. O. thought this a more indefinite power than that which he proposed to vest in the President. His opinion was, that something ought to be done which should strike these people with terror; he did not wish to give them an opportunity of executing any of their seditious and malignant purposes; he did not desire, in this season of danger, to *boggle* about slight forms, nor to pay respect to treaties already abrogated, but to seize these persons, wherever they could be found carrying on their vile purposes. Without this, everything else which had been done in the way of defence would amount to nothing.

Mr. MCDOWELL said, from the observations of the gentleman who had just sat down, it would appear that hostilities had already commenced between this country and France. If this is the case, and the House knew it, why not say so, and make preparations accordingly? Why pass acts fitted for a state of war, without declaring that that is the state of the country? [Mr. OTIS said, if the gentleman from North Carolina would bring forward a proposition of this kind, he should be ready to vote for it.] Mr. McD. expected the gentleman was prepared for war, and, therefore, that he would have brought forward a resolution to that effect himself.

The gentleman from South Carolina (Mr. RUTLEDGE) had not considered this amendment with his usual accuracy, when he said that the adoption of it would prove an encouragement to foreigners to come to this country. He thought it could not be very flattering encouragement to foreigners, to tell them, "if you come here, and your Government commits any act of hostility against the citizens of this country, you will be liable to be imprisoned, or sent out of the country."

But it was said the country swarmed with spies and seditious persons. If this was the case, he should be glad if gentlemen would point them out; if they could, he should be as glad as they to take measures against them. A person in Kentucky had been alluded to. Under the authority of *Genet*, he believed, some commissions had been issued; but he did not believe that any had been issued since. It was also known that there had been another Minister of another country, who had adopted a similar practice. He still remained here, and might still be carrying on his mischievous schemes. [The SPEAKER said the resolution was general.] It was said that hostilities having been committed on our commerce by France, they would authorize a war with France, (though Great Britian had conducted herself much in the same way, and nothing was said as to her,) and that therefore the President ought to be empowered to send all Frenchmen out of the country, however peaceably they might be residing here, if he thought proper to do so. This he

could not consent to. It was too large a power. He should therefore vote against the amendment.

Mr. SITGREAVES considered this as one of the essential features of the system of defence about which Congress had been employed during the present session, in order to enable us to meet the dangers which threaten us. He believed, that though it might be extremely wise and prudent to enter into regulations for securing our peace at all future periods, yet it was most particularly their duty to concert measures of defence and protection in our present exigencies. He believed the business of defence would be very imperfectly done, if they confined their operations of defence to land and naval forces, and neglected to destroy the cankerworm which is corroding in the heart of the country. There could be no question on this subject. It is well understood by every member of the community. There is no occasion for specific proof that there are a great number of aliens in this country from that nation with whom we have at present alarming differences; that there are emissaries amongst us, who have not only fomented our differences with that country, but who have endeavored to create divisions amongst our own citizens. They are, said he, assiduously employed at this moment, and it is much to be lamented that there exists no authority to restrain the evil. It was therefore peculiarly incumbent on Congress to add to their other measures of defence, such powers as will protect the country against this evil. He believed this could not be effected without the adoption of some such principle as that under consideration. If the power was too limited, the enemy would not be met. There could be no difficulty, Mr. S. said, in point of right. All understand the rights to which aliens are entitled by the laws of nations. They are no more than the rights of hospitality, and this right varies according to the relation in which the country from which they come, and that in which they reside, is peaceable, or otherwise.

We do not owe to the citizens of France residents in this country (since France had been mentioned) the same hospitalities which we owe to those foreigners who are alien friends; though he confessed there were rights of hospitality which could not be done away in time of war, particularly as it respects alien merchants, which were provided for in this resolution. And except a person had an actual agency in designs which would endanger the peace of the country, though he was ordered out of the country, a free passage would be given to himself and effects; and if actually engaged in designs against the country, there would be a strong necessity for restraining the liberty of any such persons.

It had been well asked, whether we ought to wait till the enemy landed, before any measures were taken to remove persons from the country, who would be ready to join them by thousands, or take advantage of knowledge we have of their hostile intentions towards us? He thought there could be no doubt on the subject. He knew there were aliens in this country, of valuable characters, whose acquaintance ought to be cherished and cultivated. Such men would be in no danger from the proposed provision. It was meant only to operate against factious and bad men, who abuse the liberty allowed to them of residing in this country, and these all must see the necessity of attending to. France, said he, will not admit an alien of any description to reside in her country without a card of hospitality, and shall Congress scruple to go the length of this amendment? He hoped not.

Mr. ALLEN said, he would move an amendment which would supersede that under consideration, by making the resolution extend to *all aliens* in this country. He wished to retain none of the restraints which are in the present resolution. Nothing but his respect for the gentleman who made this report (Mr. SEWALL) would have prevented him from suspecting that there existed some latent and mischievous design in this business. The proposition goes upon the supposition that none but the citizens of a particular nation can be dangerous to this country; whereas he believed that there are citizens of several other countries who are as dangerous, who have dispositions equally hostile to this country with the French—he believed more so. He believed the whole country was aware of this. Mr. A. alluded to the vast number of naturalizations which lately took place in this city to support a particular party in a particular election. It did not appear to him necessary to have the exercise of this power depend upon any contingency, such as a threatening of invasion, or war, before it could be exercised. He wished the President to have it at all times. He moved an amendment to this effect, which went to enable the President to remove at any time the citizen of any foreign country whatever, not a citizen, regarding the treaties with such countries. If gentlemen took a view of the different States of Europe which had been subdued by the French, Mr. A. said, they would not think it either wise or prudent to wait for an invasion, or threatened invasion, before this power was put in execution. Venice, Switzerland and Rome, had been overcome by means of the agents of the French nation, at a time when they were in a much less alarming situation than we are at present; and the first disturbance in those countries was made the pretext of open hostility. This has been the effect of *diplomatic agency;* of emissaries within and without, who have bred quarrels, for the purpose of forming pretexts for measures which have led to the subjugation of those countries. He believed there were citizens in this country who would be ready to join a foreign Power in assisting to subjugate their country. What passed before our eyes, and every day offended our ears, were so many proofs of it. Not many weeks ago open threats were made to disturb the peace of the country. He hoped, therefore, with all these things before them, the amendment which he had proposed would be agreed to.

Mr. SEWALL said, being one of the committee who made this report, he supposed he fell in for a share of that censure which had been so liberally

cast upon it by his colleague, and the gentleman last up from Connecticut. The gentleman from Connecticut had thought fit to condemn the committee for not having considered cases which were not referred to them. It was not referred to them to consider what France had done in all other countries with whom she had had disputes, or what this country should do against France; but what should be done with respect to aliens in this country generally. Civil policy regarded aliens, in two lights, viz: alien friends and alien enemies. He did not contemplate the making of this country a wall against all aliens whatever; or that no alien should come here without being subject to an arbitrary authority, such as is known only to the French Directory. If the existence of such a power as shall be able to place every alien in the country in a dungeon, was necessary to quiet the fears and apprehensions of the gentleman from Connecticut, he should not be willing to grant it. Indeed, it appeared to him that the fears and apprehensions of that gentleman arose from some defect in his own organization, or disease of his body (which he believed might be better cured by the physician, than by any thing else) rather than from any real ground of alarm.

What, said Mr. S., is to be feared from the residence of aliens amongst us? Anything to ruin the country? He acknowledged many inconveniences arose from this circumstance, but more from our own unnatural children, who, in the bosom of their parent, conspired her destruction. But did the gentleman wish to increase the evil, by saying that persons born in foreign countries, however regular and orderly their conduct may be, shall be liable to be imprisoned, or sent out of the country, but that citizens of this country, however reprehensible their conduct, should have nothing to fear? The committee were not called upon to report on this point. He was himself of opinion that more ought to be done, and that aliens from any country should be liable to be removed, in case of misbehaviour; but he did not wish to leave the business wholly with the President of the United States. The committee had reported only in part; they had yet to consider what steps would be proper to be taken against aliens, or citizens, guilty of criminal proceedings; but when gentlemen saw the addresses which were pouring in from all parts of the country in favor of the measures which had been pursued by Government, and expressions of determination to support every measure in defence of their country, was anything to be feared from a handful of aliens? It was a reproach to the country to suppose it. If aliens were found to be guilty of seditious practices, let them be restricted; but not placed under an arbitrary authority. He never wished to see the Government of this country in such a situation. Our situation, said Mr. S., is not like that of the Directory of France, whom all of the nation are cursing; we have, therefore, no necessity for the strong measures adopted by them. But if gentlemen were determined to arrest every alien in the country, let them bring forward a resolution of that kind; but, in making regulations against alien enemies, let us not subject every foreigner who comes to this country, however well intended he may be, to the fear of a dungeon or removal. If gentlemen wished to make the resolution more general, and to provide for cases, in which war was first declared by this country, though he had before said he did not think it necessary, he had no objection to indulge them, by inserting the words. "between which and the United States there shall exist a declared state of war." But unless the United States were inclined to assume the character of the Turks or Arabs, such a regulation as was recommended by the gentleman from Connecticut could not be adopted.

Mr. Allen had no particular anxiety that the resolution should pass to the extent which he had proposed. If gentlemen did not think it necessary he should not persist in it. He was sorry the gentleman from Massachusetts should have discovered in him any disease of body which was capable of giving rise to personal fear. He believed he possessed as little as most men. As to the necessity of the measure which he had proposed, he would mention two circumstances which led him to think it necessary. A person in this city, who has too respectable a standing, and who is doing too much business in it, has declared that he wishes to see a French army land in this country, and that he would do all in his power to further their landing. He had heard nearly the same thing from another quarter. He thought, therefore, that there ought to exist a power which should be able to send such persons out of the country. Not that he was himself either afraid of being assassinated or having the city burnt. But the chairman of the committee had said, that this subject was yet before them. This he did not know, before the gentleman said so; for, having made a report upon the subject, he supposed they had done all they intended to do upon it.

Mr. Dana was opposed to this amendment. He thought the provisions of this resolution ought to be made definite, as it contemplated regulations which Congress would be willing to have in existence at all future times; and though the principles upon which the residence of aliens was regulated is laid down in the law of nations, as it relates to monarchical Governments, yet, in this country, where the sovereignty of the country is vested by the Constitution in Congress, these regulations must be fixed by law. The danger of war with which the country was threatened had forced the subject upon Congress at this time, and this being the case, he was desirous of adopting some regulations of a permanent nature respecting it. If any other regulations were necessary with respect to our present situation with France, he thought they ought to be made special and temporary.

Mr. Allen withdrew his amendment; when Mr. Otis's proposition returned, the question on which was put and negatived—55 to 27.

Mr. Sewall made the motion which he had suggested when he was last up, viz: to add the

words, "between which and the United States shall exist a state of war."

Mr. OTIS hoped this motion would not prevail, as he thought it would deprive the resolution of every good feature which it at present possessed; for it would prevent the exercise of the power in any other case than in a state of war; and as all the expressions were future, it supposed that such a state did not exist at present. He confessed he set no value at all upon any law, unless it was adapted to the present exigencies of the country. Gentlemen might talk as they pleased about permanent regulations; he believed they ought to provide against the residence of alien enemies existing in the bosom of the country, as the root of all the evil which we are at present experiencing, and he could not conceive any mode of doing this, but by applying the remedy immediately to the evil. Gentlemen talk about a declaration of war. No such thing scarcely ever precedes war. War and the declaration of war come together, like thunder and lightning. Indeed, if France finds she can enfeeble our councils by refraining to declare war, and that we will take no measures of effectual defence until this is done, it is probable she will not declare it, but continue to annoy us as at present. He therefore thought, if the select committee had not been ripe for making a report fully on this subject, they ought to have delayed it until they were.

Mr. SEWALL explained.

Mr. SITGREAVES said, he had suffered no little from finding the difference of opinion which existed between the chairman of the committee who made the report on this subject, and gentlemen who usually voted with him. He saw that difference of opinion was essential and radical. He did not mean to go into the subject, but merely to make a proposition, and call the yeas and nays upon it. It was to add the words, "or shall declare hostility against the United States."

Mr. DAVIS moved a postponement of this question till to-morrow, as he wished time to consider of it. He had some doubts as to the constitutionality of such a provision.

Mr. SITGREAVES had no objection to a postponement, if time was wanted for consideration; but he could not see on what Constitutional ground this motion could be objected to.

Mr. GALLATIN was in favor of the postponement. He would suggest to his colleague that part of the Constitution which might be in the way of this motion. A distinction was made by it between actual hostility and war.

If it had only gone to have made a difference between declared and actual war, by striking out the word "declare," it would have removed the objection. If there be a difference between a state of war and of actual hostility, there is also a difference in the relation between alien subjects of a nation with whom we are at war, and those of a nation with whom we are in a state of actual hostility. If this distinction be correct, by turning to the 9th section of the Constitution, it is found that the migration of such persons as any of the States shall think proper to admit, shall not be prohibited by Congress, prior to the year 1808. He understood it, however, to be a sound principle that alien enemies might be removed, although the emigration of persons be not prohibited by the States, by a principle which existed prior to the Constitution, and coeval with the law of nations. The question was, therefore, whether the citizens or subjects of nations in actual hostility can be considered as alien enemies. The term "actual hostility," is vague in its nature, and would introduce doubt as to its true import. He should, therefore, be in favor of the postponement, except the mover would consent to have the word "declare" struck out in the way he had mentioned.

The question for a postponement was put and carried; and the two first resolutions were referred to a select committee, to report a bill or bills accordingly.

GEORGIA LANDS.

Mr. PINCKNEY, from the committee to whom was referred the memorial and remonstrance of the Legislature of the State of Georgia, made a report. The memorial states, that the State of Georgia obtained from the Creek Indians a cession of the county of Tallahassee, but that the United States, at the treaty of New York, ceded it back to the Indians; they, therefore, pray compensation. The committee recommends compensation to be made. The report was committed for Thursday.

FRIDAY, May 4.

On motion of Mr. HARPER, the House took up the amendments of the Senate to the bill respecting the compensation of clerks; which the Senate insist upon. Mr. H. moved to recede from their disagreement, but the motion was negatived—38 to 31.

Mr. MACON then moved to adhere to their disagreement; which vote was carried—42 to 32.

PRESENTS TO MINISTERS.

Mr. BAYARD called for the order of the day on the resolution from the Senate granting leave to Mr. Pinckney, our late Ambassador to Great Britain and Spain, to receive certain presents from those Courts, on his taking leave. The House accordingly went into a Committee of the Whole on the subject, and the resolution having been read,

Mr. BAYARD moved that the committee concur.

Mr. McDOWELL said, this was a new subject, and, as it struck him, of importance. Notwithstanding he felt as much disposed as any member of the committee to do everything respectful to our late Minister to London and Madrid, yet, when he looked upon the Constitution, and reflected upon the intention of the clause which forbids the receiving of presents by our Ministers, and the consequences which must flow from a precedent of this kind, he could not easily bring himself to consent to it, unless some gentleman could show the propriety or necessity of it in a stronger light than he at present saw it. If we allow our Ministers to receive presents from foreign Courts,

on their taking leave, we must also calculate upon giving presents to all the foreign Ministers who come here, and these, we have every reason to expect, will be constantly increasing. Besides, he objected to the principle of these presents. What are they given for? He supposed it was to gain their friendly offices and good wishes towards the country who gave them. He thought this improper; and he believed it would be well now to put a stop to the business, as a fairer opportunity could never occur of trying the principle, for if it ever could be allowed, in consideration of public services, it could not be better deserved than in the present case; but, believing the principle to be a bad one, he should, therefore, be opposed to it.

Mr. BAYARD said, every Constitutional objection must vanish on a single view of the article, because it allows that presents may be received, if the consent of Congress is obtained; and, so far from the Constitution insinuating that it would be bad policy to allow these presents to be received, it proves that they might be received if inconvenience in receiving them could be avoided. He supposed the Constitutional provision was meant to oblige Ministers to make known to the world whatever presents they might receive from foreign Courts, and to place themselves in such a situation as to make it impossible for them to be unduly influenced by any such presents. Indeed, he supposed these presents would produce a directly contrary effect, for when a Minister was known to have received a present of this kind, he would naturally be particularly careful of all his actions, lest he should be supposed to be improperly biassed. If presents were allowed to be received without number, and privately, they might produce an improper effect, by seducing men from an honest attachment for their country, in favor of that which was loading them with favors; but any evil of this kind was securely avoided by the notoriety of the act.

What, said Mr. B., is this present? It is a gold snuff-box, a gold chain, a picture, or some trifling thing, which could have no possible operation upon any man. It was necessary, he believed, to attend to these little civilities and ceremonies, as the want of attention to them often produced hostility between nations. He had some doubt from the Constitution, whether it was necessary in this case, to have applied to Congress at all for leave to have received these presents, as the office of this gentleman had expired before they were offered. Under the old articles of Confederation, a like provision was in being, only that the receipt of presents by our Ministers was positively forbidden, without any exception about leave of Congress; but their being allowed to be received under the present Government, by consent of Congress, shows that they might be received in certain cases. He had indeed, been informed that, notwithstanding the prohibition under the former Constitution, presents were frequently received by Ministers; for, though persons holding offices were forbidden to receive presents, the moment their office ceased, and they became private individuals, they were no longer prohibited from receiving any presents which might be offered to them. Under these circumstances he thought the resolution ought to be agreed to.

Mr. W. C. CLAIBORNE hoped the present resolution would not be adopted. When this subject was first brought into view, he felt inclined to favor the request. This first impression arose from his great personal respect for the applicant, and the desire he felt to gratify his wishes. But, upon a little reflection, it appeared to him that policy dictated the propriety of rejecting the present resolution. So far as relates to the constitutionality of receiving the presents in question, he thought no member would join in opinion with the member from Delaware last up. By recurring to the letter of the gentleman from South Carolina, (Mr. PINCKNEY,) it would appear that these presents were offered to him when he was about to take leave ot the Courts to which he was Minister. He was, of course, at that time, the Minister of the United States, and came within the Constitutional prohibition.

This prohibition in the Constitution appeared to him to be bottomed on sound policy, and of great importance to the security, the happiness, and freedom of the nation. [Mr. C. read the clause.] The object of this clause appeared to him very different from what had been stated to be its object by the gentleman from Delaware. He believed it was intended to lock up every door to foreign influence, to the influence of Courts and Monarchies, which could not but prove baneful to every free country. He had been told that it was the custom of Europe, when a favorite Minister was about to take his departure, not only to present him with presents, but also to confer a title upon him; and if the leave now asked was granted, a precedent would be established which he apprehended would, at a future day, bring the question before Congress, whether leave should be given for a citizen of this country to receive a title from a foreign Monarch, and thus all the folly and vices of European Courts will be brought up for discussion before the Congress of the United States; and he had no doubt characters might be found who would desire such a distinction, and others who would advocate the granting of it. On the contrary, he was persuaded that, if the vote of this House negatived the present resolution, no future application would be made on this subject. The reason, in his opinion, which induced the insertion of a clause in the Constitution that presents might be received when leave of Congress was obtained, was this: That, in the course of events, a case might exist in which it might be proper for a citizen of the United Sattes to receive a present from a foreign Government. Many, perhaps, might be named; he thought of one: Suppose an officer of our Navy were to render essential service to the vessel of a foreign Power in distress on the high seas, it might be proper, in such a case, for Congress to permit the officer to receive any suitable present as a reward for his service and benevolent exertions in the cause of the unfortunate. But, he believed, in all ordinary cases, every present ought to be rejected.

Mr. OTIS saw no ground for the apprehensions which the gentleman from Tennessee had manifested, as to the effects to be produced by concurring in the resolution now before them. When every present to be received must be laid before Congress, no fear need be apprehended from the effects of any such presents. For, it must be presumed, that the gentleman who makes the application has done his duty, as he, at the moment he makes the application, comes before his country to be judged. In the present case, he supposed no idea could be entertained that our Minister had not done his duty, or that he had been bribed by a foreign Power, as a reason for not granting the request. But it was strange that gentlemen should assert that, if presents were allowed to be received, Congress might next be asked to consent to the introduction of titles; for the Constitution expressly says, presents may be received, but, with respect to titles, it says, "no title of nobility shall be granted."

[Mr. CLAIBORNE said, those were not the words of the Constitution to which he alluded. What he had reference to was the following: "No person holding any office of profit or trust under the United States, shall, without the consent of Congress, accept of any present, emolument, office, or *title*, of any kind whatever, from any King, Prince, or foreign State."]

The first part, Mr. O. said, was distinct from the last. Titles of nobility were expressly forbidden; but presents, emoluments, offices, or titles, (not titles of nobility,) might be received by the consent of Congress. But as no title of nobility could be granted, the gentleman from Tennessee need not be alarmed on this ground. If such titles had not been excluded, he should have supposed that, at this time of day, when titles were going so fast out of fashion, there could be no fear of their obtaining here. The intention of the Constitution must have been, that these presents should be received, on their being made known to Congress, otherwise the clause would have been peremptory, as under the old Congress.

Mr. O. said it was altogether a matter of discretion in the gentleman from South Carolina, whether or not he had asked consent to receive the presents in question; for he is at present no officer of the United States, and he might receive them as a private citizen. He believed he had a perfect right to do so, though it might not consist with the delicacy of his character. Mr. O. said he had it from the best authority, that, even under the old Confederation, though presents were unconditionally prohibited, Dr. Franklin, Mr. Jefferson, and Mr. Laurens, received the customary presents on their departure from the foreign Courts at which they were employed. They, to be sure, communicated the fact to Congress after they had received them. And they received them for a good reason, because they could not refuse them without giving umbrage to the Courts which presented them. He, therefore, thought it very improper for gentlemen to suggest difficulties of the kind which had been brought forward, as if the gentleman making the application was personally concerned—it could not be considered as any object to him. The question was merely whether we would conform or not to the customs and usages of other nations, with the presents in question; in which there certainly could he nothing either dangerous or alarming.

Mr. MACON had no doubt Congress had a right to grant leave to receive the presents in question, and believed the determination in this case would fix the usage in future. He believed an application could never be made to the House, in which there could be less objection to the applicant, than in the present case. He was convinced that the gentleman from Massachusetts need not to have said that this was no object to the gentleman from South Carolina. He was sure no one thought so. He believed it was improper to bring any personal considerations into the question. He was sure there had not been a more popular act done for this country for a long time than the treaty which that gentleman had concluded with Spain. But the committee were told that this resolution ought to be adopted, because it was a European custom. If, said he, we adopt this custom, we must adopt another—that of paying foreign Ministers who come here. And he owned he should not be willing to see any of them carry off the money of his constituents, because he did not think the conduct of any of them was deserving of such a fee.

The gentleman from South Carolina had made a conditional refusal of the presents offered to him, and he now wishes the point to be settled by Congress, whether he shall receive these presents or not. He had no idea, whether these presents were a gold snuff-box, a gold chain, a picture, or three hundred guineas, they could possibly have any effect upon the applicant. Nor had he much fear about the introduction of titles into this country; for if any such thing were ever proposed, there would be such a scramble for the highest, among certain gentlemen, that he believed it would be a security against any.

Mr. M. said it might not always happen that the applicants for leave to receive these presents were free from objection; and, in such cases, very unpleasant, and probably very lengthy, discussions would take place. He hoped, therefore, the custom would now be put an end to.

Mr. BAYARD remarked that the gentleman from Tennessee seemed to be greatly alarmed, lest the agreeing to this resolution should destroy the liberties of the country; and that a precedent of leave being given to a Minister to accept of a gold snuff-box or a gold chain, should hereafter be brought as a sanction to the granting of titles of nobility. But he asked the gentleman, as a lawyer, whether he conceived that a precedent for granting permission to a Minister to receive a snuff-box could be adduced as a precedent for granting titles of nobility? It certainly could not. Therefore, as to precedent, the gentleman might feel himself perfectly at ease. There could be no doubt but that the Congress of the United States might give their consent to a citizen receiving a title from a foreign Power; but he could not apprehend that they would ever do so. Was this, then,

to be brought as an argument against allowing a gentleman—against whose conduct the most slanderous tongue had never said a word—from receiving the customary trifling presents, on his leaving a foreign Court? He trusted not. He allowed it would be a precedent for the future in this respect, and that Congress might expect to be called upon hereafter for similar permissions. But he did not think there was anything alarming in this—the amount would be very trifling; and he did not know that having a few additional gold snuff boxes in the country could produce any material effect. As to the Constitutional question, he thought it was as he had already stated it.

Mr. Venable wished that everything which was said upon this subject might be said without reference to the gentleman making the application, but that it might be considered as establishing a general principle which was to operate hereafter. It was said that it was necessary to accept of these presents as a point of etiquette, and that refusal to accept of them might give offence. He did not believe this could be the case, as it was well known to the European Courts that our Government is established on principles totally different from theirs; and when our Ministers informed them that their Government did not permit them to receive presents, it must be a satisfactory reason for not accepting them. He knew that these presents were sometimes made in pictures, sometimes in snuff-boxes, and sometimes in money. And, said he, if these presents were not sanctioned by custom, would it not appear an indelicate thing to offer these things to a Minister of a foreign country? It certainly would. If the origin of the custom was, therefore, a bad one, the United States ought not to adopt it, since they had now the choice of doing so or not. He hoped the United States would always make sufficient provision for their own Ministers, and not permit them to receive anything from a foreign Court. A contrary custom, to say the least of it, would prove a very troublesome and disagreeable one.

Mr. W. Claiborne submitted to the gentleman from Delaware, as a lawyer, whether the committee could gather, from anything before the House, that these presents made by foreign Courts consisted of chains or snuff-boxes? He owned he could draw no such conclusion for himself. But whatever the present may be, it was immaterial to him in the present question, because he was convinced that nothing which a European monarch had it in his power to give, could lessen the patriotism of our late Minister, or alienate his affections from his country. It was not to the amount of the present; and whether it was a snuff-box, or anything else, which was a thing of no consequence, and ought not to have been named. He objected to the principle of our foreign Ministers receiving presents at all from European monarchs. This principle he looked upon as the more dangerous, because it opened an avenue to foreign influence—an influence, among monarchs—which has always proved the destruction of Republics.

Notwithstanding what had fallen from the gentleman from Delaware, he was convinced the gentleman from South Carolina would not think himself authorized to receive these presents without the authority of Congress, were they offered to him as a private citizen, as they were certainly meant as a compliment to him as Minister. As to what had been said by the gentleman from Delaware with respect to the present of a snuff-box or picture being precedents which would lead to the granting of titles, what he had said, was that the precedent would authorize the application for leave to accept of a title, at some future period, which would introduce a discussion on that floor whether it ought to be received or not, and thereby disgrace the country in the eyes of every enlightened citizen.

Mr. Thatcher was in favor of the resolution. Gentlemen seemed opposed to it on the ground of its establishing a precedent for the future. He did not think this objection well founded; for, as the Constitution does not absolutely forbid the receiving of presents, the discussion on the propriety of allowing it in future would not be prevented by the present decision. Future Houses could refuse or grant leave to receive these presents. Mr. T. said, it was the natural right of every citizen who served the country as a Minister to receive presents, and the Constitution did not absolutely take away the right. He considered the gentleman who now applied to Congress as having a natural right to receive a present, except some reason was shown to the contrary. Gentlemen allow they know of no special reason; they allow the applicant has done the business with which he was entrusted, well. He supposed, therefore, that gentlemen must themselves vote for it, except they abandon their own grouud.

But the gentleman from Tennessee had said, the resolution ought to be disagreed to in order to stop the avenues to corruption from foreign Courts. For his part, he could see no connexion between a decision on this question and corruption; for, whether it was agreed to or disagreed to, it would not take away the power from Ministers to receive presents, if they were so disposed.

But it was said, that, to agree to this resolution, would lead to the granting of titles. Suppose, said Mr. T., a title should be applied for, and leave granted, and a foreign Power should create a Duke or a Count of a citizen of this country, what would it be but to make him and his posterity for ever ridiculous? As he saw no evil which could arise from agreeing to this resolution, he should vote for it.

Mr. R. Williams hoped, by the vote of this day, the House would get rid of future applications of this kind. When the subject was first introduced, he was opposed to it; but, if the question had gone off without debate to-day, he intended to have voted for it. From the discussion which had taken place, however, he was convinced it was a subject upon which they ought not to legislate, since the acting upon it would produce greater evils than the Constitution had provided against. He believed they ought here to put a stop to the business. If not, he would rather that our Ministers should

be at liberty to receive all the presents offered to them, than that the thing should stand upon its present footing.

The gentleman last up had endeavored to show that the determination upon the present question would not set an example for the future. It was his wish to fix a principle upon this subject, and he had no doubt this decision would do it.

It had been said, that the gentleman who made this application, had a right to receive these presents, without this application. Why, then, was the application made? Ought Congress to be called upon every year to discuss questions which would cost the Union $2,000 or $3,000 every year, if the right of receiving the presents existed independent of Congress? This, he believed, would be spending the money of the public in a way which would not be very well approved. As this was the first application which had been made since the existence of the present Government, for this leave, it was the proper time for Congress to say, they will or will not countenance the practice of receiving these presents. Our Ministers, he ssid, would be obliged by such a determination; and, if the decision was against the practice, they would no longer be troubled with the offers of presents; or if they had them offered, they could, without hesitation, decline the acceptance of them; but, if this was not done, there would be no end of the business. If this motion should not be negatived, if he should be here another session, he would propose the passing of a law to authorize our Ministers to receive these presents, except there should appear some particular objection to such a law.

Mr. LYON said, he had heard much about *American feelings*. He had some of those feelings himself, and they taught him neither to approve directly nor indirectly of the practice of foreign Governments paying our public agents. If the gentleman from South Carolina had not been well paid for his services, he should be willing to pay him more; but he should not be willing to lay this country under an obligation to a foreign country by our Ministers accepting presents, or to make similar returns to their Ministers. It was said, the gentleman from South Carolina might receive these presents now, without the consent of Congress. If he chose to risk his own character by doing so, Congress had nothing to do with it; but, for Congress to authorize any such thing, in his opinion, would be a shameful business.

Mr. BAYARD would tell the gentleman from Tennessee on what authority he informed the committee that the presents in question consisted of what he had mentioned. Being upon the committee to whom this subject was referred, he made some inquiry as to what were the usual presents from the European Courts, and found, that in Holland, it was customary to give a gold chain and medal; in France, a gold snuff-box; and in Spain, a picture. It was on this ground that he said these things were of no consequence. Mr. B. then remarked, upon what had fallen from Mr. R. WILLIAMS with respect to the expense incurred in discussing this subject, and said it had been owing to gentlemen opposing the resolution that so long a discussion had taken place. As to the law which that gentleman proposed to introduce, he must see that the Constitution would not admit of such a law.

But some gentlemen were opposed to this resolution, because it was supposed the United States would be obliged to reciprocate the favor to Ministers who were sent to this country; and some gentlemen had seized the occasion of saying that few of these Ministers were deserving of any such present. But, because these gentlemen may be dissatisfied with the conduct of foreign Ministers resident here, they ought not to injure our own Minister, whom all allow has essentially served his country. He did not think this the proper place to discuss the propriety of making presents to foreign Ministers. When Congress were called upon to act in this matter, then would be the proper time for gentlemen to make their stand upon it, and say the allowance should or should not be made. He did not think the thing followed of course. He hoped, therefore, the resolution would be agreed to.

Mr. RUTLEDGE said, that, being closely connected in the bonds of friendship with his colleague, who made the present application, he did not intend to have said a word upon the subject; but, when he heard things of a personal nature introduced into the debate, he could not avoid rising. And, with due submission to the Chair, he must say, that everything of a personal nature, introduced on this occasion, was, in his opinion, wholly out of order; particularly when it was said by a member, "If the gentleman from South Carolina is not satisfied with what he has received for his services, I am willing to pay him more." The Constitution has said, that the customary presents from European Courts shall not be received without the consent of Congress; and, accordingly, when these presents were offered his colleague at the two Courts at which he was Minister, he declined receiving them, saying, that he would lay the matter before Congress on his return home. He had done so, and he could not see any ground of alarm in this. He felt none of that Republican jealousy which caused his mind to revolt at these civilities. He rose to dissipate, if possible, those ideas of danger which seemed to be apprehended from the adoption of the present resolution—the apprehension that it would break down the barriers which were to keep out corruption from our Government, and introduce a variety of evils. The gentleman from Tennessee had stated a strong case. He had supposed, that, to allow these presents might, at some future day, encourage some person to come forward and ask permission to receive a title from a foreign country. And if this should be the case, he seemed to think the liberty of the country would be at an end. But did not that gentleman know that the United States have already given leave to a citizen of this country to wear a ribbon and accept of a title from a foreign Power; but it was a solitary case, and he believed it would forever remain so, as he never heard that

this badge of distinction excited anything but ridicule from his fellow-citizens.

Mr. CLAIBORNE wished to know who the individual was.

Mr. RUTLEDGE answered, it was the case of the Chevalier John Paul Jones to which he alluded. The transaction took place under the old Confederation, which expressly prohibited titles. But the King of France, wishing to confer some mark of distinction on Jones for his bravery, wrote to his Minister here, and he applied to Congress upon the subject, and leave was granted to him to receive the Cross of Military Merit. This happened in the year 1781. Mr. R. having ascertained the fact from the Journals, hoped no uneasiness would be entertained on the ground of danger from titles.

Mr. HARPER did not wish to protract the debate, but he could not help noticing a few circumstances which had given some gentlemen alarm. He was sensible that every personal feeling was in favor of the request, he therefore viewed with respect that rigid adherence to principle which had produced the mistake which their zeal had led them into. Gentlemen talked as if none but Royal Governments make these presents. Were they to be informed that every Republic in Europe, which was in the habit of receiving Ministers, was also in the habit of making these presents? Besides, could it be believed that if a Minister abroad was to receive presents, by way of bribes, he would ever lay them before his Government? Certainly not; he would be silent with respect to any such bribe. Corruption flows through far different channels from those which had been mentioned—it flows through the hands of bankers and other agents, not by means of ostensible and customary presents. And he believed if corruption had flowed in any other way than this, we should never have heard of douceurs of £50,000 sterling, or of Ambassadors being imprisoned, in order to extort money from them.

What objection, then, is there to allowing our Ministers to receive these presents? It was said we should be under the necessity of returning them to the Ministers of other countries, in the same way as when a gentleman accepts of an invitation to dinner, he must return the compliment by asking his friend again. Admitting this to be the case, what then? Suppose the United States receive twenty different foreign Ministers, and that they are changed every two years? This would amount to ten presents a year; and if we gave a present equal to that given by the Republic of Holland, he supposed it would be thought very handsome. They gave a gold chain and medal, he supposed about the value of four eagles, so that ten presents of this kind would amount to forty eagles a year. He did not think this would be alarming, or any way endanger the liberties of the country. On the contrary, he believed, the good will which was produced by this interchange of civility between nations would be cheaply purchased for thirty or forty eagles a year. They all knew the advantages of reciprocal civility in private life, and it was still more necessary in Governments and nations. Have we not, said he, seen a want of attention to these little things, alleged as a cause of quarrels and war? This had frequently been seen. It was good policy, therefore, to cherish a good understanding with nations by falling into their customs, especially when it could be done without much expense or inconvenience.

Mr. MACON complained of the gentleman from South Carolina (Mr. RUTLEDGE) having censured the Chair without cause.

Mr. R. WILLIAMS denied having said anything of a personal nature; and as to consuming time in debate, he took no part in it, until the gentleman from Delaware had himself made two or three speeches.

Mr. GALLATIN said this question might be considered either as of a personal, or of a general nature. He had heard gentlemen, arguing both in support of and against the resolution, speak of the important services rendered by the gentleman from South Carolina in having accomplished the treaty with Spain. Nor did he conceive this to be out of order. He believed, however, the gentleman himself was perfectly indifferent as to the fate of the question.

Mr. G. had some doubt with respect to the construction of the Constitution on this point. If he was well acquainted with the fact relative to this business, it stood in this way: When Mr. Pinckney was sent as Envoy Extraordinary to Spain, he still remained Minister Plenipotentiary at the Court of Great Britain, therefore he was altogether precluded from accepting of the present offered to him by the Spanish Government on his taking leave from that Court; but, with respect to the present offered to him by Great Britain, it appeared to him that the moment a Minister receives his letters of recall, and has taken his leave, he is no longer an officer of the Government; and, in such case, both under the present Constitution, and under the old Confederation, presents have been received. So far, therefore, as relates to Great Britain, he did not think it was necessary to apply to Congress for their consent.

He had said, that after a Minister has received his letters of recall, there was nothing to prevent him from accepting of a present. He might be told the Constitution is lame in that respect; but it was more so with respect to private citizens, because any private citizen might receive either presents or titles from a foreign Power. It has not, therefore, effectually shut out corruption. Officers may receive presents by consent of Congress; but any officer, or member of Congress, might accept of presents, either in secrecy, or wait till they are out of office and receive them publicly. Nothing could prevent this but the infamy that would attach to such an act. Therefore, so far as it was contended that a disagreement to this resolution would shut out a source of corruption, it had little effect upon his mind.

But there was another point of view on this subject, which would induce him to give his vote against the resolution. He considered that if Congress gave its assent to this proposition, it

would be saying that they approve of the act, and that it is in itself proper that a foreign Minister should receive presents. If it was, in their opinion proper to accept of these presents, the resolution would be affirmed; but if they were of opinion, that the practice is a bad one; that it is useless in itself, and ought to cease, they had nothing to do but refuse to authorize it. He owned it was proper to keep up civilities, when it could be done by conforming to customs of an inoffensive nature; but when the Constitution stood in the way, it ought always to be respected.

He had another reason for voting against this resolution. He had already said, that, if a man was not an officer of the United States, he had a right to receive these presents. A question arose whether the gentleman from South Carolina had a right now to receive them. He believed he was precluded, not only by their being offered as reward to a Minister, but from his being a member of Congress, for he did not believe that permission could legally be granted to any member of Congress to receive any such present; and, therefore, that the resolution ought not to be agreed to.

The question on the resolution was put, and negatived—44 to 38.

The committee then rose and reported their disagreement to the resolution of the Senate; when the question was taken on concurring with the Committee of the Whole in their disagreement, and decided in the affirmative—yeas 49, nays 37, as follows:

YEAS—George Baer, jun., David Bard, Bailey Bartlett, Lemuel Benton, Thomas Blount, Richard Brent, Nathan Bryan, Stephen Bullock, Demsey Burges, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, Thomas T. Davis, John Dawson, John Dennis, George Dent, Lucas Elmendorph, Thomas Evans, William Findley, John Fowler, Albert Gallatin, James Gillespie, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, Walter Jones, Matthew Locke, Matthew Lyon, James Machir, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, Josiah Parker, James Schureman, Tompson J. Skinner, William Smith, Richard Sprigg, jun., Richard Stanford, Thomas Sumter, Thomas Tillinghast, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

NAYS—John Allen, Abraham Baldwin, James A. Bayard, David Brooks, John Chapman, Samuel W. Dana, William Edmond, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, Roger Griswold, William Barry Grove, Robert Goodloe Harper, William Hindman, David Holmes, Hezekiah L. Hosmer, James H. Imlay, Samuel Lyman, William Matthews, Daniel Morgan, Lewis R. Morris, Harrison G. Otis, John Rutledge, jun., Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, Samuel Smith, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, Peleg Wadsworth, and John Williams.

RELATIONS WITH FRANCE.

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.

PROVISIONAL ARMY.

Mr. SEWALL, from the Committee for the Protection of Commerce and the Defence of the Country, made a report on the bill from the Senate, authorizing the President to raise a provisional army; which was committed.

EXECUTIVE DEPARTMENTS.

Mr. HARPER said, that having observed some embarrassment in the laws establishing the Executive Departments, more especially as it respects the War Department, a very considerable proportion of the business of which is done in the Treasury Department, being made an agent to the War Department in paying and receiving money; so that one department makes the expense, and another is responsible for it. He wished, therefore, to see if some better arrangement could not be made in this business, and for this purpose proposed a resolution to the following effect:

"*Resolved*, That a committee be appointed to inquire and report, by bill or otherwise, whether any and what alterations are necessary in the various acts establishing the Executive Departments, so far as relates to the manner of disbursing the money appropriated for each, and the settling of their accounts."

Agreed to, and a committee of three members appointed.

SATURDAY, May 5.

PRESENTS TO MINISTERS.

Mr. HARPER said he wished to submit to the House a motion in relation to the subject decided yesterday. He believed it would not be proper to let that matter go on with a simple negative of the resolution of the Senate. As a committee had been appointed to report on this subject, it might be referred to that committee. It was in the following words:

Resolved, That Congress entertain a just sense of the meritorious conduct and important services of Thomas Pinckney, during his late mission to Great Britain and Spain; but, inasmuch as the Government of the United States have never, in any case, adopted the custom of making presents to the Ministers of foreign nations, it is inexpedient to permit their own Ministers to accept presents from the Governments to which they are sent; for which reason the said Thomas Pinckney ought not to have the consent of Congress to his receiving the customary presents from the Governments of Great Britain and Spain."

Mr. BALDWIN said the committee had already reported.

Mr. GALLATIN wished to know whether this motion was in order, after the subject had been decided. It was a little curious that a gentleman

who voted for the adoption of a resolution should bring forward the reasons of gentlemen who were opposed to it. Besides, he believed it asserted for fact what was not so. It said our Government had never adopted the custom of making presents to foreign Ministers, whereas, in a late statement, there appeared an item of $2,607 for this purpose. He wished the Speaker, however, to say whether the motion was in order.

[No answer was given.]

ADDITIONAL REVENUE.

On motion of Mr. HARPER, the House went into a Committee of the Whole on the report of the Committee of Ways and Means, Mr. DENT in the Chair, when the three following resolutions being read, viz:

Resolved, That it will be expedient to raise an additional revenue of ——— dollars annually, by a direct tax.

Resolved, That the said tax ought to be laid by uniform assessment, on lands, houses, and slaves.

Resolved, That the apportionment of the said tax ought to be made among the several States according to their respective number of inhabitants, as ascertained by the last census."

Mr. HARPER moved to fill the blank in the first resolution with two millions.

Mr. VARNUM supposed the present revenue would be sufficient for all our current expenses. The duties on imports and tonnage were last year upwards of seven millions and a half. The Secretary of the Treasury estimates the amount this year only at seven millions. He did not see any reasonable ground for this. He believed the amount this year would be greater than the last, as it had increased a million a year for several years past. Last year, when a direct tax was under consideration, it was said there would be a deficiency in this part of the revenue, but it now appears that those suggestions were unfounded; and the first quarter of the present year has produced a greater amount than in any preceding year. He did not think, therefore, that there would be any necessity for the present tax.

Mr. S. SMITH did not think it necessary that the committee should have farther information on this subject than was contained in the report. By that it appears that there will be a deficiency of $1,396,705 to be provided for by new revenue, exclusive of two instalments on the debt of the Bank of the United States amounting to $400,000. But the gentleman from Massachusetts supposes the revenue of this year will be equal to that of last year. Suppose this was to be the case, there would still be a deficiency of upwards of a million of dollars. Had he provided any means of meeting this? He had not. Besides, the gentleman's arguments went upon an idea of peace, and not of war. He agreed with that gentleman in one thing, that the revenue of the present year will equal that of last year, as he did not believe our revenue would be diminished by the depredations committed upon our commerce, believing, as he did, that the revenue was in proportion to the consumption of foreign commodities; and as he did not believe the people of the United States would consume less this year than the last, he did not believe the duties arising from imports would be less. Nor did he believe it would decrease much even in a case of actual war. It would decrease our own tonnage, but it would increase that of other nations. The commerce of the United States, Mr. S. said, was equal to any in the world; that of last year, notwithstanding the depredations made upon it, was not exceeded by that of any country. But when we are in a state, which though it be not war, will probably soon become so, it is necessary to provide the means of carrying on war, if we should be involved in it. Large sums have been voted to prepare the country for such a situation, and it became essential that money should be provided. If, on the threshold of war, gentlemen hesitate to provide the ways and means, he should begin to think they were not in earnest to defend the country; but when he saw them provide money, which is the sinews of war, he should be convinced they were indeed determined to defend their country; and in that case, even if France is successful against Great Britain, and, according to the opinion of the gentleman from Connecticut (Mr. ALLEN) by such an event one of our arms should be cut off, he believed sufficient resources would be found within ourselves to defend this country against any nation whatever. This being his opinion, he was for giving the sum with which this blank was proposed to be filled. He was not for going into nice calculations, as if the country were likely to remain in a state of peace. He had heretofore been for saving money as much as possible, and for paying off the national debt; but this was no time for speaking of these things. It is well known that it will take one year to organize this tax; but if a security of this kind was provided, money might be borrowed upon it. For if the country was involved in war, or an actual invasion took place, that would not be the time to talk about raising money; the moment should be seized whilst there exists a spirit of enthusiasm, and then money might be borrowed. Two millions of dollars would be as nothing for the defence of the country in time of war. The amount of our present force alone would require this, and no man could suppose that double our present force would be sufficient; but upon this tax might at least be borrowed ten millions.

The question was put and carried—47 to 25.

The resolution was then agreed to as amended, as was also the second.

The third resolution being under consideration,

Mr. DAYTON moved to strike out the words "last census," as it might be determined when the bill came in whether the number of inhabitants should be ascertained by the last census, or a new one should be taken.

Mr. T. CLAIBORNE hoped the principle upon which the tax was to be laid would be now established.

Mr. HARPER believed this was an essential point, as before the bill could be drawn, it would be necessary to ascertain upon what principle it should be formed.

Mr. LYON supposed the Constitution was decisive as to this point.

Mr. GALLATIN hoped the amendment would not prevail; if it did, it would be necessary to take a new census before the tax could be assessed. It might, perhaps, be Constitutional to take the census oftener than once in ten years; but if it was (and he had some doubt as to that point) he did not think it would be good policy to do it now. If it was necessary to continue the tax after the year 1801, it might be then apportioned according to the new census.

Mr. BAYARD said, the words of the Constitution were, "within every term of ten years"; so that a greater period than ten years could not be suffered to pass without taking a census, but it might be taken every year if it were necessary. He believed it would be very proper to have a new census taken before the tax was assessed, otherwise from the great increase in the population of some of the States, since the last census was taken, the tax would not be constitutionally collected, since it is directed to be laid according to the number of inhabitants.

Mr. HARPER said, he should be glad to see a new census taken at an early period, so as to relieve the States from any inequality which might arise from the variation of population which has taken place since the last census; but he trusted it would not be thought necessary to do this before the proposed tax was assessed. The carrying a law of this kind into effect, let it be done in whatever way may be adopted, would be found a tedious business, and the amount to be produced by it, would have to be anticipated by loans; and if a new census was to be taken before the tax could be assessed, it could not be said, with any kind of certainty, when an effectual revenue was to be raised. He hoped, therefore, when so great an inconvenience would be incurred by delaying the tax until a new census was taken, that, though for one year some of the States would have to pay a little more than was justly their portion, they would consent to do so rather than subject the country to so great an inconvenience as would be experienced by such a delay.

Mr. DAYTON said, he did not mean, in this early stage of the business, to determine that the last census should not be the rule of apportionment for the first or second year's tax, but to have avoided deciding that point in this resolution. The gentleman from South Carolina seems not to have recollected that this is a provision for a permanent tax. For the words are, that two millions shall be raised annually, and the rule of apportionment is proposed to be by the last census. If it had been said that the tax should be assessed according to the present census until a new one could be formed, he did not know that he should have objected to it.

Mr. HARPER said he should not object to such a change in the resolution.

Mr. DAYTON was well convinced that the gentleman from South Carolina must see the propriety of such a change in the form of the resolution. He meant to amend the resolution; he had taken one way to do it. If the gentleman from South Carolina chose another, he should take his own. He believed the words he had moved to be struck out, improper, and it was a principle which might well be discussed when the bill was brought in. If it were found practicable to take a new census within a reasonable time, the tax might, in the first instance, be apportioned by it, if not, by the old census. The gentleman from Pennsylvania was in doubt whether a census could be renewed oftener than once in ten years. He had no doubt on the subject, and he believed great injustice would be done to some of the States if the tax was not assessed according to their present number of inhabitants, as some States have doubled or trebled their inhabitants since the last census was taken, whilst others have scarcely increased at all.

He believed the States of Pennsylvania and New York have increased, when compared to New Jersey, as an hundred to one; and it was well known that the States of New York and New Jersey are divided only by an imaginary line, so that it would happen that one of two farms adjoining each other, from being in different States, would be taxed fifty per cent. more than the other. The inequality in such cases would be vastly more grievous than the tax itself.

Mr. D. said, if it could not hereafter be shown that the census might be taken at the same time that the valuation of the property was made, he should abandon the idea of assessing the tax in the first instance by a new census. All he asked was, that the words should be struck out, and that the question might not be decided at the present time.

Mr. S. SMITH was at a loss to know how the bill could be drawn, until this principle was decided.

Mr. DAYTON said, it appeared to him one of the simplest things imaginable to do this. The sum to be apportioned to each State might be left in blank, and filled up in Committee of the Whole, when the principle shall have been settled as to the census.

Mr. S. SMITH thought it would be much the best now to fix the principle with respect to the census. The resolution, he believed, had better stand as it is, and gentlemen might move to have a new census taken after the first year; so that, if a farmer was to pay four or five dollars more than his neighbor for one year, he would know that the inequality would be remedied another year. The State of Maryland was situated in some respect like that of New Jersey, and would, of course, experience the like inconveniences; but inequalities will exist in every system of taxation. He hoped, if gentlemen were in earnest to raise money, they would not bring forward objections of this sort. Similar objections to these were urged formerly, when the subject was taken up as a peace measure; but now that it was resorted to in support of war measures, he trusted they would not be insisted upon.

Mr. J. WILLIAMS supposed, if the amendment obtained, the tax must be apportioned according

to a new census; and, if so, he apprehended the resolution would be disagreed to. Though a new census might be taken within the ten years, he believed that term ought to be nearly expired before a census was renewed. It was true that some of the States are greatly increased in population; but it could not be supposed that States increased in riches in proportion to their increase of inhabitants, as the people who emigrate are mostly persons of little property, who settle upon the back lands. This being the case, he thought it was a wise provision of the Constitution which directs that the census shall be taken only once in ten years. If these words were struck out, no tax ought to be laid until the time comes for taking the new census.

Mr. Harper suggested to the mover of this amendment that his object might be attained, when the bill was brought in, by moving that the new census should be taken at a certain time.

Mr. N. Smith said, though he came from one of those States which would be benefited by a new census, yet he could not see that the object could be effected in time for the present tax, as whenever the tax is levied and apportioned it must be according to the numbers at the time, which were to be ascertained according to the last census. Therefore, if the tax was to be apportioned at the present session, it could not be done according to any other rule. The providing a system of taxation, and the levying and apportioning of it, were very different things; and when the subject was formerly under the view of the House, two bills were reported, which kept the objects distinct. Congress might this session form a system for the valuation of property, and for the providing of a new census; but if it were necessary to levy and apportion the tax at this session, it must be done by the present census. He did suppose it was necessary at this session to apportion and levy the tax, because he believed moneyed men would not lend their money to Government without it. This being his belief, however unfavorable it might prove to his State, he should be in favor of it, as he did not believe this was a time for indulging those local interests which at another time they might wish to do. He would, however, willingly join with gentlemen in providing for a new census on which to levy future taxes. As to the present amendment, he thought it of little importance; for, whatever was the fate of this resolution, the two former ones must be carried into effect according to the existing census.

Mr. Bayard would not be in favor of striking out these words, if he thought it would prevent the collection of the tax; but it would be necessary, before the tax could be laid, that an assessment of lands, houses, and slaves, should be made, and he could not see why the number of inhabitants could not be ascertained at the same time.

Mr. R. Williams wished to know whether the new census proposed to be taken was to affect the representation as well as the tax?

Mr. Dayton answered in the affirmative. The return of the enumeration of the inhabitants, he said, might be made at the first meeting of the next Congress, by which means the number of Representatives to which each State will then be entitled might be ascertained in time for the succeeding election. If the order was not made at this session for taking a new census, the enumeration could not be returned before the last session of next Congress, which would be too late for the election of the following Congress.

Mr. Sewall could not consider this amendment in any other light than as going to determine when the tax should be laid. If a new census was to be taken, it certainly could not be laid during the present session. The gentleman from Delaware spoke of taking a new census and the valuation at the same time; but the census must be taken in a different way, and acknowledged by a law of Congress to be correct. To wait, therefore, whilst a new enumeration is made and accepted, would be to postpone the tax. He would concur with gentlemen in providing for a new census at this session; but let it be for the next tax, and not for this. The resolution might be so altered as to admit of this by striking out the word "annually," for which he saw no use.

The question on this amendment was put and negatived, there being only 17 votes for it.

Mr. N. Smith saw no necessity for this resolution at all; for whatever tax might be laid at this session must be assessed according to the present census.

Mr. Dayton said, he would move to amend it by inserting after the word "said" "first annual tax."

Mr. Sitgreaves said, it would be better for the mover of this amendment, and others who wished to have this tax collected, to suffer the resolution to stand as at present, so that the tax might be immediately assessed by law, and provide at the same time for taking a new census, which no one would object to; and, if it could hereafter be shown that the new census could be taken without prolonging the collection of the tax, it might be done; if not, the tax must be laid according to the present census. The best way would be to strike out the resolution altogether, and then make a provision for taking a new census.

Mr. S. said he was from one of those States which would be considerably affected by the taking of a new census; but he should be far from being influenced by a consideration of this kind in laying this tax. He should be in favor of an equal distribution of the public burdens. He did not wish his constituents to pay one farthing less than their full proportion of any tax. He should dishonor them by saying they wished to pay less; and let this tax come on when it would, he did not believe he should consult the dignity or honor of the State of Pennsylvania by objecting to it, since it appears to be necessary to provide means for the defence of the country.

Mr. Dayton consented to vary his motion so as to meet the ideas of the gentleman last up, by adding, after the word "that," in the first line, "until a new census shall be taken," and to the end of the resolution these words: "and that por-

vision ought to be immediately made by law for taking a census of the inhabitants of the several States, agreeably to the Constitution."

Mr. GALLATIN believed this amendment consisted of two parts; he therefore called for a division of it. He should vote in favor of the first. The other part he thought perfectly a distinct subject, and not at present under consideration. If a new census was to be directed to be taken, he thought it ought to be done in a separate bill, and not entangled with this subject.

Mr. HARPER was disposed to think there was no necessity for the resolution itself. Therefore, he believed it would be better to reject the resolution, and then let the gentleman from New Jersey bring forward his proposition for a new census; though he had no particular objection to the mode proposed.

The question on the first part of the amendment was put and carried, without a division.

On the second, some observations were made, chiefly expressive of a wish to have the provision for a new census separate from the present subject; after which, the question was put upon it, and carried, 39 to 29.

The committee then rose, and reported the amendments to the resolutions as agreed to; which being confirmed by the House,

Mr. D. FOSTER moved to strike out the word "annually" in the first resolution.

Mr. SITGREAVES was opposed to this amendment. He had no idea of the policy or propriety of bringing this question frequently before Congress. He had always been opposed to the restricting of laws which were in their nature permanent. If this tax hereafter became unnecessary, nothing would be more easy than to repeal it; but, from present appearances, it was probable that it would be wanted for some years; and, this being the case, he did not wish to put it in jeopardy for one year. Besides the expenses attendant upon our present situation, additional revenue would be wanted for the extinguishment of our debt, after the year 1801; so that for this purpose it would be desirable to continue the tax, and, if there was any surplus, it would of course go to the sinking fund.

Mr. GALLATIN was in favor of the motion. It was his intention to have made some general observations on this subject whilst under consideration in the Committee of the Whole; but whilst he was putting down some figures on paper, the question was taken; as they would be equally applicable, he should now make them. They would go to show that this tax was not wanted as a permanent revenue, but solely to meet the present exigencies. He should show that the present revenues of the Union are sufficient to meet the current expenses, and to meet the instalments of deferred and Dutch debt due after the year 1801.

The report of the Secretary of the Treasury states that it is probable there will be a deficiency of $1,796,705; but supposing that, from the present situation of the country, our expenses may be greatly increased, and our revenue defalcate, the certainty of a great augmentation in the ordinary expenses by the deferred debt, and the increasing instalments of the foreign debt, the Committee of Ways and Means do not think it safe to contemplate an additional revenue from permanent sources of taxation to a less amount than two millions of dollars.

In looking into the statements of the Secretary of the Treasury, it would be found that most of the objects of expense brought forward to show the necessity of a permanent tax are of a temporary nature. He has estimated the expenditures for the year 1798 to be $6,926,460; in order to ascertain what will be the permanent expenditures of the Union after the year 1800, it is necessary in the first place to deduct from the sum those items which are not of a permanent nature; and, as he would add a sum for the Dutch debt due after 1801, Mr. G. said he would also deduct the instalment of $80,030 due for the present year. The first item of a temporary nature was a sum reported for deficiencies in the Military Establishment of $164,000. Every gentleman who had attended to this subject, when it was lately before the House, must be convinced that sufficient sums had been appropriated under this head, and that deficiencies must be considered as extraordinaries not likely again to occur. Second, $103,000 were set down for diplomatic expenses; the permanent establishment was now fixed at $63,000, and $40,000, therefore, were a temporary expense. Finally, the following items were stated by the Secretary himself as temporary, viz: for lighthouses, in addition to the usual appropriation, for expenses incident to the treaties with Great Britain and Spain, and for reimbursing the unfunded and registered debts, and for the payment of old accounts, a sum of $546,000. The last item not yet agreed to by this House. These several articles amount to about $830,000, which, deducted from the expense of 1798, as calculated by the Secretary of the Treasury, will leave a balance of about $6,100,000 for the permanent ordinary expenses, civil, military, contingent, and relative to the present debt. To this must be added $1,146,370 for the interest and extinguishing annuity of the deferred debt, payable in 1801, and also the sum necessary to pay the principal of the Dutch debt after that year. The Committee of Ways and Means have reported the foreign debt which will become due in 1802, 1803, and 1804; but, by taking the aggregate of all the years, it will be found that an average sum of $800,000 a year will pay the whole of that debt in twelve years. This last item, the $1,146,000 for the deferred debt, and the $6,100,000 for ordinary expenses, makes the aggregate of $8,046,000 for the permanent expenditures of the Union after the year 1801, including provision for paying the whole of the principal of the foreign six per cent. and deferred debt according to contract.

This, in time of peace, would be the extent of our expenses, especially as there are a number of items which might be reduced, and in that calculation no reduction is introduced in the Naval, Military, or Diplomatic Departments, or in the

Civil List. If the current revenue be examined, it will be found to exceed this amount. The amount of revenue, as calculated by the Secretary of the Treasury, for the present year, is $8,011,897. But to this must be added the deduction of $549,649, which he has made from the duties on imposts and tonnage, from an apprehension of a defalcation in this part of the revenue, on account of captures, and which was of course to be considered as temporary. To this there should also be added the duty on salt, laid at the last session, which could not make any part of this estimate. That duty was eight cents per bushel, and calculating the quantity of salt imported at three millions of bushels, it will amount to about $250,000. There was also a number of additional duties, laid during the last session of the last Congress, which would not raise less than $350,000, viz: two and-a-half per cent. on all white cotton goods imported, and an additional duty on tea, brown sugar, and molasses. These two sums make $600,000, and added to the above $500,000, deducted this year on account of captures, would make the permanent revenue, in time of peace, equal to $9,111,897, which would exceed our expenses by $1,000,000. This is clear from the papers before the committee. It was suggested that some of his deductions for expenses were improper, or that he might be mistaken in his expectations of revenue on some items, yet this surplus million, which was equal to one-eighth of the whole expenditure, would certainly cover any mistakes of that kind. Besides, there is every reason to believe some of the branches of the revenue will be more productive, on account of the increase of population in 1801, than now. Mr. G., therefore, agreed with the gentleman from Massachusetts (Mr. Varnum) that the present revenues of the nation are equal to all its expenditures, including therein the redemption of the public debt, except in case of war. The gentleman from Maryland (Mr. Smith) seemed to be of the same opinion, and, indeed, the chairman of the Committee of Ways and Means had formerly made a similar declaration. It would, therefore, be improper to vote a permanent tax, when the objects for which it was wanted were not of a permanent nature.

Two years ago, Mr. G. said, he was in favor of a permanent land tax, as he then thought it would be wanted to meet the demands which would come against the Government in the year 1801. He was of that opinion, because he did not wish to see the list of indirect taxes swelled beyond what it was; but Congress were of a different opinion, and had, since that time, laid indireet taxes on salt, sugar, stamps, &c., to the amount of $800,000 a year, and have so far diminished the necessity of a direct tax.

There was another thing in which he had been agreeably disappointed. The mistake was common to almost every individual, as well as to himself. It was in relation to the amount of duties which would probably arise from imposts and tonnage, and which were productive beyond the most sanguine expectations. The estimates of the Secretary of the Treasury then fell short of the real amount by upwards of a million of dollars, and the same thing had taken place last year. If, however, in the year 1801, a diminution should take place in the product of those duties, the land tax might then be made permanent.

Mr. G. concluded by saying the tax of two millions was already agreed to for one year, though he thought it too large a sum. He could see no objection to its being made an annual tax as in Great Britain, as it could not be doubted that if the money was wanted for another year, the act would be annually renewed.

Mr. S. Smith did not mean to contest the calculations which the gentleman from Pennsylvania had made. He believed they were correct. At the time the gentleman made the mistake as to the probable amount of duty which would be raised from imposts and tonnage, he differed from him in opinion. He then believed, as he now believed, that duty would continue to increase with the population of the country. But, as he had before said, this was not the time to make calculations on a peace establishment. Money must be had. The Secretary of the Treasury has said that the Bank of the United States, and others, would advance money on loan, provided permanent resources were raised as security; but, if this amendment obtained, could it be said that this tax would be a permanent resource? Would moneyed men lend their money upon it? They would not, though perhaps bankers might.

From the complexion of this House, there could be no doubt that whenever this tax became unnecessary it would be repealed. Believing this, he had no objection to its being a permanent tax. The gentleman from Pennsylvania had said that if we had no war, the present revenue would enable us to meet the deferred debt due in 1801; but he (Mr. S.) believed it would not be sufficient for the year 1802. But would not this tax be wanted for other purposes? Had not that gentleman always been in favor of paying off the public debt, and might not any surplus, if we were not involved in war, which every one deprecated, but which all expected, be well applied to that object? For it was generally agreed that indirect taxes were more oppressive than direct taxes, since for every twelve-and-a-half per cent. of duty, the public had to pay twenty-seven-and-a-half per cent. from the various additions made to it by the merchants and dealers. The consumer is not aware of this; but those who do know it ought to endeavor to relieve them from it.

Mr. Harper confessed himself very much alarmed at this motion. He saw in it, and in the arguments of the gentleman from Pennsylvania in support of it, the second leaf of the book for keeping this country in an utterly defenceless state—and another attempt made to render those measures which had been taken nugatory, by effectually tying our hands; and therefore it was that he saw this motion made with grief and astonishment, by his friend from Massachusetts, whose motives he could not suspect.

The gentleman from Pennsylvania, said Mr. H., reasons as if we were in a state of profound

peace, and as if we had nothing to apprehend from abroad; as if all our disputes were settled, and we had nothing to do but pay the expense of the preparations of defence gone into, and then at all future times we should rest in security. This was the basis of his speech, and he could not entertain so low an opinion of his understanding as to believe he thought it a good one. That gentleman must know, every one must know, that this country is not in a settled state of things, but that we are threatened, and speedily, with a war. No longer ago than yesterday the House was informed that our Ministers had presented their final memorial, and that if they did not soon receive an answer to it, they should give up their mission and return home. Far from desisting from her attacks upon our commerce, France goes on increasing them. Her former violations of right have been greatly increased. They had been told by the papers on the table of the subjugation of our country, of the fate of Venice and of Hamburgh. She talks of sending frigates against us, of ravaging our coasts; she has spoken of internal divisions, of a party in this country on which she can rely. We had heard, though not officially, that orders had been issued for taking all our vessels, and executing our citizens as pirates, yet gentlemen sit down with counting-house exactness to calculate the amount which it will take to defend ourselves. This was, however, perfectly consistent with the rest of the conduct of the gentleman from Pennsylvania, because he has constantly set his face against every measure of effectual defence, though he has constantly talked of being willing to concur in what he considered measures of defence.

But will the House thus be acted upon? He trusted not. He could not relinquish the pleasing persuasion that a majority of this House is determined to defend this country against a foreign foe, that they are desirous of protecting their property, their wives, and their children, and that they will rend from their eyes the veil which the gentleman from Pennsylvania has endeavored to cast over them. That they will defend themselves against a foe who relies upon our weakness, upon our calculations of avarice, upon the exertions of men among us who are to paralyze all our efforts to defend ourselves, and upon a prostrate colonial spirit in this country. The existence of this spirit would be confirmed were the present motion adopted. Why? Because the complete defence of the country is not to be effected by two millions of dollars. Mr. H. recapitulated what had been done by way of defence; but said these amounted to nothing, they were only measures of precaution, a commencement of defence, and if those events take place which all think probable, a much larger sum of money will be wanted. Mr. H. said it would be seen, by the report of the Committee of Ways and Means, that they did not take into view the expense which might be incurred for the military defence of the country, either by a provisional army, or by detachments of militia. And would any one say that it would be proper to rise without providing a military defence for the country? Or could they say that no part of the 80,000 militia, ordered to be held in readiness, would not be called into service? Or would it be proper to sit down, satisfied that our enemy will not invade us, though they see we are not prepared to meet them? He hoped not.

How then was the money, which would be necessary, to be raised? It must be raised by loans. And how can these be obtained? Not on a precarious possibility of an increase of revenue, but upon a permanent revenue, which will not only pay the interest, but secure the repayment of the capital within a reasonable time. Had they not heard a gentleman, very conversant in this business (Mr. S. SMITH,) say that no moneyed man would advance his money to Government, except a solid security was provided? The Secretary of the Treasury had said the same; and to say that loans would not be wanted, was to say that we should not be attacked. He believed the soundest principles of policy and good sense required that this tax should not be made temporary; if it were, should the French invade us, they will find an empty Treasury, and a total want of the means of defence; they will see the same inducements here which invited them to Naples and to Rome; and blindly good-natured must those be who think they would not take advantage of such circumstances.

These, Mr. H. said, were the impressions upon his mind, and though he did not address them to the gentleman from Pennsylvania, he did address them to those who believed with him that it was necessary to defend the country, and he trusted they would be impressed with the necessity of opposing this motion; for he was convinced, if the gentleman from Pennsylvania succeeded in making this tax annual, it would be his endeavor next year to do it away altogether; for he was of opinion that gentleman would never think it necessary to defend the country. He had all at once lost sight of the national debt, which he formerly called a *curse*, or he would not object to this tax, because more might be raised by it than would be wanted for the purposes of defence, because whatever surpluses might arise, would of course go to that object. He had now great confidence in the permanency of our revenue; whereas, when he had opposed that gentleman on a former occasion, when he wished to have introduced a land-tax in time of peace, he spoke of the defalcation which would take place in our revenue in case of war; and when he (Mr. H.) expressed a different opinion, that gentleman said he should leave him to enjoy his happy dream. But now he had all at once great confidence in our revenues, and was decidedly against a land-tax.

But, admitting that it is right in this case to calculate on cents and half cents, has the gentleman from Pennsylvania been correct in his statements? No; he has made many and very considerable mistakes.

In the first place the gentleman has erred considerably in respect to the deferred and Dutch debts; for in 1803 it amounts to no less a sum than $2,641,453. And how can he say that the

average yearly payment on account of this debt would be only $800,000? for we have not the power of thus distributing the payments: they must be made as they become due.

In the more minute parts of his statement are several errors. Our diplomatic intercourse is stated by the Secretary of the Treasury at $103,650 for this year; but the gentleman from Pennsylvania informs the House that there have been only $63,000 agreed to for that department. But that gentleman forgets we have four Ministers on the Barbary coast, and that $30,000 were appropriated to refund our Consuls money advanced by them for the relief of our sailors abroad, and that there is as much probability we should have it to pay next year as we have had it to pay this.

The gentleman had also stated that the expense of light-houses, buoys, and public piers—stated at $40,000—was a temporory expense; but how did the gentleman know this? Did not the House recollect that calls for expenses of this kind were made every year? There is now a report from the Secretary of the Treasury on the table, recommending an expense of $60,000 for the erection of piers in the river Delaware alone. It could not be said, therefore, that this expense would not occur in future. So also with respect to deficiencies in the Military Department. In the year 1796 there was a deficiency of $96,000; in 1797, $170,000; and yet it is said we need not expect any such deficiency in future. He also observes that the sum of $130,000 for the payment of old accounts, and for the reimbursing the unfunded and registered debts, is not agreed to by the House. He knew the bill was not yet passed, but the principle had been agreed to, and a bill ordered to be brought in.

With respect to what the gentleman had said relative to the increase of our revenue, and the additions to be expected from new duties, he would make some observations. Mr. H. admitted it was possible that the duties on imposts and tonnage might be as great this year as they were the last; but could any one say that this was to be relied upon? It was very possible that many of the merchants might not be able to pay their bonds, though the consumption might be equal to what it is at present. When the first shock of war shall have passed over, our revenue, he doubted not, would be equal to what it is at present; but by the ruin which that first shock would occasion among the merchants, it might be expected that considerable losses would be sustained by the public. But, admitting there may be a partial deficiency, the gentleman supposes it will rise again by the year 1801. He trusted, however, that the defence of the country would not be left upon a conjecture of this kind. He trusted a majority of this House were ready to meet our difficulties with firmness; if so, they will negative the amendment. The tax, if thought necessary, might be limited for a number of years; but to say it should be a temporary annual tax upon the peace system, would not answer the purpose for which it was wanted.

As to the additional indirect taxes which the gentleman estimated at $350,000, he had no doubt that they would aid the revenue; but, if they would keep it at its present amount, it was all that could be expected.

Taking all these things into view, he believed it would be the truest wisdom and policy to reject this motion.

Mr. OTIS wished to inquire of his colleague, before he proceeded to make any observations, whether he would consent to withdraw his motion, and admit of another in its place; but as he did not see him in his place, he would state what his proposition was. He supposed it was the object of his colleague to prevent the tax from being permanent. He knew that gentleman too well to believe he wished to render the tax futile. He proposed, therefore, instead of this amendment, to retain the word "annually," and to add "until all loans that may be authorized by law on the credit of such tax be reimbursed."

If the motion of his colleague was negatived, or withdrawn, he would make this motion. He hoped the motion of his colleague would not obtain; if it did, we should never be able to raise one-fourth part of the sum proposed, until it was too late to apply the money to the object intended. Gentlemen seemed to be of opinion that these two millions were not to be obtained before they could be raised by the proposed tax. He was of a far different opinion. He supposed the occasion for expense might have ceased before any of that money came into the Treasury, and that our immediate wants could only be supplied by loans; and surely no gentleman, who was seriously of opinion that this money was wanted, could reconcile it to himself to vote for the present amendment.

This idea of his, Mr. O. said, that money could not be obtained on loan, except a permanent tax was laid, was not singular to himself. He had inquired of several merchants of this city who were connected with banks, who say that they, and all other men, will be unwilling to lend their money on a tax restricted as this is proposed to be. He did not suppose Government would be able to borrow more than $500,000 upon this tax, if thus passed; which, from its novel and complicated nature, might create discontent in the people, and become odious to them. For, though he did not himself apprehend that this would be the case, yet men who had to lend money would suppose all these things, and make their conditions accordingly. But, if the amendment which he wished to substitute was adopted, every object of his colleague, he apprehended, would be secured, and the funds would be pledged until the money borrowed was repaid.

Soon after the late despatches from our Ministers were read to this House, and the common sense of the community was convinced of the necessity there was for immediately going into measures of defence, speaking of the agreeable unanimity which seemed to prevail in the House, it was prophesied to him, by men who had been much longer in this body than himself, that, notwithstanding all this appearance, yet certain gentlemen in the House would take care so to embarrass the detail of the business, that they might just as well have refused

to assent to the principle. [Mr. DANA hoped these remarks were not meant to apply to the mover of the present proposition.] Mr. O. said he felt some difficulty in speaking on this subject, from the motion coming from the quarter whence it came; but he trusted his friend would not apply these remarks to himself. [Mr. VENABLE hoped the gentleman did not mean to insinuate that any gentleman was actuated by inproper motives. The SPEAKER said it was improper to speak of motives.] Mr. O. added, that his object was to show that the opposition made to this tax would have nearly the same effect as voting against it in the first instance; for he doubted whether a shilling could be got upon it, if passed in this way. Perhaps many wish that this should be the case; they may think the money is not wanted. If there was any wisdom in thus acting, he could not see it, and therefore could not give gentlemen that credit for their actions which they may think they deserve. Mr. O. expressed his astonishment that gentlemen who were two or three years ago in favor of a land tax, should now be wholly opposed to it. He also added that he had heard another prophecy, which was, that many gentlemen who were always averse to a land tax would not now agree to it, but attempt to defeat it, however willing they were to go into measures of defence for the country, when those measares were unconnected with the raising of money. He hoped this would not come true.

Mr. R. WILLIAMS observed, it was a fortunate circumstance that the present motion was made by the gentleman from Massachusetts, though, even that circumstance could not secure gentlemen from abuse; for, though his friends cannot but allow the mover's motives are pure, yet they have imputed the worst views to those who support it.

For his part, he could not see how the principle of defence could be connected with the present motion, which went merely to limit the duration of the tax. Could gentlemen suppose, for a moment, that Congress would not always be willing to renew this law while the necessities of the country required it? He had always been in favor of limiting revenue laws; he wished all taxes upon the people to be kept in force only by the consent of all the branches of the Government, and this could only be done by this means.

But there seems to be something more intended by this law than is apparent. It was said that our present situation requires this tax; but when a motion is made to limit the law, gentlemen say it is to go further. [Mr. HARPER said, the gentleman was mistaken; he was willing the law should expire when our necessities should no longer remain.] Mr. W. said, he knew the gentleman talked both ways. He argued upon the necessity of making the tax permanent, in order to obtain loans upon it, at the same time that he concluded with saying it might be limited. The House had been told, also, by the gentleman from Maryland, (Mr. S. SMITH.) that whilst the enthusiasm of the people was alive, this tax might be laid, and money borrowed. Mr. W. hoped no improper advantage would be taken of this enthusiasm.

The gentleman from South Carolina (Mr. HARPER) has, as is usual with him, consumed one-half of his speech in censuring the conduct of members of this House, because they do not agree with him in opinion as to what is the proper defence of this country, and in recounting what France has done in Europe.

As to what that gentleman had said with respect to motives, he believed every gentleman had a right to deliver his sentiments freely, without being subject to the lash of that gentleman, or any other. How could it be fairly argued, because gentlemen desired to limit the duration of this law, that they were unwilling to defend their country? No such conclusion could be drawn. He believed the people of this country would always be found ready to defend themselves, as far as their own interests and the interests of the country required; but not to defend other nations. The gentleman from South Carolina never spoke on the subject of defence, but he went into Europe, to tell the House what was going on there. He thought enough had been said on this subject.

The gentleman had talked much of national honor and national dignity; but he wished him to recollect that national honor and national dignity was national interest. But the dignity and honor, which were too often spoken of, were mere phantoms; and what is looked upon as disgraceful in one country, may be looked upon as honorable in another. But the dignity and honor which he spoke of was the same in all countries; it was the interest of the people. He believed that some gentlemen would even account it honorable to go into Europe, and endeavor to raise up all the crowned heads which had fallen in the course of the present war. He liked no such honor.

The gentleman from South Carolina has not only to-day, but often, reprobated the idea of introducing calculation into our debates when measures of defence have been under consideration; whereas it appeared to himself the true ground upon which they ought to act. He believed, if nations in general were to sit down and count the cost before they went to war, one-half the blood and treasure which are now caused to flow, would in such case be spared. Wherever a nation was about to enter into a war to support its rights without its jurisdiction, it was perfectly right to sit down and calculate the expense of doing it; he agreed, when a country was attacked upon its own territory, that was not the time to talk about expense. It appeared to him, in such a situation, our defence would not so much consist of money as of individual exertion. In his opinion, free men fought for liberty, and slaves for money.

The House was told, that if this money was not wanted, it would be safe in the Treasury, or applied to the reduction of the public debt; but he believed it would not be in the power of the gentleman from South Carolina to convince him, or the people of this country, that the money will not remain as safe in the pockets of the people, until it is wanted, as in the Treasury. He believed the willingness of the people to give the money when it is wanted cannot be questioned; and if that gentleman had all the reliance upon the people which

he pretends to have, he would not wish to take their money when he was not certain it would be wanted.

If this land-tax was to become a permanent tax in time of peace, what must be resorted to in case of war? Every session recourse had been had to new duties. Some exigency or other had always called for an increase of taxes; so that we have got excise laws, a salt-tax, a stamp-tax, and a variety of others, without the national debt being in any considerable degree diminished; and now, in an apprehension of danger, when a land-tax is to be resorted to, gentlemen are not willing it should cease when the occasion which calls for it ceases.

It was even said, that to limit this law, would show a degraded and colonial spirit. It was the first time he ever heard such an effect ascribed to the limitation of a revenue law. But gentlemen say, the law can at any time be repealed. It is not, however, so easy to repeal a law as to make it. Though this branch might consent to repeal it, the other might not; or if the two Houses concurred, the President might not. The consent of all was necessary.

As to our late despatches, containing the conversations of X, Y, and Z, which gentlemen seemed so much to rely upon, he confessed his opinions had not been at all changed by them. He believed, before they were communicated, that this country had been greatly injured by France, and he was not ready to take any step now that he was not ready to take before. He believed that he, and and others who voted with him, should be as willing to defend the country, in case of danger, as those gentlemen who are continually raising up military phantoms for the purpose of knocking them down again. He hoped the amendment would be agreed to.

A motion was made and carried to adjourn, without the question being taken.

MONDAY, May 7.

Mr. DAVIS laid the following resolution upon the table:

"*Resolved*, That the number of troops in the service of the United States on the Military Establishment, be so increased, that, including the troops now in actual service, the regiment of Artillerists and Engineers, to be raised under an act of Congress, passed the present session, it shall amount to ten thousand officers, non-commissioned officers, and privates, inclusive."

PRESENTS TO MINISTERS.

Mr. PINCKNEY said, he rose to request leave to withdraw the resolution which had yesterday been laid upon the table by his colleague, Mr. HARPER, without his knowledge, respecting a business which had already been decided relative to himself, as it was founded upon a ground which was at least doubtful, and he thought out of order.

The SPEAKER interrupted Mr. P. to say that he would save him the trouble of any farther observations, by saying that he deemed the motion out of order.

Mr. PINCKNEY hoped, notwithstanding, he should be permitted to make a few remarks on the subject.

The SPEAKER replied, that any remarks upon a business already decided would not be in order, and could not be admitted without general consent. A pretty general cry of "I hope the gentleman will be permitted to proceed," being heard, Mr. PINCKNEY went on.

He said, it was with reluctance he took up the time of the House a moment in a matter relating to himself, particularly at present, when so much important business pressed for consideration; but he wished to state his reasons for wishing this motion to be withdrawn, lest it should seem to have been brought forward by his consent. He was grateful for the good intentions of his colleague, because he doubtless thought the vote which had passed on the preceding day might cast some imputation upon his, Mr. P's, character. But he also wished it to be withdrawn, because it was founded on at least a doubtful suggestion, viz: that it is not customary for the United States to make presents to foreign Ministers leaving this country. He believed it was customary to do so. But another reason for wishing it to be withdrawn was, that the discussion of it might not subject him to a species of trial as to his public conduct, in which he should not be at liberty to make his defence. He should never shrink from any authorized investigation of his conduct; but he should wish to avoid any unauthorized proceeding of that kind.

But his principal reason for troubling the House was to assign his reasons for addressing a letter to Congress on this subject, apparently of so trifling a nature. With respect to the present offered to him by the Court of Spain, it would have been improper for him, under any construction of the Constitution, to have received it, as he was at that time also Minister to Great Britain. Upon this ground it was that he wrote to the Spanish Minister declining the acceptance of the present offered to him from that Court, except he should obtain leave of Congress to do so. This being the case, whatever might have been the propriety of accepting of the present offered to him by the Court of Great Britain, there would have been at least an appearance of inconsistency to have received a present from one Court, and not from the other. He therefore gave the same answer to both.

This he hoped would account satisfactorily for having troubled Congress with any application on this subject. It was from a respect which he thought due to the Court of Spain, from the favorable treatment he had received from them, and being fully satisfied with all their conduct towards him, that he thought it proper to make the application. The other, respecting Great Britain, was involved with it.

Mr. P. said, he did apprehend there would have been a propriety in this House, at the time they rejected the resolution sent from the Senate, to have assigned a reason why they did so. He would say why he thought so. He thought the Constitution expressly allows, that, in some cases, presents may be received from a foreign Power, but that the power of deciding upon this shall be left in the hands of the Legislature, as a check upon

officers that they may not improperly receive any present from a foreign Power. But, considering this power to have been intended as a check upon the improper conduct of officers, it must strike the minds of the public when they are told that an officer was refused this privilege, that he had not done his duty, especially if the refusal was unqualified, and unaccompanied with any reason for the refusal, and that the refusal was intended as a censure upon his conduct.

It was in this point of view, that he conceived the conduct of the person to whom this privilege was refused, was implicated, without an opportunity of being heard in his defence. He should be far from wishing any resolution to be entered into approving of his conduct; but there was a great distinction between approving and disapproving; between censure and applause; and although he did not desire applause, he could have wished to have avoided censure. All that he wished had been done was, that the House should have stated something of this kind, "deeming it improper that the diplomatic agents of the United States should receive a present from any foreign Prince or State, the request cannot be complied with;" as, without this, the natural inference must be, that there has been some misbehaviour in the officer, or the usual privilege would not have been refused. He called it usual, because whenever it had heretofore been applied for, it had been invariably granted, and the rejection of the resolution from the Senate, must, therefore, be looked upon as establishing an imputation upon his character. It was saying to the world, "Every other person in a similar situation, has been permitted to accept of these presents, but you, and you alone are an exception; you cannot receive them." Such a person may have been worthy of condemnation; he may have betrayed the interest of his country; but it was injustice to that person to condemn him without a trial.

Mr. P. said, he thought it necessary, in justice to himself, to make these observations before the House, from a regard which he felt, in common with other gentlemen, for his reputation—more particularly as this matter would appear upon the Journals of the House, and might not only reflect upon himself, but upon his children after him; they might be pointed at by the finger of scorn, as the offspring of a man who had betrayed the interests of his country. It was under the impression of these ideas that he had been led to trouble the House, and he trusted he should stand excused for having done so.

Mr. McDOWELL rose, but was prevented from speaking by the Speaker, who declared that nothing more could be admitted on a subject which was not before the House.

Mr. HARPER rose. He was also checked by the Speaker, but not before he had declared he brought forward the motion in question without the knowledge of his colleague.

ADDITIONAL REVENUE.

The House then proceeded to the order of the day, when the SPEAKER having stated the question to be to strike out the word *annually* in the first resolution,

Mr. D. FOSTER rose, and observed that, for a justification of himself to those who knew him, he need not declare that the motion, which had caused so much agitation, was made with good intentions; that it was not designed to embarrass the measures of Government, or with a view to prevent a provision of revenues adequate to the present or probable future exigencies; or from any reluctance on his part to concur in every measure requisite for an effectual defence of our country. To the uniform tenor of his conduct, on all occasions, since he had the honor of a seat in this House, he would cheerfully appeal. Those with whom he associated knew that nothing was more dear to his heart than the honor, the dignity, the liberty, and the independence of his country. He did not, therefore, consider many of the remarks which had been made on this subject, as applicable to himself, nor should he take any measures whatever to repel them. If his friends intended he should make a personal application, their object was lost. Alike indifferent to censure as applause, when unmerited, he had ever done, and, as far as he could be informed, he would continue to do, what, at the time, appeared to be his duty.

He was as deeply impressed as any gentleman of this House could be, with a sense of the necessity and importance of sufficient and productive sources of revenue. Measures for defence must be expensive; without the means to carry them into effect, all our acts and resolutions are vain and futile.

Protection to our commerce, defence to our frontiers and seacoasts, security to our rights as a nation, energy and respectability to the operations of Government, are not to be obtained without money, and if the present revenues are not sufficient, more must undoubtedly be provided.

Mr. F. further observed, that he had ever entertained the hope that, unless in case of an actual invasion, the assessment of a land tax, for the support of the measures of this Government, might be avoided. That is the only remaining resource of some of the State Governments. The one to which he belonged could resort to no other for the payment of its civil list and to discharge a considerable debt which it has contracted, and which has not been provided for by the General Government. Still, however, if the circumstances of our country are such as to require a temporary supply from that quarter, the people will not object against a payment. They will submit to the inconvenience with cheerfulness, so long as it shall be found to be necessary; but they will not feel satisfied to see a permanent land tax imposed, when other means, less oppressive in their effects, and less expensive in their collection, may be substituted. Such, he believed, might be devised, and if they could not be brought immediately into operation, they might be organized in a short period. Additional duties of excise, stamps, and impost, in some instances, would, in his view, be preferable to a permanent system of direct taxation. Another measure, which appeared to him

to merit the serious attention of Congress, and of the people throughout the United States, is, an alteration of the Constitution in such manner that Congress may be authorized to levy uniform duties or taxes on exports. This might be made a very productive source of revenue, to be levied in such a manner as to draw the principal part, if not the whole, of the tax from foreigners, without the least injury or inconvenience to our own citizens; but time will be requisite to mature measures of this kind. He had not such an antipathy to the idea of a direct tax, but he was willing to look at the subject, and examine it with candor.

Although he did not mean to pledge himself that he would vote for it, he should be glad to see a bill before the House, that opportunity might be given to examine the subject in detail. Since the motion he had submitted had been thought so exceptionable, he was willing for the present to modify it. If gentlemen would concur with him in a substitute, he would withdraw the motion to strike out the word "annually," and propose to add, as an amendment at the end of the resolution, the following words:

"To be collected for a term not exceeding — years; provided the Legislature of the United States shall at all times be at full liberty to substitute other duties or taxes of equal value in lieu thereof, for the purpose of discharging any debts or loans which may be contracted on the credit of said tax."

Mr. HARPER rose to second the motion, because it concurred with his ideas on the subject, that the revenues ought to be commensurate with the debt incurred. He need not repeat, he said, that he had always been opposed to a land tax, except in the case of a war, or of preparation for war; but he now believed it necessary.

Mr. MACON hoped this motion would not prevail. In the State from which he came, they had an annual land tax, and found no inconvenience from its being annual. He had no idea of a permanent tax on land, as all the State Governments collected their revenues from this source, or from a capitation tax, every other object having been seized upon by the United States. The idea of the tax being laid for a number of years, would make it more unpopular than anything else. All our revenue laws are temporary. But it was said it was necessary that this tax should be permanent, in order to obtain loans upon it. He believed loans might very well be obtained upon it, though it were passed annually; for certainly those who loaned the Government money would have so much confidence in it as to believe that it would pay all its contracts fairly and honorably. He did not believe that all the money appropriated could be expended before the next session of Congress. Besides, there is a surplus million in the Treasury, ready for any purpose which the Executive may think proper to apply it to.

It appeared to him, as it did to the gentleman from Massachusetts, that there might be other articles of taxation fixed upon. Several other articles might be excised. A tax might be laid upon all mahogany furniture, all furniture made of imported materials, all looking glasses above a certain size, watches of all kinds, plate and plated furniture, prints, umbrellas; another description of carriages, viz: those with plated mountings, might be made to pay a higher duty than others; American ale, beer, and porter, might also be excised, and a higher duty put upon such as are imported; hair powder would also be a fit object of taxation. He thought it one of the best British taxes, and as we had some of the worst, we might as well have it. All these articles were used by persons who could very well afford to pay the tax. If any mode could be devised of raising money, exclusively of a land tax and a stamp tax, he should have been glad. If we were engaged in war, we should have distress enough, and a land tax ought to be our last resource. Congress might go on and have the property assessed, without laying any tax. He did not believe this would make any difference, as he doubted whether the assessment could be made before the next session.

But it had been said, advantage ought to be taken of the present moment to get this tax. The same thing was said with respect to the Navy. He did not think it necessary to take advantage of the present enthusiasm of the people to collect a tax; the people would always obey the laws.

The gentleman from Massachusetts (Mr. OTIS) had said, that his friends had prophesied to him that there would be opposition when the subject of ways and means came before the House. He might also have heard him (Mr. M.) say the same thing; and it now appeared that many who were ready to vote for expenses, were now amongst the most backward in providing revenue. The House had heard an elegant oration from the gentleman from South Carolina, and much said about France, with which he believed we had nothing to do. He wished they might be left to manage their own concerns, and suffer us to take care of our own. He hoped this amendment would be negatived, that the law might be negatived.

Mr. GALLATIN considered the discussion of this amendment, as a continuation of the discussion of Saturday last; the only difference between the two questions was, that what was then an affirmative, is now a negative position; and those in favor of that, must, of course, be against this. For the original motion of the gentleman from Massachusetts (Mr. D. FOSTER) was, that the tax should be laid for one year, and not for a number of years, which implied that it could not be pledged for a permanent loan; but on this day, the same gentleman has perfectly changed his ground, for his motion now establishes both principles, viz: that it shall be laid for a number of years, and that it may be pledged for a permanent loan. He did not wonder, therefore, that the gentleman from South Carolina (Mr. HARPER) seconded his motion.

There could only be two reasons, Mr. G. said, why such an amendment should obtain, viz: that our permanent expenses will be such as to render a permanent tax of this kind necessary, or else

that some temporary expense is contemplated far greater than has been voted. Neither of these principles were proved either by the gentleman from South Carolina or the gentleman from Massachusetts.

But the gentleman from South Carolina (Mr. HARPER) instead of argument, took a mode which he has more than once resorted to, of giving the House some violent general declamation about invasion, the fate of Venice, divisions at home, weakness, &c., which would apply to everything and nothing. This had been the theme of the gentleman upon every occasion and upon every question, from the repeal of the stamp act and the foreign intercourse bill to the present one; it was his general ground, and, in his opinion, did not on this occasion require any answer; nor could he complain of the manner in which he had treated him, as he had divided his abuse pretty impartially between his friend from Massachusetts and himself. He had said that it was his (Mr. G.'s) object to oppose everything which went to the defence of the country, and that he had too good an opinion of his understanding not to believe that he was sensible that would be the effect of the motion; but as he did not believe the gentleman from Massachusetts made the motion with this view, of course, he must believe that it was for the want of understanding that that gentleman did not see the effect of his motion.

For without attempting to reply to anything of that kind, and believing that his motives and the understanding of the gentleman from Massachusetts stood on as good ground, at least, as the gentleman from South Carolina, and did not stand in need of any defence, he should proceed to examine that part of his speech which verged a little towards argument.

That gentleman had said, that there will be much greater expense to be met, than is at present voted. But was it not a very uncommon thing to vote money to pay an expense before the expense was authorized? Nay, he believed that the expenses already authorized could not all be incurred in one year. But, supposing the whole of the money could be expended during this year, the tax for one year would be sufficient for the whole amount of the expense authorized.

It was a perfectly novel doctrine to attempt to prejudge questions, to say there are other measures which may be voted in the affirmative; we shall want so much for this and that object; and, therefore, it will be necessary to make the tax permanent, was a curious way of arguing. When an expense was about to be incurred, it always became a consideration whether the means could be conveniently found, but he never knew the possibility of expense made an argument in favor of raising new taxes, before it was actually decided that the expense should take place.

He confessed he did not entertain those fears which the gentleman from South Carolina had expressed, with respect to this country being subjugated or invaded; nor did he apprehend the divisions at home which he had spoken of. The necessity of a standing army was the only ground upon which a calculation of any considerable additional expense could be formed; the House having done all they thought necessary for the Navy, fortifications, arms, and galleys; so that there now remains nothing, except an additional or a provisional army, that can require additional expenses.

He did not, however, consider that subject before the House, nor did he believe that any measure of that kind was necessary, except in case of actual invasion. He did not mean by invasion, any depredatory incursions upon our territory, which the militia would be fully able to meet, but an invasion by a regular army; for, in no other case would a regular force be wanted. He was not afraid of an invasion of the country, because he had full confidence in the spirit of the people, in the militia of the country, whose spirit and strength were perfectly known abroad; and, because he knew that the great maritime exertion necessary to transport any considerable force to this country, and the distance at which we are situate from Europe, renders the idea of invasion of any serious kind altogether ridiculous. He was not afraid of France manning her gun-boats to come to this country. He looked upon the whole as a bugbear. He wished our situation to be really and fairly appreciated; but he did not wish to give currency to imaginary fears. The truth, without exaggeration, ought to be known. If an invasion was not apprehended, he saw no reason why the tax should be permanent.

But it was said, and the present amendment recognised the idea, that this tax was wanted as a pledge for a loan. It must either be wanted for anticipations, or for a permanent loan. He would not have made the distinction, had not the gentleman from Massachusetts (Mr. OTIS) said, except this tax was made permanent, anticipations could not be got upon it. This was an extraordinary assertion; for anticipations are only a sum of money equal to the amount of a tax, and advanced to Government before the tax is collected, and therefore it would not be necessary to lay this tax for two or three years to secure the repayment of an anticipation equal to the amount of the tax for one year. If the Bank of the United States was not able or willing to lend the Government two millions of dollars, they would not do it even if the tax was laid for several years. In England, the land tax is laid yearly, yet the Bank of England constantly, and every year, lends by anticipation to Government its annual amount. But, in order to enable the Government to make permanent loans, it was alleged this tax must be permanent. If a permanent tax of two millions was necessary, he wished to know to what amount it was intended to borrow money? A permanent tax to this amount, would, as had been stated by the gentleman from Maryland, be a security for ten or fifteen millions of dollars, leaving a sinking fund of one million of dollars a year for its repayment. And unless a sum of money to this extent was wanted, there would be no necessity to pledge this tax. Indeed, if the money was wanted for a provisional army, or an auxiliary army,

the expense of which was calculated at eight millions for the first year, the arguments of gentlemen were perfectly inapplicable. We do not stand in need of a land tax on which to bottom a loan to that amount. It is well known that there is a surplus million in our revenue, and will not that be a sufficient pledge upon which to bottom a loan for that purpose? No longer ago than last session a revenue of $200,000 on stamps was voted for the purpose of a fund to raise a loan upon for the expenses of last session; but the loan had not been obtained, the expenses of last session had been defrayed out of the current revenues; that fund was now liberated, and was a pledge upon which a loan might be obtained.

It did not appear to be either prudent or politic, to pledge in this manner every revenue of the Union. If the land tax was to be pledged for a number of years, what would be our situation next year, if involved in war? If this last resource was pledged, he knew not what gentlemen would apply to in future necessities. Great Britain has never, to this day, pledged her land tax, amidst all her embarrassments.

But it was said, that it may be proper to render this tax permanent to a certain degree, as any overplus may go to the discharge of the public debt. And here he was charged with inconsistency, because, two years ago, he was in favor of a land tax. It was extraordinary, because other gentlemen had changed their ground, they should charge him with having changed his. Are not gentlemen who were against a land tax two years ago, and who are now for it, so, because circumstances have changed? He was in favor of a land tax then, because the revenue was not so great as at present, and he therefore changed his opinion with the circumstances. Look at the documents on the table, and it would be found that, two years ago, the duties arising from impost and tonnage were only $5,800,000. At that time he was in favor of a land tax of $1,200,000 in order to raise the revenue up to seven millions. At present the revenue from imposts and tonnage alone is $7,549,649; that item alone gives an additional revenue larger by $500,000 than what he was desirous to obtain, and the necessity for a land tax was done away. It was most extraordinary that, because he wished to substitute a land tax for the excise, salt tax, stamps, and additional impost duties, now when all these had taken place that gentlemen should insist that he must still be in favor of a permanent land tax. He had not been in favor of a land tax, from a predilection for taxes generally; for he thought they were all attended with inconveniences; but he had been in favor of a land tax, because additional revenue was then necessary, and because he preferred that mode of taxation to the others. But, now that these other taxes had been preferred, and laid by Congress, in opposition to his own opinion, and now that the additional revenue had been procured by those means, he had no wish to lay a permanent land tax in addition to the others. But he was called upon to vote in favor of this bill, because he had heretofore called the public debt a curse, as a part of this tax might go to pay off that debt; and, in order to be consistent, he ought to support it.

It was true, that he considered the public debt as a curse—as a great evil—and no gentleman on that floor, when he considered that three or four millions of dollars a year were paid for the interest and partial instalments of the debt, but must be convinced our situation would be more eligible if we were without that debt. Yet, though he called it a curse, he wished it to be honorably paid, with all due convenience; but, whenever he had a favorite object, he did not rush forward with it, regardless of everything else. He never proposed to pay it off at once. There would be as much evil attendant on paying it off too rapidly, as would arise from a neglect to discharge any part of it. It ought only to be paid in such a way as neither to increase the burdens of the people beyond a certain rate, nor distress the country by sending out of it too much money at a time; for it must be recollected that the greater part was owned abroad. The calculation he had made formerly, was to pay off the foreign debt in twelve years; and he believed no gentleman could think it ought to be paid in less time; and the six per cent. and deferred stock in 23 years, according to contract. With respect to the 3 per cent. stock, gentlemen should recollect that it could not be reduced in that way. It would be folly to pay 20*s.* in the pound for that debt. We have another resource which will be equal to the payment of that, viz: the land of the United States. This had been his object at all times: it was still what he contemplated; and if we do that, and keep from war, or increased expenses, there will not be much danger to be apprehended from that debt.

But it was extraordinary that gentleman should speak of reducing the public debt, on the present occasion, whilst, by the very amendment under consideration, the tax was to be rendered permanent for the sole purpose of pledging it for a loan and of increasing the public debt. Gentlemen are not willing to vote for it from year to year, because they wish to go further into the funding system. They want a tax as a pledge upon which to borrow money, and yet talk of paying off the old debt. If that tax should neither be wanted to support an additional army, nor as a pledge for a loan, nor as a fund to meet the permanent expenses of the Union after the year 1800, from past experience he had no desire to increase our revenue beyond our wants. He had already stated that the present revenue is sufficient for the present expenses, and to pay off the debt within as short a time as it would be desirable to pay it off; and he could not think it desirable, therefore, to extend the tax further than from year to year.

Gentlemen tell others that the tax may be at any time repealed, if it should not be wanted; but, from what he had seen heretofore, he chose rather to leave the power in that House of continuing it or not. He had never seen any propositions succeed for repealing a tax; on the contrary, as our revenue increases, our expenses are made to keep pace with them. A new regiment, or a few additional frigates, or some new establishment, will at

any time consume any surplus of revenue which may be on hand. This had heretofore been the practice of this Government, and he expected it would continue to be so. Indeed, it was the tendency of all Governments. It was the tendency of man: when a person grows rich, he looks out for objects of expense, on which to employ his superfluous wealth. He wished, therefore, in order to prevent this extension of expense, without necessity, to confine the taxes and the revenue to the expense already created.

Mr. G. said, he would not enter into the detail of what the gentleman from South Carolina called mistakes in his statements, because the documents were on the table, and any gentleman might resort to them; and, besides, all these supposed mistakes did not, according to the gentleman from South Carolina himself, amount to one million of dollars; and, according to the calculation which had been made, there would be more than that to spare to cover any mistakes whatever. He did not think it necessary, therefore, to detain the House with it; but he would only refer to the report of the Committee of Ways and Means, made two years ago, in support of the correctness of his assertion that eight hundred thousand dollars a year were sufficient to pay the whole of the Dutch debt in twelve years.

Mr. G. concluded, by saying, that if the gentleman from Massachusetts had merely withdrawn his amendment, leaving it to be determined, when the bill came, whether or not the tax should be limited in its duration, he should not have objected to that course; because, by the time the bill was before the House, it will have been determined whether or not a provisional army is to be raised, or an augmentation made to our present force. It would then have been time enough to have introduced the present principle, and he supposed simply to have withdrawn the amendment would have satisfied the gentleman's friends. This not having been the case, he trusted the present motion would be negatived.

Mr. HARPER could not help congratulating the gentleman from Pennsylvania on his mode of dividing the censure which he stated him to have cast upon himself and the gentleman from Massachusetts, by making him (Mr. H.) to say that he (Mr. G.) was wanting in principle, and the gentleman from Massachusetts in sense. If he thought this a fair division he was satisfied. But he could assure him he meant to make no such division. His observations went to show that the system of the gentleman from Pennsylvania had been opposed to every measure of defence; that he thought it much better to make no defence than to increase our expenses. He did not inquire into his motives, nor should he ever do so; he believed they were sufficiently obvious. But, taking the motion of his friend from Massachusetts as promoting his views, he was not surprised at the eagerness with which he rose in its support. He did say, knowing the disposition of the gentleman from Massachusetts to be in favor of measures of defence, that this motion went to destroy the system which he had supported; but, because a man may overlook the tendency of a motion, does it follow that he is a blockhead? Certainly not.

The foundation of the speech of the gentleman from Pennsylvania was laid on the supposition that there could be no increase of expense in our Government, except from the raising of a provisional army, or an increase of the present army. But is this a true state of the fact? Were the 80,000 militia ordered to be held in readiness to produce no expense? The gentleman had all along spoken of militia as if they could be called into service without expense. Did not he know, that when they were called out, there would be the expense of camps, tents, pay, and all the expenses of a regular army, except the enlistment and bounty paid to soldiers? So that he could not see any great difference in expense between calling out the militia, or raising an army, except in the article of bounty, as he had mentioned. He therefore apprehended that the calling of these militia into service miget be attended with an expense of twenty millions of dollars; and the President may, next week, if he thinks proper, call any number of them into service.

The next argument of the gentleman is equally fallacious. Admitting that Government may have occasion for loans, yet the surplus million of revenue in the Treasury would be a sufficient bottom for them. But was it certain that we should have no other expenses besides that of providing for additional military force? Could it be said no more money would be wanted under the 6th article of the British Treaty? He recollected, when that subject was under debate, that a gentleman from Virginia had said, it would produce an expense of fifteen millions of dollars. He never believed any such sum would be wanted. $300,000 had already been appropriated, and he supposed the whole expense might amount to between two and three millions.

And yet the gentleman from Pennsylvania was willing the revenue of the country should depend upon its present (in case of war) uncertain resources. And this was the basis to be offered to moneyed men as a security for their money. It was in vain to say how much more than the two millions would be wanted. He believed it was the intention to fill the blank in this amendment with two or three years, and then, if we have not occasion to incur any extraordinary expense, or make any heavy loans, the tax would come to an end. But, suppose this amendment is rejected, and the bill is confined to one year's duration, it will in a great measure defeat the purpose of the bill.

As to the declaration which the gentleman from Pennsylvania stated him as using, he would assure him that he would not cease to call the attention of the House to the dangers of the country; and though he might continue to administer anodynes as much as he pleased, he would be doomed to hear him, whilst he was a member of that House, warn them against the effects of his soporifics. Mr. H. again adverted to the situation of Europe, and to the probability of an attack upon this country, which he said the gentleman from Pennsylvania might call declamation, but which he called

truth. He hoped, however, the attack would not be made; and if not, the expense would not be incurred. If the law passed with a principle similar to this amendment, he believed a loan would soon be filled up. He knew it would be done chiefly from patriotic motives; but those who advance money will, notwithstanding, expect to have a solid hope of a reimbursement of their money; and if this should be refused, the country would be left defenceless for want of pecuniary resources. This, he supposed, would be bad economy; and he could not help entering his protest against this system, whatever may be the motives which lead to it.

Mr. FINDLEY said, it was admitted, on all hands, that it depended on a contingency whether this tax would be wanted at all. For his own part he was under no apprehension of any formidable invasion of this country taking place before Congress meets again. If France is desirous of making conquests, there are more preferable objects to this country nearer home. The difficulties which have so long agitated Europe are not yet so far settled as to suffer France to send out any formidable force here. Let the conduct of the French Government have been as bad as it can be painted, it cannot be said that it has ever wholly lost sight of its own interest, and it would not be her interest to make an invasion of this country at this time; and, therefore, there is no necessity for going into measures as if an invading army was immediately expected amongst us.

A land-tax was with him a favorite tax. He had long wished it. He was for adopting it some time ago, and for taking advantage of a low market, to bring up the public debt. But when he came to inquire into the subject, he found that many of the States had laid direct taxes for the support of their own Government. There is now an appearance of necessity for this tax; but being a new tax under the General Government, and not likely to be very satisfactory to some parts of the Union, it would be proper to make the law of short duration. Upon Constitutional ground he was against continuing a direct tax longer than two years; every Congress ought to pass a vote upon it; but, in the present instance, he believed the law would be best if passed for one year.

But it was said this tax must be permanent, as a bottom to loans. This was expressing a distrust of future Congresses, which he thought improper. But it was asserted that neither public institutions nor moneyed citizens would lend their money on the credit of Congress, without a permanent source of revenue was provided as a security. Are gentlemen justified by experience in this opinion? He believed not. Mr. F. mentioned several instances to shew the contrary, and doubted not the same readiness would again appear in aid of Government whenever it wanted it.

Mr. F. was of opinion that if power was given to the President to raise 20,000 men as a provisional army, they could be got before the next session of Congress. Officers might be appointed, and he had no doubt they would. If these men were not raised, and any occasion should call for military service, the militia, of course, would be resorted to. But was there any reason to believe that more militia would be called out in the course of the year than one year's land tax would provide for? He could not believe there would.

He supposed every gentleman would vote according to the idea he had of the contingency which had been mentioned being likely to take place, or otherwise. Difficulties would always attend the laying of a new tax; and when it should be necessary to lay a direct tax, he would have it for some considerable sum, as the expense of collecting would be the same, whether it was for a large or a small amount. Though it might prove disagreeable to the people, they will pay it if necessary; but, said he, let it be tried for a year, and do not disgust the people by giving them an idea that they shall never get rid of the tax.

Gentlemen might again be told that they refused to provide any means of defence for the country, that this is a leaf of the same book, &c. But could it be supposed, said Mr. F., that he should mind such charges? Or was it to be credited that the people would believe that he, who had been employed in the formation of this Government, and in executing it ever since it existed, and who had risked everything to obtain it, should now refuse to support any measure which was calculated to defend it? It could not. They will not believe these aspersions.

Mr. F. concluded by observing, that if this law was passed for one year, he could confidently rely on future Congresses to renew it, if the situation of the country should require it. It would not hereafter be convenient for him to take any farther share in the public councils, but he should not distrust the wisdom and patriotism of those who might follow him; and to do away the charges continually made against himself and others, that they were not willing to defend the country, he should call the yeas and nays upon every question of defence which came before the House.

Mr. S. SMITH did not like the amendment; but he should vote for it, because, if he could not get all he wished, he would get all he could. If the blank was to be filled with two or three years, (as had been intimated,) it would not go far enough to induce moneyed men to rely upon it as a permanent security.

There seemed to be no difference of opinion as to the propriety of laying a direct tax; it only seemed to be as to the length of time which it ought to be laid. He agreed with those gentlemen who assert that money cannot be borrowed, except a permanent fund be provided. But gentlemen say, where are your expenses? Certain expenses have been agreed to, which are proposed to be met by a direct tax of two millions; but could it be supposed that the proceeds of this tax could be brought into the Treasury in less than eighteen months? They could not, and something must be done in the mean time to raise the money already voted, whether any war takes place or not. How was this to be done? By loans alone. But what inducement will there be to moneyed men to lend money, except a permanent

revenue be made the security? You hold out the credit of the United States, which has not heretofore been injured. This is true. But heretofore we have not been engaged in war; we have had nothing to impede our revenue. But if a war takes place, it is possible our revenue may suffer very materially; and Congress are about to provide a fund which, in the opinion of some, will leave no permanency, and in the opinion of others, very little. And would it not require a great degree of patriotism in gentlemen to lend twenty shillings for twenty shillings, when they can go into the market and purchase them with sixteen. The difference of opinion on this subject, he was convinced, arose from the different pursuits of the members of that House. Certain gentlemen believed moneyed men would advance money without a permanent tax as a security. He believed the contrary; for, however great a confidence they may have in the honor of future Congresses, they would wish to see this Congress do something for their security. He feared gentlemen were not in earnest when they spoke of defending the country. We have men, said he, but we want money. He did not agree with the gentleman from North Carolina, (Mr. WILLIAMS.) that slaves fought for money, and freemen only for liberty. If he commanded a regiment of militia, he believed they would expect to be paid, and he could not believe he would term them slaves. Money must be had.

The gentleman from Pennsylvania was afraid of making the revenue permanent, because, as our revenue increased, it had been usual, not to repeal our revenue laws, but to increase our expenses. Whence did he collect this information? Not from the documents on the table; for there he would find that there was an unexpended surplus of one million nine hundred thousand dollars, which were in 1797 applied by the Commissioners of the Sinking Fund to the reduction of the public debt. We have, said he, gone on decreasing our expenses. It was true, that our dispute with Algiers, and a war with the Indians, had cost a great deal of money; but when the war with the latter was at an end our expenses were decreased. And now an income of expense is asked for to repel threatened danger, and gentlemen have voted measures of defence; but now they come to touch the expense, they flinch. Men may moralize and talk about defence as much as they please, it will avail nothing without money.

But gentlemen say, before we raise money, let us wait to see whether it will be necessary. They might as well say, "let us wait till we are devoured," which would be the case if we neglected to raise money until our enemy was at the door.

But gentlemen call for a statement of expense. He would remind them that it was proposed to raise a provisional army of at least 10,000 men, which would cost four millions of dollars a year. It was also proposed that the President should have power to call out 20,000 militia to be trained, and the payment of them must be provided for. It would not be right to leave the President without money. At the time you give him the authority to raise and call out men, you must give him the means of raising money. Mr. S. said, he perhaps might feel upon this subject more than some other gentlemen, because he knew the difficulty attendant on the raising of money.

Mr. OTIS said, the gentleman last up had anticipated some of the observations which he intended to have made, but he would suggest a few remarks in favor of the present motion.

The gentleman from Pennsylvania (Mr. GALLATIN) had used arguments to show that no tax of this sort is necessary. He should not reply to any arguments of this sort, because the committee have already decided upon the quantity and principle of the tax. But, if he was under the necessity of answering such observations, he would refer to the gentleman's own book, (which, however he had not read, but meant to read,) and because the Secretary of the Treasury and the Committee of Ways and Means had recommended a direct tax as the only source which could be depended upon for a permanent revenue.

But it had been said, no invasion could be expected to take place. His opinion was, however, though the danger might not be very great, it ought to be guarded against. In a certain part of the country, at least, he believed there was considerable danger. Indeed, the House has voted considerable sums for defence, and there remains, according to the report of the Committee of Ways and Means, a balance unprovided for of $1,396,705, for the meeting of which the committee have recommended a land tax of two millions. And if the tax was voted, it ought to be voted in such a way as that the money may be raised; and he thought the gentleman from Pennsylvania had taken a greater latitude in his observations than he complained of in the gentleman from South Carolina, who had held up a picture before their eyes, of which the House ought continually to be reminded. He had already stated that this money must be borrowed, and that it could not be got, if the tax was laid in the usual way. A man who has money to lend, will not part with it without a certainty of being repaid. It had been said that it was not improbable that the enemy might make a landing in some of the Southern States. Suppose they were to do so, and keep possession of a part of the country for some time, the present tax could not be drawn from thence. Moneyed men would take such an event into their calculation, and they would act prudently in doing so, because the other parts of the country would not be liable to make up the deficiency. In such a case, the creditor would have nothing to depend upon but the faith of the Government, and he might as well depend upon that, in the first instance, as to lend his money upon an uncertain security. There would also be the expense of collection to be deducted, which he supposed would not be less than 10 per cent. Considering all these circumstances, if he was the director of a bank, or had the money to lend, he would not lend more than one million upon

this two million tax. The gentleman from Pennsylvania had said that Great Britain never mortgaged her land tax for a number of years, though he acknowledged she annually anticipated it. No man, Mr. O. said, would lend his money without considering the risk he ran in doing so, and he thought it was much less in England than in this country at this time. The principle which he wished to engraft in the bill was, that the tax should be continued until the money which had been borrowed upon it should be repaid. Not that he was in favor of a land tax. He should himself pay as large a proportion of this tax as any man whose property was not larger than his; because, of his little fortune, a greater part was in land than anything else. He was, therefore, interested in preventing the tax. If it were to pass, however, he wished it to be effectual.

Mr. VARNUM hoped the motion under consideration would be negatived. The gentleman from Maryland (Mr. S. SMITH) gave two reasons on Saturday against striking out the word annually. One was, that it was necessary the tax should have some permanency, in order that money might be borrowed upon it; and another, that it might be a substitute for indirect taxes. That gentlemen allowed, and he perfectly agreed with him in opinion, that in case of war, the defalcation in our revenue, he did not suppose, would be large, and that in our present situation he had no idea of a defalcation. If, then, a defalcation of our revenue was not to be expected, he thought he should be able to make it appear that the proposed tax is not necessary at all; and, of course, that it will not be right to pass it for more than one year. But the gentleman from Maryland says the people ought to be relieved from indirect taxes, because, for every 12½ per cent. duty, the consumer pays 27½. Does that gentleman wish, then, that the merchant should be deprived of a profit of 15 per cent. on the duties which he now pays? If so, this might be very well effected, without doing away the duty, and substituting a land tax in its place, by the merchants lowering the price of their goods 15 per cent.

But the gentleman added another reason for passing the law for a number of years, viz: that this tax might be at any time repealed. But, although this House might consent to a repeal of this tax, it was by no means certain that the other House would consent to its repeal. Indeed, it was his opinion, that if this tax was established as a permanent tax, that the people of this country would not be relieved from it for many years. Many objects, he had no doubt, would be found out by gentlemen, ever fruitful in this respect, upon which to expend any surplus which might arise from this tax.

The gentleman from South Carolina, on Saturday, brought into view our situation with respect to France, and our liableness to an attack from that nation. He alluded to the conversation which took place between our Envoys and X, Y, and Z, and thence inferred that it was probable that this country would be attacked by France. He could not say that all the propositions made by these unauthorized persons were not from the Directory; but there was no evidence of this, and therefore he could not believe it, especially as the agents themselves declared they were not. He thought, therefore, if we wished to preserve peace with France, that we ought not to be too forward in believing all which was said by X, Y, and Z, was authorized by the French Government. He hoped it would prove to be the contrary, and that when the Directory shall discover what has been done, they will punish these persons for their conduct.

The gentleman from South Carolina had frequently introduced to the view of the House the situation of Switzerland, Venice, Spain, Holland, and other countries. As to himself, he had no idea of espousing the cause of those countries; it was sufficient, in his opinion, that we defended our own. In doing this he would go as far as any man, but he did not wish to go to Venice or to Rome to fight in the cause of the Pope. What was meant by observations like these but to prepare the minds of the people for a situation of things which that gentleman expected and wished for? And if gentlemen did not come into all his views, he immediately charges them with not being willing to defend their country—with being slow to protect their wives and children. He should have supposed that men who had left their families, and fought for their country for eight years together, would now feel the necessity of defending their wives and children as much as that gentleman, who never had either.

But it appeared to him that the gentleman from South Carolina, in making the observations which he did, departed from the principle established by the Committee of Ways and Means, of which he is the chairman. They have stated that no additional revenue is wanted, except to meet the extraordinary expenses of the present session. Among these extraordinary expenses, are $340,000 for fortifications, and for the procuring of cannon, arms, and ammunition, 900,000. If the fortifications are once completed, they surely will not want completing the second time; and the appropriation for the providing cannon, arms, and ammunition, could not be considered as an annual expense, but merely as an expense for the present year. Was not this also the case with respect to the naval armament? He hoped it was not intended that $950,000 should be appropriated annually for this object. If this should hereafter be determined, Congress would of course provide the means for effecting it.

Mr. V. supposed the calculation of the amount of duty arising from imports and tonnage for the present year might very safely be taken at the actual receipts of last year, viz:

-	$7,549,649
Duties on domestic manufactures, &c. - - - - - - -	575,491
Revenue on the postage of letters -	50,000
Fees on letters patent - - -	1,400
Proceeds of that part of the Sinking Fund which consists of interest and stock purchased or redeemed - - - - -	89,457

Dividends on 2,220 shares of stock of the Bank of the United States, calculated at $32 a share - -	71,040
	8,337,037
Take from this sum the ordinary expenditure - - - - - -	6,334,111
There remains a surplus of - .-	2,002,926

But it was stated by the Secretary of the Treasury that, in consequence of the depredations committed upon our trade, there may be a deficiency of revenue in the present year; and upon this probability the Committee of Ways and Means have grounded their report. He should wish to view the subject with candor, and not deceive himself. He knew that similar observations had been made from year to year, since depredations had been committed upon our commerce by foreign nations, but he also knew that facts had shown them to be ill founded. In the year 1795, the duty arising from this source was $5,588,961; in 1796, $6,567,287; and in 1797, $7,548,649. And he had no doubt the revenue from imports and tonnage for the present year would increase in the same proportion in which it has increased for the three years past; and if so, that alone would produce upwards of eight millions and a half of dollars.

Allowing that the imports and tonnage will make - - - - -	$8,700,000
Add the additional imposts laid at the last winter session, and the salt tax of the summer session, which, at a moderate calculation, will amount to - - - - - -	600,000
The stamp tax - - - - -	200,000
To which add the various other articles of revenue mentioned above, amounting to - - - - -	787,388
Also, add the estimated increase of the internal revenue - - -	125,000
And the whole will amount to -	10,212,388
From which deduct the whole expenses of the present year, as stated by the Committee of Ways and Means, viz: - - - - -	9,808,603
And there will remain a surplus of -	$403,785

But it was probable that the revenue arising from imports and tonnage would considerably exceed the sum he had mentioned; for, according to the amount of the duties arising from the first quarter of the present year, the revenue from that source alone, would amount to ten millions of dollars, in which case the whole revenue may be estimated at $11,112,388, and would leave a surplus of $1,303,785.

If this view of the subject was correct, it appeared to him, if the proposed tax was laid at all, it ought not to be for more than one year. If gentlemen had anything in view which was not before the House, he could not speak to that. But if the United States were under the necessity of borrowing fifteen millions of dollars, there was no necessity for this tax for that purpose, as the surplus million, three hundred thousand dollars, accruing annually, was a sufficient security for the payment of the interest on a loan to that amount.

He was against continuing the tax for a longer period than one year for another reason. It was to be collected from houses, lands, and slaves. This, in the part of the country from whence he came, would operate very unjustly. In the State of Massachusetts the people pay annually for the interest of the State debt, expenses of the civil department, county and town charges, support of the poor, highway taxes, and for the support of public schools and ministers of the Gospel, a direct tax of between twelve and thirteen hundred thousand dollars. This tax is collected from polls, and from real and personal estates, with some few exceptions; and it is found that persons holding small farms there, and who have families to bring up, find it difficult to pay these taxes. This additional tax will therefore fall very heavy upon this class of people, as they will principally have to bear the burden, being wholly laid upon houses and the landed property in that quarter of the Union. No tax, therefore, could be calculated to excite so much dissatisfaction in that part of the United States as this. The people will certainly pay it, if it be laid, but they will not do it cheerfully. He should, therefore, be against laying the tax for more than one year.

The question was put and negatived—46 to 35.

Mr. D. FOSTER then renewed his motion to strike out the word "annually," which was carried, there being sixty votes for it.

The question on the amendment providing for the taking of a new census, was put and carried, there being 57 votes for it.

Mr. REED moved an amendment, which went to strike out the provision which proposes that the tax should be laid by a uniform rule through all, the States, with the view of inserting in its place the following words:

"And upon such other estates within each particular State as are taxable according to the established rule of direct taxation in each State."

The motion was negatived, there being only twenty-one votes for it.

The report was referred to the Committee of Ways and Means, to report bills accordingly.

TUESDAY, May 8.

After the reception and disposal of numerous petitions on the subject of our differences with France,

The House went into Committee of the Whole, on the bill for the relief of William Imlay, Commissioner of Loans for the State of Connecticut. The bill was agreed to without amendment, and ordered to a third reading to-morrow; which it accordingly received, and was passed.

NATURALIZATION LAW.

Mr. SEWALL called for the order of the day on the third resolution reported from the Committee

of the Whole, on the subject of aliens, and the consideration of the following amendment being resumed, viz: to add to it these words:

"Between which and the United States, there shall exist a state of declared war:"

It was agreed to; and referred to the select committee on commerce and defence, to report a bill accordingly.

The following is the resolution as amended by the House:

"*Resolved*, That provision be made, by law, for the apprehending, securing, or removing, as the case may require, of all aliens, being males, of the age of fourteen years and upwards, who shall continue to reside, or shall arrive within the United States, being natives, citizens, or subjects, of any country between which and the United States there shall exist a state of declared war, or the Government of which shall threaten, attempt, or perpetrate, any invasion or predatory incursions upon their territory, as soon as may be, after the President of the United States shall make proclamation of such event; providing, in all cases where such aliens are not chargeable with actual hostility, that the period settled by any treaty with such hostile nation, or other reasonable period, according to the usage of nations, and the duties of humanity, shall be allowed, for the departure of such aliens, with all their effects, from the territory of the United States; and excepting all cases of such aliens to whom passports or licences of residence may be granted, consistently with the public safety."

PROVISIONAL ARMY.

On motion of Mr. SEWALL, the House went into a Committee of the Whole on the bill from the Senate, with the amendments proposed by a select committee thereto, authorizing the President of the United States to raise a provisional army; when, the bill and the amendments having been read, the first amendment came under consideration, viz: to strike out the following words: "whenever he shall judge the public safety shall require the measure," and to insert, in lieu thereof, "in the event of a declaration of war against the United States, or of actual invasion of their territory by a foreign Power, or of imminent danger of such invasion, discovered, in his opinion, to exist."

Mr. GALLATIN said, if this amendment was adopted, it would prevent a motion being made to strike out the first section of the bill. This amendment would certainly make the bill better than it is at present, as it goes to define, in some measure, the cases in which the provisional army may be raised; yet, as he conceived the amendment did not go far enough, and that, under our present circumstances, it is not necessary or proper to pass this bill, he would move to strike out the first section of the bill, which would supersede the motion under consideration. He would briefly state his reasons for the motion.

He had said that the amendment removed, in some degree, the objections against the bill; but it was far from removing them altogether. He allowed the two first contingencies, viz: a declaration of war or actual invasion were definite, and therefore the Constitutional objection which lay against the bill, as to its transferring a power to the Executive which is vested by the Constitution in Congress, viz: to judge of the propriety of raising an army, does not lie against them; but the third, viz: when imminent danger of such invasion, discovered, in his opinion, to exist, is liable to the same Constitutional objection to which the original bill was liable, as it left it to the opinion of the President to decide the proper time of raising an army.

Undoubtedly, the Constitution has foreseen, that in cases of imminent danger, the United States would need a standing army, but it makes Congress the judge of this necessity; but this bill went to make the President the judge; yet he knew, if there were no other objection to this bill, the most usual course would have been to have moved to strike out the latter part of the amendment.

But he conceived it was not proper, at present, to pass this bill; he believed it would be time enough to do it when we were convinced of the existence of danger. And he did not think there were any serious apprehensions to be entertained of an invasion during the present session. The danger to be apprehended was upon our trade; but he expected no attack upon our territory beyond predatory excursions, the landing of a dangerous class of persons from the West India islands, or an attack on the coast by some detached frigates. But, in every case, short of an actual invasion by an army, he conceived the militia would not only be competent to repel the attack, but more so than a regular army. If an invasion or insurrection took place in the Southern States, where the danger seems most to be apprehended, the militia in the neighborhood would be ready, immediately, to repel or suppress it. If these could not do so, neither could a regular army. The danger to be apprehended, in case of an insurrection, or an attack of that kind, is what would take place immediately, and this could only be prevented by the militia who are on the spot; for, an army could not be supposed to be always at hand to meet any sudden emergency. He had no doubt, therefore, the militia of the country would be fully equal to its defence But if they were not, the volunteer corps of cavalry, accoutrements for which were proposed to be provided by this bill, might be called in, and would be more effectual than any other force. He thought, therefore, it would be better to negative this bill, and to adopt the regulations recommended by the select committee, in a separate bill.

If the militia was equal to the repelling of any attack, except from a regular army, it could not be apprehended that an invasion of that kind could take place during the present session. The attention of France is at present engaged on very different objects; and, if it was in their power, which he did not think it was, yet as the whole of their marine strength is engaged in a different object of much greater importance to them than the invasion of this country could be, they would not attempt it at present. This must be evident when it is recollected what a small force they have employed against the West India islands, which they wish to conquer. We do not know that the

French mean to invade this country; everything on this subject arose from apprehension, but we do know they wish to take their possessions in the West Indies, since they have made their restoration a *sine qua non* condition of peace; and we all know the force they have been able to send against them. And what does it amount to? In the course of a year two or three frigates and a few hundred men with arms. This is all the force they are able or willing to send from home. In the East Indies, where they have colonies to conquer for themselves or the Dutch, the same want of force is to be seen. It is certain that while the European war lasts, they are either unable or unwilling to make any great exertions at a distance from Europe. Indeed, if all the force they have employed out of Europe were to come against this country, it would be repulsed by the militia in any part of the country where it might make its attack. If, then, any invasion of this country is to be expected, it must take place at the conclusion of the European war; and, if it was then made, he had no doubt of our being able to repel it. But, in such case, the contingency on which the raising of this army by this bill rests, would not take place till the next session of Congress. He was not, however, under any apprehension of its taking place even at this time; and, when he said this, it was not because he differed in opinion with gentlemen as to the ambition of France, but because he thought it was neither their interest nor in their power to effect an invasion of this country. He believed the French nation to be as ambitious as the gentleman from South Carolina represented it to be, and he believed every nation intoxicated with victory as she is, and possessing power equal to her, would also be as ambitious as she is. If, said he, this country was situated as near to France as Italy and Switzerland are, and our resources were no greater than theirs, he would agree that we should be in some danger; but, situated as we are, he believed it would neither be in the power of France, nor would it be her interest if it was, to invade this country in any formidable manner.

It is not the interest of France to make an attempt to invade this country, because we have no business in the political scale or vortex of Europe. It was to increase their power in Europe that the French have taken those steps which were so often reprobated in that House; but they could have no such views in sending a force against us. And though they may not always be guided in their conduct by the principle of interest, their ambition must be limited by the extent of their power. And if, twenty years ago, when our population, and consequently our strength, was not half what it is at present, the attack of a nation whose force, as applicable to any maritime exertion and to an invasion, was greater than that of France and all her allies, and whose money resources were far superior to theirs, was not able to make an impression upon this country, it held out no flattering encouragement to France to make the attempt. He must confess he looked upon all that was said of an invasion by France as a mere *bugbear*. He did not believe any attempt would ever be made, and if it was made that the militia alone would be sufficient to repel it. Yet were there anything like certainty of such an event, he would not trust wholly in the militia, but would call the whole of our resources into motion—he would have a standing army as well as the militia.

Under these impressions, it was clear he could not vote for this bill, because it goes upon the idea of an army being necessary to meet an invasion, of which he thought there was no danger; but if there are gentlemen who are of a different opinion, who think that an invasion will take place, and, if so, that we must have an army, he would ask if it could take place without being known some time before hand? It certainly could not, as such an undertaking would not be entered upon without immense previous preparation.

What is the intention of this bill? It is, that if the President shall think danger exists, he shall begin to raise an army. When will he do this? He supposed when he first heard of preparations making for an invasion. But, in that case, Mr. G. wished to know whether the first step of the President would not be to call Congress together? Congress were called together last Spring, upon an occasion far less important, and when no imminent danger existed. When it was known that the President could convene Congress within six weeks after he was convinced the danger of an invasion existed, he submitted to the committee, whether it was proper to place the power in the hands of the President which the Constitution has placed alone in Congress, of judging when it is proper to raise an army?

Mr. G. said, the question was, whether an army of 10,000 men should be raised for six years, according to the discretion of the President, or whether Congress would reserve to itself the discretion of raising an army or not, as it shall think proper. He said six years, because, though the enlistments are only to be for three years, yet the power of enlisting was vested in the President for three years. Ten thousand men, according to the gentleman from Maryland, (Mr. SMITH,) would cost four millions dollars a year. If gentlemen really believed there was at present danger of an invasion, they would immediately order an army to be raised; but if they do not, and choose to say the President shall decide on the danger, as he conceived this to be a dereliction of duty, he could not agree to it, and therefore he wished to destroy the bill.

Mr. SEWALL said, the gentleman from Pennsylvania had grounded his motion on the unconstitutionality and inexpediency of the present bill. If it is inexpedient, it is of little consequence whether it be Constitutional or not; and if it is unconstitutional, however expedient it may be, certainly the bill ought not to pass.

The Constitution appeared to him so plain on this subject, that he knew not how it could have been conceived that this bill was unconstitutional. To say that this bill is unconstitutional, would be to say that Congress are unable to provide, by an-

ticipation, for the public defence; yet measures have been passed upon a different principle, which that gentleman thought right. Mr. S. referred to the law establishing the military corps, in which the President was authorized to suspend enlistments, if he thought it necessary. There were a variety of other instances, he said, but he could only mention one more. It was the law respecting galleys, passed this session, where the President had the power given him to provide them or not, which was exactly the same kind of power now proposed to be given to the President.

He believed every gentleman who attended to the Constitution, and to the manner in which it had been acted upon, could have no doubt upon the subject. In a variety of cases, Congress did not exercise their Constitutional powers themselves; they were frequently obliged to authorize the President to act for them. And in this case, nothing more is intended to be done than to authorize the President to raise an army, in case of certain contingencies happening, viz: in case of a declaration of war, of actual invasion, or of immediate danger of such invasion. But the latter power, it was said, left the raising of the new army to depend on the opinion of the President. He did not conceive this. He apprehended that the fact of the existence of imminent danger was as ascertainable as the other two. The President would have to exercise his opinion in all the three cases, but no more in the last than the first.

Mr. S. called the attention of the committee to a clause of the Constitution, where the same words were used in reference to the individual States keeping troops on foot. It is in the 2d article of the 10th section: "No State shall, without the consent of Congress, lay any duty on tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another State, or with a foreign Power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay." Every objection made to this bill, Mr. S. said, might be made to this clause of the Constitution; but it shows that the framers of the Constitution were not so nice as the gentleman from Pennsylvania appears to be. Mr. S. thought the power proposed to be vested in the President by this bill was important and proper. It was true, that by this means the President might involve the country in war before Congress could be got together; but if the event was necessary, every one must rejoice that he had this power.

The gentleman from Pennsylvania supposes there must be a knowledge of danger before any invasion can take place. This argument would have applied against expending any money on our fortifications. It might have been said there was no need of expense being laid out upon them, except we knew the enemy would make an attack in that quarter. If nothing was to be done but upon certain ground, we should never be defended. This army was not necessary, he (Mr. G.) said, because we have no actual proof of preparations being made for an invasion of the country, and because it is neither in the power, nor would it be to the interest, of France to invade us. This reasoning, Mr. S. said, might answer the purpose of quieting the minds of some people, but it was not satisfactory to him. He should himself suppose that it would not be the interest of France to attempt an invasion of this country; yet we had seen them invade and subjugate one country after another, where they had apparently as little interest to do so as they would have to come against this country. The same inducements which led France to invade most of those countries, viz: to obtain large sums of money, and other property from them, may actuate her in coming here. The army of France appear to govern the Government of that country, and the Executive Directory have, therefore an interest in getting rid of them; and if they could send a part of them to this country they would be satisfied, whatever might be their fate. If many citizens of the United States have apprehensions of this kind, and these apprehensions can be removed by a measure of this kind, which would create no expense, except the danger existed, he thought it would be a desirable object.

For his part, he should certainly be in favor of the bill; for, however distant the danger may be, it is proper that we should be prepared to meet it, if it does come. Besides, if it was known in France that the President of the United States could immediately call out 10,000 men to repel any attack which might be made, the knowledge of this fact might itself prevent an attempt being made. But he was of opinion the danger must be much more imminent than at present to authorize the raising of these men. It may be supposed that England will be under the necessity of making peace with France. If this event happens, France may perhaps employ a part of the British fleet in an attack on this country; at least, she will secure them from rendering any opposition to such an attack. By which means, she certainly might make such a lodgment of men upon our coast as would call for an army equal at least to this to repel them.

Such an establishment, Mr. S. said, would have greatly the advantage over the militia. They were out only three months at a time, and were of course continually marching and countermarching. On this account they are more expensive than regular troops. The manner in which militia are disciplined and officered, he said, were also disadvantages, and it was well known that little dependence could be had upon militia for any length of time.

Mr. S. concluded by saying, that France had at this time a very large army in force on their coast, and for aught we know it may be embodying for the purpose of coming against this country. Or suppose they were to send out a fleet to the West Indies, but instead of going there, it came forward to this country, could the President possibly know of this in time to raise the army proposed? He certainly could not. And in such a case, how much worse a situation would the country be in, if, instead of enlistment, he would have to call Congress together before he could do it. He

hoped, therefore, the bill would be passed, as, if necessity does not require it, neither will the officers be appointed, nor the men raised.

Mr. DANA observed, that the gentleman from Pennsylvania had alleged that the first section of this bill ought to be expunged, for two reasons, viz: because the bill was unconstitutional and inexpedient.

If the bill is unconstitutional, the objection is decisive. Why is it so? Because the gentleman from Pennsylvania says it transfers to the Executive a power which is expressly vested by the Constitution in Congress alone. In a former argument, that gentleman referred to the Constitution, and said that it gave to Congress the sole power of raising and supporting armies. Congress has also the power of providing for calling forth the militia, and yet they delegate that power to the President. In the one case, it is said, "Congress shall have power to raise and support armies;" in the other, "Congress shall have power to provide for calling forth the militia." If this difference amounted to anything, it was to say, that where the Constitution says Congress are to provide for doing a thing, they may delegate their power; but where the other phraseology is used, they must do the act for themselves.

He would examine this doctrine, and show it to be fallacious. Congress have the power to provide for organizing, arming, and disciplining the militia; for the punishment of counterfeiters of the securities and current coin of the United States; and to lay and collect taxes. So that, upon the principles of the gentleman from Pennsylvania, Congress must turn tax-gatherers, borrowers of money or money brokers, apprehenders of coiners, and recruiting sergeants, occupations which he believed few of the gentlemen of that House would wish to undertake, if they were in other respects fitted for the employments.

The gentleman's construction, therefore, proves too much, and is perfectly ridiculous. What, then, is the meaning of this general power placed in Congress? He believed it to be, that Congress shall define the number of troops to be raised, and the manner and the time of their service, and having done that, he believed they have done all that is necessary, the rest is to be submitted to the Executive. This principle was by no means a novel one. It had been recognised in not less than ten different acts. But it is said that these things only show that Congress ought to be careful how they fix precedents. But will the gentleman from Pennsylvania come forward, as if he were the oracle of political wisdom, the only high-priest of the Constitution, and say, that these authorities have no weight? In doing this he set at naught the wisdom of all who had preceded him. Mr. D. then enumerated the different laws in which this principle had been acted upon, and concluded by saying, that if it was not for incurring unnecessary expense, he should be in favor of calling out these men immediately; but, not wishing this, he was willing the power should be placed in the President in the manner proposed.

Mr. BRENT said, he was not in the House when the arguments of the gentleman from Pennsylvania were delivered, and was therefore only acquainted with them from the comments which had been made upon them by the two gentlemen last up, which he conceived by no means overturned them.

Two questions naturally present themselves to the mind on this occasion; the one as it respects the constitutionality of the bill, and the other as to its expediency. And it had struck him, from the first moment the subject came before the House, that the power proposed to be placed in the hands of the President by this bill, was perfectly unconstitutional; nor had he heard anything in the discussion which could induce him to change his opinion. A variety of precedents have been introduced to show that similar powers have been given in former instances. But those precedents had no influence upon him. If the acts referred to were unconstitutional, they still remain so. Error will continue to be error however frequently it is repeated.

Without examining whether the precedents which had been adduced were in point, he would leave them, and examine the question on its own merits as a Constitutional question.

The Constitution says, Congress shall have power to raise and support armies. The power is as explicit, as defined as it could be. But what is the purpose of this bill? It is to give to the President of the United States the uncontrolled right, for six years, to determine whether or not an army shall be raised. Congress, then, in whom alone the Constitution has placed the power of raising armies, will be deprived, during that time, of that power. And if Congress have the power of divesting themselves of this right, and transferring it for six years, they may do it for ten years, or for a term equal to the existence of the Constitution. But he did not believe they had the power of making this transfer.

The words in the Constitution, giving the power to Congress of declaring war, are the same with those giving them the power of raising an army; yet, if a proposition was made to transfer to the President the right of declaring war in certain contingencies, the measure would at once appear so outrageous, that it would meet with immediate opposition; but the transfer of one power would not be more unconstitutional than the other; both were vested with them, and, without a most shameful dereliction of duty, they could not divest themselves of them.

But the gentleman from Massachusetts has supposed that this objection is removed, by the exercise of the power being made to depend on certain contingencies. The thing amounts to the same, the President is to raise the army whenever, in his opinion, imminent danger of an invasion exists; therefore, the raising of it will depend upon his will, as he alone is to determine when this danger exists. And the question returns, has Congress a right to deprive themselves of this power, in order to give it to the President? To his mind, there could be no proposition more evi-

dent than that they must themselves exercise the power.

But the gentleman from Massachusetts has said, that the words of the clause in the Constitution which forbids individual States from engaging in war, are as follows: "Except in case of invasion, or imminent danger, which will admit of no delay." This, Mr. B. said, was a very different thing from the present bill. This power was a sort of self-defence, which was to be used in cases of necessity, and of which we cannot divest ourselves, in cases where the assistance of the United States could not be obtained. The power could not be abused, as no particular interest could arise from the employment of it. There was, therefore, no analogy between the two cases.

In short, from every view which he had been able to give the subject, he was decidedly of opinion that Congress ought immediately to proceed to the raising of an army, or defer it altogether until their next meeting.

Mr. B. said he had hitherto confined himself to the unconstitutionality of the measure; but, as others may differ from him in opinion in this respect, he would consider the expediency of it; and he would freely declare for himself, that if the President might be legally empowered to raise this army in the way proposed, there is no circumstance in our present situation which would induce him to raise one man. He had himself no apprehension of an invasion, and, until he saw something more threatening than at present, he should never consent to the increase of our present Military Establishment.

Gentlemen may declaim as much as they will about the incapacity of the United States to repel invasion. He believed himself that the militia of the country are equal to its defence; he believed with the gentleman from North Carolina (Mr. R. WILLIAMS) "that slaves fight for money, and freemen for liberty." He did not mean, he said, by this to cast any reflection upon hired soldiers; but he believed that freemen, possessed of everything valuable in society that liberty and good government could give, would always be ready to repel any invasion which may be attempted against them, and, until Congress can be got together, he believed our militia would be perfectly competent to our defence; for, notwithstanding what had been said with respect to the incompetency of our militia, he would say that their services in our Revolution proved the contrary. He would travel with gentlemen from the East to the South, and he was certain that the conduct of these degraded militia, during the war, might be compared with that of the regular army, without any dishonor to them.

Mr. B. said it was a very memorable circumstance, that in the argument on this subject heretofore, and in private conversation, this provisional army was always said to be wanted for the Southern parts of the Union. The Eastern States, it was observed, considered themselves as perfectly safe; but, from their fraternal affection and abundant care for their sister States, the gentlemen from those States wished to provide for the security of the Southern States. For, it is a fact that the desire for this army originates with gentlemen from the Eastward, who confess they do not want it for themselves, and the Representatives of the Southern States, generally speaking, are opposed to an establishment of this kind.

[Mr. DANA did not recollect that any gentleman had said the Eastern States were secure from invasion.]

Mr. B. said he knew that one of the most cogent reasons urged in favor of this army was, that the Southern States stood in need of them in order to quell any insurrection which might take place among the blacks in those quarters.

[Mr. SEWALL said he had made use of an expression which he believed had been misunderstood. He spoke of the militia of the Southern States as not being in so good order as those of the Eastern States, and that it would be better, therefore, for the President to have power to raise an army for the defence of those States, than that the militia should be marched from the Eastward for the purpose.]

With respect to the disorganized state of the militia to the Southward, Mr. B. believed he could speak to that point as well as the gentleman from Massachusetts, and he could say, with truth, that the militia of the State which he represented was better organized now than it was during the war, and it will be remembered that the great part of the defence of that State was then performed by the militia. There were also at that time a greater proportion of blacks than there are at this time, and the enemy with whom we had then to combat, offered as great inducement to alienate them as Victor Hugues or any other person can do. Those States, however, not only kept the blacks in subordination, but repulsed the invading enemy. He was willing to pledge his own responsibility in saying, that if the Southern States are suffered to remain as they are, they will be equal to their own defence. With respect to the disorganized state of the Southern militia, let him ask the gentleman from Massachusetts, and those who had reiterated the remarks, whether it was justified in their conduct in marching to suppress the insurrection which took place a few years ago in the western part of this State? It certainly was not, for when they were called out to carry into effect a law which was extremely obnoxious to them (he said extremely obnoxious, because none ever was more so than the Excise law to the people of Virginia) yet, notwithstanding the disorganized state of the militia of Virginia, notwithstanding they were called upon at a very short notice, they were ready sooner than the most sanguine expected them. And they were not then called upon to meet a foreign enemy, but their fellow citizens—men with whom they had fought side by side for their liberty and independence; yet, notwithstanding their disorganized state, they were capable of discerning the necessity of crushing an opposition to the execution of the laws.

As to a French invasion, and that it is necessary to have an army to prevent it, it is idle and vain to talk of it; it is a mere bugbear. Gentlemen who speak of this have surely forgotten the im-

mense ocean which happily separates us from Europe, as well as the immense militia of the country. Let us, said he, go on and make the people salutary laws; let the people experience the blessings of a good government; convince them that every civil institution is intended to promote their happiness, and you will not require a standing army either to defend the country against internal or external enemies.

The gentleman from Massachuetts apprehends that France may invade us before we expect it. Because she has a large army on her coast, he supposes she may immediately transport them to our coast, and overwhelm us with them. But when he recollects the distance there is between them and us, he must be convinced that the French have no means of transporting a large army here, except they employ balloons for the purpose. He believed the danger did not exist, nor did he believe there was any disposition in France to invade us. Even if she possesses all that spirit of domination of which gentlemen speak, she need not pass a tempestuous ocean to exercise it, as there are much more convenient situations than this country, for her purpose, nearer home. If she be not restrained by moral considerations, therefore those of convenience will be sufficiently operative.

Mr. B. concluded by saying, that there could scarcely be any situation in which he should be induced to vote for raising a standing army, as he considered standing armies as the bane and destruction of free countries, and nothing but a situation of things which would make it essentially necessary, could prevail upon him to go into the measure. Not being alarmed to the extent which some gentlemen appear to be, he was willing to let things remain as they are; for he was no more apprehensive of an invasion, than he was apprehensive of being transported before night into the moon.

Mr. OTIS observed that this bill was objected to on the ground of its unconstitutionality, as if it were intended by it to delegate the power which belongs to Congress to raise an army to the President of the United States; whereas no such thing is intended—this army will not be raised by the President, but by this House. The bill was proposed, indeed, to be passed in a form which would make the raising of the army depend upon certain contingencies, to be judged of by the President; but he believed all the three contingencies perfectly definite in their nature. And he wished to know what difference there would be between giving the President the power of raising an army, in case of a declaration of war, an invasion, or of there being imminent danger of invasion, and his calling Congress together for the purpose, in any of those events? And he would ask also whether, if it was the opinion of the President that the country was in imminent danger of being invaded, any gentleman would wish to take so much responsibility upon himself as to oppose the raising of an army?

Wherever absolute power was invested, there could be no doubt but that power might be executed upon a condition. If Congress could raise an army to-morrow, they certainly might order it to be raised in the manner proposed; as no member could ascertain the extent of danger for himself, he must in some measure depend upon the President for his information.

The gentleman last up says the precedents which had been adduced produced no effect upon his mind, as error must forever remain error; but he believed that when once a precedent was established, the consequence of doing it away ought to be considered before it is reversed. If the acts in which this principle is recognised, be declared unconstitutional, what becomes of your present Military Establishment, of your galleys, &c.? The whole laws and establishments must be dissolved. The present military force would be unconstitutional, all the money borrowed on loan would be unconstitutional, and everything done under these several laws would be null and void. If this course was to be taken, some new mode of doing business must be invented.

Suppose, if, instead of authorizing the President to raise an army, in case certain contingencies take place, Congress were immediately to order the army to be raised, might they not say that the President should have power (as they had heretofore done) of forbearing to raise them, if, in his opinion, circumstances shall have so changed as to make the army unnecessary? They certainly might, and the two powers amounted to the same thing.

Mr. O. said he should not follow gentlemen through all the remarks which they had made relative to the expediency of the present measure; but he would notice such as he thought had any weight. It was said no invasion of this country could be expected, because it was neither in the power nor was it the interest of France to invade this country. But there may be men in power in France who have an interest in it; and he should think it natural for them to conceive that they had the power, if we declined to raise any force against them. Besides, if they think they can detach one part of our country from another, and that they have here a strong party in their favor, they may invade the country, not with a veiew of conquering it, but merely for the purpose of displacing the present Administration, and of fixing another in its stead more to their taste. He did not himself think the French had the power of invading the country, nor did he think they would find it to be their interest, but perhaps they might not foresee this; and ought not a sufficient number of regular troops to be raised to give aid to the militia, and to impart to them discipline and courage? Could there be any fear that the President would raise these men, if no danger threatened the country? He did not believe that this could be apprehended.

But it was said that if the country was invaded, the militia of the country would be competent to its defence. He was surprised to hear the position advanced. He believed the militia of this country was as good as that of any other; but would any man say that militia were able to stand against veteran soldiers? Was nothing due to discipline and experience? If we were invaded,

would it be by militiamen? No; it would be by men who would laugh at the idea of being opposed by militia. Militia might fight very well for a short time; but they could not be expected to be successful against regular troops. It was vain and idle, therefore, to talk of defence, except gentlemen would concur in raising an army. If an invasion was attempted, it would be of great consequence that we should have experienced officers ready to take the field immediately.

The gentleman last up had descanted on the invidious comparisons which had been made between the militia of the Eastern and Southern States. Every opinion which he had of the Southern militia, he had gathered from gentlemen from that quarter of the country. He had been informed that out of 7,000 militia in North Carolina only 500 had arms; and when the militia bill was under consideration, he understood that the militia of that country was in a very indifferent state. And as he considered himself as much interested in the defence of the Southern as the Eastern States, all being a part of the common country whose interests he had to consider, he had as much right to consider what was necessary for the defence of those States as any other. He should be sorry to have that part of the Union overrun, and if it could be prevented by 10 or 15,000 troops, he should wish to raise them for the purpose. Not that the danger of invasion was confined to the Southern country. It was quite as likely to take place to the Eastward. The port of Newport was as likely to be attacked as any other in the Union; because if an enemy got possession of that port, they could go out and in when they liked, and extend their depredations to the Southward or Eastward at pleasure. But the gentleman from Virginia says the militia of that State did wonders in the war. He did not wish to depreciate the militia, he was one of them himself; but though the militia was very serviceable in the war, yet he did not think they were the principal defence of the Southern country; they sometimes fought well, but they also sometimes ran away. Indeed, he believed the idea was in every part of the world given up that a militia is equal to the complete defence of any country. And was nothing due to the opinion of other countries in this respect? Shall we, said he, stand still and say to our enemy, "we know you cannot and will not invade us?" If we are not invaded, it will be because there will be no prospect of success; and except means of defence were taken, this prospect may not appear clear; for, however confident we may be in our militia, we shall not be able to make the veteran troops of Europe believe that they can defend us. It was therefore worth a hundred times the expense of raising these troops, to change the opinion which may be entertained of our weakness in that part of the world, and to convince them that we mean to be prepared to meet any attack which may be made upon us.

But the gentleman from Pennsylvania had said an invasion could not be expected during the present season. He had himself no idea of an invasion whilst the war continued in Europe; but if an end was put to that, it would be more likely that an attack should be made upon us during this season than at any other. When the Army of England, as it is called, and the ships preparing to convey it, shall be no longer wanted for what was said to be their present object, nothing would be more easy than to send these soldiers and vessels either against this country, or to Louisiana, and he should consider one step pretty much the same as the other. After all that had been heard of the secret articles in the treaty between France and Spain, such an event was not at all improbable; and if such an event were to take place, he believed more than either 10 or 15,000 men would be wanted.

He owned he had rather provision had been made for 50,000 than 10,000 men, as no expense would be called for, except there was a necessity for raising the men, and if there was that necessity, he should wish the force to be sufficient for the purpose for which it was raised. The only question at present was, whether, from a Constitutional doubt which had no foundation, the House would refuse to give the President the power proposed, and by that means delay the raising of men until the President should call Congress together, which would be at least two months after the danger appeared. In his opinion, this was no time for making these nice Constitutional scruples; he thought the power ought to be given, or the army immediately raised. Indeed no army could be raised without giving to the President a certain degree of power. For his part, he thought as much discretion was given to the President when an army was ordered to be raised immediately, as in the mode proposed by this bill. And the power to raise an army, when a certain contingency shall take place, was by no means equal to the power placed in the President of commanding the army when it is raised. Mr. O. hoped therefore the section would be retained.

Mr. MCDOWELL was much better pleased with the amendment proposed by the select committee, than with the bill as it originally came from the Senate; but he had objections to the amendment on Constitutional ground. He believed the power of determining the fit time to raise an army was vested in Congress, and could not be transferred. He did not wish to put it in the power of the President, or of any other man, or body of men, to appoint a large number of officers, and create very heavy expense without necessity. Especially when he saw, from the communications which were before the House, that there was reason to believe that if this power was given, the President would immediately appoint officers, and proceed to raise the men. If the situation of the country requires an army to be raised, he wished gentlemen to say so, and propose a resolution to that effect. For his own part, he did not believe the present situation of the country required it; but that the militia was equal to the defence of the country, at least in the first instance. If we were invaded by a formidable foe, an establishment of the kind proposed, and to a much greater extent, might be necessary. But the gentleman last up says our militia are wanting in discipline and arms, and indifferently officered, and therefore

an army is necessary. He could not see himself how a change of name could make any difference in the competence of force. It was neither bounty, nor a coat, that could make a soldier. If an invasion take place, the militia must be relied upon at the first. As to what the gentleman had said about the militia being badly disciplined and officered, it might in some respects be true; but, so far as it related to the militia of North Carolina, he would tell that gentleman that, whoever were his informants, the assertion was not correct. The militia of that State had, in most instances, been able to repel any force which had come against them, with the assistance of but very few regulars. But suppose the gentleman had his 10,000 men, when they were dstributed to the different parts of the Union, it would afford but a small number to each, and the militia must at least principally be depended upon. Except gentlemen wished, therefore, to saddle the country with a standing army, he thought they ought not to vote for this bill, as they must see how difficult it is to get rid of any force which has once been raised. Let them also recollect how much the appointment of a great number of officers in the army would increase the influence of the Executive, and consequently the dangerous effect it would have upon the liberty and independence of the country. The expense was a very considerable object, but that which he had last named was, in his opinion, still greater.

Gentlemen had spoken of the conversations which had taken place between X, Y, and Z, and our Envoys in Paris, which they seemed to think threatened great dangers to this country. He owned that he relied but little upon that unofficial information, which he could not consider as coming from the French nation. If the opinions of individuals in any country were to be taken and acted upon as the opinions of the nation to which they have formed a part, we should be continually in error; this might be judged of from what we see at home, for, if the opinions of some individual in this country, or the opinions which are issued from some of the presses here, were to be taken as the opinions of the country, and acted upon by the French Government, we should think it a very extraordinary procedure. For his part he did not rely upon these communications, and he was persuaded this country would be secure from invasion from France, from its not being in her power to undertake it, and if it were, that it would not be her interest to attempt it.

One word, Mr. McD. said, with respect to the militia, and he had done. The gentleman last up said it was impossible that they could contend with old veteran troops. That gentleman, he believed, had himself never had any experience in fighting, and he depended too much upon names. He himself was acquainted with instances in which our militia had overturned the greatest veterans; and if this was not sufficient, if the gentleman would recollect that some of the most brilliant achievements of the French armies were accomplished by new, undisciplined troops, he would no longer insist upon his opinion that we must have a standing army to meet an invasion.

Mr. HARPER could not persuade himself that the arguments adduced against the unconstitutionality of the present bill, were capable of a serious reply; but, with respect to the expediency of the measure, he thought there were some considerations worthy of notice, which had not been laid before the committee.

Gentlemen opposed to this measure are constantly contrasting the services of the militia with those of regular troops. Nobody had said that the defence of the country ought to depend upon regular troops entirely, or upon the militia entirely, yet gentlemen argue as if the question was whether the country should be defended by the one or the other. They gave the force proposed to be raised, indeed, a name which does not belong to it, viz: that of a standing army. Was a body of troops, raised only for three years, to be called a standing army? A regular force and a standing army are quite different things. A standing army is wholly in the power of the Executive of a country, and not liable to be put down; such an establishment would be alarming in this country, and it had been effectually prevented by the Constitution, which declares that no appropriation for an army shall be made for more than two years.

Mr. H. said, he was strongly impressed with the usefulness of militia; he believed they were the great strength of this country; but he did not believe they could be called into service with sufficient promptness, without the aid of regular troops, and gentlemen who speak of their experience cannot controvert this point. They say the militia might be called out to meet any predatory attack; but experience did not confirm this. It was well known that in sparsely settled countries the militia could not be promptly called into service; in compact settlements, he knew the contrary was true. In that part of the country where this defence was most wanted, the settlement is very thin, and the militia not being used to act together, would, at first, make but an indifferent defence. In the late war, the militia were almost constantly intermixed with regular troops, and he would not stop to say how often they were defeated notwithstanding.

It was also well known how long it took to organize these troops, and how much the enemy gained on account of these delays; yet we are to say because our militia are brave, and the people are attached to their liberty, no other troops shall be employed in the defence of them but the militia. He knew that the people were attached to their rights, and would defend them; but he also knew that something more than a disposition to do it was necessary; they must have skill, and what is more important, they must have commanders. He himself belonged to one of the best corps of militia in South Carolina, which, though composed of persons who had the greatest stake in the country, wanted discipline, and was far from being prompt in obedience to orders. Indeed, he believed the militia wanted only the habits of soldiers to make them equal to regular troops. But gentlemen say that there is no danger of an invasion from Europe, as France had neither troops nor ships for

the purpose, being wholly engaged in her project against England. But, are there no Frenchmen but in Europe? Did gentlemen look at the situation of the Southern States? It was true, the gentleman from Virginia (Mr. BRENT) had taken upon him to say that he would be responsible for the safety of the Southern States, from the militia alone; but, though that gentleman might be well acquainted with the seacoast of Virginia, he believed he knew little of that between Charleston and Savannah. It was disagreeable to him to point out the weak places of the Union, nor would he have done it, had not gentlemen spoken of the safety of that coast. Mr. H. then mentioned several places where attacks might be made with facility and success. We know, said he, that Victor Hugues and Toussaint have each of them considerable force, and though not sufficient, perhaps, to expel the troops from St. Domingo, they might be sufficient to send against our Southern coast, and do considerable damage before any opposition could be made to them, except we had a few thousand regular troops stationed in that quarter; and if they were to get possession of Savannah or Charleston, they might do immense mischief before they could be dislodged. He believed it would be wise to prevent this mischief, and that would be most effectually done by giving the President the power proposed.

Besides, some regard was due to the feelings of the people in that part of the country; they are alarmed on account of their situation, and wish Congress to take some measures for their defence. If they find the President vested with the power of raising an army, they will be satisfied; but if they find themselves abandoned, however attached they may be to the Government, this attachment may be destroyed by neglect. The gentleman from Pennsylvania may rest securely on the banks of the Monongahela, and the gentleman from Virginia in the thick settlements of that country, but they ought to recollect also the situtation of these exposed people, and provide for their safety.

The committee had been told by the gentleman from Pennsylvania that there was no danger to be apprehended in the Southern States as the white population was equal to the defence of that country; but if he was well acquainted with the seacoast of that country, he would know that the black population on the seacoast is very great, and that there is a large tract of country full of fastnesses and marshes between them and the white population, and that if the blacks once made a lodgment in these marshes, it would be difficult to drive them off. The people in this quarter expect, therefore, in any emergency, to receive aid from Government; and unless they see a measure of this kind agreed to, they will be disheartened and their confidence in the Union will be much weakened.

Mr. H. concluded with hoping the motion to strike out the section would be negatived, as the force would not be called out without necessity, the President having to answer for his conduct on his responsibility; and if there should be imminent danger of an invasion, no one would say that this force ought to be called out.

A motion was made for the committee to rise.

Mr. N. SMITH hoped the committee would not rise. This subject had already undergone one day's discussion, and he doubted not by this time every gentleman had made up his mind on the subject. He wished, therefore, the question might be taken.

The question was then put on the committee's rising, and negatived—48 to 35.

Mr. R. WILLIAMS then rose, and said if the committee were determined not to rise, he supposed they would be willing to attend to what was said on the subject. He could not have conceived that this question could have turned so much upon the disposition of members as upon the propriety of defending the country. To discover which was the best way of defending the country, whether by a regular army or by a militia, was a subject well worth inquiry. In that point of view he should consider the question; and therefore hoped that nothing he should say would be ascribed to a wish to oppose any measure for the defence of the country.

The gentleman from South Carolina had endeavored to make a distinction between the army proposed to be raised by this bill and a standing army; but immediately after, his arguments showed that he considered it in the same light as a standing army, as he said nothing short of this could effectually oppose an invasion of the country. For his part, he could not see how the calling these men a provisional army could make them so much more effective than in the form of militia. But the gentleman says, it is necessary for militia to have regular troops to lean upon. He believed they were not the kind of defence which the people would wish to lean upon in case of an invasion. On the contrary, in such a case he believed every man would wish to defend himself and family.

Mr. W. said, who are the persons intended to compose this provisional army? Are they men who have more natural ties to the country than those who compose the militia? No; they are taken from the streets of large cities; many of them are men without any attachment to the country at all, and possessed of but little principle. He must, therefore, give the preference to militia.

Gentlemen say this army is to be raised at the discretion of the President, and that it will not be formed unless the circumstances of the country require it; yet, at the same time, they go on to point out parts of the country which at this moment stand in need of defence. It therefore appeared to him that gentlemen were of opinion that if this law passed, the President would immediately raise the men. The gentleman from South Carolina says he has received letters from his constituents speaking of their alarm. He had also received letters, but his constituents request that arms and ammunition might be furnished them; not that a standing army should be sent to defend them.

It was said, that this bill ought not to be object-

ed to on Constitutional ground, as Congress frequently empowered the President to do business which the Constitution had vested solely in them; but gentlemen make no distinction between Congress determining a thing shall be done, and leaving it to the President to determine whether it shall or shall not be done. No person has said Congress could not authorize the President to raise an army for the defence of the country; but it was denied that the power could be transferred from Congress to him, to determine whether it should or should not be raised. Mr. W. believed the transferring of power from one department to another, was not only dangerous, but embarrassed the proceedings of Government. And it was so observable that every instance of the kind was produced as a precedent for future deviations, and all objections to such a proceeding were opposed by saying, it had been done so before.

Mr. W. said, if Congress had a right to transfer this power, he wished gentlemen to show why they could not also transfer the power of declaring war; as they had not yet shown this, though they had been called upon to do it. Indeed, he should not be surprised if this power should be asked for on some future occasion.

The only difference which Mr. W. could see between the provisional army, when raised, and the present militia, was, that the former would have its officers under Federal authority, and in the latter they would be appointed by the States. The men would in general be the same. What did this go to, but to say that the militia is not to be trusted under their present officers, there must be officers fixed by the General Government?

The gentleman from Connecticut (Mr. DANA) had quoted several clauses of the Constitution, and made some criticisms upon them, and had endeavored to make the supporters of the present motion ridiculous, by representing them as wishing to turn the members of this House into recruiting sergeants, brokers, tax-gatherers, &c. In doing this, he believed he had suffered himself to metamorphose the Constitution, so as to make it mean anything or nothing, instead of construing it in a liberal manner. The same gentleman says he should have no objection to raise the proposed army but for the expense. Was it not rather that he wished to place a power in the President to exercise, which he supposes he will immediately exercise, but which he apprehends Congress would not be prevailed upon to exercise at present? For his own part, if an army was to be raised, he wished to raise it in the way pointed out in the Constitution. It was said that if this army was raised, it might at any time be disbanded, when it should cease to be wanted; but when he heard gentlemen say they wished this army rather to consist of 50,000 men, than 10,000, and knew the difficulty attending the breaking up of anything which was once established, he was desirous of avoiding a measure which he believed wholly unnecessary. The geographical situation of this country, said Mr. W., is such, that a standing army of 200,000 men would not be able to defend it. It was idle, therefore, to suppose the country could be very much benefited by the raising of 10,000 men. But the gentleman from South Carolina (Mr. HARPER) still speaks of these men being necessary for the defence of the Southern country. That gentleman may think them necessary for the defence of his State, but he could not think them necessary for the defence of any part of the State to which he belonged. His constituents never wished to see a standing army sent among them. Instead of looking upon such men as their defence, they would consider them as the greatest curse that could come upon them. Why, then, will gentlemen continually insist upon these men being wanted for the Southern States, when no member from those States will say they wish to have them, except one gentleman (Mr. HARPER.) And though the gentleman from Massachusetts (Mr. OTIS) was so obliging as to say that he wished to take the same care of the Southern States as the Eastern, he could assure that gentleman he might make himself perfectly easy as to their safety.

Mr. W. concluded with repeating his hope that the section would be struck out.

Mr. FINDLEY said, this bill certainly proposed a transfer of power to the President, which was lodged by the Constitution in Congress, and therefore he was opposed to it. The gentleman from South Carolina denied that the army proposed to be raised by this bill could be considered as a standing army, because the bill was only to be passed for three years. Upon the same ground it might be said that Great Britain has no standing army, as their military establishment law is passed annually. Mr. F. was of opinion, that if this bill was now passed, the men could not be raised; the officers, he had no doubt, would. At the commencement of our Revolution, when every breast glowed with enthusiasm in the cause in which we were engaged, there was a difficulty in getting men. We might, as he had said, get an army of officers, but would they, when gotten, be equal to the militia officers? He doubted it. If the army was to be increased, it would be necessary to increase the wages of the men. Militia, he said, was the natural force of the country, and the raising of ten thousand men would not prevent them from coming forward in defence of their country when danger appeared. He was himself too old for service, but he had sons who, he believed, would be ready to fly with their fellow-citizens to the defence of their country in case of invasion.

After a few words from Mr. DAVIS, in favor of the committee's rising, and from Mr. N. SMITH against it, the question on rising was put and carried—45 to 36.

Adjourned, at half-past four, till Thursday next.

THURSDAY, May 10.

PROVISIONAL ARMY.

The House, on motion, again resolved itself into a Committee of the Whole on the bill authorizing the President to raise a provisional army, and the consideration of the motion for striking out the first section being resumed,

Mr. W. C. CLAIBORNE rose, and said it was with reluctance that he at any time trespassed upon the time of the House; but, on a question so important as the present, he was unwilling to give a silent vote. He owned himself dissatisfied with the principles of the bill upon the table, and in favor of the motion to strike out the first section. He wished it not for a moment to be supposed that he was led to this opinion from local considerations; on subjects of national importance, nothing should ever influence his vote but the common good of the Union. The security which was ascribed to the gentleman from Pennsylvania, on the Monongahela, could not be ascribed to him. He resided in an exposed part of the Western country, amongst a people whose safety does not depend upon their numbers or situation, but upon their determination to resist attack, come from whence it may; and in the event of a war with France the State of Tennessee will be as apt to feel the horrors of it as the States of Georgia or South Carolina. But when he came to reason with the gentleman from South Carolina (Mr. HARPER) on the best means of defence, they differed on the threshold of the discussion. That gentleman thinks a standing force is necessary; he, on the contrary, was persuaded that if the implements of war were dispersed amongst the citizens, they would be equal to their own defence, at least with the assistance of the citizens of the adjoining States.

The gentleman from South Carolina allows that the permanent defence of the nation lies in the militia; but he conceives, that in order to bring forward all the force of the militia, it is necessary that a regular force should act along with them. Here they differed in opinion. He himself was inclined to believe that militia and regular soldiers seldom agreed together—that they view each other with contempt, and that they act best apart, and he placed the greater reliance upon militia. He knew that it was a popular opinion that troops long disciplined to bloody warfare, were a better security for a country than militia; but with great deference to military characters, who were far better acquainted with the subject than he could possibly be, he conceived this opinion to be founded on error, and fostered by prejudice, though palmed upon the world for truth. In countries differently situated from ours, this might be the case. When a war is carried on between Kings, by means of slaves who support their authority in time of peace, it is necessary that the troops on both sides should be equally veteran and well disciplined, because they want that *amor patriæ* which animates a free citizen in the defence of his country and his liberty; but when an army of these disciplined troops, who fight *only for pay*, are opposed by a body of citizens who contend for everything dear to man, victory never fails to crown the cause of freemen.

By whom, said Mr. C. was the army of Hannibal driven out of Italy, but by the Roman militia? To whom did Greece owe her safety, when attacked by Xerxes, but to her militia? Passing from ancient to modern times, to whom did Holland and Switzerland owe the preservation of their liberty for so many centuries, surrounded as they were by despotic Powers, and opposed by regular disciplined troops, but to the bravery of their militia.

But we are told, said Mr. C., by the gentleman from Massachusetts, that the veteran Generals of France cannot be made to believe that our militia are able to stand before their armies. He believed those Generals would not have a doubt on the subject. They would remember the prodigies of valor which their own militia performed. They will remember that the militia of France saved that country from the fate of Poland. That that militia had fought her battles, and laid the first corner stone to that monument of military fame, which Bonaparte and his army have since completed.

But if an idea should prevail in France, that the militia of America is not equal in battle to those of the most tried nations in Europe, let them call to remembrance the Revolutionary war of this country, and they will immediately be convinced of the contrary. He by no means wished to detract from the merits of our late small army; they fought well for their country, and they have been recompensed principally by the liberty which their bravery assisted to obtain. He could not speak of that body of men without respect, and when he saw a member of it his heart palpitated with gratitude for his services; but he believed, notwithstanding, that it was principally owing to the militia that we were enabled to pluck from the British Crown the brightest gem which ever ornamented it, in establishing the independence of this country; and he believed the same militia was still able and willing to defend us against an invasion from France, or from any other country.

Mr. C. said, he felt for our present critical situation as much as any man upon that floor; but he did not apprehend the danger of an invasion to be so great as the gentlemen from South Carolina and Massachusetts seemed to think it. He must own he felt no dread on this account. If France still thirsts for conquest and military prowess, or if her armies still fight for rapine and plunder, as gentlemen are continually saying they do, the old Governments of Europe afford much stronger temptations than infant America can offer to them. We have nothing, said he, to court their avarice. Our blessings consist of a good Government, liberty, a good climate, and a fertile soil. Contented with these blessings, he was persuaded his countrymen envied not the possessions of other nations; and however we may sympathize with the distresses of Europe, it ought to be our wish, as it is undoubtedly our interest, to preserve peace with all the human family. He trusted that when the present European war shall cease, our rights will again be respected; but if France, in the paroxysm of her frenzy, shall attempt to invade America, he believed the passing of this law for a provisional army would be of no service. Suppose the law were immediately passed, and

the President were immediately to send out recruiting officers, what kind of men would make up your battalions? The danger is too remote to induce men who have an interest in the country to leave their plough and turn soldiers; and if this army was now embodied, it would consist of the refuse of society—of men who might wear the garb of soldiers, but possess few, perhaps none, of their virtues.

There was a ground of objection to this bill upon which it was his intention to dwell but little. He meant as to the unconstitutionality of the first clause; for, after the gentleman from Pennsylvania and the gentleman from Virginia had spoken on that point, it was not in his power to say anything new upon it. But he viewed the trust placed in Congress to raise armies as an important trust, and to delegate it to the President would, in his opinion, be to attach a responsibility to him which was meant to be placed in Congress only. But the committee were told by the gentleman from Massachusetts (Mr. OTIS) that this was an improper time to mention Constitutional scruples; that this was a time for acting. He was of opinion, however, that the Constitution, that palladium of our rights, never could be too sacredly guarded, and this of all others is the proper time to take care it is not invaded. In times of tranquillity, Congress do not feel disposed to surrender their authority; but when danger approaches, and alarm is everywhere gone abroad, then it is that Congress may be most likely to be prevailed on to give up powers to the Executive, from an idea of promoting the public good, (but which may prove its greatest misfortune,) which, at other times, they would hold with the greatest tenaciousness. He need not remind the committee that the greatest evils had arisen from suffering the Executive power in Governments to possess too much power. We need only to look at the nations of Europe to see that the loading of one Executive with power has frequently enabled his successor, at some future day, to enslave the people.

The gentleman from Massachusetts and the gentleman from South Carolina, have each in their turn labored to show the necessity of this army. They have spoken much of the advantages to be derived from the employment of regular troops. Their eloquence he allowed to be splendid, and that their zeal for the safety of the people did honor to their hearts. But have they shown the necessity of this army? No; one of them tells the committee that Victor Hugues, with his black troops, may go against Savannah or Charleston; the other, that when peace is made in Europe France may transport an army to America. But if these events were to take place, would this provisional army give safety to the country? No; it must be the militia which must avert the danger and eventually be the security of the country.

So far as relates to himself, he had fostered in early life an impression unfavorable to the employment of standing troops, from having seen that when they were once introduced they were scarcely ever laid aside, and that they constantly proved the bane of liberty; these impressions had grown up with him, and he still retained them, and they were heightened by the recent experience which he had had of the mischievous effects of such troops in the State which he had the honor to represent; he had seen that they might be made the organs of oppression, and be the means of introducing among a happy, peaceable people much disorder and injury. Here he would stop. He wished to draw a veil over the injuries which had been done to the people of Tennessee by means of standing troops; because no sooner were these wrongs known to the General Government than every department of it showed a willingness to redress them. But the occurrence, notwithstanding, strengthened his former impressions against a standing army.

Mr. C. concluded by saying he would not speak of the expense of this army, or of the difficulty which would attend the collecting of the money, because he did not wish to trespass longer upon the patience of the committee. He did not flatter himself that anything which he had said, or could say, would change the sentiments of one member of the committee; but he trusted all would believe he spoke from the sincerity of his heart, every sentiment of which was deeply interested in the prosperity, liberty, happiness, and independence of United America.

Mr. BROOKS had no doubt the gentleman from Tennessee had delivered to the committee the genuine sentiments of his heart; but, notwithstanding that, he could not bring himself to join in sentiment with him. That gentleman had said that militia are better troops than a standing army. This was the first time he had ever heard the sentiment advanced. Whatever objection there may be to a standing army, he thought discipline was everything. He did not think that the allusion which he had made to the troops of another country, who were willing soldiers, or to our own Revolution, would authorize the opinion. He would call the attention of the gentleman to our Revolution. He did not mean to depreciate the militia; but it was well known they could not be kept in the field for any length of time together. He remembered an instance in 1776, at Amboy, where a company of militia were draughted for a particular time, and when it expired they determined at all events to return home, and all that could be said to them could not induce them to stay. Men who leave families behind them will not continue contentedly beyond the time for which they are called. If the militia alone were to be resorted to, a much greater number of men would be necessary in the service, and the expense of retaining them would be greater, according to their numbers, than if regular troops were employed.

The gentleman last up, and others, had said there is no danger of an invasion. Mr. B. asked what all the preparations are making for on the French coast?

Mr. CLAIBORNE explained what he had said about danger.

Mr. BROOKS said, if there should be no danger,

no army would be raised, for the uncertainty whether we should be invaded or not, was the reason why the power of determining the time of raising the army was placed in the President. And notwithstanding gentlemen continually call this a standing army, if they look at the bill, they will find that the President will have the power of disbanding it whenever it shall cease to be necessary. Besides, these arguments did not go against the bill, but against the detail of it, which might undergo amendment and modification.

Gentlemen have spoken on the constitutionality of this bill, but he thought these objections had been completely answered, and former laws which had been passed after a similar manner, proved that heretofore no objection was made to this mode of proceeding, and until gentlemen could show the difference which exists between those laws and the present, there was no necessity for spending time in answering these objections. He could not see any objection to the bill on this ground, as it was calculated solely for the purpose of saving expense. With respect to any danger which could arise from the misuse of this power, it was a mere chimera. He believed enough had already been said on this question, and he hoped the question would be taken.

Mr. Gallatin said, he would not take much of the time of the committee in relation to what might be called the Constitutional question under consideration; yet he found, from the manner in which his arguments had been noticed, it would be necessary to make a few additional observations on this subject.

He understood that the object of a constitution was to secure a proper distribution of power among the different branches of a government. It was a security never possessed by any country before the constitutions of the United States were formed. In Great Britain, whatever distribution of powers may exist, an act of Parliament may transfer any power from one department to another. The only check, then, upon the use of that power is public opinion. But, in this country, the principle of the Constitution is, that no department of Government can exercise that power which has been given to another department. Gentlemen, however, seem to suppose the Constitution may remain inviolate so long as there is no forcible assumption of power by any branch of Government from the other, and that a transfer or free gift of such power would not be a violation of the Constitution. He considered the effect to be precisely the same whichever way it was done. The object of the Constitution was to assign forever certain specific Legislative powers to Congress, and certain other powers to the Executive, and whenever one department shall exercise the powers of the other, in whatever way it shall be done, the Constitution will be broken, and the security intended by it will no longer exist.

If these remarks are applied to the case under consideration, it would be found that one of the most important powers that could be vested in Congress, viz: the power of raising an army, is, by this bill, proposed to be transferred from Congress to the President. This he considered as a dangerous principle, and if once admitted, it would be in the power of Congress to destroy the Constitution. Yet the committee are told that there are precedents to authorize this procedure. He knew the line which separates Executive from Legislative duty is sometimes very indistinct; and in some cases of not very great importance, where the distinction might not be very striking, or had not perhaps been attended to, powers which, strictly speaking, were Legislative, may have been improperly given to the Executive; but is an instance of this kind to be brought as a precedent for passing a bill of so important a nature as is the present. Because power has been given to the President to build ten galleys, if he shall think them necessary, and to spend $80,000, should it now be inferred that there would be no impropriety in giving him the power to judge of the necessity of raising an army of 10,000 men, which are to cost the United States at least four millions of dollars a year? If that conclusion was drawn, he would ask whether Congress might not also transfer any of the other important powers vested in them, such as the power of laying and collecting taxes, and that of declaring war? And if so, it was admitted that Congress have the power of destroying the Constitution; for limitation clauses to laws were frequently opposed as improper; and if a single Congress passed without any limitation clause an act similar to this, or giving forever to the Executive the power of judging of the necessity of raising an army, or of laying a tax, or of declaring war, or of enacting laws, he asked whether the Legislative power of Congress would not be annihilated? And yet this is the objection which some gentlemen call it ridiculous to entertain, while others charge the supporters of it with a want of candor and sincerity.

After stating this, Mr. G. said, he believed he need not answer the objections of the gentleman from Connecticut, (Mr. Dana,) who seemed to think that he (Mr. G.) had relied upon a mere verbal difference in the wording of some of the clauses in the Constitution. He would now see that he did not raise his objections on so slight a ground, but that they arose from the general principles and spirit of the Constitution itself. Mr. G. said, he might be told that no danger would arise from this transfer of power, as it was not to be supposed the President would abuse it, and that he ought not to suppose the case of future Legislatures passing such improper acts as he had mentioned, or at any rate transferring other powers to the Executive, because this Congress was going to transfer the specific discretionary power contemplated in the section under consideration. But ought they to put more trust in future Legislatures than in themselves? And if the galleys were brought as a precedent to induce Congress to pass this bill, would not it be brought as a precedent to induce future Legislatures to make still further and more dangerous transfers of power? Were not evident symptoms of that disposition discernable in this very discussion? A gentleman

from Massachusetts (Mr. OTIS) had positively asserted, that if the President was to give information to Congress, that, in his opinion, there was imminent danger of an invasion, Congress, without examining the grounds of that opinion, must necessarily act in conformity to it. The same gentleman had said, that if the validity of the objections urged against this bill were admitted, it would declare all former laws enacted upon the same principle null, and of course the whole of our present army would be dissolved. This could not be the case; for if there was anything unconstitutional in the law fixing the Military Establishment, it was the power which was given to the President to forbear raising, or to discharge the men when he should think them unnecessary, which power had never been executed, and therefore could in nowise affect the Military Establishment now existing.

But the committee are told that the present dangerous situation of our country renders it necessary to pass a law of this kind. It appeared to him that when gentlemen were called upon to show where this danger exists, they were at a loss how to answer. They had not shown where it is; almost all concurred in an opinion that there would be no invasion by an army this season. After a peace was concluded in Europe, some gentlemen were of opinion there might be danger, but not at present. The gentleman from South Carolina had indeed pointed out a part of the country where he supposes there is at present some danger, and it was the only quarter in which he himself expected any annoyance at present, and upon which he had already made some observations. That gentleman had, however, gone on to detail the manner in which the French may land, and the points most likely to be attacked. If that gentleman be sincere in his fears, and really thinks that imminent danger exists, he ought to vote for the raising of the army immediately, otherwise the force which he wished to raise would be too late for the quarter in which this danger is said to be so imminent. But the gentleman in the whole course of his observations, has spoken of this section as giving to the President a power, whenever danger shall appear, of calling these men out, or embodying them, as if the proper power of raising an army was suddenly to embody men together in an emergency; whereas it must be clear to him that these men must first be enlisted and collected; while, on the contrary, the militia alone could be called out or embodied immediately. Indeed, a militia force might be called out, and might repel a predatory attack, before five hundred of this provisional army could be raised. He conceived only two things were wanting to make militia more effective than at present, which were provided by the additional sections reported to this bill by the select committee, which were to furnish them with arms, and also the equipments for cavalry, in the Southern States. He hoped those sections would be agreed to, and then he thought the gentleman from South Carolina (Mr. HARPER) might be perfectly easy on account of the safety of the Southern States. If we were to be engaged in war, not only by sea but by land, and an invading army was to land under an idea of subjugating the country, or of bringing us to a dishonorable peace, he would then agree that a standing army would be necessary to aid the militia; but at present he did not think there would be any reasonable expectation of such an event.

Mr. G. said he had been told that he might consider himself safe on his farm on the Monongahela, and that the people of the South would not be very thankful for the opposition he made to this force for their defence. But was it proper to introduce circumstances of this kind into debate? He did not believe, that, by any vote which he had ever given on that floor, he had shown any unjustifiable attachment to his constituents to the injury of other parts of the Union. He should undoubtedly, on all occasions, support their interests, so far as he understood them, whenever it could be done consistently with the good of the whole, but never in opposition to that good.

Mr. G. supposed, that if the danger were very great on the Southern coast, more would have been heard of it than by the private letter of the gentleman from South Carolina (Mr. HARPER.) He himself did not believe there was any great danger to be apprehended at present from invasion. But the arguments of gentlemen went to show that the danger is now imminent, and consequently that the army ought now to be raised; and yet, instead of acting consistently with their own arguments, they support a bill by which an army is to be raised only in case of a change of circumstances. When gentlemen wish to establish the belief of a probability of an immediate invasion, they refer to the conversations which passed in Paris between our Ministers and X, Y, and Z. If they believe that they see, and the President believes that he sees in that conversation, a threatened invasion, he supposed the army would be immediately raised. Indeed, from what he daily heard and saw, he was of opinion that the President believed imminent danger now to exist. But the section under consideration went, taking the arguments of the gentleman to be well grounded, to throw the responsibility of a measure, which, in their opinion, was now necessary, from themselves on the President.

But the committee had been told by the gentleman from New York (Mr. BROOKS) that the militia are more expensive than regular troops. Mr. G. believed, that while they were in service, they were more expensive, on account of their marching to and from home; but the great difference between the two forces was, the militia were only called into actual service and paid when actual danger exists, but an army receives pay all the time it is in being. Of course an army, if considered a cheaper weapon of defence, ought only to be raised in time of actual danger, and discharged when it ceases to exist.

Shall I, said Mr. G., be told it is improper to speak of expense in a business of this kind? He said he knew well enough, that in case of actual war, or invasion, it would be ridiculous to talk of

the expense of defence. And if the committee now believe that we are in imminent danger, they ought immediately to raise an army; but as they suppose the danger does not at present exist, the expense was a proper subject of discussion. He would not, however, on the subject of this bill, have said anything about it, had it not been asserted that no expense could be incurred on account of this law. He wished to know why gentlemen had so earnestly insisted upon a permanent land-tax, in order to insure a permanent loan? That loan and that tax were wanted for the sole purpose of supporting this army, as all the expenses at present incurred are provided for by the present revenue and one year's land-tax. Without this army there would be no necessity for a permanent land-tax. Let not gentlemen amuse themselves with the idea that at the time they are giving the President a power to raise an army of 10,000 men, it will be attended with no expense. If they give the authority, they must reckon upon paying the men, and this can only be done by a permanent land-tax. He had therefore voted against making the land-tax permanent, because he was against raising this army, and he could not conceive how gentlemen who had agreed with him on that question could consistently be in favor of this. If they were in favor of the army, they ought, in order to provide the means, to have voted for the permanent land-tax. As to the distinction made by the gentleman from South Carolina between the troops proposed to be raised by this bill, and a standing army, he looked upon it as frivolous; the words *standing army* meant a regular force as distinguished from the militia; you may call it by that name, or simply an army, which are the words used by the Constitution, it will not change its substance—and in Great Britain, where its existence, on account of the annual supply bill, was always limited to one year, it was always called a standing army.

He would add one remark with respect to standing armies. Military men on this floor, in favor of an establishment of this kind, judge of a regular army from what they saw of the Revolutionary army—but such an army, he apprehended, would not again be seen in this country, except in case of invasion, when the same spirit would animate our citizens which inspired them heretofore; but a standing army, in time of peace, would always be found very different from the patriotic army with which those gentlemen were acquainted. With respect to militia, he believed most of those gentlemen were better acquainted with their merits than he could pretend to be, yet they have not only denied that the militia of the United States are capable of serving against a regular army, for any length of time, but also of repelling an invasion. He believed, with his friend from Tennessee, that very many instances in our Revolutionary war spoke a contrary language. If he recollected right, the enemy was kept in Boston for more than a year, and at last driven from thence by the militia; and he believed the State of New Jersey was recovered in 1777 by the militia, when hardly the appearance of a regular army existed. Advancing to another period of the war, which perhaps decided it, he asked whether the standing army would have been able to stop the course of General Burgoyne, had it not been for the militia, which poured from all quarters, checked his progress, and so eminently contributed to his capture. He knew great services were performed by regular troops, and that in case of actual war they were necessary; but he believed the militia were equal to the repelling of any invasion which could, under present circumstances, be contemplated.

Mr. Pinckney said, he did not intend to have troubled the committee with any observations of his on the present question; because he thought all the arguments which had been adduced against this bill had been fully answered; but, as they were again repeated, he must be permitted to say a few words in reply.

The gentleman from Pennsylvania had said, with great truth, that it was the object of those who formed the Constitution, that the powers of Government should be distributed among the different departments, and that they ought not to be assigned or relinquished. All must be agreed as to that point. The only question is as to its application in the present case, and whether the power proposed to be granted by this bill gave away from Congress the power of raising an army to any other department of Government. If this power was generally transferred to the President, he might at all times raise an army, without the consent of Congress; but it would not be said that this would be the case, if this bill should pass. It is not doubted that the Legislature may order an army to be raised by the President, in case of a declaration of war, or of an invasion; but gentlemen say the contingency ought not to depend upon the opinion of the President. But, Mr. P. said, this must either be done, or you must burden your constituents unnecessarily, by raising the army before it is wanted. It had been said that it was not fair to argue from former violations of right. This, he allowed, was a fair objection as it respects real violations of right, but where a thing has frequently been done in one way, and no objections raised to that course, it was reasonable to suppose that course was not unconstitutional.

Mr. P. was surprised to hear gentlemen attempt a distinction between the case of immediately raising an army, and ordering it to be raised in case of certain contingencies. If he could discover any difference, he should be for immediately voting this army; but not seeing this, he thought it unreasonable that he should either burden the country with an unnecessary expense, or leave it in a great degree defenceless. He believed the power proposed to be given to amount to no more than this: It said to the President of the United States, "if war should be declared against this country, if we should be invaded, or if you should have certain information that force is preparing to make such an invasion, you shall proceed to raise this army." He thought, therefore, every Con-

stitutional objection must fall to the ground. But an objection was made to this clause because it gave power to the President for an unlimited time. He should have no objection to limit the period within which this power should be exercised. He should have no objection to limit it till the next meeting of Congress.

It was said that if Congress had the power to vest the power of raising an army in the President, they might also transfer the power of raising a tax to him. He believed this might be done in the same way. A law might be passed for raising a tax, specifying the mode of laying it, and the quantum of money to be raised, but with a provision that it should not be collected until it was wanted, or until some contingency should take place. But if this was done, he should not conceive that he transferred the power of raising taxes to the President, any more than the passing of this bill would transfer the power of raising an army to him.

The passing of the present bill in this form, would also save expense in more ways than one. It would show to the Powers of Europe that we were determined to prepare for our defence, and that if an attack should be made upon us, we are determined to repel it. It was upon this ground that he was in favor of raising 20,000 men instead of 10,000. To show a spirit of this kind, he believed, would be our best means of defence, as it might prevent any attack being made upon us, and, by so doing, save us an immediate expense.

But it had been said, that those who wished to prevent the land tax becoming permanent, ought to vote against this bill, as the one was to meet the expense of the other. He did not think this was the case by any means. Many who voted in favor of the land tax being annual, he doubted not, would vote for this bill also. They might conceive that the money would be better raised in another way.

With respect to the expediency of the measure, it appeared to him that it would be wise and prudent in the United States, in case of a declaration of war, an invasion, or threatened invasion, not to lose a moment to add this force to our peace establishment. The committee had been told that on a former occasion, the militia were found adequate to the defence of the country. He believed an instance of that kind had scarcely ever occurred. He knew they had been of essential benefit in supporting the regular army; but the instances were few in which they of themselves rendered any essential service in the war. He had a gentleman in his eye, under whom the militia had alone rendered very considerable service. He spoke particularly of the affair at King's Mountain, in North Carolina. But the militia would never remain in the field for any length of time. It was true, he saw militia in the late war that were equal to any troops in the world; these consisted of men who had been driven from their homes by the enemy, and who could not of course return to their families. But God forbid this country should ever be brought into a like situation again; if it were, militia would then be as good troops as could be had, but not under any other circumstances.

The gentleman from Pennsylvania had mentioned the case of Boston. That was a very particular case. A small British force was encamped in a very populous country, where the people were united in one spirit and trained to arms. They certainly were very serviceable in the first instance. But what was the opinion of those who were at the head of our military affairs at the commencement of the Revolution? Did they think the militia were equal to the defence of the country? No, they did not. The first step they took, after the first hostility, was to organize a regular corps. A Commander-in-Chief was appointed, who carried the country through the war. He went to Boston, and raised men as regular troops. And this he believed it would be proper to do now. He had as good an opinion of the militia as any man, but he believed it was necessary to have regulars to mix with them.

But the same gentleman instanced New Jersey, where he says great honor was achieved by the militia. Mr. P. believed some of the militia were present at these actions; but he did not recollect anything brilliant performed at Trenton or Princeton by the militia, without a regular force. If the gentleman made inquiry into the business, he would find the troops were mixed, and that the principal part of the defence was performed by regular troops.

He mentioned another case, almost exactly of the same nature. He meant the army which captured General Burgoyne. MR. P. said, there were, he believed, more than one person present who was engaged in that affair, and if the gentleman referred to them, he would find that brilliant action was not accomplished by militia alone. Those gentlemen will tell him, that had it not been for a regular effective army, Burgoyne's army would never have been captured. He believed not less than 6,000 regular troops were present. The arguments drawn from these instances, therefore, fell to the ground.

Some gentlemen seemed confident in the opinion that our militia would be a sufficient defence for the country. For himself, he would not hesitate to say, he should feel himself much more easy, if there was a regular force in the country from which he came, in aid of the militia, than if there was none. He did not say this from a want of respect for the militia of South Carolina. They had heretofore acted well, and he had no doubt they would do so again, if their service should be wanted. He had it from a gentleman whose duty it was to attend to them, that they were as ready to meet an attack as any militia on the Continent. He had not himself seen them for many years; but if 1,200 or 1,300 regulars were stationed in the lower part of the country, where the population is sparse, to be marched to any place where an attack might be made, he should be better satisfied, than to depend entirely upon the militia. If it was not, indeed, for the expense, he should be for immediately raising troops to

send to that part of the country; for he believed a predatory invasion might take place from the West Indies, and do considerable mischief there, before an effectual force of militia could be drawn out to oppose it. Feeling as he did, therefore, he could not but vote for the present bill.

The gentleman from Pennsylvania admits that it may be necessary to have a standing army in time of actual war; but says it would be improper to raise an army before we know whether we shall have any occasion to use it; but the gentleman ought to recollect that except this probability exists, in a very strong degree indeed, this army will not be raised.

Before he sat down, Mr. P. said, it might be proper to make a few remarks upon what had fallen from the gentleman from Tennessee. Had it not come from his authority, he could scarcely have conceived that militia could, at any time, have been an overmatch for regular troops. But the gentleman has relied upon ancient history for the illustration of his position, and has spoken of Greece and Rome. He would remark, that if this country was situated as Greece and Rome were, and our enemy in all respects as theirs, the comparison might hold with more force than it does at present. Besides, if the armies of Greece and Rome were militia, there were no armies at that time. Those countries defended themselves by armies which they could organize and discipline in the best manner, which they could march a thousand miles from home, to conquer distant provinces. They were perhaps the most regular armies that ever existed. If, said Mr. P., we expected to be attacked by militia, he should be willing to trust our defence to militia; but as it was likely we should be attacked by well disciplined troops, he should wish to have regular troops to meet them.

But the militia of France was brought into notice, and their valor highly spoken of. If we had the power which France has exercised, of making a well-disciplined soldier of every man from eighteen to twenty-five years of age in one requisition, and if those were not sufficient, to call for a second and third, it might be said our militia would be equal to the troops of France. But, God forbid that we should ever have occasion to do this. When the militia bill was under consideration, he was for imitating the French, in some degree, by dividing the militia into select and several corps, in order to give all our force military knowledge. He would remark, however, that, when the French called out these militia, they grafted them upon the remainder of a well-organized army, to which, perhaps, may be ascribed, in a great degree, their successes.

With respect to the danger to be dreaded from an army of this kind to the liberties of the people, he said it was perfectly groundless. He was as much an enemy to a standing army, in time of peace, as any man; but this was to be an army for a particular emergency. If the arguments of the gentleman from Tennessee went to anything, they must go to the disbanding of our present small army, employed principally in the defence of our frontier. But what degree of blame can be imputed to the troops in Tennessee, to which he alluded? None, in his opinion. If there was any blame, it was in the law which originated in that House, directing certain measures to be taken, and that any person settling within certain bounds in that State, which belongs to the Indians, should be removed by the Executive, and if he thought it necessary, by means of an armed force. The President thought the time was arrived when he ought to carry the law into execution, and he did it.

From all the considerations he had mentioned, and which he recapitulated, he should be in favor of retaining the first section of the bill, which might afterwards be modified, so as to become more generally acceptable than it now appears to be.

Mr. McDOWELL said, the gentleman from South Carolina (Mr. HARPER) had yesterday worked up his passions in representing the dangers to which the coast of South Carolina and Georgia are exposed, from attacks which may be made upon them from the West Indies, and attributed the want of a similar temper in other members, to the security of their situations. Though he himself lived near the mountains, yet he felt for those who resided on the seacoast, with which he was well acquainted. When the coast was formerly attacked, the people in his neighborhood showed their readiness to give the citizens there every possible assistance, and he was certain, if the same necessity again occurred, they would be as ready as formerly to defend their country against any invader whatever.

But he was sorry to hear that the constituents of that gentleman were so greatly alarmed, that they trembled for their safety.

Mr. HARPER said, that he did not say that his constituents trembled, but that they were apprehensive of danger.

Mr. McDOWELL understood the gentleman as using very strong expressions on this subject; but, if this law were to pass, he supposed all would be well. And yet, if the constituents of that gentleman were in daily apprehension of being attacked, how could the passing of this bill relieve them, since these men were not to be raised, until imminent danger appeared? It must be recollected that, during the Summer session, eighty thousand militiamen were ordered to be held in readiness, and any part, or the whole of which, may be called out, whenever it shall be necessary. And would not these be more effective than the raising of ten thousand regular troops? They certainly would. If any attack was made, it would be of a predatory nature, and the militia would soon crush it.

Much had been said about the service of the militia and of regulars. Mr. McD. said, he had served in the regulars and knew their usefulness, and if a war took place, he would give his cheerful assent to the raising of an army; but nothing short of war, or actual invasion, would induce him to go into an establishment of this kind, as he believed the militia adequate to our defence in the

first instance. He should, therefore, be opposed to the bill.

Mr. SUMTER was opposed to the principle of the bill, and disapproved the objects it had in contemplation to effect; but above all he was opposed to the principle contained in the first section, namely, that of transferring the Constitutional Legislative power of Congress to the President or Executive branch of the Government. Gentlemen who advocate this principle, being well apprized that pointed and Constitutional objections may be urged against them, have thought proper to draw to their support some precedents in which Congress have made a transfer of their powers; those precedents could not be expected to have much weight with him; indeed, they had no weight, for error could never be sanctioned hy being repeated. He admitted that similar questions had been agitated in Congress, which had met with various fates; but, whatever the decisions might have been, he had uniformly voted against the principle of transferring power from one branch of the Government to the other.

Having been then in uniform opposition to the principle on every occasion, it was not to be expected that he should concur in its establishment on the present, especially as the proposed measure appeared to him to be highly momentous, involving in it the peace, the happiness, and even the liberty of his country. Nay, so far from its being expected that he should throw in his vote of approbation, it was to be expected (and he would not deceive that expectation) that he should be more earnest in his opposition; and, believing that there was no necessity for raising a provisional or any army at this time, he intended to vote against the whole bill.

He recommended it to the committee to take a comprehensive view of our situation before they engaged in a system of such immense expense; in doing which, they would necessarily turn their attention to what is passing among the nations of Europe; by one of those nations, it was said, the United States are imminently threatened; gentlemen urge it strongly as a thing certain and at hand, that we are to apprehend every species of attack; but, notwithstanding all that had been repeated over and over again on this head, he still differed in opinion with those gentlemen as to what was likely to be the issue. He had attended to all the information which had been disclosed; he had listened patiently to gentlemen's speculations, and had contemplated, as far as his mind was capable of bearing him through the research, and that too with great solicitude, on what was the situation of the United States, as they stood connected with a certain European Power. He had not been able to discover, nor did he believe, that we have any cause to apprehend an immediate invasion from that quarter, nor was he inclined to believe that ever such an intention existed; but, even if it did, will any man, who is capable of forming a judgment of the present state of things there, and what they are likely to be for a considerable length of time to come, say that there is not ample employment for their energies; that there are not difficulties of such magnitude in the way as will secure us from an invasion for a longer period than those gentlemen who have expressed their alarm have thought proper to foretell? For his part, he had no doubt this was the case; he felt surprised, indeed, at finding gentlemen so apprehensive of danger from this quarter, that they were not content with an additional army of 10,000 men, as reported by the select committee, but were for employing 20,000, the number proposed by the Senate. Nay, some of them did not even think themselves secure unless the number was extended to 50,000, for even that number had been advocated on this floor; but have gentlemen no feeling for their constituents? Will they drain their pockets to the last cent? The committee are informed that the annual expense of 10,000 men will not be defrayed under four millions of dollars; but this information is not accurate, as four millions of dollars will be inadequate, when we come to bring into the account the large items of expense necessary the moment such a force is put in motion; even the expense of four millions of dollars will be found great, perhaps unbearable, but what would the expense be if it was made commensurate with the apprehensions of those who are most alarmed?

This favorite scheme of raising a standing army must be pushed forward by every aid of fact and fiction, and that its success may be insured, the Southern members are to be terrified into its adoption, for we are told that the Southern States have much to fear, that there is every reason to believe the Southern States will be speedily invaded by a merciless and vindictive foe from the West Indies. That at this moment thousands may be disgorging on our shores; that they are prepared to strike. And the gentleman from South Carolina (Mr. HARPER, one of his colleagues) has, in the height of his zeal for American defence, or his fears for the safety of the Southern States, or from some other cause, which he did not pretend to divine, by his nice and minute delineations of the condition of the Southern States, shown to the House a terrifying picture of Southern imbecility, and had also published to this cruel, malicious, and insidious enemy, (as he terms them,) an enemy sufficiently penetrating without his aid, every point, every avenue, every position, most advantageous for them to take in attack; he has exposed our most vulnerable parts to their inveteracy, and our wealthiest part to their rapacity. The policy or prudence which dictated the detail, he did not stop to examine, but went on to ask, supposing these marauders were disposed to invade the Southern States, whether it would not be allowed that they were too fully and completely occupied nearer home, to be at liberty to execute at this time their intentions of such an invasion? For his part he thought such was their condition, and expected it would continue to be so for some time to come; but, admitting that it is possible for the man who has been mentioned, to invade our coast with the three or four thousand men spoken of, the consequences predicted are not likely to follow. The reasoning of his colleague

being admitted, perhaps his conclusions might also; but the former not being just, the latter could not result.

He was aware that the number of inhabitants of the lower country, of the States of Georgia, South Carolina, and North Carolina, as stated by his colleague, was not very great; but he did not consent to the deduction which the gentleman had made, that, therefore, the lower country was very weak in point of force to oppose an invasion. And here he deemed it proper to notice the attempt which had been made to draw invidious distinctions between the militia force of our country and what are termed regulars—attempts constantly made by the advocates of standing armies, not only on this occasion but on many others—not only on this floor, but in the other branch of the Legislature, and very lately, in a pointed manner by his colleague, (Mr. Harper,) who pressed the establishment of a standing army by depressing the manly character of his fellow-citizens, he (Mr. Harper) had said he was well acquainted with the Southern States, that the inhabitants on the seaboard are few, that for fifty or sixty miles they are still fewer, that the strong population is quite remote, that the whole in general are badly armed, many altogether without arms; that they are not well organized, and even if they were they are not to be depended upon, unless headed and aided by regular troops; in short, that no good can be expected from the militia, unless they are supported by regulars.

Now, said Mr. S., admitting my colleague to know something of the geographical situation of the country he has attempted to delineate by such an unfavorable description, neither he nor his constituents ought to be surprised if I assure him that if his knowledge of the military prowess of his countrymen is so limited as his description indicates, it amounts to little or nothing at all: the true force of the Southern States to defend themselves cannot be doubted by those who were attentive observers of its exertion through our Revolutionary war. And the militia, notwithstanding its defamers, effected much. All the corps were not of the description of that to which his colleague said he once belonged; he (Mr. Harper) had said that the corps of which he had been a member was as respectable as any whatever, but he had remarked that while he belonged to it that they were generally dissatisfied, always in disorder, and when drawn into service always relaxing from discipline, quitting the corps and returning home without leave, and not to be kept together or at all depended upon, unless when acting with or led on by regular troops. Here Mr. S. observed, that he had an opportunity of seeing the commanding officer of the corps to which his colleague had said he belonged, within two months after the corps was raised, then on a tour of duty with the Southern army, and it evinced to his mind that there was somewhat of that want of discipline, and desire to be or remain at home among some of the corps, for he really had no recollection of seeing him with his officers, and there may be some reason to conjecture that he had not accompanied him on that tour of duty; if so, it will no longer be wondered at that the gentleman insists on placing no confidence in militiamen generally, and if he, Mr. S., was to detail what he had witnessed of the strength, of the means, and of the disposition of the Southern militia, it would go to show that he (Mr. H.) not being on the ground, has less knowledge of the subject than he is desirous of being believed to possess.

It is an unpleasant thing, said Mr. S., for me to have to make any remarks on a subject of this sort; but so frequently have gentlemen made invidious distinctions between the courage and efficacy of militia and regulars, and with so much injustice to the former, that I cannot permit their assertions any longer to pass without notice. For doing this, I do not mean to derogate from the merit of the late American regular army, nor more particularly from that part of it which served to the Southward, of whose condition I can better judge than of that which served in the Middle and Eastern districts; as to them I am bold to say, they were not inferior, under all circumstances, to any army of equal numbers and equal opportunities which I have heard or read of in any time or in any place; but, then, it must also be remembered, whatever gentlemen may here say to the contrary, that the militia were as serviceable and as successful as any regulars whatever.

He said he would take a cursory review of the services of the militia in one of the Southern States, which would tend to support his last declaration.

He would quote only a few cases out of a great number where the militia had acted alone, without any co-operation or support from the regulars, and that against the veteran and conquering cavalry and infantry of British corps, and in which actions they were distinguished for their bravery and success. It may be remembered that very partial, if any, impressions had ever been made by our regular troops on the British corps of cavalry during the early period of war; and it seemed to be reserved to the Southern militia to convince them that their equals existed in our country. It is not to be attributed to the want of courage or discipline in our regular corps that this had not been done before, but to imperious circumstances which no skill could overcome; but this did not change the fact.

After the fall of Charleston in 1780, the first action, and that fought by the militia, without any aid from our regulars, was the action of Fishing Creek, where, without entering into a minute description of all the circumstances attendant on such an occasion, it will be sufficient to say, that the gallant Captain Rooke, who commanded a squadron of Tarleton's legion, fell, and the whole force was beaten and dispersed.

A few days after—and here permit me, said Mr. S., to remark, that if my colleague does not remember, and our historians have neglected to record the achievements of the militia, yet justice is in some degree done them by a British historian, who was an officer in the British service in

that part of our country, and at the very time I am speaking of, who corroborates my facts—a few days after an attack was made by the militia on Rocky Mount, and Colonel Turnbull, who commanded the enemy's force, and who is now in New York, I have no doubt has candor enough to acknowledge, that from the contest he had with them, (although strongly defended by well constructed works,) and which lasted ten hours, there is something due to their bravery and the effect of their arms.

Eight days after the affair on Rocky Mount, an attack was made on the British at their posts of the Hanging Rock. The force on this occasion consisted of the same corps of South Carolina militia who had enterprised on the other occasion; they were in number about 600; they had been joined by a few of the militia from North Carolina, and it is a pleasure to reflect on the cordiality and bravery displayed by them on this occasion.

The enemy's force at this post was 1,200 effectives; yet the result was, after an action which lasted through the greatest part of the day, that Major Bryan's corps was totally defeated, the Prince of Wales' regiment exterminated, even its name has never since been recorded. Other detachments from the 63d and 71st, under the command of Major Carden, were also cut up, driven from their encampment with the entire loss of baggage, &c.; and, in the course of this action, Captain Kinlaw, with a squadron of Tarleton's legion, arrived from Rocky Mount, made a desperate charge on the militia, was repulsed by them, and fled to Camden, without attemping to renew the combat. In this, as well as other actions, it ought to be remembered how many field officers, brave captains, and other officers, as well as valuable citizens, fell, or were wounded, while another nation had to regret in this action alone the loss of upwards of 800 men.

Passing by a number of important and considerable conflicts which took place between the British regulars and the Southern militia, still unsupported by regulars of our own army, said Mr. S., I come now to mention the attack which was made in the neighborhood of Winnesborough, while Lord Cornwallis laid in that town, upon the South Carolina militia, by a British regular force under Majors Wymes and McCarthy, supported by two troops of cavalry, the whole corps drawn together and formed for the purpose; after various charges made by the infantry and cavalry, and after repeated repulses, the enemy was totally repelled, their commanding officer wounded and taken, together with a number of his corps, and the rest were dispersed.

On the return of Colonel Tarleton to Winnesborough another effort was made, and from the number as well as the nature of the troops employed, it was certainly intended to be effectual in driving the South Carolina militia from that part of the country; for it was Tarleton's legion, McCarthy's corps, and that part of the 63d, under Major Money, which troops were led to the attack of the militia on the 20th of November; the result of this action is known to those who do not wish to detract from the merit of the militia. The enemy's detachment consisted of 270 legionary horse, and upwards of 400 regular infantry, with two field pieces; the militia were between five and six hundred, without (as indeed they were through all the actions I have described) a single piece of artillery. In the number of militia are included some Georgians, who not only acquired honor to themselves from their exertions on that day, but did honor to their country. The fate of the British cavalry was then decided; they had been formerly unconquerable, but after that day they were never known to be brought to act with either energy or effect.

Knowing the ardor and firmness of the Southern militia, and not doubting but the militia of the several States in the Union possess equal motives for their exertions, equal spirit and activity, I cannot, said Mr. S., but rely on them as the natural and main support of our national independence—a support fully effectual without a recurrence to a standing army. These few cases, and it is stopping very short indeed of what the merits of the Southern militia deserve, tend to show that the charges brought against the militia generally are as unfounded as they are cruel to their feelings; while, at the same time, they demonstrate, that if an invasion (which is a contingency by no means likely to happen) should actually take place, we may rely with confidence on the manly exertions of the militia to meet the attack, and to resist every effort, at least for such a period as until more effective aid shall be drawn down to their support, and more permanent measures adopted.

Mr. S. concluded with saying, that near a million of dollars had been appropriated for the purchase of artillery and small arms; 350,000 for additional fortifications, and 80,000 for fitting galleys. He wished the appropriation for the galleys to have been increased, by taking a part from the sum appropriated for additional fortifications; as he conceived, from the nature of the attacks or injuries to which our seaboard is exposed, it would furnish the most expeditious and effectual means of safety to the inhabitants who might be threatened; if to this means of defence were added the vigilance, activity, and firmness of the militia, he thought gentlemen might consider themselves tolerably safe, without resorting to that worst of all expedients, a standing army; especially, if they believed with him that the danger of an invasion from Europe was very remote indeed; and that from the West Indies not likely to take place for want of opportunity, even admitting such an intention is entertained. Under this view of the subject, he wished the question of raising an army to remain undecided until a future session of Congress; and from the reasons and arguments he had urged, he was influenced not only to vote against the first section, but the whole bill generally, under a hope that Congress might rely on the natural force of the country, on which alone they could depend in all cases of extreme danger, and without which neither a standing army or a navy, or strongholds or fortifications, would be a

security for our political existence or independence as a nation.

Mr. J. Williams believed there was but little real difference of opinion between those who were in favor of striking out the first section, and those opposed to it. The former suppose an army will be necessary in case of war or an invasion, and the latter wish to give the President the power to raise the men in case the danger of either was very great. He should vote for retaining the first section; though, as it stood at present, he did not altogether like it. If the motion for striking out was lost, he should move to amend it by confining the exercise of the power proposed to be given to the President, to the recess of Congress. He trusted gentlemen would not be willing that Congress should rise without something more being done for the defence of the country than has been done. No one could say how soon an attack might be made upon us, and whenever it was made, we ought, certainly, to be in a situation to repel it, which would not be the case, except a bill of this kind was passed.

A resolution had been laid upon the table, he said, to increase our standing force to ten thousand men; but it might happen that no necessity would arise for increasing our present force. He wished only that the President might have the power of increasing it, if there should be occasion to do so.

Gentlemen had said much in defence of the militia of this country. Had he heard anything said derogatory to the bravery of our militia, he should long since have risen in their defence. No man could doubt for a moment that the militia of this country are as brave as any in the world.

He was astonished to hear the gentleman from Tennessee say that, when regulars and militia act together, they generally quarrel. This assertion must have arisen from his want of experience. He was himself for eight years engaged in the war, and never saw anything to justify the remark. The plains of Saratoga spoke for themselves. At Bennington the militia conquered superior numbers; in the second action they were, it is true, joined by Continental troops. But why recount these things? It was idle to suppose regular troops and militia should quarrel with each other, since they all fight in the same cause, and with the same feelings. No better troops could be employed than militia in a sudden emergency; but, as had been already stated, they remained impatiently in the field for any length of time.

Considering the extensiveness of our exposed seacoast, it could not be supposed that our present small number of standing troops could be sufficient for the present situation of things. Militia ought not to be called from their families and occupations, except in particular emergencies. As to any danger to be dreaded from an army of this kind to the liberties of the country, it was a mere phantom; and he thought it was paying but little respect to our militia to suppose the liberties of the country could be endangered by a regular force of ten or twenty thousand men! Besides, it would be attended with less expense to raise these men, than to call out the militia from time to time. He had something to do in the draughting of militia in 1784, and in consequence of the law of last session, and knew the difficulty attending it. Not one out of five who was draughted could leave his family. These people were obliged to find men in their stead, which they did at from fifteen to twenty dollars. To call the militia from the part of the country where he lived, which was between three and four hundred miles from the seacoast, would be attended with great inconvenience indeed. He hoped this bill would pass; if not, he foresaw great expense. We must augment our present army, and, perhaps, Congress would have occasion to sit here all the Summer, for they could not adjourn until some further provision was made for the defence of the country. It was true, the President might call into service a part of the eighty thousand militia held in requisition, but it would be attended with great expense and inconvenience, which he wished to avoid, by passing this bill.

Mr. Macon was surprised to hear the gentleman who was last up say he had heard nothing derogatory to the militia. He thought the bill itself showed a want of due confidence in them. He saw no object in it, except it was to get an armed force under the command of men appointed by the President of the United States, rather than under men appointed by the Executives of the several States. He had heard no gentleman say he wanted any part of these men for the country from whence he came, except one, (Mr. Pinckney,) who said that one thousand three hundred men would be well employed on the seacoast of South Carolina. He was sorry to find men who opposed the permanency of the land tax, now advocating this expense, which he thought unnecessary, and which, if they thought necessary, they ought to have provided for. He was sorry the gentleman from New York found so much difficulty in raising his quota of the eighty thousand militia ordered to be held in readiness. It was the first difficulty he had heard of in that matter.

Mr. Williams explained, by saying that he did not say there was any difficulty in raising the men, but that it was attended with considerable expense.

Mr. Macon had no doubt of the same spirit animating our citizens against any enemy who may set their foot in this country, which animated them in the late war. As to the danger of invasion, he thought, if the gentleman from South Carolina (Mr. Pinckney) would compare his observations of to-day with what he formerly said on this subject, he believed they would not be found very consistent with each other.

Mr. M. said, it was always odious to make comparisons between the services of our regular troops and militia, in the war; they both deserved well. There were instances of bravery in our Revolution equal to anything in the French Revolution. He need only mention the battle of the Cowpens and the battle of King's Mountain. In the latter, the militia took as many prisoners as they carried men at first into action. There were some in-

stances, on the contrary, in which the militia did not behave well. He had no doubt as to the bravery and power of the militia, whenever real danger approaches.

When a law was passed to create expense, the money must be found. He wished gentlemen to recollect that. He wished to avoid an unnecessary expense of a penny. The gentleman from Maryland (Mr. SMITH) had truly said that money is the sinew of war. He wished to be careful of it, though in case of necessity this country could do much without money.

But it was said, that it was desirable that this bill should be passed, because it would produce a good effect in Europe. He did not lay any stress upon this consideration. Europe would be little affected by seeing that we had passed a law for raising 10,000 men; they knew, from experience, that this country is able to defend itself against any nation upon earth.

In actual war, Mr. M. believed a regular force would not only be necessary, but cheaper than any other; but if any sudden invasion were made, every man landed would be cut off by the militia before an army could be raised. He said this country could never experience a war like the last. The people were then divided on the question of independence; but being become independent, there could be but one opinion about remaining so. There was a great difference between the militia of this and other countries; here the people, especially in the country, know well how to use a gun and to take care of it, which was a very essential part of a soldier; and whatever disputes might take place in that House, the militia of the country, from one end to the other, would be unanimous in the defence of their country and independence. He had no fear, therefore, of any enemy. They might distress us for a time; but whenever they landed, there would only be one sentiment, which would be to drive them off as soon as possible. It was acknowledged that the militia of South Carolina was not so well armed as in some other States, but it was notorious that Lord Cornwallis, when attempting to pass through that State, was obliged to turn back, declaring that he had got into a nest of hornets. He did not believe that all the Powers of Europe combined could hurt us; as an enemy could get possession of no one place, or few places in the country, which could greatly distress the rest.

Mr. M. concluded by saying that he had heard nothing to convince him of the necessity of raising these men, or of giving the President the power to raise them, and therefore he should be for striking out the section.

A call was made for the question.

Mr. BRENT was sensible, at that late hour, the patience of the committee must be a good deal exhausted. He would trespass upon it only for a few minutes.

Mr. B. was far from thinking that the Constitutional objection which had been urged, was satisfactorily answered. He had heard nothing which had in the least altered his opinion on the subject. The gentleman from South Carolina (Mr. PINCKNEY) allows that the doctrine laid down by the gentleman from Pennsylvania is correct as far as it goes to general principles, but that, when he made a particular application from these general principles, he was wrong. The gentleman from South Carolina contended that to authorize the President to raise an army under certain contingencies, was not to give him the power to raise an army. But does not this bill give the President power to determine, under certain contingencies, whether or not he will raise an army, for six years to come? He asked where the line could be drawn? He believed if it was right to transfer this power for six years, they might do it for an hundred years. On this head, therefore, he thought the reasoning of the gentleman perfectly inaccurate.

But the gentleman from South Carolina has supposed this provision is not unconstitutional, because it was allowed by the gentleman from Pennsylvania and others, if the contingencies were all specific, the provision would be perfectly Constitutional, and as he asserts the contingency of "imminent danger of an invasion," is as ascertainable as the other two cases, viz: a declaration of war, or an invasion. On this point he differed from the gentleman from South Carolina altogether. War and invasion were explicit; but when imminent danger of an invasion is spoken of as a contingency, it makes the raising of the army depend entirely upon the President's opinion. Suppose the expressions were, "the President of the United States shall have power to raise an army whenever he thinks the situation of public affairs shall render it necessary." Would not every one say, in this case, that power was given to the President to raise the army when he pleased? And how does this case differ from the other? Who will undertake to say that the President does not now think there is imminent danger of an invasion? And if it should appear hereafter that the President had apprehended danger when none really existed, he would only have to reply, "That he acted agreeably to his opinion at the time." The question, then, reverts to this ground, and before gentlemen gave their votes, they ought seriously to consider it: can Congress divest themselves of the right of raising an army by giving it to the President for six years, to act upon his own discretion? If they could, every Constitutional provision is lighter than chaff; but as he considered the Constitution too sacred to be thus violated, he could never consent to the measure.

But with respect to the expediency of which he had already spoken, he would add a few other observations. It was proposed that this army should be raised for the protection of the Southern, and, as all allow, the weakest part of the Union. Yet all the members from that quarter (with only two exceptions) say they wish no such protection. Yet gentlemen who come from other extremes of the Union insist upon their being protected against their will, and are determined to cram an army down their throats, whether they will or not. This was the most extraordinary

thing he had seen since he had had a seat in the Legislature of the Union.

The gentleman from New York, (Mr. Williams,) though he expressed his intention of supporting this bill, went into a copious panegyric on the militia. If he had not declared his intention, he should have thought he would have still confided in the bravery of our militia for our defence; but, notwithstanding his remote situation, he wishes for a standing army.

Mr. B. said, he did not undertake to say, and he was far from believing, that if a formidable force was to be landed in this country, and there was a settled disposition on the part of France, or any other country, to make war upon us, that it would not be necessary to meet such an invasion by a regular force. All he contended for was, that an army of 50,000 men would be ineffectual in opposing the invasion of small marauding parties on our coast, which was the kind of invasion we have most reason to expect. The militia was the proper force by which to repel all such attacks. For, considering that our Southern coast is 1,300 miles in extent, it was not possible that a small standing force could be effectually distributed upon it. He had himself no idea of any extensive invasion, and if any such takes place, the militia would be able to meet them until Congress met.

But, in our present circumstances, at a moment when it is impossible to say whether we shall be involved in war or not; or, if a war takes place, whether it will be maritime and predatory war, or we shall be attacked by a formidable army; at such a time to increase our Military Establishment will be to meet a certain evil, while the event it is intended to repel is most uncertain. He said a certain evil; for however other gentlemen may consider them, he considered standing armies as the bane of the liberty and happiness of every country where they are established.

Gentlemen ought to recollect that they have, in a manner, decided this question by a previous vote. It was contended that the land tax, which was the other day under consideration, ought to be laid for a number of years, in order to have formed a permanent security for a loan of any money that might be wanted for the support of this army; but as that question was not carried, gentlemen who voted against that, to be consistent, ought to vote also against this army; or, could they reconcile it to themselves to go into a measure of this kind, remote as danger appears to be, upon any conjecture, which may entail upon them and their posterity a permanent tax upon the land of the country, and that, too, at a time when the alarm which has been raised throughout the Union has reduced the price of produce from the highest rate that was ever known in this country almost to nothing? He was not willing to do this.

Could it be expected, Mr. B. asked, that the situation of things could be so greatly altered before the next meeting of Congress, a period of only four or five months? He did not think it could; and if danger should then appear too great to be averted, an army might perhaps be raised, as soon as if it was set about at this time, when that danger is not so apparent. Indeed, in every point of view, it appeared to him that to pass this bill, would be one of the most improper measures that ever passed the Legislature of this country.

Mr. Dayton (the Speaker) said, that he had flattered himself with the expectation that the injuries and insults heaped upon this country without number, and aggravated by a refusal on the part of the aggressor to redress, or even to forbear them, would have produced an union in the public councils, but he had been grievously disappointed; he had hoped that the communication of the despatches from our Commissioners, in which we were threatened with the fate of Milan or of Venice, unless we consent to become tributaries at will to the French Republic, would have united this branch of the Legislature so far at least as respected the measures of defence and preservation, but this hope had vanished. The book of opposition, which the member from Pennsylvania (Mr. Gallatin) had hitherto unfolded with a cautious hand, and exhibited only in single leaves or detached sheets, was at length opened to their view in full volume, and the motion under consideration with the speech of the mover, might be regarded as the index to its darkest pages. In the present critical state of things, Mr. Dayton said he must be permitted to speak plainly. Placed as a watchman upon the walls, he should be unfaithful to his trust. if he neglected to sound the alarm when danger was approaching. The menaces of distant danger had already been proclaimed, but here it was brought more nearly to them, it was in the midst of their very camp. The gentleman from Pennsylvania had now boldly erected his standard, and had invited all disposed like himself to rally round it. It was the ensign of opposition, not merely to the Administration or to the Government, but to the only effectual measures of protection, defence, and preservation: and what was the motto most proper to be engraved upon its party-colored field? Was it such as were seen upon the colors of the patriotic legions of 1776? Far otherwise; for on them were to be seen, "Liberty or Death"—"No one shall provoke us with impunity"—"We risk all for Independence"—"We will be tributary to no Foreign Power." These noble sentiments, strongly expressive of American feeling and resolution, were imprinted in capitals and in letters of gold upon the standards which animated our citizens in the memorable era of the Revolution, and led them to conquest. Let them be contrasted with the language of the mover, who had erected his signal for rallying, caused its streamers to be unfurled, and had chosen for his motto, "Weakness and Submission;" written, it was true, in faint characters, and with a trembling hand, but still too intelligible to escape observation. Let those who choose it resort to such a standard, but he should arrange himself under the opposite banners.

Having exhibited the tendency and character of the opposition to the principle of the bill, which the motion went entirely to destroy, he proceeded

to remark with what art and industry the mover had labored to lull his country into a state of profound indifference, inactivity, and security. "I am not (says the member from Pennsylvania) apprehensive, for my own part, of an invasion." And why should that gentleman be under no apprehension from such an event? Was it that, secure in the perfect coincidence of the principles he avowed with those which actuated the furious hordes of democrats which threatened this country with subjugation, he felt a confidence of his own safety, even if they should overrun and revolutionize the States? Was it that, confiding in the remote distance of his residence from the seacoast, among the ridges of the Monongahela, he had determined upon the approach of the invaders to flee to the rocks and mountains, and call upon them not to fall upon and cover him, for that day was not yet arrived, but to shelter and hide him from the foes of order and of mankind? From those distant heights he might, indeed, contemplate an invasion without alarm or apprehension; he might see, with the calmness of indifference, our dwellings burning, and might "laugh at our calamities and mock when our fears came upon us." Were these, or either of these, the grounds of that confidence which he seemed to feel, and of that security which he would inculcate; or was it that he really believed that no invasion would be attempted? To give color to his opposition he had professed to take the latter ground, and had defended his position by the assertion, that it was not the interest, nor in the power of the French to effect it. As to the argument, which took for its basis the mere calculation of interest, it would, he said, have had some weight with him, if the interest of the million was attended to in France, or at this moment otherwise regarded than as it might promote the ambition, the power, and avarice of those who hold the reins of Government. It was known that the great mass of the people were not at all consulted, nor even permitted to vote or act, except as their rulers willed. It was known that they were, in fact, completely brought under military despotism; and that the musket and bayonet were the instruments and support of this otherwise short-lived usurpation. It was known that the Directory must find employment for their armies, or that the armies would find employment for the Directory, and that their safety consisted in their ridding themselves in any way of at least forty or fifty thousand of the most restless, daring, and ambitious spirits. The interest of the whole people of France was, therefore, one thing, and that of those who governed was another very different and opposite consideration. To transport to other countries the men to whom millions had been solemnly promised at the time of their discharge, and who might, therefore, become importunate and dangerous at home, would be the interest, and must be the wish of the French Pentarchy, whose heads would otherwise be made to skip from their shoulders. This would be their interest, even where there might be little prospect of success for the transported army, because the object would be equally answered, whether they should succeed and provide for themselves in a foreign country, or be vanquished and utterly destroyed.

As to the power and the means of invasion, it was known, he said, that there were already collected upon the coasts of France, bordering upon the English channel, a numerous army which, in gasconading syle, was called the "Army of England." It was known that there were also collected and collecting at the various ports in that quarter, ships of war and transports of all descriptions. The same soldiers who were prepared to invade an island might certainly be employed upon the Main, and the same bayonets would pierce the breasts of the people inhabiting the latter as the former. Their larger transports, their frigates, their larger ships cut down and armed *en flute*, and their ships-of-the-line, might transport a considerable part of them across the Atlantic, and land them upon our shores, and would very possibly be thus employed in the event of a peace in Europe, or of their abandoning, from any cause whatever, their project against England. But the member from Pennsylvania, aware of the possibility of the attempt, had endeavored to divert the country from immediate preparation by the assurance that we should have timely intelligence of such a design, if it should be contemplated, and here, Mr. D. said, he entirely differed from that gentleman. As the same men, arms, artillery, and military stores, were calculated as well for the one expedition as the other; and as there was a sufficiency of shipping calculated for the navigation of the Atlantic, it would follow that there would be nothing in their preparations to evidence a change of purpose, and a design against the United States, but the additional quantity of provisions shipped in which it would not be easy to detect them, or certainly not possible to do it in season. He declared himself to be of opinion that there was other force, besides that in the West Indies, which was capable of invading this country, and other States, besides the two or three most Southern, against which that force might be directed.

As to the unconstitutionality of the principle contained in this first section, as had been objected by its opponents, it was truly remarkable for the novelty of the discovery, which was now, for the first time, made by the enlightened members of the 5th Congress, although not a session had passed since 1791, in which the same had not been acted upon and sanctioned. Mr. D. said, he recollected perfectly well that, six years ago, in the session of 1792, the section which contains this very principle, in its broadest latitude, was drawn up and moved by a very respectable member from the State of Virginia; one, indeed, of the most respectable of those who had ever occupied a seat in that House, and who was a member of the Federal Convention, (Mr. Madison.) That gentleman had done him the favor to show him the proposition before it was moved, and to ask if he would give it his support, which it received, not only from himself, but from the whole House. It thus became incorporated with the act passed in that year, and that, too, without the least sugges-

tion from any member of its being unconstitutional, either then or at any time since, although it had been renewed in many of their laws.

Without remarking upon the accuracy or elegance of the expression of the eloquent gentleman from Virginia, (Mr. Brent,) when he spoke of Congress "cramming an army down their throats," he should pass to another which was exceptionable, not in the abstract, but in the application which seemed to have been intended by it: "slaves fight for hire, but freemen for liberty," was the expression. If it were at all applicable to the bill before them, it must necessarily be applied also to those who were engaged for the same term in the service of their country, and contributed so greatly to achieve its independence. Did the gentleman mean to brand, with this appellation, the men who had endured hunger, cold, and nakedness, and braved every danger in the Revolutionary war, merely because they were enlisted for a term of years, and received pay for their services? Would he call those slaves, who, at that crisis, when thousands shrunk from the conflict, presented their breasts and bayonets between him and danger? Were they slaves who made him what he is, the representative of an independent people, and to whom he is indebted for the privilege of speaking in these councils? It was a sentiment which should be taken back, and reserved for other and fitter occasions, where it would not be construed as applying to those meritorious men who had heretofore protected him and their country, and whose services might soon be wanted again.

He complained of want of candor in the members from Pennsylvania continuing to urge the objection of unconstitutionality, after he had himself admitted that it would be entirely removed by the amendment proposed by the select committee, with a single alteration, and after that gentleman had, by his own motion to strike out the whole section, prevented that amendment from being previously made in it.

Mr. Dayton concluded by saying that he called on those gentlemen who were desirous of providing for the defence of this country, here to make their stand, and to oppose, unitedly, a motion so fatal to its interests and liberty. He invited them to unite with him in defending, inch by inch, the important provisions of this bill in all its parts, and only to yield, as compelled by numbers composing a majority against them.

Mr. Brent assured the gentleman last up, that he had given a very improper explanation to words which he had uttered. If he had made use of any expression that could be construed into a reflection upon the brave army who fought in our Revolutionary war, he would not hesitate a moment to retract it, because he was desirous of giving to that patriotic band every praise which they deserved. The gentleman from New Jersey was also inaccurate in ascribing the expression to him. It was first used by the gentleman from North Carolina, (Mr. R. Williams,) when, remarking upon what had fallen from the gentleman from Maryland, (Mr. S. Smith,) he observed that the people of the United States are free, and, so long as they continue to enjoy the blessings of a good Government, they would be equal to the repelling of any attack which may be made against them; and he used the expression which he (Mr. B.) afterwards quoted, when replying to some comments which had been made upon it by the gentleman from Maryland. He thought the gentleman from North Carolina was correct in his idea; he believed the militia of this country fought for nobler considerations than money—they fight for liberty and independence.

Mr. R. Williams said, the gentleman from New Jersey had given his words a construction which would offend every man in the United States. He had made use of the expression to enforce his idea of the preferableness of the militia over a standing army for the defence of the country—of men who fought in defence of the blessings they enjoyed, over these who fought merely for hire. He could not see how the gentleman from New Jersey could have understood it in the way in which he had stated it.

With respect to anything which the gentleman had said with respect to the opposition which had been shown to this bill, it would not deter him from acting as he thought would best serve the interests of his country. He did not himself wish to dictate to any man how he ought to act, nor did he wish to be dictated to. All had the same interests, he supposed, to support, and if they differed about the means of effecting it, it ought not to be charged against them as a crime. He wondered, therefore, when gentlemen could not compel others to think with them, that they should think it necessary to abuse them. Such conduct went to destroy the freedom of debate. If members are not to be at liberty to compare their thoughts without having illiberal motives ascribed to them, harmony and good order could not be expected to subsist amongst them. He lived in a remote part of the country, but he believed, in time of danger, neither he nor the people who sent him would call upon the mountains to hide them, as the gentleman from New Jersey had insinuated. They had never shown that disposition.

But the gentleman from New Jersey, on this and former occasions, chooses to single out a particular character in that House for his severest censure. He did not know why he should do this; if there was any blame to be imputed to any man for opposing this bill, he should wish to have his share of it, in the way in which it was usual for that gentleman to bestow it—a way which he, however, thought unwarrantable.

A motion was made for the committee to rise, and negatived.

Mr. S. Smith said, did he think, with the Speaker, that this question was the touchstone by which to determine whether members were willing to defend their country or not, he should waive his opinion, and vote with him. From the receipt of the last despatches from France, he had made up his mind to go into essential measures for the defence of the country, but not to go into anything which he did not think essential; and if he differed from the gentleman from New Jersey on this question, he

trusted he would not impute that difference to a determination not to defend his country.

Mr S. said, he never did consider this as an essential bill; but he agreed to take it with the amendments proposed by the select committee. When he did this, however, it was upon the idea that gentlemen who were desirous of voting for measures of defence would also have voted for raising money to pay them. Upon this view, though contrary to his sentiments, he promised his support to the bill.

The question which was decided on Monday (the question determining whether the land-tax should be for one year or annual) was that which ought to have been a rallying point. It was then gentlemen threw from them the strongest possible defence, when they declared they would not tax themselves more than one year for the defence of their liberties and independence, and not now upon a question of raising a body of 10,000 men, which would scarcely serve for an advance guard. Money was the thing wanted. There had not been a single object of defence which he had not voted for; and he had been the means of bringing forward the touchstone with respect to paying the expense; and what was the consequence? The question for making the land-tax annual was lost. 60 to 20, so that the tax was only to be laid for one year, which would produce two millions of dollars a year hence. Was not this weakness itself? He thought it was. What was meant by charges brought against gentlemen being unwilling to defend their country? No one could seriously believe, for one moment, any such thing. Gentlemen may talk of raising men as much as they please; they can be got whenever they are wanted. Money was the thing wanted, and not 10,000 men, whom he could raise in one-half of his own district in three days' notice. Besides, 80,000 men were held in readiness, and might be called out in whole or in part at any time. Indeed, since gentlemen who are so loud in speaking of defensive measures have opposed the raising of money, he could scarcely consider them in earnest.

Mr. S. said, he did not mean to go at length into this subject; he only wished to convince the Speaker that persons might be opposed to this bill without being opposed to the taking of measures for the defence of the country.

Mr. DAYTON wished the gentleman from Maryland to answer one or two things. If 10,000 men could only be considered as an advance guard, why was he so anxious to reduce the number from 20,000 to 10,000, and urge him (Mr. D.) to agree to the reduction? That gentleman did this; spoke of a compromise which had taken place in the select committee, and that, if he (Mr. D.) would support it, the bill would pass without opposition. Is it not extraordinary, that after this, he should now be lectured by that gentleman, and that he himself should now be found opposing the compromise which he had before recommended? He thought it was.

Mr. S. SMITH said, he had no idea of lecturing the Speaker. He was making an apology for his own vote. Mr. S. said, he was asked why he wished to reduce the 20,000 men to 10,000? He never proposed any such thing. It was a compromise offered to him by the chairman of the committee, and of the two evils he chose the least, though he did not think the men necessary. But, since gentlemen had declined to vote for the necessary money to support the expense, he thought himself excused from voting for these men at all. Whenever the time comes for defending the country, he had no doubt about finding men enough. He knew of no disaffected or seditious persons, of whom certain gentlemen seemed so much afraid. He knew of no American who could not be trusted; and if the militia had arms put into their hands, they would be equal to the repelling of any predatory attack. Should war take place, he should then be in favor of a regular army; and if war should not take place, then the expense of raising the army would be saved.

Mr. FINDLEY wished to mention one fact. The gentleman from New Jersey had made an ungenerous and unfounded insinuation as to the want of spirit of the people in the country from whence he and his colleague (Mr. GALLATIN) came, by saying that he supposed that gentleman would go to his retreat on the Monongahela, and call upon the mountains to hide him. Does experience justify the reflection? He did not live in that part of the country during the war; but he recollected that there were two regiments of men from Westmoreland who fought bravely in New Jersey.

Mr. SEWALL rose to explain the business relative to the compromise which Mr. SMITH had mentioned, but was prevented by a call to order, and by the interference of the Chair.

Mr. LYON said he should not have risen at this late hour, had not the gentleman from New Jersey called to his mind some arguments against this bill. In the first place, that gentleman told the committee that the French have got a band of soldiers which they do not know what to do with. Mr. L. wished to keep this country out of a similar situation, and therefore he was opposed to this bill. Another reason; the gentleman says this force is now necessary. [Mr. DAYTON said, no such thing had fallen from him.] Mr. L. said, he so understood him; that, from the present situation of things in France, and particularly of the Army of England, and of the vessels preparing to transport them, that it was now necessary to raise these men, and that the President would think it necessary. Mr. L. had no doubt the President did think so, and he was not willing that he should have an opportunity of carrying his wishes into effect. He supposed gentlemen were aware that they could not at present prevail with the House to raise an army, and they therefore take this way of putting it in the President's power to raise it, without their consent.

The question for striking out the first section was put and negatived—47 to 44.

The committee rose, and had leave to sit again.

FRIDAY, May 11.

After the presentation of several addresses and memorials respecting our relations with France,

&c., which were, as usual, referred to the Committee of the Whole on the state of the Union,

The bill for the relief of William Imlay was read the third time and passed.

Mr. HARPER, from the Committee of Ways and Means, reported a bill to provide for the assessment and collection of direct taxes; which was twice read and committed.

SEAMEN DETAINED ABROAD.

Mr. HARPER, after premising that he understood many of our sailors were suffering in foreign ports for want of the means of returning home, from having been captured on board our vessels, moved the following resolution, which was agreed to, and a committee of three members appointed to carry it into effect:

"*Resolved*, That a committee be appointed to inquire and report, by bill or otherwise, whether any and what further proceedings are necessary to be made by law for enabling the President of the United States to afford to American seamen who may be left in foreign countries, by reason of the capture or the detention of the vessels to which they belonged, the means of returning home."

PROVISIONAL ARMY.

On motion of Mr. SEWALL, the House again resolved itself into a Committee of the Whole on the bill authorizing the President to raise a provisional army; when

Mr. DAWSON rose, and moved to strike out that part of the amendment of the select committee which is in the following words: "imminent danger of such invasion, discovered, in his opinion, to exist." He said he would state his reasons for making this motion.

That the situation of the United States, at this time, said Mr. D., is extremely awful and delicate, is acknowledged by all; and he agreed, in the sentiment which had been so often expressed, that Congress ought to adopt every measure for our security which existing circumstances may require and our Constitution authorize, whether we may have been brought into that situation by the aggressions of other Governments, or by the policy of our own Administration. Some, he knew, there are, who are persuaded that every act of our Government towards foreign nations has been just and impartial; others there are who think that we may have committed errors, and that we ought, on conviction, to redress them. Some there are who attribute the conduct of the French Republic towards us to a supposed division in our public councils, and between the people and their Government; whilst others are apprehensive that intemperate, acrimonious language, and inflated declamation, on our part, may have irritated a nation, proud in her victory and giddy with success. Whether to any or to which of these several causes we are to attribute our present situation, Mr. D. said he would not inquire, and should think it wise to keep out of view, as far as possible, questions which have so much agitated the Union and divided her councils. He was of opinion that all parties should unite their endeavors to avert the impending storm; and if they cannot do so, they should be prepared to meet it like men resolved to support the Constitution, the liberty, and independence, of their country.

These being sentiments and principles to which he was forever wedded, he must express his astonishment at insinuations which had been so often heard within those walls from gentlemen elated in their own estimation, who are constantly placing feathers in their own caps, and ascribing to others who differ from them in opinion, at least an indifference to the interests of their country. With what delicacy these charges had been made, he left with the gentlemen themselves to determine; with what propriety they had been urged, an impartial public will decide. To that tribunal he cheerfully appealed; and he felt a confidence, that if by the aggressions of other Governments, or the policy of our own, our country should be involved in war, the gentlemen with whom he had the honor to act would be found as ready to meet danger, and as firm in supporting the liberty and independence of our country as their vaunting opponents.

With these impressions upon his mind, he should readily vote for the bill under consideration, however large the number of men, or great the expense, could he persuade himself that existing circumstances require the adoption of the measure, or that the Constitution would authorize the delegation of power. But, believing as he did, that there are no dangers which at this time threaten our country which may not be met by the militia of it, and persuaded as he was that the Constitution does not authorize the proposed delegation of power, he must be opposed to the bill.

On a review of the subject before the committee, two, and only two, points present themselves to our inquiry, and these have been so fully treated by gentlemen who had preceded him in the debate, (especially by the able member from Pennsylvania, Mr. GALLATIN, and his very eloquent colleague, Mr. BRENT,) that an attempt on his part to enforce their arguments would be adding sophistry for reasoning, and declamation for persuasion. He would, therefore, sit down with moving his amendment.

A call for the question was made.

Mr. SEWALL would only observe, that this question was the same which had been debated for several days. He left the public to judge of the candor of gentlemen in thus repeating questions upon the committee. If the bill was to produce any effect at all, it must have its principal effect from these words. As to the Constitutional scruple, he believed no one would lay any stress upon it. If this motion did not prevail, (which he trusted it would not,) he should move to confine the power proposed to be given to the President to the recess of Congress; and if imminent danger should exist in the mean time, the President certainly ought to have the power to begin to raise these men.

The question was put and negatived—48 to 41.

Mr. SEWALL then moved the following words to be introduced into the committee's amendment,

viz: "before the next session of Congress, which is or shall be appointed by law."

This motion, after a number of observations upon it, as to the propriety of its form, was agreed to, in these words, "before the next session of Congress."

The next question was upon striking out from the first section of the bill, "whenever he shall judge the public safety requires the measure," and to insert in its place the amendment of the select committee, as amended, mentioning the three contingencies in which the President may proceed to raise the army.

Mr. SITGREAVES inquired whether it would be in order to divide the question so as that he might vote for striking out and against inserting? and being answered in the affirmative, he said he would then call for such a division of the question. He had felt, during the present session, very little disposition to take up much of the time of the House or of the committee; but as no gentleman had at all expressed the opinions which he (Mr. S.) entertained on the subject, and as the subject was of so great importance that silence, under such circumstances, could not be compatible with duty, he must entreat the indulgence of the committee while he explained, as briefly as he could, the reasons why he hoped the words contained in the bill from the Senate might be struck out, and neither those contained in the amendment, nor any others, be substituted in their stead. It was his opinion, formed after much anxious consideration, and which he therefore could not suppress, although from what he had heard in the House for some days, he could not expect that his ideas would prevail generally with the members—it was his opinion that the military force contemplated by this bill should be immediately raised, and that it ought not to depend either upon the discretion of the President, as provided by the Senate, or, what is worse, upon the specific contingencies expressed in the amendment of the select committee. He had no objection to trust the President with the discretion alluded to, but as he was very clearly of opinion that the circumstances of the country required that a respectable military force should be provided without delay, he did not desire to throw upon the President a responsibility which he was ready to take upon himself, and which he thought ought to be borne by Congress rather than the President. At a time when the country is admitted on all sides to be in danger, he could not admit the idea of a provisional army; he believed that the Military Establishment ought to be increased by an addition equal to the exigencies of the times, and that this increase ought to be authorized and directed by law, in the usual and ordinary form.

The committee had heard much about a spirit of compromise. He believed that this bill had, in its origin and progress, grown out of this spirit of compromise; this spirit had nearly strangled it in its birth in the Senate; and this spirit had mangled and mutilated it in the select committee of the House. For himself, he always had believed, and he still believed, that this spirit is an evil spirit; that, on great and important public points of difference, it never had produced, and never could produce any good. On a question like the present, he believed there was no half-way line, no middle course, which could be correct. If the actual or probable circumstances of the country require military preparations, they ought to be made; and if there is no danger, there is no necessity for preparation. The spirit of compromise which had pervaded on this occasion, he thought, therefore, was unwise and improper; it was acting like arbitrators, who, under the notion of splitting the difference, did justice to neither party, but injustice to both. He would not say that there is, to use the very restricted language of the amendment, actual imminent danger of an invasion; but if there are any appearances in the state of our foreign relations to justify a reasonable belief that in one, two, or three years hence, war may be made upon us in our own territory, he believed it was the indispensable duty of Congress now to begin to make preparations to meet it. If we should wait until the danger becomes imminent, before we commence the raising of an army, we shall wait too long. Much time is requisite to be employed in the raising and organizing a regular army, and much more before it can be disciplined so as to be efficient. He agreed with those gentlemen who believed that a regular army was most to be depended upon in time of declared war; but he supposed it would be conceded that such an army, in its early infancy, consisting of raw recruits, imperfectly disciplined, is much feebler and much less to be relied on than the militia of the country, who supply the defect of discipline by principle and enthusiasm. The militia will be composed of men having a common interest in the community, who take the field to fight *pro aris et focis*, for their own preservation and the protection of their families, connexions, friends, and country; whereas a regular army in this, as in all other countries, will be made up, in a great measure, of the idle and the profligate, who have no property to defend, who are without employment, and without industry to seek it. In this observation, he begged it to be understood that he referred to the private soldiery and not to the officers. If, therefore, the bill was calculated only for cases of invasion, or of imminent danger of invasion, there could be no doubt but the immediate resource of the nation must be in its militia. It is a joke to talk of raising a regular army to repel an invasion which has occurred, or which is, as it were, at our door. Before a regular army, commenced thus late, could operate effectually, the enemy will have effected their lodgement in the heart of the country, will have taken our chief towns, and have fortified them against our attacks. For all purposes, therefore, of temporary defence, he presumed the hopes of the nation must rest on the militia and on the volunteers. He understood the army, contemplated by this bill, to be designed to meet that state of things when, one or two years hence, all obstacles being removed which at present oppose themselves on the ocean to the enterprises of France,

she may be left at liberty to reek her vengeance upon us, by a powerful invasion of the territory of the United States. This is a state of things which we ought to anticipate, whether the projected expedition against England succeed or fail; it is reasonable to expect that under either circumstance its issue will induce a peace between those rival Powers; and when that shall take place, there will be nothing to prevent France from sending her ships and her troops across the Atlantic to the invasion of America. It is against this period that Congsess ought to prepare, with a prudent foresight of events; and, to be prepared, they cannot begin too soon. According to all ordinary calculations, they will not, even if they begin now, have their army in a state of efficient readiness before it will be wanted. The country is not the less in danger that the danger is not at the door; this is a truth all important, but which did not appear to be sufficiently understood.

He requested that gentlemen who opposed this bill would retrace the arguments which they had used in the course of this session. When measures of defence have been proposed; when arming of merchant vessels has been under discussion, and when it was contended that the public ships of the United States should be used as convoys, have they not urged with the utmost solicitude that these measures must necessarily produce a war? When the despatches were about to be published, did they not strenuously contend that it would be equal to a declaration of war, and would effectually destroy all remaining hope of accommodation? Yet, after these measures have been adopted, and war, according to their own reasoning, has thus become inevitable, and when it is now proposed to be prepared for so probable an event, they affect to have dismissed all apprehension, and tell us "there is no danger." For himself, Mr. S. said, he was ready to avow that he had always believed that there was danger; that it was not in our power, by any efforts, to preserve peace. He had calculated upon the profligacy of the Government with whom we are at variance, upon their boundless ambition, their excessive arrogance, and their insatiable resentment. He had believed that the rulers of France would suppose their individual interests to depend on contention with America; he had never imagined that our danger could be averted, or would be accelerated, by the measures we had adopted. And when he had voted for those measures, it was not from an expectation of averting, but with the view of meeting the danger. He now believed that, unless circumstances should occur in Europe which are not under our control, the time would come when all the difficulties would be removed, which, at present, prevent the Directory from pointing their force against this country, except those which they should encounter in our own courage and our own resources—especially if that sentiment should prevail which had been so often expressed, that a war with France was less to be deprecated than an alliance with England. If no compact could be made with Great Britain that should secure to us the assistance and protection of her navy, and when her numerous fleets shall no longer cover the ocean and keep the fleets of France blocked up in her own ports, what is there to prevent those fleets from landing her military hordes on our shores? We must in that case be exposed, alone and unassisted, to all the efforts of an enemy whom gentlemen affect to consider as all powerful, and of whose resentments there can be no doubt. What is to become of the immense armies, composed of turbulent and restless spirits, habituated to licentiousness and plunder, when they can no longer be amused with the chimera of a conquest of Great Britain? How will they be disgorged from France, where their continuance must be fatal to the rule of those who now exercise the powers of the Government? Where are they to find the rewards which have been so lavishly promised when they shall have achieved the safety of the Republic? Is there not good reason to fear that they will be sent to seek their reward in America, to divide our lands, and establish a military colony in the United States? Are we not exposed to every project of this sort in the South, and from the quarter of Louisiana? He believed that these are not exaggerated apprehensions; that they ought to excite us seriously to think of a danger that may not be very remote; and with firmness and resolution to prepare for the worst. He could not, for himself, consent to postpone one day the raising of an army that might be likely effectually to protect the country, when our trouble shall have come upon us. He could never consent to impose on the President the responsibllity of so important a measure; still less was he willing so to confine and restrict his discretion, as that he should only use it when it would be too late. He repeated that, however soon our preparations might begin, there was a strong probability that the army could not be efficiently raised, organized, equipped, and disciplined, before it might be necessary to call them into action.

Solemnly impressed with this conviction, he must vote for raising this army immediately, although he had no expectation that such vote would succeed; but placed in a responsible situation, in critical times, he could not otherwise discharge his duty than by declaring his opinion candidly, and pressing it upon the committee. He was sensible that, in expressing this opinion, he should differ from some respectable friends with whom he had always acted. He lamented it extremely. He lamented that any of his friends should adopt sentiments which, as he conceived, tended to cripple the necessary measures of defence; that they should swell the numbers of those who had been uniform in their opposition to these measures. Of all possible times, he believed the present to be the least proper for compromise. In such times gentlemen should think for themselves; should act from the result of their opinions; and, if they cannot succeed in carrying measures which they think necessary for the honor and interest of the country, should devolve the responsibility of consequences on those who defeat them.

While he was up he would notice the observations of some members who profess to decline voting for the proposed armament, because on a recent question others had voted to limit the duration of the direct tax to one year. No man regretted more than he did the decision of that question, or was more desirous that the duration of the tax should be commensurate with the expense which it was intended to defray; but it did not follow that because they had committed one error, they should commit another. The defence of the country ought not to be crippled from an idea that money could not be raised to meet the expense. It is our duty to adopt the necessary measures of defence, and afterwards it will be our duty to provide the money. The session was not yet closed, and before the House rises, it could not be doubted but that resources would be found to answer all exigencies. He concluded with calling for a division of the question.

The question on striking out the words in the original bill, viz: "whenever he shall judge the public safety requires the measure," was put and carried; there being 72 votes for it.

Mr. HARPER then moved to insert the words recommended to be inserted in their place by the select committee, viz: "in the event of a declaration of war against the United States, or of actual invasion of their territory, by a foreign Power, or of immediate danger of such invasion, discovered, in his opinion, to exist."

The question was carried; there being 68 votes for it.

The next amendment proposed by the select committee was to strike out twenty thousand (men) and to insert ten thousand.

Mr. GALLATIN wished this question to be divided, as he wished to strike out twenty, and insert five thousand. He was led to wish this amendment from the general agreement which there seemed to be, and agreeably to the confession of his colleague (Mr. SITGREAVES) that at present there exists no danger of an invasion from Europe. If there was any danger at all, it seemed to be confined wholly to the Southern States; and it was said yesterday by a gentleman from that quarter, (Mr. PINCKNEY,) that twelve or thirteen hundred men in South Carolina would be very useful. If that number would be sufficient for that State, Mr. G. thought five thousand would be a number sufficient to be raised for any object to which they could be applied. As for himself he was against the bill *in toto*, as he did not believe in any danger which the militia would not be able to meet; but if an army must be raised, it need not be larger than gentlemen could find a use for.

Mr. HARTLEY had some doubt whether Congress ought not then to go further than was intended by the bill, and vote for an efficient force to be raised immediately. Nothing but the expense, and the strong objections made against the necessity of the measure, induced him to be in favor only of a provisional army, to be raised on certain contingencies.

The right of delegating the power intended to be given to the President has been very fully discussed. He thought there had been great accommodation on the part of the majority to limit the time.

The President, Mr. H. said, will be in a very delicate and responsible situation. The whole world looking on, he will certainly strive to act in the best manner. He was perfectly satisfied that the President should have the power of raising the 20,000 men, or as many of them as he thought necessary, upon one or more of these contingencies happening. No one ought to say that 20,000 men, in case of war, would be too many. In the year 1776, when we were contending against a nation perhaps not so formidable by land as the one now about annoying us, Congress voted 88 battalions of infantry, besides cavalry and artillery, and afterwards there were voted 16 additional battalions.

Whenever armies are to be raised by recruiting, you must, in the first place, be at considerable expense in supporting officers without men; but this cannot be avoided. The officers should be selected from the several States, and dispersed over the Union.

If we have a war, as the President might engage men for a shorter period than three years, he trusted that the sons of the yeomanry of the country would come forth as on a former occasion.

Mr. H. said, gentlemen might speak as highly as they pleased in favor of militia. The plan now in view would draw a part of them into the standing troops, where they would be better disciplined; and, in addition to the knowledge of shooting, they would acquire that of moving and manœuvring to advantage.

Standing troops will be necessary in a war of any length. You may occasionally call the militia; but it would be immensely inconvenient to be constantly calling the husbandman from the field, and the mechanic from his labors, and to have the whole country marching and countermarching. Short tours of duty in the militia is a serious difficulty, and cannot well be helped. Some attempts have been made to retain the militia in camp six months, but they have been distressing. One instance he would mention. In the year 1776, as a reinforcement to the Northern Army, 5000 militia were ordered out, under the command of General Bricket. They were very good men; they were in camp for some months at Tinconderoga; but, from camp duty, separation from their families, and impatience, they became sickly and depressed, and were daily applying for discharges.

Where the service is not of long duration, but active, the militia can be useful, especially in a woody country. They may frequently act to advantage in aid of the regular troops. They performed their duty in unison when General Burgoyne's army was taken. A number of bold and decided men left their homes, resolved that the invading army should be destroyed or taken before they returned. The army was taken. In several other places the militia achieved reputation.

Mr. H. was not for a large standing army in time of peace, nor, in time of war, of more troops than would give security, and be a convenience to

the rest of the community. He strongly urged the propriety, in the present state of things, of granting the power to the President. He was confident it would be faithfully attended to. If any intentional wrong took place, an enlightened people would discover it.

From the arguments of some gentlemen, all is security—we have nothing to fear. Those arguments have been so forcibly or artfully used, that, for the moment, numbers may be led away by them. Recollection and thought will bring them back; and if they do not dissent or discredit absolutely what is said about our security, they must doubt it, and prefer their own measures.

If none of the contingencies contemplated in the bill happen, no men are to be raised; but if any of them should happen, the number should not be reduced from 10,000 men to 5,000, but rather remain at 20,000.

As to providing the means, Mr. H. was inclined to think that they were not obliged to go to any great extent. No money was provided to pay the militia who may be called out; but the national character and honor are certainly pledged to furnish what may be necessary—so they will in this case.

He conceived, however, that it might be prudent to appropriate $150,000 or $200,000 at present, to be under the direction of the President, in case troops were to be raised under this bill, which might be applied towards bounty, or equipping. He was decidedly against the motion for reduction.

Mr. HARPER did not know by what kind of reasoning the gentleman from Pennsylvania could conclude that nobody apprehended any danger from invasion, except from the West Indies, and that in the Southern States. He had himself said, that there was danger in that quarter, but by no means that there was none anywhere else; so far from it, he had declared it to be his opinion that there was as much danger in Rhode Island as in any other part of the Union. Another gentleman (the Speaker) contended that the army on the coasts of France, which, in gasconading style, they call the Army of England, may be the *Army of America;* and the transports collecting at Bordeaux and Brest, instead of being intended to go against London, may be sent to Florida, or against Rhode Island. This, in his mind, was a probable event; and when he saw 150,000 or 200,000 men collected on the shores of France, said to be for a particular purpose, he could readily conceive that a wing of that army might have another destination. He had not the happy turn of mind of the gentleman from Pennsylvania, who, notwithstanding all that was heard and seen from France and her agents, could still believe that we have no danger to apprehend, except from the West Indies. Mr. H. believed the most imminent danger was from that quarter, but by no means the only danger; he believed there were others, not only great, but serious and threatening; he believed the Executive Directory were too wise, and had too good information, to make an attempt on England; and though he did not believe that we had any certain knowledge of an intended invasion from Europe, yet it was extremely probable. He was therefore opposed to the reduction of the proposed army to 5,000 men, because he did not think them sufficient; nor did he concur with another gentleman from Pennsylvania, (Mr. SITGREAVES,) that an army must be raised for a year or two before it can be useful. Much depended upon officers; and he believed, if these were active and did their duty, three months would make an army as fit for service as three years. He therefore believed an army of 10,000 men might be raised and completed for the field, if occasion required, before the next session of Congress; and he did not mean to say that any danger could assail us, in the mean time, which 10,000 men, with the assistance of the militia, (whose service he never meant to lose sight of,) would not be able to repel.

Mr. H. said, had he been so desirous of degrading the militia as his colleague (Mr. SUMTER) had supposed, he should have cited some instances of their disgrace, which he could have easily done. He believed the militia were the materials out of which a defence was to be raised, but he still believed that it was necessary to have a regular force to act with them; and though 5,000 men might be sufficient for the protection of the Southern coast, as they might also be wanted in other quarters, he should be opposed to raising any less number than 10,000 men.

Mr. GALLATIN said, it was true, that he had conceived the idea of danger from an invasion from Europe during the present season was given up. He had drawn this conclusion from the manner in which gentlemen had supported their opinion against his motion to strike out the first section. It was then stated by the gentleman from South Carolina and others, that there existed danger in a certain quarter. The gentleman from South Carolina even pointed out the very individual spot at which the enemy was to land, the route they were to take, and almost every encampment they were to make, until they got to the walls of Charleston. When he said he thought the idea of danger from Europe was given up, he did not forget what fell from the Speaker yesterday; but having heard that gentleman calling the *Army of England* the *Army of America*, and, at the same time, speaking of falling mountains, unfurled banners, &c., he could not conceive him to be serious in anything he said; and he really had considered the whole of his speech as merely allegorical. But the committee were now told by the gentleman from South Carolina that there is a probability of an invasion from Europe. If he had said there was a *possibility*, he would not have said it was impossible, as very improbable events sometimes take place; but, when the House legislated, they ought not to do it upon possibilities, but upon probabilities; and all that had been said in favor of this bill that was probable, was what had been advanced as to the danger to be apprehended from the West Indies. Everything else he looked upon as beyond probability.

Mr. G. desired to know upon what this probability of an invasion from Europe lay? He wish-

ed, instead of saying that the armament now preparing in France, ostensibly against England, might come against this country, to say why they think so. The argument of the gentleman from South Carolina was of a singular nature; it amounted to this: The French Directory are extremely wise, and have the best information relative to England; but it is impossible to succeed in an invasion against that country, therefore the armament must be intended against this country. He must own he was not struck very forcibly with such reasoning.

As to the impossibility of invading England, he knew nothing of it. He believed the success of the event must depend upon the resistance made in England; and it appeared to him, from what was taking place there, that they do believe in the possibility of an invasion, and are determined to resist any attack which may be made. But if the principle laid down by the gentleman from South Carolina, that the Government of France is wise, and have good information, is admitted, they will have the wisdom and information not to attempt impracticabilities, but apply their means to effect objects which will be of service to them. But an invasion of this country could neither be useful to the men in power in that Government nor produce the least advantage to the nation. The resources of that nation, powerful as it is, do not consist of money, or a great navy, by which to carry on projects at a distance from home. They have men in great abundance, and the Government can lay hold of anything they please to support them. But we know the situation of their finances; we know they have called for a forced loan in support of the intended invasion against England. They wanted only forty millions of French livres for that important object—not quite two millions sterling—and were not able to raise it in the usual way. We know that they wanted money from us, and from Hamburg for the same purpose, and have in fact been trying to raise money everywhere on the credit of their Dutch rescriptions. Thus situated, Mr. G. asked, how gentlemen could imagine that the French could undertake to invade a country like this, twelve hundred leagues distance from home? No nation who had not the most extensive resources, both as to money and shipping, could undertake such a project, and it was well known that France is greatly deficient in both, and therefore cannot come with a fleet here.

But, supposing France was able to make an attack on this country, he wished to know what was to be her object? Was it to subjugate our country? Suppose they had it in their power to send over here and land an army of 40,000, or of 100,000 men, could it come into the head of any man, that they would be able to subjugate this country? Suppose they were to conquer a part, possessing different manners, and speaking a different language from the people here, they could not expect to become incorporated with the citizens of this country, and must finally be expelled. Indeed, it appeared to him that this invasion by the Army of England was one of the most extraordinary ideas that ever entered the head of a politician or statesman; when it must be seen that England is the object of this armament, as the only enemy France has left; when it must be evident that no greater object can be contemplated by that country than either destroying their rival, or by producing a revolution in the British Government, to secure the stability of their own; to tell the committee that, notwithstanding every appearance to the contrary, these preparations were probably intended against this country, was, to use the language sometimes adopted by the gentleman from South Carolina, to presume too far on the credulity of this House.

But, is there any reason from anything which has taken place between this country and France, to believe that such a design really exists in the French Councils? It had been said that that Government had threatened us with such an event. He wished to know in what manner, and how the threat had been made? The only threat which he recollected was the threat made by one of those agents, (X, Y, or Z, he did not recollect which,) who said to our Commissioners: "If you do not agree to such and such propositions, we will do—what? Send an army to invade you? No. Some frigates shall be sent from the West Indies to ravage your coasts." With what design was this threat made?

Mr. HARPER asked, whether or not the fate of Venice was mentioned?

Mr. G. said, if the gentleman would suffer him to proceed, he would notice what was said respecting Venice also. The design of these agents was evidently to frighten our Commissioners and to extort money from them. But do they threaten them with danger which was improbable? No; they knew if they had done so, our Commissioners would have laughed at them. They, therefore, spoke of things which partook of probability.

But those agents reminded our Commissioners of the fate of Venice. And are gentlemeu afraid of this country experiencing the fate of Venice? Did not these agents, in the same breath that they spoke of the fate of Venice, acknowledge that it was impossible to subjugate this country? Mr. G. quoted that part of the despatches where these agents assented to the truth of that position as stated by our Envoys.

But it appeared to him that the gentleman from South Carolina had himself, this day, at the same time that he declared the danger existed, concluded that the danger could not exist for this year. For, if he apprehended any portion of the Army of England would come against this country this season, he certainly would wish for a larger number of men than 10,000; he would have agreed with his colleague (Mr. SITGREAVES) and voted for 20,000. But, he says he will not do this, as he does not believe any danger will arise before the next session of Congress, which will require a larger number of men than 10,000. Believing with the gentleman from South Carolina, that no danger was to be expected from Europe, Mr. G. said, he wished to reduce the number to 5,000.

Mr. G. said, he did not intend to have said anything upon this amendment; but as the gentleman

from South Carolina had dwelt much upon the danger to be apprehended from an invasion from the Army of England, he could not refrain from making a few remarks upon that subject. He could not imagine how such an idea could have entered into the head of any gentleman; but since some had brought their minds into such a state as to apprehend such an event, he did not expect that anything which he could say, would operate upon them; but he expected they must vote in favor of raising the whole 20,000 men at once. But, as to those who could satisfy themselves that the only danger to be apprehended was from the West Indies, he thought it must be evident that 5,000 men would be sufficient for every purpose to which they could be usefully employed. And it would be perfectly clear that they would only cost the United States half the money.

There were also some gentlemen in the House, Mr. G. said, who, though they did not expect an attack from France at present, expected it whenever a peace shall take place with England; he had himself no such apprehension, as he believed that system of plunder which was occasioned by war would end with war, and as no particular vengeance had been threatened against us, although he did not deny some personal resentment existed between the Executive of that country and that of America; but this being confined to a few individuals was less dangerous in its nature, and would cease whenever the men were out of power. But to those gentlemen, however, he would remark; that the less money we expend in the mean time, the better we shall be prepared to meet the danger when it comes.

Mr. DENNIS said, he was one of those who thought that, if the House were to act more and talk less, it would be more honorable to themselves and profitable to the country. Under this impression, he had sat with patience to hear gentlemen debate the present subject, without intending to take any part in the discussion. He had heard the gentleman from Pennsylvania, day after day, administer powerful opiates to the committee; but he now began to think it was time to resist them, and he rose for that purpose.

Were he as confident as the gentleman from Pennsylvania appears to be, that we should be fully adequate to repel every foe who might attack us, without raising any troops for our defence until we shall be engaged in actual war; if he could be satisfied to have some of the States ravaged and plundered, and perhaps many parts of the United States deluged with blood, before we could collect a force to repel the enemy, he might acquiesce in the doctrine of that gentleman. But he did not agree with him, that, because we cannot effectually guard every part of our coast, we ought not to guard any part of it, any more than he could agree with him in a similar opinion with respect to the defence of our commerce, that if we could not protect it effectually, we ought to protect it as far as we are able.

Mr. D. believed this country was in much greater danger of invasion than the gentleman from Pennsylvania was willing to allow. He would not absolutely say we should be invaded, but he thought such an event very probable. We know, said he, that there is a large body of troops collected on the shores of France, and a number of ships-of-the-line, and other vessels, adequate to the transportation of a large number of troops. We are told, said he, that these men, and these vessels, are intended for the invasion of England. But was it not known that the French were pursuing two systems? They have not only the invasion, and consequent subjugation of England in view; they have another system, in which he believed they placed more confidence than in the other, which was, to cut off the resources of the British nation, and how could they more effectually do this than by getting such an influence in this country as should cut off her trade to it?

To wound Great Britain through our sides, Mr. D. said, had been the object of the depredations which France had for a long time committed upon our commerce. The resources of England were got chiefly from this country and the West Indies; and though the force which the French had collected on their shores might not be sufficient for an attack upon England, it might be sufficient for an invasion and subjugation of this country, and by that means effectually cut off the resources of Great Britain. And what Mr. D. asked, was to prevent this measure from taking place? All agree that the British navy might, if that nation were disposed to do so, prevent it. But are gentlemen willing to depend upon the British navy for protection; a nation, whom, it is frequently said, would rejoice in our destruction; a nation, whose animosities against us are very great; and who, according to the doctrine of some gentlemen, consider us as the greatest rivals. He believed for himself, that we ought not to repose any confidence in Great Britain, or any other nation. He believed the time was arrived when we ought to take measures for our own security.

If, said Mr. D., there be any disposition on the part of the British nation to conciliate the affections of this nation, with a view of drawing us into an alliance with her, he asked in what way it might be most effectually done? If Great Britain calculated on our friendship, it must be in proportion to our enmity with France, and she will be glad to do anything, or suffer anything to be done, which shall have a tendency to produce that enmity. And how could this be more effectually done than by suffering a few French ships, with thirty or forty thousand men, to come out and invade this country? Such an event could not fail to excite the bitterest animosity against the French nation, which would be equivalent to a friendship for Britain.

If he thought, with the gentleman from Pennsylvania, that an invasion from Europe was a mere bugbear, or phantom, and that it was raised merely with a view of getting a standing army, to increase the power of the Executive, he should not have made use of many of the arguments which that gentleman had used. He had not been sparing in his descriptions of the horrors and calamities of war; he had painted them in the most striking

colors. And why has he done this? If there be no danger of invasion; if there be no danger of our commercial resources being deranged; if small predatory incursions can only be expected upon our territory; if our duties on imposts and tonnage will increase, no direct tax can be necessary to support the deficiencies of our revenue, and all the hideous pictures which the gentleman has drawn about the calamities of war, must vanish into air. It was because he apprehended an invasion, and a consequent diminution of our resources, that he (Mr. D.) had supported measures of defence and of revenue to meet the expense of those measures. Was it in order to prevent little predatory incursions, which our militia would be able to repel, that we have so long forborne to protect our commercial rights? Was it for this that we were told, we had better submit to partial losses; that we had better give up the whole of our commerce, than provoke a war? Was this the sort of war of which the gentleman was so much afraid? Was this the danger, to avoid which, it was proposed to give up the whole of our carrying trade to a nation against which gentlemen have so great an enmity? Certainly not.

But the gentleman from Pennsylvania tells the committee, that, though he is against raising an army at present, if the territory should be invaded, he would then not be for raising a partial army, but an army adequate to our defence. The gentleman may believe this at present; he would not say that he had not confidence in the declaration; but his experience of that gentleman's mode of creeping out of any promises which he had made, induced him to believe, that if a foreign army was in the heart of the country, he would still find some arguments against raising a standing army.

Gentlemen continually insist upon it, that, unorganized and undisciplined as they are, our militia are able to defend us against the most powerful army that can be brought against us. So great is their objection to a standing army, and their apprehension of Executive patronage, that they are afraid of even raising ten thousand men, lest they should destroy the liberties of the people, in spite of all the militia in the country.

Mr. D. concluded by saying, that there was great danger in conceiving ourselves too secure. He believed we had resources which, if called forth, would enable us to defend ourselves against the world; but if we declined to use them, and rely for defence upon a disorganized militia, this security might be fatal to us. Indeed all the arguments of the gentleman from Pennsylvania went to show rather an extreme jealousy of our own Government than any apprehension from a foreign foe. He hoped, therefore, the motion would be negatived.

Mr. BROOKS hoped the motion would not prevail, for, as the gentleman from Pennsylvania has declared that he is against the bill altogether, it might be expected that he would do all in his power to make it ineffectual. The gentleman from Pennsylvania has said, that there is not the least danger of war, and therefore it is not necessary to raise ten thousand men. He was a little surprised, after that gentleman had declared, day after day, that if such and such measures were taken they would involve the country in war, and those measures had been agreed upon, that he should now say there is no danger of war. He says, that France can have no idea of subjugating a country so capable of defence as we are; but the gentleman seemed to have forgotten what had been said about the division of opinion in this country, upon which he supposed the French principally relied. He hoped France was mistaken in her expectations on this subject; yet, if she only sent ten thousand men against us, he should wish the country to be in a situation to receive them. If France was persuaded, that the moment her standard was erected on our shores, one half the people would flock to it, she might be induced to send out an army against us; and if so, he wished to have ten thousand men, in aid of our militia, to meet them. He supposed the most effectual way of preventing any attack was to show ourselves ready to resist it whenever it comes.

The gentleman from Pennsylvania was most fruitful in resources. When he is defeated in one point, he takes up another, and meets you on every side. But amongst all the extraordinary things he said, was, that because the French had different habits, and spoke a different language from the people of this country, they were not likely to obtain any permanent interest here. He did not think there was any weight in this remark; he did not think the French manners and the French language were so very obnoxious to the people of this country as they were represented; he believed the difference between the gentleman himself and those manners and that language, would not be found very great.

Mr. B. said, he would not detain the committee longer, because he was confident the motion would not be agreed to. He had himself been always in favor of raising twenty thousand men, but upon the select committee he was induced to agree to ten thousand, from the consideration that the President would have the power of calling out and organizing twenty thousand militia.

Mr. MACON said, if gentlemen were determined to have war at any rate, they had better bring forward at once a proposition to that effect; but whilst we are in possession of peace, and there is no proposition to break it, he wished to act as in a state of peace. Gentlemen had spoken of the true touchstone, and of parties; the true distinction of party in that House seemed to be, that certain gentlemen are determined to take every means which leads to expense and patronage, and others are as determined in opposing that expense and that patronage. He believed this was in Congress the true criterion of party. Therefore, when augmentations of our military force were contemplated, it was shown to the House where they were to be employed, and the propriety of the increase was tested by the necessity which was shown for them; but now, because the French Government, or somebody for them, has said some foolish things, an army is to be raised, without saying how, or

where it is to be employed. Is there, said Mr. M., a man in the country, who is not blinded by party spirit, who can believe that the French Government knew any thing of the unauthorized conversations held with our Commissioners in Paris? Is there an American who believes that one half the people of this country are devoted to France? It could not be believed.

If the people of Charleston, or any other place, think themselves in danger, he was willing to let them have as many troops as they asked for; but, as had been stated, 5,000 were a greater number than had been shown to be necessary. He was opposed to the bill altogether, as he saw no necessity for it. He believed if any nation chose to make an attempt to land men in this country, the militia would be able to kill them as fast as they could be brought. He hoped never again to see what he saw in the late war—American armed against American. If ever we were again called to arms, he trusted there would be but one sentiment in America, as to the propriety or justice of the cause in which we fight.

Gentlemen talked loudly about the independence of the country, as if they were the sole guardians of it. Could it be supposed that men who had fought to gain that independence would now be more willing than they who had taken no part in the contest, to relinquish the prize to any nation? It could not be supposed. Nor could he believe with the gentlemen from New Jersey (Mr. DAYTON) that the Army of England could be intended for this country. He understood that army was proposed to be sent over to England in open boats, which gentlemen would not contend could bring them hither. He believed that it was not proper on this, or on any occasion, where danger was apprehended, to show a distrust of our countrymen, from any difference of political opinion which may exist amongst them; for, whatever may be their variance in that respect, whenever an enemy appears, they will unite in repelling him. As to what had been said about the subjugation of this country, it was idle. He did not believe that all the Powers of Europe united could subjugate the United States. He should be in favor of five thousand men, because they would only cost half the expense of ten thousand.

The question for striking out twenty thousand to insert five thousand, was put and negatived—47 to 41.

The question now returned upon striking out twenty thousand to insert ten thousand.

Mr. N. SMITH hoped this amendment would not be agreed to. It was contemplated, when this reduction was proposed, that the power should be given to the President for three years; but it was now restricted to the recess of Congress. He did not himself think that at present there was any danger of an invasion, nor did he believe that imminent danger of an invasion would exist, whilst the war continued between France and England; but, whenever a peace shall take place between those two Powers, the question ought then to be taken whether this country ought not immediately to go into preparations for war; and if Congress were not in session at the time, the President ought to have the power of determining this question. It will depend on several circumstances; on what kind of peace was made; upon what ground parties stood when peace was made; on the situation of France at the time; on what kind of men are in power; on the situation of this country; on what is the state of parties here at the time; what is the number of those who are opposed to the Government; how many there are of those who wish to lull the rest to sleep; and what is the amount of spies in the country. All these will be important considerations to be decided at the time, and if it shall then appear that imminent danger does exist, will twenty thousand men be to large a number to raise? He believed not.

Another consideration of great importance was, the language which the House would hold to Europe in adopting this amendment. It is said, that in case of invasion, war, of imminent danger, twenty thousand men will be too many to be raised; we will only raise ten thousand. He did not think such language the most proper on such an occasion.

If the French invade this country, it must be with a view to subjugate it; and if so, it must be done through the medium of a revolution; and if the state of parties at the time authorizes an expectation of success, we may expect them here. And though he believed, with other gentlemen on this floor, that there is no danger of an invasion at present, it was because he believed the opinions frequently expressed in this House by the gentleman from Pennsylvania and others, were not very prevalent out of doors. If they were, he should count upon nothing less than revolution and subjection. To provide for the raising of less than twenty thousand men, would, in his opinion, rather invite attack, than serve to repel it; and as the men would not be raised, except they were wanted, there could be no reasonable hesitation about the matter.

The question for striking out twenty thousand, and inserting ten thousand, was put and carried, 54 votes being in favor of it.

The question next came up on agreeing to the section proposed by the select committee, for authorizing the President, from time to time, as he shall deem it necessary, to call forth in rotation such portion, not exceeding at any one time the number of twenty thousand men of the detachments of the United States, authorized by the act of the 24th of June last, as may be conveniently mustered together, and cause them to be trained and disciplined by their proper officers, either in their respective States, or in one corps, to be drawn from two or more adjoining States, for a term not exceeding ——; for which time the officers and men shall be considered as in actual service and be paid and governed accordingly.

After some discussion, in which Constitutional objections were urged against this provision, the committee rose without taking a question upon it, and the House adjourned till Monday.

MONDAY, May 14.

Mr. J. WILLIAMS, from the committee appointed for the purpose, reported a bill to amend and repeal in part the act more effectually to provide for the national defence, and establishing a uniform militia throughout the United States; which was twice read and committed.

The SPEAKER laid, before the House the accounts of the Treasurer of the United States, of the receipts and expenditures for the quarter ending the 31st of March last, which was ordeed to be printed.

LEAVE OF ABSENCE TO MR. FINDLEY.

Mr. FINDLEY said, the situation of his family laid him under the necessity of asking leave of absence for the remainder of the session. He said, he should have asked this leave some time ago, if it had not been for the notice which the gentleman from South Carolina (Mr. HARPER) gave some weeks since, that he meant to accuse him at the bar of the House, on account of a letter of his which he (Mr. H.) referred to. He did not know precisely the letter spoken of. He had seen a letter in one of the papers of the city with his name to it, which he was neither prepared to acknowledge nor deny. But, in order to give the gentleman time to bring this matter forward, if he shall think proper, he would ask leave after Friday next. As to the manner in which that gentleman had introduced this business, he should say nothing. He was not afraid of suffering in public estimation from anything which that gentleman might say of him.

Mr. HARPER had no objection to the gentleman's having leave after the day he had mentioned, or any other. As to the charge, he had mentioned as his intention to bring forward against that gentleman, it required some time to collect the necessary evidence to support it; and he also stated, when he introduced the subject, that it was not his intention to interrupt the public business with it. He had received the necessary testimony, and as soon as the House had passed on all the public measures before it, if the gentleman was then in his seat, he should bring the matter forward. If not, he should, of course, take no farther notice of it.

Mr. FINDLEY did not know whether motions of this kind were in order; if they were, the House might expect them frequently to be made. If the subject was brought before the House, they would judge whether it was proper for their deliberation, or not, and what kind of testimony would be sufficient to substantiate the charge. He had never asked leave of absence from his duty since he came into the public service before last Summer, when the situation of his family made it necessary; he was sorry that the same cause called him home at present.

Leave was granted.

PROVISIONAL ARMY.

The House again resolved itself into a Committee of the Whole on the bill for authorizing the President of the United States to raise a provisional army; when, the question being put on the section providing for the calling out 20,000 militia, at a time to be trained and disciplined, it was negatived, there being only 11 votes for it.

This section was objected to on the ground that the Constitution has placed the training and disciplining of the militia in the several States, and that Congress had power only "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasion; reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress."

The two next sections recommended by the select committee were agreed to as follows, with very few observations upon them:

"That it shall be lawful for the President of the United States, at his discretion, upon the request of any military corps established by law in any State, disposed to inform themselves in the use of artillery, or of the Executive of any State, in behalf of such corps, to suffer to be loaned to them such pieces, not exceeding two to any one corps, of the field artillery of the United States, as may be most conveniently spared; to be taken, removed, and returned, at the expense of the party requesting, who are to be accountable for the same, and to give receipts accordingly."

"That the President of the United States shall be, and he is hereby, authorized, when under his orders any portion of the militia, or any volunteer corps, shall be called forth and engaged in the actual service of the United States, to suffer to be loaned, at the request of the Executive of the State from which such militia shall be called forth, or of such volunteer corps appearing to be unavoidably deficient, a supply of field artillery, arms, and accoutrements, from the arsenals of the United States, as the case may require; proper receipts and security being given, to be accountable to return the same, the accidents of the service excepted."

The next section, recommended to be adopted, was the following:

"That the President of the United States shall be, and he is hereby, authorized, to cause to be purchased and procured a quantity of caps, swords or sabres, and pistols with holsters, not exceeding what may be sufficient for four thousand cavalry, and to be deposited in the parts of the United States where he shall deem it most convenient, for the supply of any corps of cavalry which shall be called into actual service of the United States, and which the President of the United States may loan upon the terms and the like receipts, to be accountable, as hereinbefore provided. And for this purpose, and towards defraying the expenses which may be necessarily incurred before the next session of Congress, in executing the other purposes of this act, a sum not exceeding —— dollars shall be, and is hereby, appropriated, and shall and may be paid at the Treasury, under the orders of the President of the United States, out of any money not already appropriated."

Mr. SEWALL moved to fill the blank in this section with $200,000. He supposed $50,000 or $60,000 would be sufficient for purchasing the accoutrements mentioned; the remaining $140,000 or $150,000 would be ready in the Treasury in case of emergency, for the other purposes of the act. This mode of proceeding was objected to. It was thought by some that it would be best to appropriate only for the purchase of the articles

specified, and provide for the whole expense of carrying the act into effect in one sum, either in this law or some other; but it was finally carried as it stands, and the blank was filled with 200,000 dollars.

The last additional section proposed for exempting private soldiers from arrest for debt or contract, during their term of service, was then agreed to.

The original bill itself was now returned to, and the first and second sections having been agreed to, the third, which was in the following words, came under view:

"That, in addition to the aforesaid number of troops, the President is hereby empowered, if in his opinion the public interest shall require, to accept of any company or companies of volunteers, either of artillery, cavalry, or infantry, who may associate and offer themselves for the service, who shall be armed, clothed, and equipped, at their own expense, and whose commissioned officers the President is hereby authorized to appoint; who shall be liable to be called upon to do military duty at any time the President shall judge proper; and, when called into actual service, and while remaining in the same, shall be under the same rules and regulations, and shall be entitled to the same pay, rations, forage, and emoluments of every kind, excepting bounty and clothing, as the other troops to be raised by this act: *Provided*, Such volunteers shall not be liable to do duty in any place, but in the States to which they respectively belong, or in an adjacent State."

Mr. Harrison moved to strike out the words "and whose commissioned officers the President is hereby authorized to appoint." As he supposed these volunteers would be considered in the light of militia, as they would be included in the census of citizenship; and if so, it would be unconstitutional for the President to appoint the officers, as their appointment was exclusively vested in the individual States. A further reason induced him to this amendment. The President, it is well known, is Commander-in-Chief of the militia when they are called out; but he would not be commander of these corps, except called into the field.

Mr. Varnum moved to strike out the whole section. It appeared to him that permitting volunteers to arrange themselves in separate companies would have a bad effect upon the militia; for as they would chiefly be the most sprightly young men who entered into the volunteer corps, there will be less spirit left in the remainder of the militia to perfect themselves in military discipline. He knew that the introduction of volunteer corps into the militia of Massachusetts was thought to have produced a bad effect. Many of them have been discharged, and he believed they went into the corps to which they belonged as regular militiamen. Besides, he thought there was a privilege granted to these men which ought not to be granted to any citizen of the United States. They are not liable to do duty in any place but in the State to which they belong, or an adjacent State; and the President was authorized to accept of these volunteer corps to any amount. What would be the consequence? The greatest part of the militia would join these corps, and by that means be excused from duty, except in their own or an adjoining State. This could not be proper. He looked upon it as injurious to the citizens at large, for any class to be thus exonerated from duty. He thought it directly in the face of the Constitution of the United States. [Mr. V. read the Constitutional provision in respect to the militia.] Mr. V. supposed these volunteers could not be called anything else but militia. They could not be looked upon as a part of the army; no standing force would ever have the privileges granted to these volunteers. Mr. V. hoped the time was not come when it would be thought necessary to violate the Constitution in order to raise up a defence for the country.

Mr. Sumter seconded the motion for striking out the whole section. He took it for granted, that when gentlemen compared this provision with the Constitution, its impropriety would appear. Nothing was more clear than that the appointment of the officers of the militia is vested in the State, and he was surprised that an attempt like the present should be made to violate so clear a provision of the Constitution. Without entering at large into the subject, he trusted that it would at once appear so flagrant a breach of the rights of the individual States, as not to be countenanced by any member of the committee.

Mr. Dana observed, that the gentleman who had just sat down had supposed that this section was so violent a breach of the Constitution, that no one would be found to support it. He should, however, be in favor of it, because he did not believe it violated any rule of the Constitution; and the reason why he did not think so was, that he could not consider these volunteer corps as a part of the militia. If there be any characteristic marks by which to distinguish a militia from regulars, it is that the former are compelled to serve, and the latter enter voluntarily into the service. This bill provides that the President, if the public interest shall require it, shall accept of any company of volunteers who may offer themselves, armed, clothed and equipped, at their own expense, and therefore they could not be considered as militia.

These volunteer corps, until called into the field, will receive no pay, but they will learn the military exercise and discipline, and surely gentlemen will not consider the Constitution violated because these persons choose to perform this previous service without pay. These corps would clearly be enlisted into the public service whenever they made an offer of themselves, and that offer was accepted; but because they clothe and equip themselves, and receive no pay except when called into service, certain privileges are proposed to be allowed to them which are not allowed to other soldiers. This he thought fair, as these volunteer corps would furnish an army in readiness for any emergency, and without expense until the emergency arrives.

But the gentleman from Massachusetts supposes that the admission of these corps will operate an injury to the militia, by taking from it

those young men who are best qualified to make good soldiers. This objection, Mr. D. said, was contrary to experience both in the militia and army, where volunteer corps have been admitted. Instead of injuring the militia, he believed it would be the means of transfusing a military ardor into them from seeing it exist in these corps, as they would be unwilling to be outdone in skill and discipline by the volunteer corps. It would not injure a good militia, and it might improve a bad one.

If there be militia volunteer corps, well disciplined and commanded, who choose to make an offer of their service to the President, they will be accepted, and when called into the field, they would be considered as in the service of the United States. But if there be other companies of militia who would wish to make an offer of their service, but who have no confidence in their officers, it would be proper that the President should give them other and better officers.

Mr. McDOWELL said, that the gentleman last up had observed, that to admit these men in the way proposed, would not be a violation of the Constitution, because they are volunteer corps. What was meant he did not clearly understand. He thought it was a violation of the express words, and more particularly of the spirit of the Constitution. It was declared expressly in the Constitution, that the officers of the militia should be appointed by the several States, and these men could not be considered any other than militia, until they were enlisted into the service of the United States.

Mr. McD. was certain, that drawing the active young men from the militia into these corps would have the bad effect which had been mentioned; besides, that it would break in upon brigades and divisions in a manner which would create great inconvenience, and destroy the good order of the militia.

Mr. HARPER did not think it necessary to go into any lengthy arguments to refute the Constitutional objection which had been made. This rested upon a matter of fact, viz: whether these voluntary corps were to be considered as militia or regular troops. If they are militia, it is certain the President cannot appoint the officers; if they are regulars, he certainly can.

Mr. McDOWELL asked where the gentleman would show the enlistment?

The distinct property of militia is this, said Mr. HARPER. They are obliged to perform military duty, while the service to be performed by these volunteers was an act of their own. These volunteers, then, are to be considered as regular troops. But the gentleman from North Carolina asked where he found the enlistment. It was true he did not find the word, but he found the thing. They offered their service to the President in numbers, and it made no difference in fact whether the offer of service was thus made, or individually. What is an enlistment? It is an engagement to perform military service for a limited time. This these volunteers would engage, and their making the engagement in a body would not be less effectual than if they were to do it individually. When soldiers are enlisted in the usual way, they receive bounty, clothes, and equipments, and immediate pay. These volunteers are to receive none of these, but only pay when in actual service, and therefore it is provided they shall not be called out of their own State, except to an adjoining State; that they shall choose their own officers, and that those officers shall be appointed by the President. And would any gentleman say that the United States have not a right to make a contract with men in this way? He believed they could not seriously say so. Will these volunteers be less soldiers on account of the different terms upon which they are engaged? Are they not to be subject to the same regulations and military command, and in all respects to be treated and looked upon as soldiers? Except that their officers will be appointed by themselves, and they are not to be marched beyond an adjoining State, they will be as much regular soldiers as the armies of France or Austria.

But the gentleman from Virginia (Mr. HARRISON) said they could not be considered as a part of the Army, because they would remain citizens, and be included in the census. He was himself mistaken if regular troops were excluded from the census. He believed the soldier was as much a citizen as that gentleman or himself. Suppose the proposed army of 10,000 men were to be raised, would they not be entitled to all the rights of citizenship to which they would have been entitled had they not become soldiers? They certainly would.

As to the expediency of the measure, he should not go into many observations upon that subject. It was said that the raising of these corps would derange the militia; but gentlemen will recollect that this is only a temporary enlistment, and when the period of service is elapsed, these persons will go back into their ranks in the militia. The militia would be no more deranged, he believed, by the forming of these corps, than it will be by the raising of the provisional army. And will no benefit arise from the return of these men into the ranks of the militia? Yes, they will carry with them their military knowledge and experience, which would be transfused into the whole militia corps, and being well armed and accoutred, a spirit of emulation would be excited in the rest of the militia to become equally so. These men will also be well fitted to become officers and military instructors in the militia.

What benefit would accrue in the meantime? The country would have the advantage of a large body of troops, who would receive no pay except in time of service. And is not this an object worth obtaining? Will those gentlemen who are so loud in their complaints against expense object to the raising of a body of troops without expense? He could not conceive upon what ground they could do this; nor could he see why the United States should cast from them a voluntary service of this kind in the present time of danger. Such a conduct, he thought would be improper in every point of view.

Mr. Brent said, the present was a very important question, and as the usual hour of adjournment had arrived, he hoped the committee would rise and have leave to sit again.

Mr. Allen hoped not. He wished the question now to be taken.

The question on the committee's rising was put and carried—43 to 29.

Tuesday, May 15.

Mr. Harrison reported a bill for regulating the compensation of marshals, attorneys, jurors, and witnesses, which was twice read, and committed for Friday.

Mr. Harper reported a bill laying a direct tax on the United States, which was twice read, and committed for Monday.

Mr. Sewall reported a bill supplementary to, and to amend the act establishing an uniform rule of naturalization, and to repeal the act heretofore passed, which was twice read, and committed for Monday.

CAPTAIN MAGNIEN'S GRENADIERS.

Mr. Josiah Parker presented certain resolutions of Captain Magnien's company of grenadiers, at Portsmouth, Virginia, expressive of their opinion of Government measures, and of the present situation of things between this country and France.

The resolutions were read, as follows:

"At a meeting of Captain Bernard Magnien's company of grenadiers, at the muster ground on the Commons of Portsmouth, the 5th of May, 1798, the following proceedings took place:

"Whereas we venerate the 'Declaration of Rights made by the representatives of the good people of Virginia, assembled in full and free convention, on the 6th day of May, 1776, which rights do appertain to them and their posterity, as the basis and foundation of government;' and whereas it was declared by the said convention, among other things, 'that all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them:' Wherefore, in conformity with those rights, as expressed by the said declaration, we, as freemen and real citizens, think it a duty we owe to ourselves, our country, and posterity, to speak our sentiments on the present alarming crisis in our affairs, and accordingly we give it as our opinion—

"That we view with extreme concern the attempts that are evidently making by men high in authority, to widen the breach between the United States and the French Republic, by holding up to the good people of these States the late unworthy propositions of certain unauthorized persons at Paris, as the act of the French Government, when, in reality, the face of the despatches cannot warrant any such conclusions.

"That we cannot but view the man, or set of men, as inimical to the rights of the people, and the sound principle of self-government, who shall endeavor, by any false coloring, to give the stamp of authenticity to that which is in itself extremely doubtful and problematical; and who shall, by such means, strive to involve us all in the calamities of a war with the most powerful Republic on earth.

"That, without reference to our well founded complaints, or to occurrences fresh in the memory of us all, nothing can be more abhorrent to our feelings than the idea of being, by such a war, driven into an alliance with a nation which is at present unhappily under the guidance of the most foul and corrupt Government upon earth.

"That economy in the administration of a free Government is absolutely necessary to the safety and well being of the State, and therefore such establishments, as will surpass in point of expense the pecuniary resources of the country, must inevitably lead to the failure of public credit—to national bankruptcy, and, consequently, to the destruction of the Federal Government, than which nothing, in our opinion, could be more calamitous.

"That, as 'a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defence of a free State,' we view every measure which leads to the establishment of standing armies, and expensive navies, as contrary to the spirit of a free Government, and by no means so well calculated to ward off foreign insult and invasion, as to invite domestic subjugation, slavery, and ruin.

"That the measures taken at the last session of Congress for the defence of our common country were wise and patriotic. Eighty thousand of our fellow-citizens and brethren of the militia being, in our judgment, fully competent to the defence of our country against any foreign nation whatever.

"That, in case of actual invasion from abroad, or of domestic insurrection at home, we hold it to be the duty of all good citizens and militia-men to rally round the standard of Government, and to defend our rights against all encroachments whatever; and therefore we pledge ourselves to appear armed and accoutred at any moment when our services shall (for the purposes above mentioned) be required.

"*Ordered*, That the foregoing proceedings be signed by Captain Bernard Magnien, and Lieutenant John Brookes, officers of the said grenadier company, and be forwarded to our Representative in Congress, with positive instructions for it to be laid by him before that body as the sense of the meeting.

BERNARD MAGNIEN, Capt.
JOHN BROOKES, Lieut."

On Mr. Parker's moving to refer these resolutions to the Committee of the Whole on the state of the Union,

Mr. Sitgreaves said, if he had heard these resolutions rightly, they contain a libel on the Government, which ought not to be referred.

Mr. J. Parker hoped these resolutions would have the usual reference, although there might be some expressions in them which may appear severe upon some of the measures of Government, as they wind up in terms which are very patriotic and worthy of attention, namely: that, if this country shall be invaded by any nation whatever, they would turn out in defence of it. He trusted they would have attention paid them.

Mr. Sitgreaves said, he did not mean to go into an argument on this subject, or to question the right of the people to address their sentiments to Congress; and, on all past occasions in which the right has appeared in some degree questionable, he had always voted for a reference rather than make an objection to it; but nothing, he believed, was more true, unquestionable as the right

of petition may be, than that it ought to be exercised with decency, and with some regard to truth.

He did not desire to go into an examination of the sentiments contained in the resolutions which had been read; but no man, he thought, could deny that they contain a libel the most unfounded, and that they are expressed in language the most indecent and unwarrantable; and, if the House wished to preserve the right of an expression of public sentiment, they ought to guard against the abuse of it. He hoped, therefore, they would not be referred.

Mr. THATCHER said, these resolutions contained a serious charge against some person or persons not named. If such person or persons has or have committed crimes against the nation, he or they ought to be punished; but it would not be right to give countenance to charges which might be applied to innocent persons.

Mr. J. PARKER was extremely sorry that any opposition should be made to the reference of these proceedings. He did not think the language was stronger or more indecent than that of some other addresses which had been received by the House. The most severe part of it was against the British Government. He had, on a former occasion, heard the gentleman last up speak very improperly of the President of the Executive Directory of France. and he did not know why these people should not take a like liberty with the British Government, if they thought proper, though he acknowledged it was not right to give way to harsh expressions against any Government. He saw nothing in these proceedings which rendered them unfit to be examined. If the sentiments were not well founded—and he believed some of them were not—of course, they would have no weight; but as they concluded with saying they should at all times be ready to defend the country, he thought they ought not to be treated with disrespect. He knew the subscribers, and knew them to be worthy and patriotic citizens, and good officers.

Mr. BROOKS could not agree with the gentleman from Virginia, that, because the latter part of these proceedings were patriotic, it ought to give currency to the other. If so, it would be impossible for any person to write a libel.

The gentleman from Virginia says he is acquainted with the subscribers, and that they are good officers. If so, they ought to have known how to couch their sentiments in a respectful manner. It was a little extraordinary that people should take this mode of traducing persons high in office. Every man must know who was meant. It was evident no other person could be meant than the President of the United States. If they think he has abused his trust in the way insinuated, why do they not come forward and impeach him? He could scarcely believe that such illiberal and scandalous abuse could proceed from any other than vicious dispositions.

Mr. BRENT said, that all the gentlemen who have opposed the reference of this remonstrance have said that the subscribers, if they thought the President of the United States had acted improperly, ought to have come forward and impeached him. He had supposed these gentlemen had not been so little conversant with the Constitution as not to have known that the right of impeachment is confined solely to this House. He had conceived that addresses of this kind were intended to express the opinion of the people on great and important questions, and that objections were not to be made to them on the ground of form. He did not remember an instance of an address of this kind being refused a reference. He believed that, during the present session, addresses had been received fully as exceptionable as this; but it happened that those sentiments corresponded better with the opinions of certain gentlemen of this House, and they were not, therefore, objected to. He recollected that the House has been frequently told in these addresses of a French party in this country, who were ready to sacrifice it. Yet these were referred; but, because the present proceedings express opinions unfavorable to the conduct of the Administration, they are objected to. If this was the way in which addresses from the people were to be treated, the object of them would be entirely destroyed, since none would be admitted which did not flatter the conduct of a majority in this House.

Mr. DANA asked upon what principle addresses were referred? He supposed it was that they might be acted upon. The question was not whether the people had a right to send this address, but whether the House ought to refer it. What is stated in these proceedings? An accusation is brought forward against persons high in authority; it states the late despatches from France as having been improperly held up to view as the act of the French Directory—meaning, no doubt, to censure the conduct of the President for having sent them to Congress, and the Senate for having published them. And could this House make charges of this kind a basis upon which to found any resolution? Certainly not. It was not because these persons have expressed an opinion that public measures have been wrong, that their address is objected to, but because it contains charges of criminality.

Mr. BROOKS called for the yeas and nays, which were agreed to be taken.

Mr. MACON hoped these proceedings would be referred. This was the first instance, he believed, where a reference was opposed of this kind. In the case of the British Treaty, addresses had been received on both sides of the question, couched in very strong terms indeed; but which, nevertheless, had always been referred. At a time like the present, when all (particularly those gentlemen who oppose the reference of this address) believe this country is in great danger, he should suppose it would be imprudent to reject an address from persons who are well attached to the Government, and who express a determination to defend it in every time of danger, merely on the ground of etiquette; for he was persuaded the subscribers neither intended to offend this House, nor the Government.

The part of the country in which these persons reside, is also a part in which their service may be required. Our Constitution guaranties the right of the people to address their sentiments to Government, without defining the manner in which they shall do it; and though this address might not be expressed in very respectful terms, it may, nevertheless, contain some truths worthy of consideration; and, if it were not referred, the addressers would undoubtedly say that the House were afraid of investigation.

Mr. Gallatin said, it appeared to him that gentlemen who opposed the reference of these proceedings do it upon the ground that a reference of a petition or address implies an approbation of its sentiments; for his part, he always looked upon a reference as a mere matter of form. It was true that, if a petition was worded in what was called indecent language, (about which, indeed, there might be some difference of opinion,) it might be good ground of objection; but the indecency must arise from the language itself, and not from any sentiments which it contains. He owned the language of this address was strong, and some of its assertions, perhaps, unfounded; yet he did not see that it was written in such a style as to warrant a refusal to refer it. But it was said that it would be improper to refer this paper, because it contains nothing upon which the House could act. Supposing this to be the true criterion by which to judge the propriety of a reference, which he did not allow, three-fourths of the matter in this address is such as might be acted upon. It reprobates navies and military establishments, and approbates the doctrine of the militia being the true defence of the country, and concludes with saying whatever may be their private opinions as to the past measures of Government, whenever an invasion or insurrection shall take place, they will be among the first to defend their country. Indeed, if petitions were objected to on account of the manner in which they were drawn, it would be necessary to send out a form of petition to the people, when upon any great question their opinion was wanted.

Mr. G. thought it would be much the best course to refer all these addresses, without a discussion, the only effect of which was to give them more consequence than they otherwise would have, and unnecessarily to obstruct public business.

But he would remark, that this was not the first time that addresses had been objected to by gentlemen, because the sentiments which they contained are disagreeable to them. Two instances of this kind had occurred during the present session. One of these was a petition against the arming of merchant vessels, from Cambridge, in Massachusetts, the reference of which was only carried by two votes; the other was a petition which he himself had presented, from forty-four gentlemen, members of the Pennsylvania Legislature, which was objected to, merely because the petitioners stated that they were members of that Legislature. The discussion was interrupted by a message, and he did not think it necessary to trouble the House again with the subject, and the address yet lay upon the table without being referred. But yesterday an address was presented by his colleague from the judges, grand jury, and sheriff, of the county of Bucks, containing different sentiments, which was committed without objection, though it was liable to the objection urged against the address which he presented, as it came from individuals stating their official characters, at the time they were doing an act which did not pertain to their office. He was himself in favor of the reference, because he did not think it objectionable that persons should describe themselves in this way. But it clearly proved that the object of many gentlemen on this floor was to encourage complimentary addresses, and to discourage petitions containing different sentiments.

If he had been a member of this company, Mr. G. said, he would not have drawn the address in the way in which it appears. If he had thought the opinions correct, his own ideas of propriety would have told him it was not right to have thus expressed them. As to the matter itself, he believed the most objectionable part is a mere matter of opinion. They say that the propositions made to our Commissioners in Paris, were made by persons unauthorized; and that authority has been given to what appears extremely doubtful and problematical. So far they may be mistaken, but they have a right to express their opinion. In the next place, they mention that they view with concern the attempts making by men high in authority to widen the breach between the United States and the French Republic, by imputing to the French Government the criminality of those unauthorized agents. He did not believe that this could be denied. The thing was true. He did not allude to the President of the United States, because he did not recollect that he had ever given such an opinion; but gentlemen on this floor have repeatedly spoken of the overtures made by those agents as coming from the French Government. Another objectionable expression is, "that they view the man, or set of men, as inimical to the rights of the people, and the sound principles of their self-government, who shall, by any false coloring, attempt to give the stamp of authenticity to what is doubtful." Although they had a right to hold their opinion, yet, he would agree that they had formed it without sufficient proof, and ought not, therefore, to have expressed it.

But there are opinions as injurious to some gentlemen of this House as this is to others, yet no opposition has ever been made to their reference. The people had a right to form what opinion they pleased of gentlemen on both sides of the House, and an expression of these opinions certainly could not be a good ground of objection against committing them. He recollected that, two years ago, there came a petition from a county in Virginia, which went to cast a direct censure on a vote of the House, with respect to the right which was then determined of appropriating, or refusing to appropriate, for the carrying into effect any

treaty; it was in fact a libel upon the vote of the House, as it said the measure was done with a view of encroaching upon the powers of the Executive, yet it was referred without objection; which was a clear proof that a commitment never, in the opinion of the House, implied an approbation of the petition referred.

Mr. G. recapitulated his reasons for wishing the address to be referred. He did not think error (supposing the subscribers are mistaken in their opinions) could be corrected by force—convince these men they are in the wrong; but truth is to be enforced by argument and not by a mere exercise of power, such as to refuse to commit or to throw under the table the petition, as such a measure could have no tendency but to inflame the minds of the petitioners, and to rivet them still more in what might be supposed to be their erroneous opinions.

Mr. SEWALL said, it was a very difficult thing to restrict the right of petitioning; but it was very evident that some restriction ought to be put upon it, if possible. He believed there might be petitions so offensive in their manner and matter, as not to be suffered to have a public reading; there might be others which, on being read, should be found unfit to be referred. Of the latter kind he thought the present. Certain persons, it seems, have associated for the purpose of military exercise, and have thought proper to express their very extraordinary sentiments to Congress. Whether these sentiments were founded or unfounded, he would not inquire, but only whether they were decently expressed. He admitted the right which these people had to exercise their opinions upon all Government measures, and that they might, therefore, say whether they thought the agents who conversed with our Commissioners were authorized or not. But do these proceedings go no further? Have they the right to say that Government have neglected their duty? to say that they have wilfully and designedly blinded the people, contrary to the interests of the community, by falsely and wantonly perverting the despatches of our Envoys, for the purpose of producing a war with the French Republic? And are these subjects not only to be heard, but acted upon, as if they were proper subjects for their consideration and future debate? The very suggestion ought, in his opinion, to have excited an indignation which would immediately have rejected such a paper. He was astonished to hear the gentleman from Pennsylvania, though he acknowledged the impropriety of the thing, go into arguments in favor of referring it; that he should say we ought to convince them of their error. He (Mr. S.) believed, if they themselves could see it, it would scarcely be proper for the House to enter into an argument with them on the subject. If the charges in this paper are founded, they lie against this House, as much as any other branch of the Government, for concurring in the publication of the late despatches; therefore, this House held out false colors, according to these people, as well as the other branches of the Government. He would, at once, reject such an address; he would say to the subscribers "take back your suggestions, they are altogether groundless."

Mr. OTIS said, if he could consider the paper before the House as barely expressive of approbation or disapprobation of public measures, he should be in favor of referring it as is usual, though contrary to his opinion, he certainly would not object to it on that account. But it appeared to him not only expressive of an opinion, but a direct censure and calumny on the whole Government, and upon our Commissioners at Paris. Who is the person high in office that they charge with giving a false color to the late despatches? Did they allude to the President? He did not recollect any sentiment of his respecting them. After being asked for the papers, he sent them. If there was any blame imputable for the publication of them, it lay against the other branches of the Government more than against him. But there were other sentiments still more illiberal. He wished to know who held up these despatches as acts of the French Government? Was it not those men who have left their families and home, and exposed themselves to the hazards of an arduous and dangerous mission; who may, perhaps at this moment, be imprisoned for making them known, or who may even be put to death for their conduct in this respect? And was it right to receive charges against their Commissioners? Was this the reward they were entitled to? He thought not.

The gentleman from Pennsylvania says that to refer this petition will not be to give any approbation to its contents; but he (Mr. O.) wished the House to show its disapprobation of it. An address like this would give the French an apology for denying that they knew anything of the communications held with our Ministers, and which they would be afraid to do, if the thing was not asserted on this side of the water. It was in this view, principally, that he objected to the receiving of the address.

Mr. O. said he did not mean to follow the arguments of the gentlemen from Pennsylvania and Virginia, who say it is not customary to refuse a reference to petitions. Though this had not hitherto been the case, at no other time had we been so critically circumstanced; at no time could a factious and seditious spirit have been so inimical to the happiness of the country as at present. But gentlemen are not willing to disgrace these men by refusing their address a reference. There was no occasion for this. He saw with grief that the solvent of sedition had taken possession of the hearts of these addressers, and alienated their affections from their Government. But though these are the sentiments of a militia company, they are not the sentiments of the militia of the United States. If the militia of the Southern country possessed sentiments of this kind, it would be a stronger argument than any other for the establishment of a regular force to protect it.

Mr. HARPER believed the sentiments contained in this address to be very erroneous, and very improperly expressed; nor did he think, out of respect for the addressers, whether they were a

company of grenadiers, or forty members of the Legislature of Pennsylvania, when they undertake to lecture the Government on account of measures which have been adopted, and to tell the world that they will produce nothing but calamity, their address ought to be referred on that account, yet he was in favor of referring the present proceedings; and the reason was, he saw that if this course was taken it would lead to endless broils in the House. He conceived that in the present important crisis, the people will present their sentiments to Congress, and those sentiments will be various, and some of them improperly expressed. In the case of the British Treaty, a multitude of addresses were received; and if, whenever an address could be objected to on account of its being couched in disrespectful terms, or because the sentiments are objectionable, there would be no end of discussions of this kind, and the public business would be greatly retarded. He admonished gentlemen to show their attachment to their country, rather by providing measures for its defence, than by disputing about referring a petition; except, indeed, it were of such a nature as to call for a motion of censure against its authors; but in all other cases it would be best either to receive all, or reject all the addresses that come. He should be content to have none of them. He did not want the addresses of his constituents to say whether he had done right or wrong; he was willing they should decide that at his election. He should have no objection to pass a motion declaring that no address of this kind should be received. He was desirous of sending these proceedings to sleep among others where they would soon be forgotten; but, by investigations of this kind, an improper consequence was given to things of no importance in themselves.

Mr. Sitgreaves said as he supposed that, in common with other members, the gentleman from South Carolina extended his admonition to him, he should express his obligation for it; but he believed it would have been well if he had attended to it a little himself; for, however frivolous he deemed the present opposition, he seemed determined, according to custom, to have his share of the debate. Those who say the opposition to this reference arises from the sentiments which these proceedings contain, either misunderstand what has been said, or egregiously misstate it. He needed not to have been told by his colleague that the reference of a petition did not go to an approbation of its sentiments; but it had been expressly said that the objections to this address did not go to the sentiments of it, but to the manner in which those sentiments are expressed. Nobody would have objected to the reference if these gentlemen had, in moderate terms, stated that the tendency of certain measures was to widen the breach between this country and the French Republic; but when they say this is not only the tendency, but that it is the design and object of certain persons to involve the country in war, such insinuations ought to be rejected as base and abominably indecent. Mr. S. quoted the most objectionable parts of the address, in support of what he had said. And shall we be told, said Mr. S., that the dignity of the Legislature is not concerned in repelling this language? Can the gentleman from South Carolina really think this discussion unimportant, and that the Legislature is frivolously employed in repelling such language? In his mind, the rejection of such an address was consistent with sound policy, good sense, and propriety.

Mr. Edmond said, he should be one of the last who would wish to abridge the right of petitioning; but, at the same time that he would preserve to the people that right, he should think it necessary to observe certain rules respecting it. In forming those rules, Congress must either agree to receive every petition, or establish a criterion by which to determine when a petition shall be received, and when it shall not. How, said he, do the courts of law act in this respect? Every man has a right to apply there, and to state his ground of complaint; but if he deviates from the subject-matter of his complaint, in order to slander the court, they would certainly immediately dismiss such an application. He concluded that this House would adopt a similar rule; but if they went further, and said that if two-thirds of a petition be just and right, and the other third slanderous and abusive, the latter shall be overlooked for the sake of the former, would it not follow that men who wish to abuse the Government, would take this course of doing it? They certainly would. If all petitions, however expressed, were to be received, what would be the consequence? It would be the same as to say, every man may abuse the Government in as gross terms as he pleased, by way of petition or remonstrance, and it would not be refused by Congress; and the consequence would be that their table would be covered with libels and sedition. He believed the proper rule would be, that whenever petitions are expressed in decent language, they ought to be referred; but whenever they contain anything slanderous or seditious, he would not refer them.

But the gentleman from South Carolina says a great deal of time would be taken up in discussing the propriety or impropriety of receiving petitions, and therefore Congress ought to come to a resolution to receive all, or none. If gentlemen are disposed to lengthen out debates of this kind, they may certainly do so; but he saw no necessity for it. He should think the simple reading of a petition was sufficient for members to form an opinion upon it. He saw no better course which could be taken.

Mr. Rutledge believed that in refusing to commit the resolutions of the Virginia *peace* grenadiers, the House would have nothing to apprehend from the precedent their refusal would establish; for it was his good fortune to believe there does not exist, in the United States, another set of men who would express to Congress their sentiments in such disrespectful terms—their sentiments were not only indecent, but expressed in the most disrespectful manner. The grenadiers of Portsmouth, not content with expressing their opinion of our attempts to negotiate with France,

for which purpose they had assembled, had taken a review of all the recent public measures, and wishing to inflame the public mind against them, had condemned them in mass, and conducted themselves with the most studied indecency. He said studied indecency, because they had not forwarded their indecent memorial with a request to their Representative to lay it before Congress, but had resolved that he should have *positive orders* to do so. Knowing how sensible he would be of their improper conduct [Mr. PARKER wished the Speaker to read the words of the instructions; they were "that they be forwarded to our Representative to be laid before Congress"] Mr. R. was glad to find that these gentlemen had, upon reflection, corrected their style; he had read an account in the Norfolk paper of their proceedings, and in that their Representative was *ordered*, as he had mentioned. These persons, however, had some reason for distrusting their Representative, for he had uniformly voted for some of those measures which they had anathematized as calculated to ruin the country, and destroy the liberties of its citizens. He had voted for having a navy; he had voted for the augumentation of our Military Establishment; and these persons tell us "that an army and a navy are contrary to the spirit of a free Government, and calculated less to ward off foreign insults, than to produce domestic subjugation:" not content with reminding us, as they modestly have, that we are the servants of the people, they have seized this occasion of charging us with the intention of bringing about domestic subjugation.

But the gentleman from Pennsylvania says, if this be their opinion, the people have a right to express it. It is true, Mr. R. said, that any man has a right to send another an indecent letter; but the person to whom it is addressed has also the right to say whether he will receive it or not. These gentlemen might have said our Commissioners were scoundrels; they had a right to say so, by the reasoning of the gentleman from Pennsylvania, but it certainly would not be proper for Congress to give such a paper a reference. It was not an extreme case to suppose the Virginia grenadiers thought our Envoys scoundrels, for there were many, of their way of thinking on political subjects, who regarded the despatches as a fabrication of the Envoys and the Executive, contrived for the purpose of involving us in a war with France, and he had been told that half the people of this city believed the Executive had practised this deception. Whatever right people may have to hold and express these opinions, he thought if they were sent to Congress they ought not to be countenanced by a reference.

But gentlemen say, addresses approving of the conduct of the Executive and the Government are received without objection, whilst those with contrary sentiments are frequently objected against. This was not the case; if gentlemen would recollect the proceedings of yesterday, the day before, and of every day for twenty or thirty days past, they would see that this charge was not founded. What was the nature of the first addresses which were sent to Congress on the subject of our present situation? It would be recollected they all opposed arming our vessels, and deprecated the measure as leading to war. They were, however, expressed in decent terms, and though in opposition to the opinions of a majority of this House, they were received without objection. One of these petitions from the Eastward, presented by the gentleman who sits behind him, (Mr. VARNUM,) was objected to by the gentleman from Connecticut, he conceiving, on hearing it read, that it contained some improper expressions, and he did not wish to deny it a reference, but merely requested it might lie on the table for a day; it was, however, immediately committed. Mr. R. knew that the people had a right to petition, and that it was the duty of Congress to attend to their representations; but he also knew that it was the duty of Congress to respect themselves so far as to require these petitions to be expressed in decent terms. What, said Mr. R., will be the effect in Europe of receiving petitions like the present? What will the French Executive (a body in which every species of corruption is personified) say to it? They will not only deny the truth of what our Commissioners have related, but they will say to the people of France, they will say to the people of Europe, "even in America this calumny is not believed." The conversations of Talleyrand, X, Y, and Z, as reported by our Commissioners, they will say is a mere contrivance, the production of the Anglo, Monarchico, Aristocratico faction in America. They will say this, and corroborate it by referring to some of the speeches in Congress, and the petition on the table, in which the French agents are called unauthorized persons, and their villany spoken of, not with contempt and abhorrence, but with ridicule. This would be giving to Citizen Talleyrand and his associates the best justification they can offer for themselves. Mr. R. hoped, therefore, the resolutions would not be referred.

Mr. J. PARKER had not the least doubt that the censure contained in these proceedings was levelled as much against him as any branch of the Government, as he did not believe the subscribers had latterly approved of his conduct, on account of his having voted in favor of some establishments which they condemn. He was farther led to suppose this from the proceedings having been sent to him under a blank cover. Mr. P. again urged the propriety of referring this paper. Much had been said about the indelicacy of expression used in this address; it was his opinion that a memorial which he held in his hand from Falmouth, in Massachusetts, which was some days ago received without opposition, was equally objectionable in this respect. Mr. P. read an extract from it, in which the addressers say, that "they behold with disapprobation and surprise the Message of the President, which says, that he has taken off the restriction, which they think was laid in wisdom by the late President, for preventing the arming of merchant vessels, and which they think now more necessary than when it was at first laid."

Mr. Thatcher was opposed to a reference of this address. He acknowledged the right which the people had to petition; but went into some lengthy observations to prove that their Representatives had not given up all their rights by accepting a seat in Congress, and that it was not right for them to sit to be insulted, without showing a disapprobation of the insult.

Mr. Brent said, it had been admitted by the gentleman from Pennsylvania, (Mr. Sitgreaves,) that if the subject-matter of the address before the House had been decently expressed, no objection would have been made to it on account of the opinions which it contained; other gentlemen, however, had thought it was a libel on the Government, and ought not on that account to be admitted.

Mr. B. went through the different parts of the address, and said he saw no way in which the opinions contained in it could have been expressed in language less objectionable than that in which they appeared.

But it was said by the gentleman from South Carolina, (Mr. Rutledge,) and by others, that this address was a libel on Government. He saw nothing of the kind in it. Could not there be persons high in authority, but such as were in the administration of the Federal Government? Neither the Government nor the Administration are mentioned; nor could any one say whether, by persons high in authority, they meant to refer to the Executive or to members of the Legislature. It might even allude to persons in the Judicial, or some other department of Government. But admitting that these persons meant to say that any branch of this Government had endeavored to give a false coloring to the late despatches, and by that means to involve us in war—if this was their opinion, they have the same right to express it that others have to pass their eulogiums on the conduct of the President—it is a right which is guarantied to them by the Constitution, and of which they cannot therefore be deprived.

But it had been said that this address reflected upon the conduct of our Commissioners—men whom we are told may, at this moment, have become victims of their patriotism. Here gentlemen suffered their zeal to carry them beyond the truth, as not a word can be found in this address which has the least reference to our Commissioners. What was said respecting the despatches, had no connexion with the Envoys themselves. Mr. B. thought the rule laid down by the gentleman from South Carolina was a proper one; he believed the House ought to receive all petitions, except extremely indecent and improper, or none. He trusted he had shown that, independent of the matter, there was nothing exceptionable in this address, and he hoped, therefore, no further objection would be made to its reference.

Mr. Hartley was opposed to the reference of this petition. He thought it a novel proceeding for a company of grenadiers to meet at 400 miles distance, and the captain and lieutenant should send on an address reprobating the measures of Government. He was opposed to the reference of the address from the members of the Legislature of this State, when it was presented, because he did not desire to give countenance to persons who wished to show their dissatisfaction with the measures of our own Government, and an attachment to the French. Indeed, such is the change of opinion which has taken place in this country on this subject, that one of the members who signed that address has signed another from Bucks county approbatory of the measures of the Executive. It was nothing uncommon to let petitions lie upon the table, and he hoped this address would have the same fate with that from the members of the Pennsylvania Legislature.

Mr. Dana was unwilling to take any part in this debate, and would not have done it, but for what had fallen from the gentleman from Pennsylvania, (Mr. Gallatin.) He had reprobated the opposition made to this reference as arising from an opposition to opinion, and adduced two instances to support his assertion; the one a memorial from members of the Pennsylvania Legislature, the other of an address from Massachusetts. The first he recollected his colleague objected to on the ground of the persons having addressed the House in their Legislative character; but no question was ever taken upon it. With respect to the address from Massachusetts, on hearing it read, he himself expressed an opinion that it was written in improper language, and requested it might lie upon the table till next day; but the question was immediately taken upon it for a reference, and carried. He afterwards examined the address, and found that if he had heard it distinctly he should not have opposed the reference, though he disapproved of its sentiments. But the gentleman from Pennsylvania says Congress is undertaking to force these petitioners to give up an opinion. It was astonishing that men who know the use of language should so distort the meaning of words. When the House says it will not take this address into consideration; that they will not examine a libel upon themselves, nor be the vehicle of their own calumny, was this using force? This address, Mr. D. said, does not speak of the general tendency of measures, but charges men high in authority with faithlessness, with putting false constructions upon despatches for the purpose of involving the country in war with France, and in order to produce an alliance with Great Britain. Language has no meaning, if this be not the purport of this address; and were the House to sit and determine whether these charges are true or false? Where is the man who wants testimony on this head? Which of us, said he, wants testimony to prove himself a traitor, or otherwise? Yet this is insinuated to be a duty. Let those who choose it, deliberate on such matter; he himself could not consent to it.

Mr. R. Williams wondered that the gentleman from Pennsylvania (Mr. Sitgreaves) should have thought it necessary to press a discussion of this kind upon the House at this late period of the session. As the memorial from Massachusetts, an extract of which they had heard read, had been referred, he could see no reason why this should

not be referred. All the difference he saw between them was, that this deals in general terms, and that from Massachusetts expressly charges the President with improper conduct. It is true this goes on to pass a libel upon the British Government, while that from Massachusetts does not. Why, then, are not both treated alike? Does the circumstance of one being from an Eastern, and the other from a Southern State, make any difference? Gentlemen ought to consider, especially those who talk so much about the people being united, and rallying round the standard of Government, what this led to. Did it tend to produce that unanimity which all must wish to see? No, it tended to widen the breach, and to show to people in one part of the country that they were not to be treated in the same way with others. If citizens were to be at liberty to address the House in one way, they must equally be at liberty to address them in a different way; and yet the objections to the present address must be to the sentiments which it contains, for he was of opinion, with the gentleman from Virginia, (Mr. BRENT.) that citizens could not use language more proper to convey the same sentiments. This opposition went to show that addresses might be expressed in as strong terms as could be used, if on the right side; but, if not on that side, the petitioners must be very cautious indeed in the choice of their words.

Mr. W. could not help remarking upon what was said on the subject of party. Party, he said, was created in that House, where it ought to be checked. The citizens of this country are not so divided as gentlemen suppose. Here it is first started, and he was persuaded that the people of this country look with astonishment at the divisions which take place here, and of what was said about their being divided. He did not see how gentlemen could apply what was said in the memorial, of persons high in office, to any particular members of this House, or to any particular persons in the Government. There was no way of doing it but by conjecture. There may be men high in office under the State Governments, who are the persons alluded to. At any rate it was wrong where more than one construction could be put upon a paper of this kind, to put that upon it which would operate most unfavorably upon the subscribers.

Mr. W. concluded with saying he did not approve of all the sentiments contained in the address; but, as he had before said, he did not know how the same sentiments could have been expressed better. His feelings had been frequently hurt by sentiments sent to this House in addresses, but as he believed to attempt to remedy the evil would introduce a greater, he was content to let the business stand as it does. He hoped the address would be referred.

Mr. BROOKS said that, notwithstanding a great deal of time had been expended on this subject, he must beg to add a few words. Gentlemen in favor of this motion seemed not to distinguish properly between the expressions in this address and others. A parallel had been drawn between this address and one from Massachusetts. Mr. B. showed wherein they essentially differed.

Much had been said about a loss of time. This, he said, was a stale argument. If this address was suffered to be referred, nothing could be so gross and scandalous but it might be received. He did not expect, above all other members, that the gentleman from South Carolina (Mr. HARPER) would have complained of a waste of time. That gentleman, heretofore so sensibly alive to character, had to-day astonished him.

Mr. B. ridiculed the idea that by persons high in office, could be meant any persons in the State Governments, or in the Judiciary. It was written so plain, he said, "that he who runs may read." It was clear that these addressers mean to cast a censure upon the Executive, our Commissioners, and both Houses of the Legislature, in respect to the despatches alluded to.

Mr. GALLATIN proceeded to notice the objections which had been made to a reference of this address. His colleague (Mr. SITGREAVES) said it was misrepresentation to say that gentlemen were opposed to the reference of this address on the ground of its advocating opinions in opposition to those which they entertained, as it was merely on account of the indecency of its language; and, in order to show the indecency of language of which he spoke, he laid his arguments against the subject-matter of the address. Another gentleman objected against it because it asks for nothing. He believed it asked for much the same as all the addresses which were daily received, containing pledges of lives, fortunes, &c., in support of Government. The gentleman from Connecticut objected to a reference because it was seditious, slanderous, and calculated to disturb the Government. He did not know what was the precise meaning of these words, and he believed not two gentlemen on this floor could agree as to their application to any special case. A gentleman from South Carolina (Mr. RUTLEDGE) objects to the reference because the address casts blame upon our Commissioners, and may involve them in difficulty. He did not believe there was anything in the proceedings in question which could be supposed to have relation to our Commissioners. No idea of the despatches having been fabricated was to be found in that address. The only idea on this subject was a doubt whether the conversations of X, Y, and Z, were authorized by the French Government; but not a word was said on the authenticity of the despatches, or of the conduct of our Commissioners. On the contrary, they say they draw their conclusions from the face of the despatches themselves. Other gentlemen lay their stress of objection against the address, because it arraigns the motives of Government. All agreed that it ought not to be referred, but gentlemen gave so many, so different, so contradictory, reasons for their opinion, that it was impossible for themselves to define what kind of petitions they would permit, and what they would object to.

But of all the reasons which he had heard assigned against the reference, the one given by the

gentleman from Massachusetts (Mr. OTIS) was the most singular. It was that, if this address was referred, it might confirm an idea that we are of opinion that a great part of the conversation held with our Commissioners by X, Y, and Z, were not authorized by the French Government. And if this should be the case, what does that gentleman suppose will be the result? The great danger to be apprehended from this is, that the Executive Directory will disavow the conduct of its agents. As to himself he should not consider such a disavowal as a misfortune. He wished they might dismiss their Ministers as corrupt, and prove themselves not to be so. It was very immaterial to this country whether the Directory were corrupt or not, whether they were implicated in X and Y's business or not; but it is of great consequence to preserve peace, and therefore very important that they should disavow all those proceedings. He hardly could have believed that any gentleman should have thought it a misfortune to this country, that the French Government should say they do not want money from us, but that they are ready to treat upon reasonable terms, unless, indeed, they conceived an accommodation with France to be an unfavorable event. But, he believed, nothing that Congress could do now could produce any such effect, as, before they could learn what was now done, they would be informed of the publication of the despatches. He hoped the proceedings of these agents would be disavowed. If he were to express an opinion upon the subject, he would say, that he did not believe the proposition respecting a loan of money would be disavowed; but, he believed, the Directory would disavow all that related to *douceurs*. But if any means which Congress could take would lead them to disavow the whole, if to refer this petition could contribute to produce that effect, it would, with him, and he trusted with the House, be an additional reason to vote in favor of the reference.

Mr. RUTLEDGE wished to add a few words, with respect to the document from the State of Massachusetts, which had been introduced by the gentleman from North Carolina, as equally indecent with the proceedings whose reference was now objected against. When the gentleman read it, he saw nothing in it analogous to the present case. He therelore supposed the gentleman had omitted the part which was in point, and he had himself recourse to the paper. This address, it is true, calls in question the propriety of an order of the Executive; but there was no impeachment of his integrity, and it could not be said that it was indecent or improper to disapprove of any act of the Executive. There was nothing, therefore, to justify the comparison, since the Massachusetts address merely says, that the addressers looked upon the order to restrict the arming of merchant vessels as a wise measure, and the repeal of that order as unwise. But the proceedings now before the House, charge the Government with duplicity; with having given a false coloring to the late despatches of our Envoys. And why are they said to have done this? In order to widen the breach between this Government and the French Republic. They say that persons high in authority have done this. But the gentleman from North Carolina says, they have named no person. But had men a right to send abroad such abuse as this, where every one must know who is meant, as well as if the charge was direct? Certainly they had not.

Mr. R. said, if it could be shown that anything equally indecent with this was ever received by the House, he would not object to the referring of this paper; but, until this was done, he must persist in objecting to receive what appeared to him to be drawn up with a studied contempt for Government.

A loud call for the question.

Mr. ALLEN said, he would just state, before the question was taken, that the reason which led him to object to a reference of the memorial of the members of the Legislature of Pennsylvania on a former occasion was, because it purported to come from members of a Legislature, though it was signed by them after the session was broken up.

Mr. GALLATIN said, the gentleman was wholly mistaken, for the memorial was signed whilst the House was in session.

The question for referring the proceedings was then taken, and decided in the affirmative—yeas 46, nays 43, as follows:

YEAS—Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Richard Brent, Nathan Bryan, Demsey Burges, Thomas Claiborne, William C. C. Claiborne, John Clopton, Thomas T. Davis, John Dawson, George Dent, Lucas Elmendorph, William Findley, John Fowler, Albert Gallatin, James Gillespie, Andrew Gregg, William Barry Grove, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, Josiah Parker, Tompson J. Skinner, William Smith, 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., Bailey Bartlett, James A. Bayard, David Brooks, Stephen Bullock, Christopher G. Champlin, John Chapman, Joshua Coit, William Craik, Samuel W. Dana, John Dennis, William Edmond, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, Roger Griswold, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, James H. Imlay, Samuel Lyman, James Machir, William Matthews, Daniel Morgan, Lewis R. Morris, Harrison G. Otis, John Reed, John Rutledge, jun., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, George Thatcher, Thomas Tillinghast, John E. Van Alen, Peleg Wadsworth, and John Williams.

WEDNESDAY, May 16.

On motion of Mr. SEWALL, an additional member was added to the Committee for the Protection

of Commerce and the Defence of the Country, in place of Mr. PINCKNEY.

ALIENS.

Mr. SEWALL said, the Committee for the Protection of Commerce and Defence of the Country, to whom it was referred to inquire into what measures would be proper to be taken respecting aliens, were of opinion their instructions did not go to a sufficient extent, and directed him to propose to the House the following resolution for adoption:

"*Resolved*, That the committee on that part of the President's Speech which relates to commerce and the defence of the country, be authorized to consider the danger which may result by means of aliens and other disaffected or seditious persons residing within the United States, and what measures ought to be taken for securing, removing, or otherwise restricting such persons, and to report by bill or otherwise."

Ordered to lie on the table.

PROVISIONAL ARMY.

The House having again resolved itself into a Committee of the Whole on the state of the Union, on the bill to raise a provisional army; and the question for striking out the third section being resumed,

Mr. GALLATIN said, this section contemplated giving to the President the power of admitting men into military service, under the name of volunteer corps, who are liable to be called upon to do military duty at any time which the President shall think proper, after they shall have offered, and he has accepted of their service. Upon the first consideration of this section, an objection was made, on Constitutional ground, to this mode of raising soldiers, supposing they were to be considered as militia. To this it was answered, that these volunteers were not to be considered as militia, but as making a part of the Army of the United States.

It appeared to him difficult precisely to delineate and define what kind of corps this is to be. In some respects it will be similar to the militia; in some respects to the regular Army of the United States, and again distinguishable from both. They are, in some degree, similar to the militia, inasmuch as they are to remain at home, except upon special calls of the President to do duty. The volunteers, when called into actual service, and whilst remaining in it, are to be under the same rules, and entitled to the same pay and emoluments as the other troops. The militia are, like these volunteers, subject to the same rules and regulations, and to the same pay and emoluments with the Army of the United States; and, like these volunteers, when not called into service, are not subject to the rules and regulations of the Army, nor entitled to their pay and emoluments. In these particulars, therefore, this corps very much resembles the militia.

In other respects, these volunteers very much resemble the Army of the United States; inasmuch as they are to be enlisted (not properly so by name, but in a way equally effectual, by giving their consent to serve,) they are also to be considered as making part of the Army, though remaining at home; they are, also, like the Army, inasmuch as their officers are not appointed by themselves, or by the individual States, as in the militia, but by the President of the United States; and, inasmuch, that they will be obliged to do duty for the whole two years, if required, whilst the militia do duty by rotation, according to regulations provided for the purpose. Seeing, therefore, that these volunteers are, in some respects, like the militia, and in others, like the regulars, it was not to be wondered at that a Constitutional objection should have arisen. The Constitution does not recognise more than two descriptions of troops, viz: army and militia. The army proposed to be raised by means of these volunteers is of a kind not known in the Constitution, but seems to be of a description about half way between a regular standing army and a militia. If the principle proposed to be adopted in this section be admitted, the consequence may be, that all the regulations provided in the Constitution for securing a good militia may be evaded, and the whole of the militia be turned into a kind of Public Standing Army. For, supposing that the regulations for the government of these volunteers are more favorable in their effects than those provided for the militia, and it is more advantageous to a man to belong to a volunteer corps than to the militia, citizens would generally leave the militia, and arrange themselves under the head of volunteers. It is true, there are some provisions in this section which may have a tendency to prevent this; but, on the other hand, there are some provisions which would encourage them to do it. For instance, the clause which directs that these volunteers shall only be employed in their own, or an adjoining State, is an advantage, as the militia, whilst in service, can be called anywhere, as ordinary regular troops. The objections, therefore, against raising volunteers are, that it will have a tendency to destroy the militia, and convert the whole of it into an army, thereby transferring the power of appointing the officers from the individual States to the President of the United States.

Waiving, however, the Constitutional objection, he would make a few remarks on the expediency of the measure. It appeared to him, on the one hand, that the advantages contemplated by this clause, will not be obtained, and on the other, that great inconveniencies would arise from carrying it into effect; he believed, also, the advantages might be obtained without having recourse to this provision. If the real intention of the bill is only to induce a number of young men to make a tender of their services as volunteers for the defence of the United States, he believed the provisions already existing in the militia law are sufficient to effect the object. By that law it is provided that a certain number of volunteer corps may be attached to each battalion of the militia; and if a number of young men wish to make a voluntary tender of their service, he saw no difficulty in their doing it as a part of the militia of the United States. As far as respects the State

of Pennsylvania, several of the battalions, which are entitled by law to have light infantry or riflemen attached to them, have them not at present. And he believed scarcely any of the light infantry volunteer corps, or troops of horse of this city, have got their full complement of men; there could be no difficulty, therefore, in young men making themselves volunteers, either by establishing new corps of militia or by joining such as are at present on foot. How far the deficiency in respect to these voluntary corps might exist in other parts of the Union, he could not say; but he recollected that the gentleman from South Carolina, (Mr. HARPER,) when speaking on a subject in some degree connected with this, had said that, though there appeared to be many troops of horse to the Southward, they rather existed on paper than otherwise. He supposed, therefore, that there was a good opening for volunteer young men in that quarter. Besides, the law of last session ordering a detachment of 80,000 militia, provides that the President shall have the power of accepting of any volunteer corps of militia who shall offer their service. He did not see, therefore, any advantage to be derived to the defence of the country, by means of this clause, which could not be obtained by means of the laws already existing.

The committee were told, the other day, that, by virtue of this bill, a number of volunteer corps would be raised, who would associate themselves for the purpose of learning the military art, which would be of great service to the Union. He saw nothing of this sort in this bill which was not common to all the militia. It would, therefore, be a matter of choice, and it was the same with all those companies of militia of which he had spoken, the light infantry companies, and troops of horse belonging to the militia having uniformly taken more pains than the other companies of the militia to make themselves masters of the military discipline. It was said also, at the same time, that these corps were to nominate their own officers, and that they would receive their commissions from the President. He did not understand this from the bill; it contains no provision of the kind, and if it did such provision would be unconstitutional. The bill says, the officers of these volunteer corps shall be appointed by the President, and the Constitution directs that the President or heads of department shall appoint all officers whose appointment is not otherwise provided by the Constitution. If these young men were to enrol themselves as a part of the militia, they would then in the State of Pennsylvania have the choice of their own officers by law, but, according to the proposed establishment, they cannot do this. They may recommend a person as an officer, but this could not be called a nomination of an officer.

But he believed serious objections might be found to this provision on the ground of expediency. What is to be the organization of these corps? They are to be distinct from the militia. It is not proposed that they should individually enlist, but form themselves into associations, which would be literally military associations, and military associations to last for two years. To consist of whom? Of those persons, who, from their situation in life, are able to arm, clothe, and equip themselves at their own expense. It was, therefore, an exclusive privilege to a certain class of men (young merchants, lawyers, and others,) who are possessed of more wealth than their poorer neighbors, to form a military association. And for what purpose? They are liable to be called out to do military duty in any manner that the President may think proper. They are to be altogether at his disposition. Here, then, is an association of men authorized by law, a military association, and when thus organized, to be put within the power of the President of the United States, to be called into action, whenever he pleases; for there is no limitation in this clause, as in the case of the provisional army, that those men shall be called into service in case of war, invasion, or imminent danger of invasion; but the President may accept of their services at any time. There is no limitation, except that which is upon the duration of the law. The President is also to accept whom, and reject whom he pleases. So that if there be evils to be apprehended from the existence of a standing army, if there was at any time ground of alarm from establishments of this kind endangering the existence of public liberty, it would be impossible to form a standing army more dangerous than this. Here are men who, in the first place, are to associate themselves, not here and there, nor taken indiscriminately, but men of a peculiar cast, who are to associate themselves under the President, and to be called upon to do duty by him. It need not be said that no danger is to be apprehended from the President's abusing this power; and that we ought to have no confidence in him; for, if a majority of this House are ready to say that no danger is to be apprehended from establishments of this kind, and that standing armies are never abused—who have discarded all those principles favorable to liberty which heretofore actuated the councils of this country—no arguments which he could make use of would have any effect upon their minds. But he took it for granted that standing armies were considered as a dangerous weapon, and ought to be guarded against. It was from this conviction, that he thought it unnecessary to say anything on the danger of encouraging these establishments; and if that principle was admitted, he would say that the army now proposed, would be a standing army of the worst kind, as the men are to cost nothing, except when in service, and they are unlimited in their number. He knew it was not in our power (our revenues not being sufficient for it) to raise a standing army in the ordinary way, large enough to prove dangerous to the liberties of the country; but the manner in which this force is proposed to be raised, removes the great security which we otherwise should have from our inability to pay a large standing army.

Nor could Mr. G. believe that the advantages which gentlemen promised themselves would result to the defence of the country from the service of these young men. For, who are the men who

are to form these corps? They are men who can afford to arm, clothe, and equip themselves; and could it be expected, Mr. G. asked, that young men, in the situation in life which these young men must be in, would wish to enlist themselves as private soldiers for two years? He should suppose not. These young men would be most likely to repel any sudden invasion; would be active and serviceable to take a tour of duty for three or six months, in common with their fellow-citizens of the militia; but it is not consistent with the principles of human nature to suppose that young men of this description who have other pursuits in view, and who wish to establish themselves in business, would be willing to lay aside all for the business of a soldier. For a case of emergency, or as officers, he should suppose them willing to engage in the service, but not as common soldiers.

Mr. G. did not believe, therefore, that the service which these young men expected to be called upon to perform was a military service of two years. He believed few of them would be willing to enter, if they thought they were the next day liable to be called upon to perform two years service as private soldiers, though they might be ready to take their full share, or more, of military duty.

Upon the whole, Mr. G. said, it appeared to him that this section contemplated the erection of a standing military force of the very worst kind, to consist of young men not regulated by law, but by association. In short, it was, in his idea, a plan to arm one description of men exclusively of others, and give them to the President of the United States, to be used as he pleased; and what security had they that they would not be used for dangerous purposes? If he was mistaken in his construction of this bill, he wished to be rectified; but, with his present impressions, he must hope the section would be struck out.

Mr. SITGREAVES believed that much time would not be necessary to show that the arguments of his colleague are not only fallacious, when separately considered, but that they are at war with each other. At one time he raises Constitutional doubts, and justifies them on the presumption that these volunteer corps are to be considered as *militia;* and in another part of his argument he considers them as dangerous, because they will form a *standing army*, and a standing army of the worst kind. Thus, changing his principles to suit his purpose, he finds it equally easy to prove them one thing, or the other, or both, or neither. To arguments, such as these, it is sufficient to answer, that, if the volunteers are militia, the considerations of danger and inexpediency do not apply to them; and if they are a standing army, the Constitutional doubt must be at an end.

It was in this way that the arguments of his colleague were in opposition to each other; taken separately, it could be demonstrated that they are as fallacious as they are contradictory. He had first told the committee that the object of this bill, which is to enable the Government to avail itself of the general enthusiasm, and to bring into the service of the country its young and active citizens, might as well be attained by accepting the service of the volunteer companies, who under the existing militia laws are already armed, and clothed. and equipped, and are attached to the established regiments of militia. Yet he had himself, in other parts of his speech, when he had a different point to prove, pointed out very essential features of distinction between these and the volunteer corps contemplated by the present bill. In the first place, the President is not authorized, either by the general militia law or by the act of last session for putting 80,000 in requisition, to require or to accept the actual service of any body of militia for a longer term than three months on one tour; whereas the volunteer corps, whom the President would be authorized to accept, might be called upon to do military duty, at any time within two years from their tender of service, and for any term not exceeding three years. Again, the power of the President to call out the militia is restricted to the cases of insurrection, of actual invasion, or imminent danger of invasion; whereas he would, by this bill, be empowered to call the volunteers into actual service, whenever "in his opinion the public interest shall require." Thus, in two very important and essential points, will these volunteer corps differ from the ordinary militia; and of course it is obvious that the objects of this bill cannot be attained by the existing militia laws.

It remained, therefore, only to inquire whether the gentleman's arguments as to the expediency of the measure were any better founded. Mr. S. understood the objection, on this score, to be that the proposed bill will bring together a corps of rich men, who will constitute a military association to be placed at the disposal of the President of the United States; and a body thus constructed his colleague styles a standing army of the worst kind. The two parts of the objection are that it will be a military association of the *rich*, and that this association *will be at the disposal of the President.* On the first point, the ability of the persons who shall compose the volunteer corps, to arm, clothe, and equip themselves at their own expense, is considered as an evidence of wealth; and the possession of wealth is insidiously represented as an evidence of hostility to the liberties of the people; a military association is denounced as dangerous to the Constitution and laws, because it will be composed of men possessing that property which is the strongest and dearest bond of their connexions with the community, the firmest pledge of their attachment to the happiness and prosperity of the country; that property, the complete protection and enjoyment of which can only be secured by a free constitution, and by wise and good laws, administered with justice and impartiality. Yet such a body of citizens, collected for the defence of the country against foreign enemies, in a season of danger, under the constituted authorities of the nation, is branded by his colleague with the odious epithet of a standing army—a standing army of the worst kind. Mr. S. could confidently appeal to the judgment, as well as the feelings of the committee, to pronounce on

arguments such as these, and however well they are calculated to influence a mob, he was well assured they could produce no effect where they were now used. Shall it be said, because a citizen is able to arm, and clothe, and equip himself for military service, that he is dangerous and inimical to liberty? His colleague did not appear to be aware how many of our citizens this denunciation would include. He did not recollect that it would apply with as much force to all the uniformed militia companies, from one end of the continent to the other, as to the volunteers designed by this bill; that it would embrace those very militia companies, whose services he himself had recommended to accept, and who have been associated under the existing militia laws; that in fact it would include the whole body of the militia of the Union, whose duty it is by law to provide their own accoutrements. His colleague had indeed intimated a distinction by an expression calculated to give an idea that the volunteers are to be made up of *merchants and lawyers*. This insinuation, used merely *ad captandum*, is known by everybody not to be founded in fact; the volunteer companies, established by law, and attached to every regiment of militia in the United States, are known to be composed, with very few exceptions, of the substantial yeomanry of the country, of citizens who will not be pleased to hear that, because they have been able and have had spirit enough to uniform and equip themselves, they are therefore enemies to the liberties of their country. In fact, it would not be easy to conjecture any justifiable motive for the insinuation of his colleague on the subject of the merchants and lawyers. Was it designed to insinuate that none but merchants and lawyers have the means and the spirit to render their service to the country in the hour of danger? The other classes of citizens will not be flattered by such an insinuation. Was it designed to impress a belief that the commercial men and the members of the learned professions were less attached to the Constitution and the laws than their fellow citizens? In this view it would be a calumny, unfounded on any fact, unprovoked by any experience; why then was it mentioned? Why was the distinction taken? If it was not intended to intimate that those classes of the citizens were better or worse than their neighbors, the emphatic mention appeared to be without a motive that could have any application to the subject under discussion. The truth is, that citizens thus arrayed in the defence of the nation, at their own expense, let them be composed of what profession or occupation soever, will give the best pledge of their patriotism and love of country. To them might be applied with peculiar force the expression which had been used on a former occasion, that "they would fight, not like slaves for pay, but like freemen for their rights."

The other part of his colleague's objection was, that the volunteers, when raised, are to be under the direction of the President. This objection, if it is of any weight, applies not only to this section of the bill, but to the whole bill; to the whole Military Establishment of the United States; to the Constitution itself: all the military force of the country is by the Constitution of the United States placed at the disposal of the President, who is Commander-in-Chief of the land and naval forces, and of the militia when called into actual service. The law could make no other disposition of the volunteer corps; and the objection was pointed against any military establishment of any sort: its basis was a distrust of the President as one of the constituted authorities of the country. But after having heard the gentleman denounce all, who are able to equip themselves for service, as unfit to be trusted with the defence of the country, it was not surprising to hear him denounce the President as unfit to be trusted with the conduct of this defence.

For himself, Mr. S. could discover in these objections nothing but the spirit of determined, undistinguishing opposition. It must be remembered, when the House was engaged in the discussion of measures for maritime defence, the gentlemen who opposed those measures told us they would agree to any propositions which should be calculated for the defence of the territory of the United States; yet now, when it is proposed to prepare for the defence of the territory, the promise is forgotten or abandoned, and we are encountered with as many objections, and difficulties, and embarrassments as before. When it is proposed to raise regular troops, we are threatened with the expense; and when it is proposed to call into service a body of volunteers, who will save to the country the expense of equipments, of bounty, and various other charges which are incident to the raising a regular army, we are told that this saving is dangerous to the liberties of the people, and that it is arming one portion of the citizens against the rest. His colleague is neither willing to pay for a navy, nor an army, nor to trust the defence of the country to its own citizens. He denounces the rich as dangerous, and he will not pay those who are unable to equip themselves. All the terrors of a standing army are conjured up to prevent an embodying of the citizens, while in the same breath he concedes expressly that a standing army cannot yet be a cause of alarm, and that America, secure in her attachment to law and liberty, would as yet have nothing to apprehend from one. It was for his colleague to reconcile such paradoxes—it was for the committee to determine on the success with which they had been urged.

Mr. OTIS said, he was extremely affected, though not much surprised, at the opposition made to this section of the bill. The Constitution of this country, in which all had been taught to confide as the great security to our rights, is upon all occasions introduced as a stumbling-block in the discussions of this House, and instead of forming any safe rule of conduct, it proves a mere cobweb—a mere jargon of political maxims, and is the foundation of sophisms in almost every debate.

What are the objections of the gentleman from Pennsylvania to this section of the bill? It is, if he understood him rightly, that these volunteers

partake in some measure of the qualities of militia, and in others of a standing army, and in some others differ from either, and that if the section was agreed to as it stands, every Constitutional provision with respect to the appointment of militia officers will be violated. An answer had already been given, which he thought plain and conclusive, viz: that these volunteers will not come under the denomination of militia, but of the standing army. The striking characteristic difference is this: that militia are bound to serve by the laws of the country, without any respect to private consent, and the volunteers will be bound only by contract; they will consist only of those who come forward to defend their country. As far as relates to the Constitutional objection, therefore, there is an end of it. Indeed, gentlemen themselves did not seem much to rely upon it.

But the gentleman from Pennsylvania says, that every Constitutional provision respecting the militia may be evaded, if these volunteer corps are thus admitted into the service, and the whole body of militia may become volunteers, and those volunteers form an immense standing army, under the command of the President of the United States, which might overturn the rights and liberties of the people of this country. There could be no question that every institution might be abused. No doubt this House might at any time vote to raise an army equal to all the militia, continue it in force longer than the Constitution has directed, and consume all the resources of the community in support of it; but because Congress possess this sovereign power, does it follow that they will abuse it? The case stated by the gentleman from Pennsylvania is an extreme case, and therefore ought to form no objection to this measure. The whole subject is under consideration; the number may be limited, or the time restricted, without affecting the general principle of the bill; and it is only to answer especial purpose that the gentleman confined his arguments to particular clauses of it. It was stated by the gentleman from Pennsylvania that no possible advantage could be derived from the plan proposed by this section, but that many inconveniencies may arise from it. He says no advantage can result from it, because there are many volunteer corps in the militia which want filling up, and that these young men might enter into them, and the President would then accept them in the form of militia. In answer to this, he would ask the gentleman what he would do in those States where there are no volunteer corps, and, consequently, none of these vacancies? And, so far from this kind of corps existing in all the States, they are in some of them very much discountenanced, and he did not understand that corps of this kind had received any kind of sanction from the Legislature of the State of Pennsylvania. He himself believed that many advantages would be derived to the country from the acceptance of the service of these young men. The flower of our youth, taken from all classes and professions, being ready at a moment's warning to defend the country, must prove the most effectual and cheap security we can possibly have against any attack which may be made upon us. Emulous of outdoing each other in discipliue, a military fervor will be excited in the country which could not be raised by means of the militia system alone, and they will be ready to repel invasion, or to engage in any other service which the public safety may require. And, if nobody else did it, he would move to strike out the clause restricting the use of these volunteers to the State in which they reside, or in an adjoining State.

But, in order to alarm the committee, the gentleman from Pennsylvania had called these youth an association of wealthy armed individuals; but Mr. O. hoped the committee would not be alarmed by sounds. It would doubtless be a military association. So is the militia of the country. But we stand in need of the assistance of these brave youth, and, instead of being frowned upon, their association ought to be cherished and encouraged. Does not the militia, said Mr. O., consist of citizens who arm themselves? It certainly does; therefore no proof of wealth results from this, for every soldier in the militia is as much a man of wealth as a volunteer of the corps proposed to be raised. Yet the idea of the opulence of these individuals had been held out in order to make this institution odious.

But did the gentleman suppose that none but the sons of the wealthy will turn out in defence of their country? Does he consider himself as the protector of the poor, or their enemy? Does he mean, by saying this, to satirize or panegyrize them? His own idea was, that citizens of all descriptions, yeomanry, manufacturers, and tradesmen, would come forward and join these defenders of their country.

But it is said there is no limitation to this bill; that the Executive may accept or reject whom he pleases. Does not the President do the same at present, through the medium of the recruiting officers? And could this be conceived a dangerous power? Certainly not; as he could have no rule but this, to accept of all who are willing and able to serve their country.

But it is alleged that this force will be a formidable standing army. Here, again, sounds are to intimidate us. He never heard that a standing army was dangerous to the liberties of a country, except in time of peace, and that when an army is made up, not of citizens, but of the banditti of the community. But we are not now in a state of peace, but of actual war. It is true the country is not invaded, but he believed a long period would not elapse before an invasion takes place, when it might be too late to raise a body of men for our defence. He hoped, therefore, the President would have authority to accept of the service of these young men, who, being taken from the bosom of their families and friends, could not be supposed to form an army dangerous to the liberties of the country; nor did he think insinuations of this kind ought to be urged.

Mr. O. remarked, that when he said we are in actual war, he did not speak figuratively, but literally. War is not declared, but it is made upon

us, and it is our duty to defend ourselves against it. But the gentleman from Pennsylvania had said, that the French will not invade us, and without that there can be no war. He said it was not their interest, and if it were, that it was not in the power of the French to invade us with any formidable force; that they have everything but money, but without that it was impossible for them to come over and invade us. Mr. O. thought this a good reason why they should attempt an invasion of this country. After having desolated Europe, and laid it under contribution, he supposed it would be no difficult thing to induce a belief in their soldiers that they might find in our banks, and among our opulent citizens, a supply of money. Nor was it money alone which they wanted; property of any kind would be welcome. He therefore thought it highly probable, that the ships and troops preparing against another country, when they shall either have failed or succeeded in their enterprise, may be destined for our shores. It became us, therefore, to make the best defence we could.

But it was said, that these young men would not march to fight, or enlist for any time. This was another reproach against them which was unwarranted. We have seen some of the young men of Philadelphia, and from other parts of the country, embody themselves as volunteers, and go upon a very unpleasant and dangerous expedition against the Western insurgents; and, whenever an occasion shall again occur, he doubted not they would again be willing to march in their country's service, provided the Legislature will take strong ground and afford them countenance. But if they see Congress are lulled to sleep, they will very naturally say, "Since Congress is unwilling to take active measures, it is in vain for us to come forward," and they will lose that spirit of ardor which now animates them. It will give place to a repose that has proved fatal to every country which has given way to it, and which, in his opinion, if not prevented, will terminate in the destruction of this country.

But he would wish the gentleman from Pennsylvania, or some other gentlemen who are opposed to this, and who have been pretty generally opposed to every measure of defence, would say what substitute they propose in place of this measure. After a procrastinated session of more than six months, when every man out of these walls is impressed with the danger of our situation, it was surely necessary to provide for some defence of the territory of the Union. They say they will not have a navy, because we are not adequate to the expense; they agree to a few vessels. If you will not have a navy, will you have an army? No, it is answered, not a standing army, because it is dangerous to liberty, and expensive. Will you have a standing army which shall cost nothing? No, because that would be unconstitutional. We will agree to a little expense to fortify our ports and harbors; to a few arms, and a small quantity of ammunition; but further than this we will not go. We will rely upon the militia. If this was the determination of gentlemen, there was no occasion for Congress to have met and debated six months, and finally to tell the people what they could do without our advice: "You must rely upon your militia for defence." He wished, therefore, instead of shrinking from representations of this kind, and manifesting resentment; instead of saying they have been, and are willing to defend the country, they would be pleased to say by what system they propose to do it.

Mr. O. believed this country to be in a very hazardous situation. He believed we should see a day more big with danger than we have ever yet seen, and it would be prudent to guard against it before it comes. In England and Ireland volunteer corps are greatly to be depended upon for the defence of those countries in the present time of danger; and if in those countries, which gentlemen call despotic countries, they depend upon their volunteers, ought not we to have greater confidence in them in this country, where citizens fight for everything dear to man, and where if we make any change in our Government, it must be an exchange of a free for a despotic system of Government? We see an irruption in Europe more to be dreaded than the irruption of the Goths and Vandals; we see not only ancient establishments, and thrones and crowns thrown down, but everything great and good destroyed. And may not our country meet with a similar fate? May not the same means which have been employed in other countries, meet with the same success here? They will, except that we resolve they shall not. He could not help wishing that the old members of Congress of 1776 were now in their places, or that those of them whose spirits are gone to receive their reward, had left their mantles behind them. But he was afraid that the conduct of gentlemen at this session would prove that the present Congress had degenerated from the patriotism of their predecessors, and were certainly not entitled to the blessings of their country.

Mr. McDOWELL said, were his feelings affected in the manner which those of the gentleman from Massachusetts (Mr. OTIS) appeared to be, he would not have risen. It would appear that the sound of the din of war had already reached his ears. He, however, felt perfectly unalarmed by the fears which seemed so greatly to agitate the gentleman.

When this subject was under consideration, the other day, he stated some Constitutional objections to the measure, which he hoped would have been noticed; but they had not been attended to. Mr. McD. repeated them. He admitted that this force would be raised without expense, at first; but, if called into service, it would receive the same pay as others, and there would be no greater expense attending the training any part of the militia held in requisition, than there would be in training these volunteers. It had been said, militia could not be depended upon, and therefore it was necessary to have a regular force. If gentlemen really believed this, he wished they would come forward and propose a standing force at once.

Gentlemen say these volunteers will furnish a very formidable force. This may be the case, but he believed it was very uncertain. He could not see why they should be more formidable than the militia. He believed the militia could learn their discipline as well, and had as much zeal, as they for the welfare of their country. One of the greatest inducements to persons to enter into this corps is, that they are to be employed only in their own or an adjoining State. The gentleman from Massachusetts proposes, however, to strike this clause out. If it were struck out, he supposed it would confine the number of volunteers within a less compass than they otherwise would have been. But, if gentlemen's views were to go the full length which they contemplated, there would be no restriction as to the number of men to be employed, nor to the extent of the time of admission, except the limitation of the law; and Congress would, in the mean time, have no will upon the subject, having delegated the power to the President, contrary to the express provisions of the Constitution.

He was opposed to this mode of raising troops. He knew only of two descriptions of soldiers, regulars and militia, and he looked upon the latter as the only complete defence of the country. As to an invasion, which gentlemen seemed to speak of with so much certainty, he thought it altogether improbable.

Mr. McD. said, he was not apprehensive of a want of spirit in the citizens of this country to defend themselves against any attack. There are men alive who had fought our battles, and he doubted not they would be ready to fight them again, and others would arise to supply the place of those whom we have lost.

It was said, these volunteers were not to consist of the class of men described by the gentleman from Pennsylvania. He hoped not. He never wished to see the rich citizens separated from the poor in any scheme of defence. He believed this would not be the case altogether, because he doubted not a number of young men, who are not rich, from a desire to serve their country, will purchase their own clothes, arms, &c., and join these corps. Indeed, he had rather the arms should be found by Government, so that all might have the same opportunity of serving. He objected to this provision, because it gave to the President a power not contemplated by the Constitution, of calling out these volunteers, war or no war, insurrection or no insurrection, whenever he pleases. These men would form a regular army, not in this or that place, but all over the United States. For what purpose? Gentlemen say to repel invasion; but he apprehended they were wanted for another purpose.

Mr. McD. coincided with the gentleman last up, that this country is in an alarming situation, from without and within; and as he had formerly said, when he saw real danger, he should be ready to raise an army, but not before. He wished, however, the gentleman from Massachusetts to quiet his fears. The eighty thousand militia in requisition would be sufficient for the present; and, if they were not, more might be called. He hoped the section would be struck out. He knew volunteer corps were valuable men, but he wished them to stand on the same ground with the militia.

Mr. DAYTON did not know how to understand the member from North Carolina, (Mr. McDOWELL,) who, when the militia bill was under consideration, had, with some of his colleagues, represented the militia of their State as unarmed and undisciplined; but now, when it better suits his purpose, he represents them in such regular and complete order, as to be enabled to repel any attack upon their country, and to effect all that is possible for regulars and well disciplined troops. That gentleman had declared his opposition to the raising of any men, until an invasion had actually taken place—a declaration which was most extraordinary and unaccountable, as coming from one who had more than once informed the House that he had served in the Army.

No military man, Mr. D. averred, would delay his preparations for receiving and repelling an enemy that threatened an attack, until they had actually made the assault; and, therefore, if that gentleman had ever acquired that knowledge which was to be gained from military service, he must certainly have forgotten or slept it away, for it was in direct contradiction to the plan of procrastination which he had advocated.

Mr. D. said, he should leave him to his slumbers, and proceed to make a single remark upon what fell from the member from Massachusetts, (Mr. VARNUM,) respecting the unconstitutionality of one of the provisions of the section under debate. It could not be denied that the leading principle and object of this section was to authorize the President to accept the services of such volunteer corps as might be induced, from motives of the purest patriotism, to offer themselves for the defence of their country, and no gentleman had ventured to say that there was anything unconstitutional in this. The part particularly objected against was matter of detail, and might be altered or modified if the motion for striking out the whole section was lost. He was, however, free to declare for himself, that he would not agree to alter a single word of that provision which authorized the President to appoint the commissioned officers, for it was what he most valued.

Mr. D. then replied to the member from Pennsylvania, (Mr. GALLATIN,) who had called these volunteer corps of militia a most formidable force to be put into the hands of the President. That they might be a formidable body of men, Mr. D. was willing to admit, and that he wished them to be so; but to whom, he asked, would they be truly formidable? To the invaders of our country—to the turbulent and seditious—to insurgents—to the daring infractors of the laws. The member from Pennsylvania acted consistently in regarding these volunteers as unnecessary to defend the country against invasion, because he had affected to believe that such an attempt would not be made, but he would not surely say that there might not be internal commotions or insurrections, which

might require the wholesome correction of such an armed force. That gentleman had endeavored to fix upon them an invidious distinction, in styling them "military associations;" but Mr. D. wished him to inform the committee what the troops who quelled the Western insurrection were, if they were not military associations. He himself considered the whole of them of that description, and he well recollected that a considerable number in New Jersey, as well as in Pennsylvania, associated themselves together for that express purpose, were acccepted by the President, and marched as volunteers upon that expedition. The gentleman from Pennsylvania must have known how useful they were on that occasion, and he had not now to learn that what has happened once might occur again.

Mr. D. concluded, by expressing a very earnest wish that the motion for striking out this valuable section might be negatived, and that the services of men so able, willing, and ready, as these, to step forward in defence of their country, might not be rejected.

Mr. VARNUM did not wonder that the Speaker should attach himself to this section, when he has heretofore declared he would defend the bill inch by inch. It was to be expected this bill would be carried, as gentlemen appear to be bent upon it; he wished them, however, to show its utility. Gentlemen say it will be formidable. He did not think it would bring any force into the field. It could not be intended as a formidable army to face an enemy; they were to be a kind of select corps, accepted by the President, and to remain at home. There are no provisions in the bill for dividing them into brigades or divisions for actual service. They are to be under the command of the President of the United States; but no provision is made for their organization.

It was said the force proposed to be raised by this section could not be considered as unconstitutional, and gentlemen have been called upon to show that it is so. He did not know what was to be understood by the paragraph, except it was to be taken as it stands. He knew of no description of soldiers but regulars and militia. If these volunteers are to be considered as militia, the Constitution has said that the individual States shall appoint the officers; but it is now said they are to be considered as a part of the Army. Considering them in this light, he would turn the attention of gentlemen to another part of the Constitution, where the power of raising armies is placed in the Legislature; but if this power is given to the President, he might raise an army to any extent he pleases, without the consent of Congress. There is nothing to prevent him from engaging half the people of the United States in this way. He was not apprehensive the President would abuse this power, but he thought the Constitution ought to be held sacred.

What are the armed associations which the gentleman from New Jersey (Mr. DAYTON) speaks of? They are companies established under the present existing laws. Are they not all officered already? And what better would they be if they were to offer their services to the President, and have officers appointed to them by him, than they are at present, with officers appointed by the State of New Jersey? He could see no good effect to be produced by the change, but he was apprehensive it would cause a great disorder in the militia corps. And, after all, it must be the great body of the people who will defend the country, and not city volunteer corps of young men alone. When they are neatly dressed and well armed, they look very well in the field; but they are not able to bear the hardships of service like men who have been inured to labor and a country life.

But his colleague (Mr. OTIS) had said, that gentlemen continued opposed to measures of defence. He had no objection that that gentleman should sound his own praise as to his readiness to defend his country, though he did not know what title he had to exclusive patriotism or bravery. He did not know why he (Mr. V.) should not feel the necessity of defending his country as much as that gentleman, or any other. It was not strange that gentlemen should differ in opinion as to the best mode of defence; but they ought not, on this account, to be charged with a wish of selling the country to a foreign nation, or of making no defence of it. He believed the militia sufficient to repel any invading enemy until an army could be raised. When the people know the country is really in danger, they will not stop at trifles; but, until that time, they will not wish to engage themselves as soldiers.

What was the case, Mr. V. asked, in 1775? The militia then went into camp, and continued there, until the standing army was raised, and they made as good a defence as any standing army could have done. The idea of these men being wanted to keep down sedition, and compel persons to be obedient to the law, which had been intimated, was one he thought which ought not to be countenanced. He did not believe there are any seditious persons in this country, or that standing troops are wanting to enforce an obedience to the laws. If there are disaffected and seditious persons in this country, such as have been spoken of, he could wish them pointed out. For his own part, he had no idea of any such thing.

Mr. MCDOWELL said, had he been asleep, the *thunder* of the gentleman from New Jersey (Mr. DAYTON) must have awoke him. In answer to that gentleman's call to point out any part of the Constitution that is infringed by the section under debate, the clause respecting the appointment of militia officers having been already read, he would refer to that which declares the purposes for which the militia may be called forth, viz: "to execute the laws of the Union, suppress insurrections, and repel invasions;" but the employment of these volunteers (though in fact militia, with new officers appointed by the President) is not to be thus restricted; they are to be employed as the President shall think proper.

One word as to his own situation. He had been pointed at as having fought in the Revolution. It was true that he had fought; it was known, but he never boasted of it. He trusted, if

there was again any necessity for it, he should be as ready to defend his country as the gentleman from New Jersey, or any other.

Mr. DAYTON said that, opposed as he was in argument by the members from Massachusetts and North Carolina, who he understood were Generals of Militia, he was compelled to own that the weight of rank was against him, but he ventured to say that, if they possessed any military knowledge whatever, they must at once perceive that the position they had taken was untenable. They had relied much on the declaration which he should not controvert, viz: that this country, in case of serious invasion, must be defended by the great body of the militia, and not by single companies or select corps; but did it thence follow that it would not be advisable to encourage and accept the services of those volunteer corps who lay all along the extensive seaboard, and were willing and ready to become the advance guard, and subject themselves to be first called upon for duty? With as much propriety might it be said that, because, in time of war, the main body of the army must bear the brunt of the battle, you must not have an advance corps. It was this valuable purpose which these volunteers would be well calculated to effect, because they were generally situated nearest to the seacoasts, and were, for the most part, better equipped, armed, and accoutred, than any other portions of the militia They would also be men willing to serve, and to these were given willing officers also, agreeably to the provisions in the section; he trusted that their services in time of danger would be found to be equal to the most sanguine expectations that had been formed of them.

Mr. R. WILLIAMS was at a loss to know how gentlemen meant to apply their observations with respect to the unconstitutionality of the President's appointing the officers to these corps, on a motion to strike out the section; because, if the motion does not prevail, the section can be amended in this respect.

Mr. W. said, he was opposed to this bill, as it went to raise a standing army: but, with respect to this part of the bill, he was in favor of it. As to consequences which may arise from the abuse of the power proposed to be placed in the President, he did not think that a proper subject of inquiry, for he did not know how gentlemen could reconcile the idea to our Government of suspecting every department of abusing the powers placed in them. If the persons who fill the offices are base enough to do it, all of them may be abused. So far as the Constitution has pointed out caution as necessary, our jealousy ought to go to guard against the abuse of power, but to say a power shall not be granted, because it is liable to be abused, goes against placing power any where.

This section, Mr. WILLIAMS said, only went to establish the principle that the President may accept of the service of volunteer corps; the detail of it may be amended as the committee thinks proper. If it could not be amended, he should be disposed to vote against it; but, until he found no amendment could be made in it, he should vote for retaining the section. As to the principles on which the service of these corps should be accepted, or the particular purposes for which they should be called out, they ought to be designated. The committee had got into difficulty from not considering what these volunteers ought to be called. If that was determined, he thought gentlemen would know what line of conduct to pursue. If they were called militia, the Constitution has directed the mode of appointing officers to be by the States; if regulars, that the President shall appoint them. By one of these descriptions they must be called. He had thought that this point was in some measure decided on the motion to strike out the word "regular," which being carried, he thought these volunteers were to be considered a part of the militia, and from that circumstance he apprehended no danger from retaining the clause, as he thought it would be the means to establish a good militia. He should, therefore, vote against striking out the section, with an expectation that it will undergo amendment in the way he had mentioned.

Mr. GALLATIN said, it appeared to him that both the gentleman from North Carolina, last up, and the Speaker, had considered this section in a very different point of view from that in which it had been stated by other gentlemen. Both of them considered these volunteers as a part of the militia. The Speaker, when alluding to the militia of New Jersey, had said they were organized companies, or armed associations. He also considered these volunteers in the same light, when he spoke of them as an advanced guard of the militia. And the gentleman from North Carolina, when he spoke of an amendment which he intended to introduce, evidently considered these volunteers as a part of the militia.

Other gentlemen stated, however, that these men were not to form a part of the militia, but of the Army of the United States; that, if they were militia, they would not be volunteer associations, as law compels militia to act; that the distinctive feature between regulars and militia is, that the latter are obliged by law to serve, and the former become soldiers by their own consent. The spirit of the section is, Mr. G. said, not that these volunteers should be a part of the militia, but of the Army. The associations to which it alludes are perfectly distinct from the militia. If they had not been considered in this light by the Senate, where the bill originated, they would not have provided that the officers of these corps should be appointed by the President; and, until what fell from the Speaker, and the gentleman from North Carolina, in relation to their being a part of the militia, he had no idea of their being considered in that light. Indeed, the Speaker, at the same time, observed, he should object to the amendment of the gentleman from North Carolina, to make the section clear in this respect; therefore, though he called them a part of the militia, both his arguments and the spirit of the section prove they are not really considered as a part of the militia.

It was from a belief that these corps were intended to make a part of the Army that he objected to them, and showed that, if they were to be considered as militia, they might become so without any new law, as there are vacancies sufficient to embrace all the volunteers who may offer, in the volunteer corps which are or may be attached to the militia of the several States.

In support of this opinion, Mr. G. read an extract from the militia law, which enacts that there shall be at least one company of light infantry attached to each battalion, but does not restrict the number to one company; and he stated that, in many battalions, that company was not even formed—that there were vacancies in all—and that, supposing in some instances that not to be the case, there was no impediment in the law preventing the formation of new uniform companies.

When he mentioned that it appeared to be the intention of the section under consideration to embody a certain class of citizens, such as merchants, lawyers, &c., and place them in the hands of the President, his colleague said the remark was insidious, and that he (Mr. G.) must know that the volunteer corps in the militia are composed chiefly of the yeomanry of the country. This he knew, and this he wished to continue to be the case; but the object of this section was to create a change in that respect, and to make the volunteers a separate and distinct body from the militia; in short, that they should not be composed of men of all descriptions. And, unless some reason could be given why these volunteers would be more useful under this new organization than a militia, he wished them to be considered as the latter.

His colleague (Mr. Sitgreaves) had given two reasons why these men should be considered as regulars rather than as militia. The President, he observed, had no power to call out any part of the militia for a longer term than three months; whereas he would be authorized to call out these corps for two years. But if this was the only objection, it would be an easy matter to pass a law giving the President the power to call the militia out for a longer period. But this was not the only object of his colleague—he went farther. He said there was an essential difference between these corps and the militia of the United States; that the law which authorizes a detachment of the militia limits their services to invasion, insurrection, or imminent danger; whilst the bill now before the committee is not so limited; and this he gave as a reason why it ought to be adopted. Now he would ask for what purpose these volunteer corps could be employed, other than those above named? He should have been at a loss to have conjectured, had he not heard an argument from another gentleman from Massachusetts which seemed to lead to that object. After speaking of the imminent danger of our situation, and giving it all the coloring he was able, he went on to say that England and Ireland, who stood in a similar situation with us, as to the danger of an invasion from France, had adopted the plan of raising volunteer corps upon a similar plan with these. And now, said Mr. G., I would ask whether these men are intended to be raised for purposes similar to those for which volunteer corps have been raised in England and Ireland? He hoped not.

Another gentleman from New Jersey (Mr. Dayton) had spoken still more plainly, and told the committee, that, in addition to the common service of troops, these volunteers would be the first, ready, not only to repel any invasion, but also to suppress seditious and disaffected persons, insurgents, or any daring infractors of the laws. Mr. G. asked, whether it could be supposed these volunteers would be better able to meet any of these cases than the militia, (and the gentleman from New Jersey argued as if he thought so,) and, if so, what will make them better? The gentleman himself had proved that the militia are equal to the subduing of insurrections by mentioning the Western insurrection, which was subdued by the militia of New Jersey, Pennsylvania, Maryland, and Virginia. Four years, Mr. G. said, had elapsed since that insurrection, and from that time nothing has been seen but a cheerful submission to the laws. From that time, it is true, we have seen differences of political opinion, but no symptom of any infraction of the laws. On the contrary, we have seen nothing but an universal attachment to the Constitution, and a sense of the happiness enjoyed under it. Why, then, is the House told, not only to-day, but on former occasions, of seditious and disaffected persons—of dangers threatened to this country from insurrections? Of the dangers of an invasion he had already spoken, and would not repeat his observations on that head. But gentlemen do not stop here. They speak not only of the danger of an invasion, but of the danger of a revolution—of an oversetting of the Government; and this is represented as more dangerous, and as likely to be attended with more disorder, than were the incursions of the Goths and Vandals of old. Such was the language held five years ago in England. Gentlemen profess themselves afraid of the effects of the French Revolution; but he owned he was afraid of that system of alarm which was raised five years ago in England, and which gentleman seem now to be endeavoring to produce in this country. He would call it a system of alarm which exaggerated the danger of our situation; which, because our vessels continue to be captured in an unjustifiable manner, suggests the existence of a plan on foot for oversetting the Government by a part of the people themselves, with the assistance of a foreign nation. He would call it a system of alarm similar to that of England, which, day after day, brings forth motions calculated to spread fears of imaginary dangers; which one day produces an alien bill; on the next, attempts to introduce an unconstitutional sedition bill; and, finally, wants military associations of one part of the people, in order to suppress a supposed disaffection of the rest of the community. And, seeing that these motions rapidly succeed one another, no one can tell how far it was intended to extend that system, and whether we shall not soon hear

of fictitious conspiracies, pop-gun plots, and every other party artifice which has been practised in England. What, Mr. G. would ask, had been the object, and what the consequence, of that system in England? To strengthen the Executive at the expense of individual liberty, and to involve the country in the most fatal war—a war that has brought that country to the very brink of destruction. Whether there existed in England, at that time, sufficient reasons to have suggested those measures; whether there were in that country a number of persons disaffected to their own Government, and desirous of producing there a revolution, he was not sufficiently informed to be prepared either to affirm or to deny. But, certain he was, that whatever danger might have existed there from France, or from internal disaffection, the measures adopted by that Government, however well calculated to suppress for the moment any dangerous symptoms, had ultimately terminated in creating real and imminent danger from within and from abroad; had brought Ireland to its present deplorable situation; had provoked perhaps a fatal invasion, and, instead of preventing, had paved the way for a revolution.

But, supposing there were reasons which impelled the British Government to take the measures which they did take, Mr. G. asked what cause was there for taking similar ones in this country? He knew of nothing which had taken place here, since the Western insurrection (as he already said) which could indicate a necessity for troops to awe the people of this country, unless, indeed, it was the intention of gentlemen to suppress political opinion. He saw symptoms on this floor, and in various parts of the country, of a difference of political opinion; but none exists anywhere as to the propriety and necessity of repelling an invading enemy, of supporting the Constitution, the liberty and independence of the country, even among those who may have been displeased with the former conduct of our Government, in some of its foreign relations.

Gentlemen in this House, Mr. G. said, very often differed in opinion as to the propriety of laws and sections of laws which passed the Legislature of the Union; but, when they are passed, all were of one opinion as to their being carried into effect. Yet it would seem, that, because persons differ in opinion on various subjects, those who do not come up to the standard of the present majority of Congress are to be considered as seditious and disaffected persons. If this were not the case, he could not see the use of the motion which has this morning been laid upon the table, authorizing the Committee for the Protection of Commerce and the Defence of the Country to report a bill to enable the President to secure, remove, and otherwise restrict aliens *and other*, (the word aliens might as well have been omitted, for the word *other* includes every description, whether citizens or aliens,) disaffected or seditious persons. This he considered as a part of the alarm system. He did not believe that there were any seditious persons within the United States that could render it necessary for Congress to exercise a power forbidden by the Constitution; for he denied that they had power to remove any citizen out of the United States; nor was there any necessity for a military association to assist the Executive in the exercise of his legal authority.

If, said Mr. G., this section of the bill is to be considered merely as providing a force against any invasion which may be attempted against this country, he would ask, in what respects these volunteers would be better fitted for that purpose than the militia corps? And if there be no difference, he had already contended that there is no occasion for this law, as volunteers to any amount might join the militia, according to the existing laws.

His colleague, (Mr. SITGREAVES) in reply to some observations of his, had said, that the consideration of these volunteers being generally men of property, or who have expectations of coming into the possession of property, will be the very reason why they will prove a sure defence of the country. Mr. G. said, he had as much confidence in men of property as others, but no more than he had in every free, independent citizen. Whether a man be rich or poor, provided he has a common interest in the welfare of the community, he had an equal reliance upon him. And this is a Constitutional idea; for the Constitution says, "the rights of the people to bear arms shall not be questioned." Upon that ground, therefore, no sound argument could be drawn.

When his colleague said, that no objection could be brought against this corps, on the principle of its being placed under the command of the President, as the militia is also placed under his command, what does the remark amount to, but to say that all the military force which can be raised must be placed under his command? This he knew; but, because all the force to be raised must be placed under his command, does it result that it may not be dangerous to raise, and therefore to place under his command, a force of a certain description, and unlimited as to its number? This section does not say how the force is to be employed; and his colleague makes this an argument in its favor, because it is left wholly at the disposal of the President of the United States. And they are not only placed at his disposal, without any restriction, but he may accept of the service of as many as shall offer themselves. By this law, Congress give up their right of judging in every instance, and leave to the President the sole power of determining both the application and the number of the Army.

Mr. G. said, his great objection to this armed force was, that it had the appearance of arming one part of the people to guard against the other; and this was evident from the arguments of gentlemen themselves, when they speak of this force being wanted for the same purpose for which a similar force has been resorted to in England and Ireland. In short, if we consider the present state of this country, and that, in case of attack, nothing can be so desirable as unanimity, he did not think it would be prudent to have this half-way corps between regulars and militia, which would disgust the militia, and which, in his opinion, would rather

have a tendency to divide and disunite the country, than to provide for its defence in case of real danger.

Mr. HARTLEY said, the gentleman last up, in speaking of the troops which subdued the insurrection in this State, represented them as being wholly draughted from the militia. He must recollect that one of the most respectable corps employed on that occasion was a volunteer corps of this city.

Mr. HARPER said, he should not employ a great deal of time in answering what had fallen from the gentleman from Pennsylvania, (Mr. GALLATIN,) because he conceived that his arguments were so much at war with each other—so contradictory, and so palpably absurd—that it was scarcely necessary to bring them into view to refute them.

But he would make a few observations on the ground of expediency. As to the ground of constitutionality, gentlemen must excuse him if he said he did not think them serious in their objections on that head. It appeared to him as if what was said on this part of the subject was one of those excursions which gentlemen are apt to take when they have nothing material to say. He should, therefore, treat this argument in the only way in which he could treat it, except it were with ridicule, by passing it over in silence.

Two objections have been urged against this measure, on the ground of expediency: one is, that this force, when organized, will differ in no respect from ordinary militia, and therefore will not be more effective; the other is, that it will be extremely dangerous to the liberties of the country.

Mr. H. said he had often heard standing armies railed against, from the days of Pulteney to the present time. It was a fine subject for popular declamation, and was therefore often embraced, when an orator wished to make a speech for the public ear; but it was reserved to this day, and to this nation, to discover, not that standing armies of mercenary troops are dangerous to the liberties of a country, but that armed citizens are dangerous to its liberties. Gentlemen now hear, for the first time, that they cannot trust their own brethren, their sons, their dearest relations—the youth of the country; that generous youth who come forward and say that they are ready to lay open their breasts to receive the first wounds that are inflicted upon their country. Certain gentlemen are alarmed to see this corps of generous youth, and represent them as a force not to be trusted. Why? Because it will prove dangerous to liberty. To the liberty of insurgents, and the seditious, Mr. H. believed this force would be dangerous. The gentleman from Pennsylvania, no doubt, recollects how extremely dangerous volunteer corps are to liberty of this kind, though he did not know that this recollection produced any part of the antipathy which he now shows to the proposed establishment; though he could see a natural cause for it, as it went to put a hook in the nose of insurgents—of those who wish to overturn the Government. In this, he could find a natural cause of aversion in that gentleman against armed associations of citizens, which are the natural defence of Republican Governments. It was because these associations were dangerous to the species of liberty which he had described that Mr. H. was in favor of them; because they are dangerous to that foe, those perturbators of mankind, who are not content with destroying our commerce, but who threaten to destroy all that is held sacred in this country—our Government, all our valuable institutions, our laws, and our liberty.

But, said Mr. H., we are told that no danger exists; and when we wish to put arms into the hands of our citizens, and speak of danger, we are charged with introducing a system of alarm, by which this country will be brought into a similar situation with that of another country. The gentleman from Pennsylvania mentioned England, and deplored the effect which alarm had produced there. He believed he did deplore it, because it put an effectual check to disaffection and disorganization; it also put a check to French principles and French arms, and this he believed that gentleman regretted. On the contrary he himself rejoiced in this, because he thought the effect of it had been happy, and he believed nothing else would have saved England from destruction. It was on this account that he wished to see the same system of alarm exist here. What has been the effect in England? It has brought forward the people—the cultivators of the soil, the possessors of property—they have taken arms in their hands, and rallied round their Government. They have said, "though our Government is not the best in the world, though ours is not the highest lot of happiness which exists, yet it is happiness in the extreme when compared with that which threatens our existence." They have therefore armed themselves, and the friends of France in that country have been put down. And how was this effected? By the system of alarm, of which the gentleman from Pennsylvania complains; notwithstanding the soporifics which were there continually held out to induce the Government to act a contrary part, by men who cried out peace, peace! to hoodwink the community, This system of alarm had, however, opened their eyes. It will, said Mr. H., have the same effect here, if only kept up; it will preserve us from foreign invasion and internal enemies.

It is denied by those who either do not see the danger, or who have succeeded in lulling themselves and others to sleep, that the danger exists, and they wish the alarm to cease. Then, indeed, he should tremble for the fate of his country; then should he think the doors were open to foreign influence, domestic insurrection, and plunder; then should he expect to see the Legislature of the country go out to welcome French Commissioners, and receive orders from their hands; but, whilst this alarm exists, he should apprehend no danger, he should resist these opiates, and endeavor to draw aside the veil which the gentleman from Pennsylvania and others endeavor to spread before the eyes of the people. Indeed, he believed the rights and liberties of the people of this country rested on a small pivot, which was to be found in the present well-founded alarm, and a slight stroke of the gentleman from Pennsylvania might easily overturn the whole.

But even if that gentleman were to succeed in blinding this House, it would not be in his power to blind the people. They will defend themselves. If Congress should be so blind to their interest as not to lend their aid to organize these volunteer citizens for their defence, he hoped and trusted they would not be forgetful of their duty.

But the gentleman from Pennsylvania complains that these volunteers are not made a part of the militia, and denies that they will be anything superior. Why, then, does he quarrel with the institution? If it did not give a more effectual defence against either an internal or external enemy, why does it offend the gentleman from Pennsylvania and his supporters? He thought their dislike of it the best proof which could be adduced in its favor. They acknowledge that these corps will have strength, nerve, and force. The only question is about directing it; and they are afraid of a possible direction of it. It was his wish to have it so organized as that it might act; and whenever the same crisis shall exist that has existed in Ireland, and such as has threatened England, he would call all this force into action. Whenever an Executive Directory shall be sitting, and a day shall have been fixed for assassinating the aristocrats, or all those who do not concur in the principles of French democracy, then he should wish this force to be turned against these persons. He believed, however, this time was far off, and he believed the formidable nature of this force would effectually prevent its arrival.

If, said Mr. H., there be no dangers of this kind; if there be no persons disposed to excite insurrections; no persons ready to aid a foreign foe, and rally round a foreign standard, and no invasion takes place, there will be nothing for these volunteers to be called upon to do; they will have cost nothing, and no inconvenience will arise from having had them in readiness.

But the gentleman from Pennsylvania says, the militia are equal to the quelling of insurrections, and adduces the Western insurrection as a proof of it. But was it not known that means were taken to damp and palsy the spirit of the militia in that affair, which effect was not removed until after the volunteers came forward; and this was one of the crimes of which the volunteers were guilty, and it was a sin which cannot be pardoned or forgotten by that gentleman, but it was one of those things which endeared volunteer corps to him. And unless the gentleman from Pennsylvania could convince him that the people will feel themselves less secure when they see a large force in the country, than when they have none, he should not believe that the establishment of this corps could produce a bad effect upon the militia. On the contrary, he believed it would excite emulation in the militia. They will say, we will not suffer these striplings to get all the laurels. This spirit will begin with the most active, but it will spread through the whole of the community.

Gentlemen speak of this as a permanent corps. This is contrary to the provisions of this bill; if not, it might be easily limited. And what will happen after these volunteers shall return from service? Will they disorganize the militia, by carrying with them home a knowledge of arms and military duty? He believed a very contrary effect would be produced. He was persuaded they would carry home with them to the militia those materials out of which soldiers only can be made.

As to the idea of these volunteers being restricted to certain classes of persons, it is too contemptible for serious notice. Can it be believed that the independent citizens of this country, because they are not rich, cannot provide themselves with the necessary arms and accoutrements of a volunteer? No; they will say, "though we are not so rich as our neighbors, we are rich enough to buy our arms and military coat." He had seen the militia act in this manner in the town where he lived; and though they had expensive uniforms and equipments, the spirit spread, and men of all descriptions, from the most wealthy, to those who worked for their daily subsistence, provided themselves with them. And he could not believe that any American, who possesses his health and liberty, was so poor as not to be able to provide himself with the necessary arms and uniform to become a volunteer. Yet gentlemen chose to insinuate, that this was a plan to arm the rich against the poor. Who dare talk to the people of America of their poverty? It is an inapplicable phrase in this country. As he had already said, every man could afford to become a volunteer; the will only was necessary; and that will, he was persuaded, was ready, if not damped by the motion of the gentleman from Pennsylvania.

The modifications of which the clause is susceptible, he would not point out; but, if there was any which could be agreed to, without cutting up the principle of the section, he should be ready to assent to it; but because the details of the section do not please gentlemen, is that a good reason for striking out the section itself? Certainly not. In the language of the gentleman from New Jersey, it is another instance of the unfair proceedings by which every stage of this bill had been combated and opposed.

Mr. GALLATIN and Mr. BROOKS rose together. The latter had the preference.

Mr. BROOKS supposed, that by this time the committee would have been ready for the question. He did not himself intend to have said anything upon it; but seeing the gentleman from Pennsylvania ready to take the floor again, he would first say a few words upon it, that that gentleman might have an opportunity of remarking upon what he said also. That gentleman had gone through a labyrinth of opposition to every measure of defence; he believed he must now have come pretty nearly to a conclusion. He could not refuse, indeed, an appropriation for the forts and harbors, but that was very confined; but he had successively opposed all the other measures of defence. The naval armament, he was certain, would produce war, though now he insists upon it that there is no danger of war, yet he himself had advices this day of vessels of the ene-

my being in the harbor of New York, that they had taken two vessels there, and that they were ready to point their guns upon us. The provisional army the gentleman from Pennsylvania opposed in every shape; and now he attacks the volunteer corps, which seems to be his last point. These volunteer corps he cannot bear the name of. Why? Because they show the spirit of the people more than any other measure. Government will now find who are willing to defend the country. This surely was not the reason why he objected to it; and yet a stranger would be apt to think so. He would venture to say one thing, however, that if the French Directory had had an agent on this floor to have plead their cause, he could not have done it more effectually than the gentleman from Pennsylvania; and that gentleman may certainly have this consolation, that if, by any fortuitous circumstances, he should be driven from this happy country, he will certainly be received in another, with a cry of "Well done, good and faithful servant, enter thou into the arms of the Directory."

The gentleman had confidently said, that there is no danger to be apprehended from an invasion, because he was convinced the citizens of this country would suffer no foreigner, who comes with hostile views, long to exist on our shores; but Mr. B. believed the way to be safe was not the course of sitting still and folding our arms, recommended by that gentleman, supposing danger at a distance. If we should be found in such a situation we may expect to be overtaken with danger, as with a whirlwind. He had said much of the cheerful submission of the people to the laws. He was himself glad to hear it; though he believed it was more from a principle of fear, than love, in certain quarters of the Union.

But the gentleman from Pennsylvania says, there is no danger to be apprehended from insurrection, or from persons in this country joining the standard of any enemy who may attack us; but, said he, we have better authority than the word of that gentleman to believe the contrary. The Executive Directory have said, that they have diplomatic agents here, that they have them in abundance; so that they are better acquainted with the situation of things here than that gentleman is willing to believe, or to admit. He himself believed the fact, to a certain extent; and the best way of guarding against danger is to be ready to repel it. Even in this city, on a late occasion, a feeble opposition of foolish men, mounted the French cockade, and declared that, when the French troops came, they would join them. Foolish men! he called them, for he apprehended they had discovered the truth too soon; and, trifling as this may seem, he was of opinion these men only spoke what they heard, and that these things did not originate with themselves.

But the gentleman says, that if these volunteers are permitted to arm and equip themselves, it will disgust the militia. Little does that gentleman know of the spirit of this country. Had he been here at the beginning of the Revolution, he would have seen men of a different description. He never knew any jealousy among our soldiers or militia, because one looked a little smarter than another. At the present time, indeed, he believed if the gentleman from Pennsylvania would go out on a review-day, he would see part of the militia of this State, as well as others, in uniform, and part in common clothes, without any disagreeable feelings being entertained on that account.

Mr. B. concluded with saying, that as the day was far advanced, he would not take up any longer the time of the committee than to say, that either the gentleman from Pennsylvania does not understand the subject, or his reasoning is peculiar to himself.

Mr. GALLATIN said, he should disappoint the member from New York, in some degree, as he expressed an expectation that he (Mr. G.) should answer what might fall from him; but when a member so far abandoned every rule of common decency, so far forgot the respect due to this House, and so far insulted the understanding of members, as to pay no attention to the question under discussion, but, laying argument aside, goes merely into a wide field of abusive declamation, he conceived him entitled only to silent contempt, and that, and that alone the member from New York would receive from him.

The gentleman from South Carolina, Mr. G. said, had not made any reply to the leading arguments urged against the section under consideration.

He would once more ask whence arose the particular partiality which is shown to the proposed organization of these corps? Are gentlemen afraid that the present militia officers will not be so good as those appointed by the President of the United States? Or are they afraid that if these corps are organized agreeably to the existing laws of the United States, that they will not be so good a defence as if organized according to the present bill?

When gentlemen speak of the Western insurrection, and of volunteer corps, why do they not say there was only one volunteer corps not attached to the militia out of 12,000 men, and he adduced this as a proof to show that, whatever disorders might take place in the country, the militia would be sufficient to quell them. They seemed to think differently, and that they are not to be trusted.

Gentlemen opposed to this motion charge the supporters of it with being afraid to put arms into the hands of the citizens. The charge was unfounded. They are not afraid of putting arms into the hands of our citizens, but they do not wish to put them into the hands of a few chosen persons, to the exclusion of others. The reliance of the supporters of this motion is in the people at large; that of the opposers of it in these few. Mr. G. wished gentlemen to show the difference between these corps and militia, and what are the great advantages in favor of these, and then the committee may judge between the merits of each. He could see no advantage from the present plan; all that he could conceive from it was, that its supporters believe there is more safety in arming

a select few, than in depending upon the whole people.

But the committee are told that, these volunteers, thus organized, are the best calculated for suppressing perturbators and disorganizers. But this was a mere assertion, and no argument had been adduced to prove that they would be better calculated for that purpose than the people at large, or more likely to exert themselves in support of the Constitution and liberties of the country. The gentleman from South Carolina had said, there were disorganizers and seditious persons in the country, and that he was determined to support the present system of alarm; and yet he has not shown where these disorganizers and perturbators exist. Is there anything known, Mr. G. asked, to induce a belief that there are persons of this description in any part of the United States? And when gentlemen, without any proof, insist that if those volunteers shall consist of men of greater property, they will, on that account, be the most proper to suppress sedition, he would not hesitate to say that the assertion implied an illiberal and unfounded insinuation against all the other classes of the community, and was a calumny on the great mass of the people of the United States.

But the gentleman from South Carolina went on to support the justice and policy of a similar plan adopted in England, the effect of which, he supposes, has been to suppress insurrection, and to save that country from that general system of devastation which has taken place throughout Europe. But what, Mr. G. asked, are the effects which we see arising from this system? From that system of alarm and from that combination against France, which went hand in hand, at the commencement of the European war? The consequence has been that France has not rested satisfied with making regulations in her own Government, but has subjugated some of the finest countries in Europe, and subverted their Governments, and she now threatens Great Britain herself with a similar fate. This, Mr. G. said, we know has been the effect of those measures; but the gentleman from South Carolina, in order to reconcile us to a similar plan, sets up his supposition against fact, and tells us what might have happened, in his opinion, had not this system of alarm been adopted in England. He knew what had happened in consequence of those fatal steps; what might have happened had they not been adopted, was a matter of conjecture. It was but a poor consolation to that nation to be told by its Minister, "matters would have been worse, had I not taken such and such measures." And if a similar conduct was now pursued by this country, and should be attended with similar calamities, it would afford but a miserable comfort to America to hear, two years hence, the gentleman from South Carolina assert that a contrary course would have produced, in his opinion, still greater evils. It could not be denied that that system of alarm which the gentleman from South Carolina commended, had, in England, increased that disaffection which it was its object to suppress, and the same effect would be produced here by similar measures. How was the alarm in England supported? By means similar to those adopted in this House this day. A gentleman rises from his seat, and tells the committee he saw five or six men in the streets of this city with French cockades in their hats. He says that some one had reported, that it was said that somebody had heard that one of them had said, he would join the French if they landed here; the gentleman immediately concluded that there is a deep conspiracy in the country, and thousands ready to do the same. The same things were done in England at the beginning of the war; the Tower was fortified on account of an insurrection which no one had ever heard of. Every member on this floor might remember the numerous artifices used there at that time; and it was in order to avoid the evils which had been produced in England by that system that he wished it to cease here; that he wished, instead of placing these young men in corps separate from the militia, to have them joined to it, so as to make one undivided general defence for the country, instead of separating them in the way proposed, which could only produce divisions and uneasiness among the people.

Mr. G. said he would make no remark upon what fell from the gentleman from South Carolina, as to the unfairness of this motion to strike out the section, instead of endeavoring to amend it. He thought it was not less unfair for gentlemen to wish a contrary course to be taken, while they declare themselves unwilling to agree to any amendments which would make it more agreeable to those who oppose it. Nor should he make any remarks on what had fallen from that gentleman on the subject of Ireland, in respect to the Executive Directory sitting there, or of the day appointed for a general massacre. He had seen such things in the papers. How true or false they were, he could not say. But he did know that there had been for a long time in existence there a system of military coercion, which had doubtless increased the disaffection which before existed, and which will in the end prove fatal to the Government of Ireland. Yet the gentleman from South Carolina says there may be a time when it will be proper that the same military coercion should exist here. He trusted that gentleman was the only one who anticipated such an event, and he did not think it necessary to refute or comment on that observation.

For a number of years, Mr. G. said, attempts had been made, in different shapes, to give to the President of the United States a standing army, or select corps of militia. Ever since the organization of the present Constitution these attempts had been on every occasion repeated and defeated. This kind of half-way army and militia would effect the purpose, and might become the most dangerous of all others; and whatever might be the fate of this motion, he never would repent to have exerted himself as far as he was able in order to prevent its introduction.

Mr. G. concluded with saying that he was sorry he had taken up so much of the time of the com-

mittee on this question. He had spoken three times, which he would not have done had any other gentleman answered the observations which had been made in opposition to this motion by the gentleman from South Carolina. But however disagreeable it was to him to be obliged to rise so often, not only to meet the arguments of some gentlemen, but the abuse and impertinent allusions of others, nothing should prevent him from doing it, while he had hopes that the fatal measure now proposed might be defeated.

Mr. ALLEN wished to know how the Government could get a more effectual defence than by putting the question to every citizen of the United States, Will you, in case of danger, become a volunteer in the public service? Government does not choose, like the gentleman from Pennsylvania, to rely upon the militia altogether; but to address the whole people, and not a few, in the manner he had stated, and he trusted this question would not be answered by a few, nor by the rich alone.

The people of the five Eastern States, said Mr. A., are already armed and equipped, at their own expense; and it could not be said they are rich. The people in these States are so well armed and disciplined, that there will be no occasion for them to offer themselves as volunteers. In other places, but a small proportion of the people are armed. In this city, said Mr. A., a great proportion of the people are unarmed; and he could see no mischief that could arise from putting arms into their hands by means of this kind, which was the only way in which it could be done. And he believed the organization of these brave and generous young men would produce the best effects.

What the committee had heard from the gentleman from Pennsylvania, of this being a plan to arm the rich against the poor, was said to raise a popular clamor against it, and it was for this purpose that the gentleman had risen three times today. While the people from every quarter of the Union are addressing the Government with offers of their lives and fortunes in support of our measures against France, the gentleman from Pennsylvania wishes to take no measures for our security. There is something very extraordinary in this. But the young men of our country possess a different spirit; they are resolved to unite in their country's cause; and they will be able effectually to prevent insurrections and insults from taking place in the large cities, which are most subject to them.

But the gentleman from Pennsylvania has endeavored to excite jealousy against these volunteers in another way, by insinuating an idea that the reason of the power of appointing the officers of these corps being placed in the President is, because the present militia officers cannot be trusted. This, said Mr. A., was not the truth; nobody had such an idea. But, are these men ready to offer their service? If they are, it is not known. If they do offer their service, there is no doubt the President will commission them. But the gentleman is not willing that those who offer their service should be relied upon, but that all should be compelled to enter the service, whether they are willing or not. He thought it was more generous to accept of voluntary service only, which would be made exclusively by those who join heartily in the cause in which we are engaged.

Mr. MACON said the Constitution had limited the calling out of the militia to three cases, viz: to execute the laws, suppress insurrections, and repel invasions; and he could not see for what other purposes troops could be wanted, or why the militia were not equal to all these purposes. He wished gentlemen to speak plainly as to the purposes for which these men are wanted.

The gentleman from South Carolina said that if these corps were not organized, the French would soon be here, and take the cash from the bankers, and the produce and other property from the farmers. But how could these youths resist any attacks which the militia, which would embrace nor only them but all other citizens, would not be able to resist? As to the spirit which that gentleman spoke of being imparted to the youth by this law, he did not believe, if they wanted a spirit to defend their country, that this law would give it to them; but he was sure the spirit would not be wanting whenever danger appears.

Mr. M. noticed what had fallen from the gentleman from South Carolina, with respect to members acting contrary to the wishes of their constituents, and said no consideration should ever prevent him from doing what appeared to him to be his duty. And if he was convinced that his constituents were dissatisfied with his conduct, he would not wait to be turned out, but would immediately relinquish his seat.

Mr. M. never wished to see such a system of alarm existing in this country as existed in England and Ireland. He never wished to see spies and informers riding about the country to take people up on account of their political opinions. He should be glad to see the spirit of 1776 here, though he did not wish to see the old Congress revived. He believed the old Congress had done well, but he believed the present a better system of government than that was.

The question had not yet been determined whether these corps were to be considered in the light of militia or regulars. If the former, it had been shown that these young gentlemen might join volunteer corps already in existence; and, if the latter, there were always recruiting officers with whom they might enlist. But he did not believe many of them would wish to become common soldiers, though, in all special cases, they would, he doubted not, be ready to come forward. But this has been called a formidable force for the suppression of seditious insurrections, but he did not believe it could be more so than the militia itself.

Mr. M. denied that Congress had the power to create a mongrel kind of army such as is now proposed. He called upon any gentleman to put his finger upon that part of the Constitution which gives Congress this authority.

The provision which confines the use of these corps to the State to which they belong, and to the States adjoining, he said, would prove a very unequal regulation, as some of the States only join two States, others to five.

The gentleman from South Carolina says that armed associations are the natural defence of Republican Governments. He never believed that this Government depended upon armed associations for support. It appeared to him that these armed military associations have more the appearance of *Jacobinism* than anything he had ever heard of in that House.

Mr. M., after ridiculing the doctrine of alarm set up by the gentleman from South Carolina, concluded with saying that he believed, if the French were to land in this country, that they would find very few persons to join them. He was sure that from the part of the country from whence he came, that would be the case. The people in that part of the country would very deeply regret a war; but, if it did take place of necessity, they would join heartily in it. If the Constitution does not please them in all respects, they know an armed force is not the instrument by which it ought to be amended; and he knew, whatever a majority determined upon, would by them be carried into effect.

Mr. DANA said he should not have risen at all on this subject, had the gentleman from Pennsylvania confined himself to the merits of the question. But, after rising as monarch of the opposition, and apologizing for having spoken three times, because nobody else spoke, he said that the embodying of these volunteers would be raising a dangerous standing army; that it would be arming one part of the citizens against another; that it would prove the destruction of the militia, and that the whole of the militia might become a part of this army. He also says the provision will be useless, and because, under the militia law, all the advantages proposed by this bill might be had. Why, then, he would ask, do not these volunteers now exist? He apprehended the true reason was, because the field officers are appointed by the individual States, and not by the President of the United States.

But it is said that this provision is useless, because of the requisition of the 80,000 militia ordered at the last session. This had been frequently mentioned, though nobody could consider this force as anything; it is a mere business on paper. The men detached do not know their own officers. Many of the officers have been promoted, and a number of the men removed; so that he did not suppose three-fourths of those men could be found, if called upon. They are even worse than nothing.

It is also said that these volunteers will form a standing army dangerous to liberty. What do gentlemen mean by a standing army? Do they make use of the term because they find it in the Constitution? or because in countries where armies are formed of the worst of men, where they are engaged for life, and where their object is plunder and rapine? The term standing army only applies where officers and men have views distinct from the people, and can by no means apply to the young men contemplated by this section. If they were to join a banditti in desolating the country, whose property would they destroy? Their own, or that of their parents and friends. And against whom would they turn their arms? Against their parents, their brethren, and friends. And whose habitations would they destroy? Those in which they had been bred and educated. Can any one believe, then, that evils of this kind can be apprehended from these patriotic young men? He thought they could not be entertained for a moment.

In proportion as our military force is extended, Mr. D. said, it loses the character of an army. An army of 10,000 men may have something of a spirit distinct from the people; but, if it is extended to 100,000, it will cease to have that spirit. It will have only the spirit of the people. This is one of the causes, assigned by one of the best writers on the subject of the French Revolution, which produced that spirit in the French soldiers which led them to join in the Revolution against their Monarch. Their numbers were so large that there was infused into their body the spirit of the people. But the gentleman from Pennsylvania says the establishment of this corps will make an odious distinction between rich and poor, as if that gentleman were the bulwark of *Sansculotism!* Was this intended to excite a jealousy in the poor towards the rich, and a spirit of hatred to the Government? If not, he could not tell why such language was used.

What are the advantages expected to result from this section? They are the admission of a body of pariotic, respectable, generous youth, into the public service, who will form a firm phalanx against any internal or external enemy. His ideas of this section were, that the youth which it contemplates will remain liable to militia duty, both officers and men, until called into the public service; but, when called into public service, they will be considered as troops of the United States.

The question upon striking out the section was then put and negatived—56 to 37.

THURSDAY, May 17.

ADDITIONAL RULE.

Mr. SITGREAVES wished to propose an additional rule to the standing rules and orders of the House. It must, of course, he observed, lie upon the table a day previous to decision. He would, therefore, lay it before the House now, and call it up for decision to-morrow. It was as follows:

Resolved, That during the remainder of the session, the standing rules and orders of the House be amended by adding the following: "That no member shall, either in the House or in Committee of the Whole, speak more than once to the same question."

PROVISIONAL ARMY.

The House again resolved itself into a Committee of the Whole on the state of the Union on the bill authorizing the President to raise a provisional army; when the consideration of the third section being resumed,

Mr. R. WILLIAMS moved to amend the section so as to make the voluntary corps proposed to be

embodied by that section, a part of the militia of the United States. It appeared to him unnecessary for them to attempt to say by whom, or by what authority the officers of these corps shall be appointed; because if the committee only point out whether they shall be considered as militia or regulars, the Constitution has declared in what manner they shall be officered. It was not very material to him which they are considered, though he would rather have them considered as militia, as it would be the cause of producing an effective militia, which every one acknowledges would be a desirable thing, but if they are to be considered as regulars, he believed it would produce a contrary effect. He hoped, therefore, his amendment would be agreed to.

Mr. Hartley was much surprised to find that new difficulties should be raised against this bill. The aggressions of the French nation had been so great, that he doubted not, in one month from the date hereof, every man who is a friend of his country will be ready to say we ought no longer to bear with them. The people of this country are jealous of their rights, and to raise a large body of troops without immediate necessity, would alarm them; but, in our present situation, he wondered the present measure should be objected to. He should rather have expected a declaration of war, which he was confident would be well received by a majority of this House. Mr. H. trusted the present amendment would not prevail, as he wished these volunteers, by all means, to be commanded by officers appointed by the President of the United States.

Mr. Brooks was of opinion that this question was decided yesterday. If this amendment were to be adopted, it would show that the committee had changed their minds since yesterday as to the manner in which the officers of these volunteers ought to be appointed.

Mr. Sitgreaves did not rise to answer any arguments which had been urged in favor of this amendment, but to express his hope that, as this subject had already been fully discussed, no further time would be lost upon it. He addressed himself particularly to the friends of the bill, that so far as it depended upon them no time might be lost upon it.

Mr. McDowell differed in opinion with the gentleman from New York, (Mr. Brooks,) when he considered this the same question which was determined yesterday. It was said by gentlemen yesterday, that it was unfair to vote for striking out a section which was capable of being so amended as to do away the objections brought against it. He believed some gentlemen voted against striking out the section on that ground. But gentlemen are all at once very desirous of cutting short discussion. Those who heretofore spent days in debating on comparatively very unimportant subjects, now wish a question of great magnitude to be taken without debate.

When this subject was yesterday under discussion, the gentleman from South Carolina (Mr. Harper) said he wished to keep up the present system of alarm, in order to answer certain purposes of Government. It had already been kept up for some time, and produced effects which, he believed, could not have been produced without it. It was well known that certain gentlemen in this House had, for a long time past, been endeavoring to increase our Military Establishment, and to raise a navy, and they had seized this moment of alarm to effect both purposes.

Gentlemen, speaking of the important services to be achieved by the young men proposed to be raised, said, that they would make bare their arms, and shield us from all danger. Though he should wish to encourage in our youth an ardent desire to defend their country, he did not wish to expose them to danger alone. He wished the citizens generally to bear their share in the service, whenever danger shall appear. But it had been said, these men can do no good except their officers are appointed by the President—his signature was to do everything. If he thought the seal of the President could possess all the virtue ascribed to it, he might agree to its being used in this case; but while he believed the officers appointed by the several States are as good, and as well disposed to defend their country as any the President can appoint, he could not agree to their being changed in the way proposed. He could not conceive why gentlemen should be jealous of their own States appointing improper persons. To give the President this right would be to add greatly to his power. He believed Congress ought to be cautious how they increase this power; and however unpopular the opinion may at present be, he would express his determination not to increase that power by taking a portion of it from the Governments of the individual States, or from this body, and adding it to his. He wished to keep each power within its present bounds.

Mr. McD. repeated what has several times been said, that it is extraordinary that the Northern and Eastern States should insist upon defending the Southern against their will. It was said that this corps was wanted to answer the like purposes for which a similar force has been raised in England and Ireland. And what have they been used for there but to suppress political opinion? The military force is there riding over the people, and dragging husbands and fathers from their wives and children to prison, merely because they have taken the liberty to think. However much gentlemen wished to support certain opinions in this country, he hoped they would not wish them to be forced upon the people by a system of terror. He apprehended the zeal of gentlemen had carried them too far on this occasion.

Mr. R. Williams did not make this motion, he said, to give any gentleman an opportunity of answering the arguments of yesterday, nor to bring at all into debate the question of yesterday. He made it in conformity to an opinion which he then gave, and upon which he voted for the retaining of this section. But it is a little extraordinary that gentlemen will not permit others who merely differ with them as to the mode of defence, without having imputed to them by those gentlemen a disposition to leave the country en-

tirely defenceless, and at the mercy of a foreign enemy. If ever there was a question before this House, during the present session, in which these insinuations might have been spared, he thought the present must be one. What is the question? It is merely whether the President shall accept of any companies of persons who may offer themselves, and that they shall be called militia. He had as much a disposition to put the country in a state of defence as any man; but he believed a good militia would be its best defence. It had been conceded, that, in case of a sudden attack, the militia must be resorted to in the first instance. Why will gentlemen say, that because a member wishes these men to be considered as militia, he is against providing a defence for his country? If he thought it would be best, he certainly ought to advise it, without meeting with any such imputations, and he did think so, and therefore advised it. He thought arms ought to be so distributed through the country, that in case of danger every man might leave his plough, and take up his musket to defend his country. If war should take place, then, as had frequently been said, there would be no objection to standing troops.

How could these men, Mr. W. asked, be less disposed to defend their country because their officers were appointed by the individual States, than if they had been appointed by the President of the United States? The gentleman from Pennsylvania (Mr. SITGREAVES) addressed himself to a certain part of the committee. He should never follow his example, but address what he had to say to every member present. He had never any particular characters in view. Mr. W. said he did not wish to take up much time of the committee, nor should he have risen at all, had it not been for an insinuation that his motion owed its rise to improper motives, than which nothing tended more to lower the dignity of the proceedings of the Legislature of the Union.

Mr. DAVIS said, it was much to be lamented, that, whilst gentlemen are all agreed in principle, they should differ as to the means of carrying that principle into effect. There are few members, Mr. D. said, who do not agree as to the necessity of having troops in addition to our present militia. Indeed, he must own he did not feel all that security from militia alone which had been expressed by some gentlemen. He knew the French had landed an army in this country heretofore, in defiance of the British navy, and therefore might do it again; the ocean was still open. He was, therefore, impressed with the necessity of raising men of some kind for the defence of the country; but the mode proposed by the bill, as it stands, he objected to. He was afraid of the consequences. It would create jealousies and suspicions of a serious nature. Every one knows that the people of the United States are divided in their opinions. Some have implicit confidence in everything which is done or recommended by the President of the United States. Others have not this confidence. The Eastern States, for instance, place great reliance in the President—and this is natural. They are well acquainted with his person and character, and are therefore attached to him from local prejudices. Gentlemen from the Southern States are, on the contrary, (perhaps too much so,) prejudiced against the President. What will be the consequence? If this bill passes as it now stands, the people of the Eastern States will probably turn out and offer their services to the President; perhaps those of the Southern States will not. This might produce bad effects. It is probable that those men who turn out will be called Executive men, whilst those who do not, will be termed Disorganizers, which will create a disagreeable, and, perhaps, a dangerous division in the country; a division, the effects of which, he owned, he was afraid. The best way, he believed, would be to call upon every State to furnish its quota of men, to go into the field for a year or two, and not leave the matter optional, as by this bill. His fears, on this head, did not arise from any apprehension that the President would abuse the power placed in him of appointing officers, and accepting of the service of men; they arose from an apprehension of undue agitations in the public mind, and from the jealousies and strifes which would grow out of them.

Great inconvenience, if not danger, would arise, not only from the difference of opinion existing in the Southern and Eastern States, but also in the States themselves. In the State of New York, for instance, some of the Representatives are advocates of every Executive measure, and others are generally opposed to them. Part of the people of that State might, therefore, be expected to come forward and offer their services to the President, whilst others will decline doing it, which will produce a division in that State. The same thing would take place in some others. When he recollected all these difficulties and disagreeable consequences, he must be opposed to the bill; not from any fear of public liberty being endangered by the existence of such a body of men, but merely on account of the circumstances he had mentioned. If any gentleman would bring forward a proposition for obliging every State to provide a certain number of men, he would vote for it. When he voted against this bill, he hoped it would not be considered that he did so from a wish to yield passive obedience to any nation in the world, but solely for the reasons which he had mentioned.

Mr. DAYTON (the Speaker) was opposed to the motion upon every principle, but, especially, because it was founded avowedly in a distrust of the First Magistrate, in whom the people most deservedly reposed the highest confidence. If the amendment prevailed, it would neutralize and render nugatory one of the most important provisions of the bill. The member from Kentucky (Mr. DAVIS) had deviated from his usual course of fair argument, and had thought fit to indulge himself in reflections illy calculated to cement the Union, or to inspire a confidence in the General Government. To what good end did that gentleman attempt to influence, improperly, the decisions of Congress upon important questions, by unfounded intimations that the attachment to,

and confidence in the President, was merely local, and confined almost exclusively to that portion of the Union which was his birth-place and residence, and that any measures tending to increase the Executive influence would be viewed in other parts, and particularly in the Southern States, with jealousy and disapprobation? Language so unwarrantable tended only to irritate and divide, and ought not to escape the severest animadversion.

Mr. DAVIS asked, and was permitted to explain. He said, he did not say that this was the case; but that the President having been born and educated in the Eastern States, it was natural the people there should be attached to him in a greater degree than in other parts of the Union.

When Mr. D. sat down,

Mr. DAYTON said, that he had been in the habit of respecting the gentleman from Kentucky for his candor and general correctness of opinion, yet he felt himself compelled to declare, that he was not better satisfied with the explanation than with the first speech. The jealousy and distrust which gentlemen from Southern States, and particularly from Virginia, expressed so unqualifiedly in respect to Executive measures, was not new in Congress, but was of much earlier date than the election of the present President, and could not, therefore, have its source in any belief of want of merit, talents, or probity in him.

The same distrust had marked the conduct and speeches of the members from that State for at least four years past; and the former President had been as much the object of jealousy as the present; nay, even more so; although his place of birth and residence was in their neighborhood. In proof of this, he recollected well that a very influential member from Virginia, (Mr. GILES,) now absent from the House on account of sickness, had, on a former occasion, most unequivocally declared, that he no longer reposed confidence in the man who was then President and head of the Executive Department.

As the Representatives who now distrusted the Government and opposed its acts, distrusted and opposed it then, when he who presided was a citizen selected from their own neighborhood, so it was remarkable that the present supporters of the Government were among the most zealous to support it at that time, without regard to the distance of birth-place and residence of the character who administered it. This, Mr. D. said, must convince every unprejudiced mind, that confidence and distrust were not influenced by local considerations, as had been suggested, but must be ascribed to other causes, that of the merits of the objects in the one case, and of a fixed and determined temper of opposition in the other. The object of the bill was to provide a prompt and efficient defence for the country, threatened, as it was, with hostility; and that of the section under consideration, was, in furtherance of that object, to authorize the acceptance of such volunteers as would first step forth in case of danger. They would not be deterred from offering their services by any apprehension of their being called "Executive men," as the member had expressed it. They would feel themselves superior to such insinuations, and would merit, by their conduct, the honorable appellation of Defenders of their Country.

Mr. D. concluded, with exhorting the friends of this system of defence to oppose this amendment as destructive of its energy, and as coming from, and advocated by its avowed enemies, whose wish must be to make it worse rather than better, and thereby to increase the number of its opponents.

Mr. HARPER was not prepared to say, even if he considered the reasoning of the gentleman from Kentucky founded, that Government ought to reject an Eastern or a Northern force, because they could get no force from any other quarter. He was of opinion, that if so many men could not be got from the South as from the North and East, it was an additional reason for adopting the present bill; because, in proportion as some parts of the Union would be inclined to submit, we ought to husband the force from other quarters. But he was far from agreeing with the gentleman from Kentucky on the present occasion, however great respect he always felt inclined to pay to his opinions. He seemed to think that voluntary enlistments would not take place to the Southward; that, in those States, there may exist a want of confidence in the President; a want of attachment to the Government; a want of that ardor which may be expected in other parts of the country. Mr. H. said, he believed that the people in those parts of the Union to which he alluded, are as strongly attached to the Government, and to the Executive, and have as good an opinion of the measures of Government, as the people in any other quarter of the Union. Nor did he believe they would be behind any others in giving a thorough support to this Government, which is the object of their choice. In proof of this, he might cite the various memorials which have come from those parts, not only on this, but former occasions, in which the strongest attachment to the Government is expressed; or he might appeal to the language of the Representatives themselves who come from thence, who constantly say, that, however they may differ in opinion from other gentlemen on political questions, they and their constituents will always be ready to defend their country in time of danger.

Mr. H. knew that certain politicians in this House, under the influence of a determined party spirit, had set their faces, in the most decided manner, in opposition to all the acts of Government; but they have not been able to induce a corresponding sentiment in the country from whence they came. He knew their mistakes were seen and pardoned, on account of their talents and probity in other respects; but though their mistakes are pardoned, they are not gone into. He knew, also, that it is the creed of those gentlemen, that when a measure has been adopted it ought to be carried into effect; therefore, though a difference of political opinion exists, and must exist, there can be no doubt that, whenever danger approaches, there will be but one voice. The conduct of the Virginia militia, when called upon to march against

the excise law in this State had been frequently mentioned, and with propriety, in illustration of this fact. He did not doubt the same spirit of alacrity to preserve order in the country, and a due obedience to the laws, would be shown, whenever an occasion shall call for it, and, if possible, more so, in defending the country against a foreign enemy. So far from the embodying of these volunteers proving an invidious distinction between different parts of the country, he believed it would prove the reverse. The people of North Carolina, South Carolina, and Virginia, so far from holding their services back, because they see the Northern and Eastern States come forward, the sight would arouse them. They would immediately say, "our brethren, with whom we shed our blood in the common cause of independence, are taking up arms for again defending their country against a foreign enemy, let us join them." This would be their feeling, and they would not suffer themselves to be outdone by any part of the Union. Mr. H. was not afraid of the want of spirit in the Southern country. He believed their strength was less than that of some other States, but their will was equal to the will of any. They would risk their all in the defence of their country. He never had, nor never should have, any doubt on this subject.

Mr. H. said, he would here notice an observation of the gentleman from Pennsylvania made yesterday. He asked in what respects these voluntary corps would be preferable to ordinary militia? He would ask, in his turn, in what respects men able, active, and willing to serve their country, men bound by one sentiment, are preferable to men of all ages, characters, and dispositions, forced into service? And whether the former, whose convenience permits them to leave home, and who do not leave helpless families behind them, are not likely to be a more effectual force than the latter? He believed there would be no doubt on the subject. Every one knows that the militia officers are an extremely respectable class of men; yet it was also known many of them could not, without great sacrifices, go into active service, and some were too old to do it. Some might also be indisposed to come forward, and wherever this should be the case, the President ought to have power to appoint others. Whenever militia officers are able and willing to serve, there is no doubt they will be preferred to others.

Another striking difference existing between this corps and ordinary militia, was this. These volunteers may be called out, and trained in the use of arms and military discipline, before they are wanted for immediate service, whereas the ordinary militia could not be called out, except in case of actual danger. This was a great advantage in favor of these corps.

But it was said, these volunteers might enlist in the independent companies at present in existence. This would separate persons living in the same neighborhood, and spread them throughout the country; and instead of being distinct bodies, where they could know their officers, they would be placed under men whose characters they would be unacquainted with, and their military spirit, which ought to be kept alive and encouraged, would, by this means, be frittered down and destroyed. Besides, in some parts of the country, there may be a greater number of volunteers than could be admitted into existing companies. Take, for instance, the county of Lancaster, where there are five or six volunteer companies now organized, and which might admit to complete them, 3 or 400 young men; but there may be 2,000 young men in that county ready to serve; and if so, what could be done with the surplus? They must of course be sent to a distance, or their service be lost.

Under this view of the subject, and considering this as a repetition of the motion of yesterday, he should give it his dissent, as he saw no difference between amending the section in this manner and striking it out altogether.

Mr. W. CLAIRBONE said, whether or not all the measures of the Executive are approved throughout the United States, is not now the question. The proposed amendment met with his approbation, and if a majority of this committee shall think proper to adopt it, it would not be less acceptable to him, because it was made and supported by gentlemen supposed inimical to the bill. His motive for advocating this amendment, did not arise from any jealousy of the President's misusing the power, but from an apprehension of its effects upon the militia. He believed if the clause was to be agreed to as it stands, the militia are gone.

Early in the present session a committee was appointed to prepare a bill for placing the militia of this country upon a better footing than at present. They reported a bill recommending a select corps of militia; but the further consideration thereof was postponed until the next session. The present amendment embraced the same idea, and if it were carried, the volunteer youth would form a kind of select corps to the militia. Would this amendment, if adopted, lessen the number of men who would be ready to rally around the standard of Government, whenever danger shall threaten? No, it would not, it was merely calculated to put them on the ground of militia, instead of making them a part of the Army, and to prevent a dangerous increase of that establishment. For it was not a call upon any particular part of the Union, but upon all the youth of the United States, to come forward and enroll themselves as volunteer soldiers, be officered by the President, and subject themselves to be called into service at his pleasure; and from the spirit which now exists in the United States, and the military ardor of our youth, he had no doubt their numbers would be very large. The consequence will be that our militia will be enfeebled by the attachment of our young men to this chosen band, and what remained will be generally aged and infirm. If it was the intention of gentlemen to destroy the militia altogether, it would be well for them to say so; if not, he thought they ought to agree to the present amendment.

The gentleman from South Carolina has said,

that except this section is agreed to as it stands, the country would be deprived of the services of these patriotic young men. He was of a different opinion. He believed, if these young men wished to serve their country in time of danger, they would immediately form themselves into companies, and learn the use of arms, so that they may act to greater advantage as a part of the militia of the several States. Whilst military zeal is at its present height, he wished advantage to be taken of it, but in the way he had mentioned. This fervor would have a good effect on the militia, by reviving the dormant spirit of that body of men, whom he looked upon as the great safeguard of the country. He had not the honor with the gentleman from New Jersey (the Speaker) of ranking amongst the known defenders of the United States; but he wished to be a supporter of the present motion, and when danger shall appear he hoped he should be found an humble defender of his country.

Mr. J. Williams would not have said anything on this subject, had it not been for what had fallen from the gentleman from Kentucky. From the age of that gentleman, and of the gentleman last up from Tennessee, it was evident they did not take an active part in this country in the year 1775; but it will be recollected that there were volunteers at that time called *minute-men*, who were of great service. When the British marched from Boston to Lexington, the militia joined the minute-men, after they had been defeated by the British. He never before heard that to take volunteers from the body of militia, would ruin the militia.

In the year 1775, the militia came forward in volunteer corps, and instituted a military school. He hoped this would be done now, as it would be advisable for our youth to make themselves acquainted with military duty, whether we are engaged in war or not.

Every possible objection, Mr. W. said, was urged against this bill. It was much to be regretted that time should be so uselessly employed, by so many obstacles being thrown in the way of this bill. If he supposed with the gentleman from Kentucky, that it would produce disorder in any of the States, he should be one of the last to vote for it. But, if the addresses lately received from the Southward were referred to, it would be found the people in that country are as ready to support the Government as the people to the Eastward are. Indeed the youth of Baltimore, it appears, are as ready as those of this city, or New York, to come forward in defence of their country, and he expected shortly to hear that the youth of Charleston had done the same. He hoped, instead of damping this spirit, by agreeing to the present motion, everything would be done to support and cherish it.

Mr. R. Williams rose to reply to the charge made by the Speaker of his having voted for striking out the whole of the section, and of being, consequently, an enemy to the principle of the bill. He said he had voted for it, with a hope of introducing the present amendment.

The question on the amendment was put and negatived—50 to 38.

Mr. Shepard moved to strike out the provision that went to confine the use of these volunteers in the State to which they belong, or in an adjoining State, which was carried, there being 60 votes for it.

Mr. Gallatin then moved to strike out the following words in the third section, "within three years after the passage of this act," and to insert in lieu thereof the words, "before the next session of Congress," which was negatived—48 to 41.

The committee then rose, and the House took up the second amendment, which had been agreed to in Committee of the Whole.

The first amendment, proposed by the select committee, to strike out in the third and fourth lines of the first section of the said bill, the words "whenever he shall judge the public safety shall require the measure," and to insert, in lieu thereof, the words, "in the event of a declaration of war against the United States, or of actual invasion of their territory by a foreign Power, or of imminent danger of such invasion, discovered, in his opinion, to exist," being under consideration,

The amendment reported thereon, by the Committee of the Whole House, to add to the end thereof the words following, to wit: "before the next session of Congress," was agreed to by the House—yeas 53, nays 35, as follows:

Yeas—Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Richard Brent, Nathan Bryan, Demsey Burges, Thomas Claiborne, William C. C. Claiborne, John Clopton, William Craik, Thomas T. Davis, John Dawson, John Dennis, George Dent, Lucas Elmendorph, Thomas Evans, William Findley, Albert Gallatin, Andrew Gregg, William Barry Grove, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Matthew Locke, Matthew Lyon, James Machir, Nathaniel Macon, William Matthews, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, Josiah Parker, John Reed, Tompson J. Skinner, Nathaniel Smith, William Smith, Richard Sprigg, jun., Richard Stanford, Thomas Sumter, Thomas Tillinghast, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, John Williams, and Robert Williams.

Nays—John Allen, George Baer, jr., Bailey Bartlett, James A. Bayard, David Brooks, Stephen Bullock, Christopher G. Champlin, Joshua Coit, Samuel W. Dana, William Edmond, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, Roger Griswold, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, Daniel Morgan, Lewis R. Morris, Harrison G. Otis, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Geo. Thatcher, Mark Thomson, John E. Van Alen, and Peleg Wadsworth.

And, on the question that the House do agree to the said amendment, as amended by the Committee of the Whole House, it was resolved in the affirmative—yeas 64, nays 26, as follows:

Yeas—John Allen, Abraham Baldwin, David Bard, Bailey Bartlett, Lemuel Benton, Thomas Blount, Richard Brent, Nathan Bryan, Stephen Bullock, Dem-

sey Burges, Christopher G. Champlin, John Chapman, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, William Craik, Samuel W. Dana, Thomas T. Davis, John Dawson, John Dennis, William Edmond, Lucas Elmendorph, Thomas Evans, William Findley, Abiel Foster, Albert Gallatin, James Gillespie, Andrew Gregg, William Barry Grove, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison, Thomas Hartley, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Matthew Locke, Matthew Lyon, William Matthews, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, Josiah Parker, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, Tompson J. Skinner, William Smith, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Mark Thomson, Thomas Tillinghast, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, Peleg Wadsworth, John Williams, and Robert Williams.

NAYS—George Baer, jr., James A. Bayard, David Brooks, Joshua Coit, George Dent, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, Roger Griswold, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, James Machir, Nathaniel Macon, Daniel Morgan, Lewis R. Morris, Harrison G. Otis, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, George Thatcher, and John E. Van Alen,

The second amendment proposed by the select committee, and agreed to by the Committee of the Whole House, to strike out, in the fifth line of the said first section, the word "twenty," and, in lieu thereof, to insert the word "ten," being twice read, was, on the question put thereupon, agreed to by the House—yeas 56, nays 35, as follows:

YEAS—Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Richard Brent, Nathan Bryan, Stephen Bullock, Demsey Burges, Christopher G. Champlin, John Chapman, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, Thomas T. Davis, John Dawson, John Dennis, George Dent, Lucas Elmendorph, William Findley, John Fowler, Albert Gallatin, James Gillespie, Andrew Gregg, Wm. Barry Grove, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Matthew Locke, Samuel Lyman, Matthew Lyon, Nathaniel Macon, Wm. Matthews, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, Josiah Parker, John Reed, John Rutledge, jr., William Shepard, Tompson J. Skinner, William Smith, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Thomas Tillinghast, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, John Williams, and Robert Williams.

NAYS—John Allen, George Baer, jr., Bailey Bartlett, James A. Bayard, David Brooks, Joshua Coit, William Craik, Samuel W. Dana, William Edmond, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, Roger Griswold, Robert Goodloe Harper, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, James Machir, Daniel Morgan, Lewis R. Morris, Harrison G. Otis, James Schureman, Samuel Sewall, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, George Thatcher, Mark Thomson, John E. Van Alen, and Peleg Wadsworth.

The other amendments proposed by the select committee, as amended by the Committee of the Whole House, were, on the question severally put thereupon, agreed to by the House.

A motion was then made and seconded, further to amend the said bill, by striking out, in the fourth and fifth lines of the third section, the words "company or companies of volunteers," and inserting, in lieu thereof, the words "militia corps established by law in any State;" and, on the question that the House do agree to the said amendment, it passed in the negative—yeas 39, nays 51, as follows:

YEAS—Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Richard Brent, Nathan Bryan, Demsey Burges, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, John Dawson, Lucas Elmendorph, William Findley, John Fowler, Albert Gallatin, James Gillespie, Andrew Gregg, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, Anthony New, Tompson J. Skinner, William Smith, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Thomas Tillinghast, Abram Trigg, John Trigg, Philip Van Cortlandt, 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, Joshua Coit, William Craik, Samuel W. Dana, Thomas T. Davis, John Dennis, George Dent, William Edmond, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, Roger Griswold, William Barry Grove, John A. Hanna, Robert Goodloe Harper, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, James Machir, William Matthews, John Milledge, Daniel Morgan, Lewis R. Morris, Harrison G. Otis, Josiah Parker, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, George Thatcher, Mark Thomson, John E. Van Alen, Peleg Wadsworth, and John Williams.

Mr. GALLATIN then renewed his motion to strike out, in the second and third lines of the said third section, the words "within three years after the passing of this act," and inserting, in lieu thereof, the words, "before the next session of Congress," which was negatived—50 to 40.

The bill was ordered to be engrossed for a third reading to-morrow.

On motion of Mr. SITGREAVES, a call of the House was ordered to-morrow, at half past eleven o'clock, in order to insure a full attendance at the passage of this bill.

FRIDAY, May 18.

CALL OF THE HOUSE.

The SPEAKER informed the House that the hour was arrived at which a call of the House was ordered to be made, and that the Clerk would accordingly proceed to the call.

The call was accordingly made, when it appeared that 92 members were present, which, with 13 members absent on leave, and 1 sick, made up the whole number of members.

Mr. HARPER laid before the House the following resolution, which was referred to the Committee of Ways and Means:

"*Resolved*, That a committee be appointed to prepare and report a bill for providing for the more effectual collection of certain internal revenues of the United States."

Mr. SITGREAVES called up his motion for amending the Standing Rules of the House, by providing that no member shall speak more than once on any question, either in the House or in the Committee of the Whole; which was agreed to without debate—52 members being for it.

The House went into a Committee of the Whole on the bill for the relief of Thomas Lewis; which being agreed to without amendment, the committee rose, and the bill was ordered to be read a third time to-morrow.

Mr. MACON called for the order of the day on the report of the Committee of Revisal and Unfinished Business, on the memorial of William Simmons, Accountant of the War Department, which recommends additional compensation to the memorialist for the year 1798. After some observations, the report was agreed to, and a bill ordered to be brought in accordingly.

A bill from the Senate making an alteration in the act fixing the Military Establishment, in respect to the appointment of a Brigade Major and Inspector, which the Brigadier General is authorized to appoint from the line of the Army, was twice read and committed for to-morrow.

Mr. SEWALL called up the resolution which he yesterday laid upon the table, authorizing the Committee of Commerce and Protection to report, by bill or otherwise, the best means to be taken for securing or removing from the United States, aliens, or other disaffected and seditious persons; which was agreed to without debate or division.

PROVISIONAL ARMY.

The bill authorizing the President of the United States to raise a Provisional Army, was read the third time; when

Mr. MCDOWELL moved to postpone the question on the passage of this bill till Tuesday next. Information had been received from Europe, and was entered on the Coffee-House books of this city, that our Commissioners had been received by the Executive Directory; and that the persons who had held authorized conversations with them on the subject of bribes, &c., were imprisoned. He could not say that this information was true; but, if it were, our differences with the French Republic may probably be amicably accommodated, and there may be no necessity to pass this bill at all. He hoped, therefore, the postponement would take place.

Mr. SEWALL should be sorry if a motion of this kind were to receive any attention from the House. If negotiations were opened with the French Republic, they might not very soon be concluded. What appearance would it have to the nations of Europe, if, after all the insults and injuries we have received from the French Republic, the moment Congress heard in an indirect, uncertain way, that they had deigned to receive our Ministers, they stopped their proceedings in all measures of defence. A more unfavorable appearance, in his opinion, could not take place. It ought to be recollected that the army proposed to be raised was a provisional army, and would not be raised, if the contingencies therein named did not take place.

The question for a postponement was put and negatived; there being only 29 votes for it.

The question on the passing of the bill was then taken, and stood—yeas 51, nays 40, as follows:

YEAS—John Allen, George Baer, jr., Bailey Bartlett, James A. Bayard, David Brooks, Stephen Bullock, Christopher G. Champlin, John Chapman, Joshua Coit, William Craik, Samuel W. Dana, John Dennis, George Dent, William Edmond, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, Roger Griswold, William Barry Grove, John A. Hanna, Robert Goodloe Harper, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, James Machir, William Matthews, John Milledge, Daniel Morgan, Lewis R. Morris, Harrison G. Otis, Josiah Parker, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, George Thatcher, 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, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, Thomas T. Davis, John Dawson, Lucas Elmendorph, William Findley, John Fowler, 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, Tompson J. Skinner, William Smith, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

THE MILITIA LAW.

On motion of Mr. J. WILLIAMS, the House resolved itself into a Committee of the Whole on the bill making some alterations in the Militia law. The bill contained nine sections. The first went to repeal the second section of the old act, which contains the exemptions from militia duty; the second section enumerates the exemptions proposed to be allowed in future, which it proposes should be uniform, and that the States should no longer have the power of granting exemptions; the third, fourth, fifth, sixth, seventh, and eighth sections relate to musters, laying fines for neglect of duty, and the manner in which they shall be conducted; the ninth section provides for the purchase of —— thousand stand of arms, to be distributed in due proportion, by order of the President of the United States, among the several States, and stored at suitable places within each division of the militia of the State, for the purpose of being sold out to the militia, at reasonable prices, and under such regulations as the Presi-

dent shall prescribe. All the sections were struck out, except the last, which was agreed to. The committee rose, and the bill was recommitted to the select committee.

The House then went into a Committee of the Whole on the bill for the relief of Joseph Nourse, which was was agreed to, and ordered to be read a third time to-morrow.

Mr. SEWALL reported a bill respecting alien enemies, which was committed for Monday.

SATURDAY, May 19.

The bill for the relief of Thomas Lewis, and that for the relief of Joseph Nourse, were read the third time and passed.

Mr. MACON reported a bill making additional compensation, for the year 1798, to William Simmons, Accountant of the War Department, which was twice read, and committed for Monday.

Mr. T. CLAIBORNE moved a resolution to provide, that in the bill respecting the purchase of arms for supplying the militia, a clause should be inserted for furnishing arms to such persons as are too poor to pay for them, free of expense. The motion was negatived—15 votes only being for it.

On motion of Mr. SEWALL, the House went into a Committee of the Whole on the bill to amend the act to amend and repeal, in part, the act to ascertain and fix the Military Establishment of the United States; which, being agreed to, the committee rose, and the bill was immediately read the third time and passed.

Mr. GALLATIN, from the committee to whom was referred the petition of H. W. Dobbing and John Ellison, who pray for a grant of land in the Northwestern Territory on terms different from those provided by law, made a report. The committee being directed to inquire generally into the subject, and having determined upon the propriety of making some general regulations, recommend that the prayer of the petition ought not to be granted. Concurred in.

The same gentleman also made a report on the petition of Ely Williams, who prays for compensation on account of buildings erected in the Northwestern Territory by himself and partner, when agents for supplying the Western Army, for the purpose of salting provisions, or a grant of land as an equivalent. The committee recommend a grant of land to be made to the petitioner in Cincinnati, upon which said buildings were erected. The report was concurred in, and a bill ordered to be brought in.

FINAL SETTLEMENT CERTIFICATES.

Mr. D. FOSTER called for the order of the day on the bill respecting Loan Office certificates, final settlement certificates, and indents of interest; and the House accordingly resolved itself into a Committee of the Whole on the said bill, when, after having been read, and after some few observations on the principle adopted for payment, the bill was agreed to, and ordered to be read a third time on Monday.

This bill provides that so much of the act, entituled "An act making further provision for the support of public credit, and for the redemption of the public debt," passed the 3d of March, 1798, as bars from settlement or allowance, certificates commonly called Loan Office and final settlement certificates, and indents of interest, be and the same is hereby suspended for the term of one year, from and after the time of the passing of this act; that, on the liquidation and settlement of such of the said certificates and indents of interest as may be presented at the Treasury, pursuant to this act, the creditors shall be allowed to receive certificates of funded three per cent. stock of the United States, equal to the indents, and the arrearages of interest due on their said certificates, prior to the first day of January, 1791; that the principal sums of the said Loan Office, and final settlement certificates, with the interest thereon, since the first day of January, 1791, shall and may be discharged, after liquidation at the Treasury, by the payment of interest and reimbursement of principal equal to the sums which would have been payable thereon if the said certificates had been subscribed pursuant to the acts making provision for the debts of the United States contracted during the late war, and by the payment of other sums equal to the market value of the remaining funded stock, which would have been created by subscriptions as aforesaid; which market value shall be determined by the Comptroller of the Treasury; for which purpose the sum of $20,000 is appropriated; that, from and after the passing of this act, it shall not be lawful for the officers of the Treasury to issue, or cause to be issued, any certificates of registered or unfunded debt; and to satisfy such claims for services, or supplies furnished, prior to the establishment of the present Constitution of the United States, as shall be allowed according to law, and the course of settlement at the Treasury, $20,000 are appropriated; that the Commissioners of the Sinking Fund are required to reimburse, or cause to be reimbursed, the principal sums of the unfunded, or registered debt of the United States, credited on the books of the Treasury and Commissioners of Loans, and to cause a notification to be published informing the creditors generally of the said reimbursement, and that interest on the said debts will cease at the expiration of six months after the date of the said notification, and $90,000 are appropriated for the purpose; and that it shall be lawful for the creditors of the unfunded or registered debt aforesaid, to receive certificates of funded three per cent. stock, equal to the arrearages of interest due to them, respectively, prior to the first day of January, 1791; and on the requisition of each or any of the said creditors, the proper officers of the Treasury are hereby required to issue, or cause to be issued, the said certificates of funded three per cent. stock, accordingly.

MONDAY, May 21.

The bill respecting Loan Office certificates and final settlement certificates, indents of interest, and the unfunded or registered debt credited on the books of the Treasury, was read the third time, and passed.

Mr. VARNUM, from the Committee on Post Offices and Post Roads, to whom was recommitted a former report, reported a bill in addition to the act for establishing post offices and post roads, which was committed for Monday.

PRESENTS TO MINISTERS.

Mr. BAYARD said, he had a resolution to offer to the House, which he trusted would meet with no opposition from any quarter. It was intended solely to explain the grounds upon which the House proceeded when they refused to consent that Mr. Pinckney should receive the presents usually made by foreign Courts to Ministers upon taking leave, and which had been offered to him by the Courts of London and Madrid. He had purposely avoided in the resolution any expression of approbation of the conduct of Mr. Pinckney during his missions, because he perfectly knew that no approbation of that House could add to the high sense the people of the United States already entertained of the integrity and talents of that gentleman; and because it did not belong to the occasion for the House to express any opinion as to the conduct of the gentleman during the time he was employed abroad. That the design of the resolution he had to submit, was simply to negative an implication which possibly might be made, that, as the Constitution certainly did contemplate cases in which Ministers might be allowed to receive presents, the House were induced, by reasons connected with the conduct of this gentleman, to refuse the liberty to accept the presents; whereas he was perfectly satisfied, from the declarations of gentlemen who opposed the permission, who had all taken occasion to testify much esteem for the character and entire approbation of the conduct of Mr. Pinckney while in office, that their opposition arose from principles of general policy, which led them to think that, in no case should presents be allowed to be received. Nay, they had said, that the purity of this gentleman's character, and the importance of his services, furnished a happy opportunity of establishing an invariable rule precluding the acceptance of these presents, which no merit hereafter should induce the House to depart from: The subject, however, was of so delicate and tender a nature, that he conceived it a piece of justice on the part of the House to state explicitly the grounds upon which their decision was made, in order to preclude the possibility of any mistake as to their motives. He should rely, therefore, with perfect confidence, that the following resolution would be unanimously adopted:

Resolved, That this House, in refusing to allow Thomas Pinckney, late Minister at the Court of London, and Envoy Extraordinary to the Court of Madrid, to receive the presents usually made by the said Courts to foreign Ministers on taking leave, were induced to such refusal solely by motives of general policy, and not by any view personal to the said Thomas Pinckney.

Mr. GRISWOLD moved the postponement of this resolution till to-morrow.

The question on postponement was put and negatived—41 to 34.

The question on agreeing to the resolution then recurred—

Mr. SEWALL had some doubts as to the propriety of the determination of the general question, as he believed, by that determination, the House had parted with an advantage placed in them by the Constitution. He thought the best way of settling this business would be to reconsider that question. He knew one gentleman who had voted upon it through mistake, and there might be several others in the same situation.

The question on agreeing to the resolution was put and carried unanimously.

NATURALIZATION LAW.

On motion of Mr. SEWALL, the House went into a Committee of the Whole on the bill supplementary to, and to amend the act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on that subject.

Mr. SEWALL moved to fill the blank specifying the length of time necessary for an alien to give notice of his intention to become a citizen, before he can be admitted, with "five years." Carried.

The blank declaring the length of time necessary for an alien to reside here before he can be admitted a citizen, Mr. S. moved to fill with "fourteen years."

Mr. McDOWELL hoped this blank would not be filled with so long a time. The residence now required from foreigners before they can become citizens is five years. He would not object to an increase of the length of this term to seven years; or, if the committee thought nine better, he would not object to it. He did not wish to discourage an emigration to this country of respectable foreigners, by barring them from the rights of citizenship. The policy of this country had always been different, and he did not wish entirely to change it. When persons come here from foreign countries, it was our interest to attach them to us, and not always to look upon them as aliens and strangers.

The question for filling the blank with "fourteen," was put and carried—41 to 40.

Mr. SEWALL moved a clause providing that no alien who comes from a country at war with us, shall be admitted to citizenship while such war continues. Agreed to.

Mr. GALLATIN wished to know whether the provisions of this act are intended to extend to persons who were in this country previous to the passing of the law of January, 1795, which requires a residence of five years before an alien can become a citizen, but who have neglected to become citizens, as well as to all those aliens who have come to this country since January, 1795; although they may have made the declaration by that law required three years before they can become so, of their intention of becoming citizens of the United States. The law of January, 1795, had made an exception in favor of all aliens then in the country.

As the bill stands at present, Mr. G. said, it would have a retrospective effect on three descriptions of persons, viz: all those aliens who were

in this country prior to the adoption of the present Constitution of the United States, and who were not naturalized under the State laws before the act of 1790; in the next place, it affects all those who, under the law of 1790, might have been naturalized, and all those who, under the law of 1795, might hereafter be naturalized, provided they have made the necessary declaration of their intention of becoming citizens. From the year 1795, many persons, with a view of making themselves citizens of this country as soon as the law would allow them, have renounced their allegiance to the countries from whence they came, and if this bill passes in its present form, they will for ten or twelve years to come be without citizenship in any country. He hoped, therefore, some exception would be made in favor of the descriptions of persons which he had named.

One reason which led him to mention this circumstance was, that there are a great number of persons in the state of Pennsylvania, and many in the district from whence he came, who, though they are not citizens of the United States, really believe they are. This mistake has arisen from (an error common to most of the districts of the United States) a belief that an alien's being naturalized by the laws of a State Govenment, since the act of 1790, made him a citizen of the United States. The Mayor of Philadelphia, till the year 1795, admitted citizens under the State law, who afterwards considered themselves as citizens of the United States. He always thought that construction to be wrong—Congress having the power to pass, and having passed an uniform naturalization law, which, in his opinion, excluded the idea of admission to citizenship on different terms by the individual States. But he knew the contrary opinion till lately generally prevailed. Indeed, he knew that at the late election in this city, the votes of respectable merchants, who had obtained American registers for their vessels, on a presumption of their being citizens, were refused on this ground. The same mistake had extended to other parts of the Union. It may be said that, since the year 1795, these persons might have gone to any of the courts and have become citizens. In this city, and in others, he supposed persons had generally done so; but where people are two or three hundred miles distant from the District Court of the United States, they had not always an opportunity of doing it, especially on account of a construction of the act of 1795, which had prevailed in some counties of Pennsylvania, and which made it doubtful whether any court in the State, out of the city, could administer the oath of citizenship. Mr. G. supposed that since the year 1790, from ten to fifteen thousand emigrants had come into the State of Pennsylvania, two-thirds of whom believed, till lately, that they were citizens of the United States, from their having been naturalized by the laws of that State. It has now been discovered that they are not citizens; but since that discovery was made, they have not had an opportunity of being admitted according to the law of the United States. If some limited period was given to these persons to come forward to be naturalized, and they did not become citizens in that time, he should be willing to exclude them. He thought, indeed, provision should be made for all these persons; but he would not move any amendment until he had heard the opinion of the committee on the subject. The amendment just adopted, for excluding their enemies from citizenship, would do away any objection which could be urged against a provision of this kind. Indeed, the persons he alluded to generally came from the territories of the King of Great Britain, and three-fourths of them from Ireland.

Mr. SEWALL said, this subject was before the select committee, and it was the opinion of a majority of that committee that no exception ought to be made, but that the bill should pass in its present form. His own sentiments were decidedly against any alteration. As to the Irishmen whom the gentleman from Pennsylvania has mentioned, as they have neglected to avail themselves of the privilege of becoming citizens, he supposed they did not place any high value upon it. They are now permitted to hold lands; and from the present distracted state of the country from whence they have emigrated, he did not think it would be prudent to make them eligible to hold seats in the Government after a residence of five years. He believed the liberty which the United States have given in this respect heretofore has been unexampled, and it was high time the evils which had arisen from this imprudent liberality should be remedied. The present distracted state of the world, and the attempts made to disturb other Governments, showed the necessity of the proposed regulations.

Mr. S. did not consider the persons who had been mentioned as laboring under any disadvantages. Considering what they have left, and what they receive here, their situation is vastly improved by the change which they have made, without giving them any chance of becoming members of our Government, for they would have had little chance of becoming members of the Government which they have left. He did not suppose they came here with a view of getting into the Government, but to acquire property, and to enjoy peace and happiness, and this they might do independent of citizenship. As he saw no good, therefore, to be derived to the country from admitting these persons to citizenship, but much danger, he hoped the bill would be agreed to as reported.

Mr. GALLATIN said, if the bill was proceeded with, he would prepare an amendment in favor of those classes of persons he had mentioned.

The bill was accordingly proceeded with; and coming to the fifth section, where it is provided, that if an alien shall continue to reside here, and shall refuse or neglect to make a report of his residence, and receive a certificate thereof, shall forfeit two dollars, *and shall be liable to be arrested as a suspected person*—

Mr. GALLATIN moved to strike out the words printed in italic. It was sufficient, he said, that such a person should pay a fine. It was a new

thing to punish a man by imprisonment, not for delinquency, but because he was suspected. A conduct of this kind had been highly condemned in another country, and he hoped it would not be adopted here.

Mr. Sewall said, it was the intention of the committee to show the nature of the offence of omitting to make the proper report; to show that such omission would lay the citizens under the suspicion of not acting openly and candidly.

Mr. Sitgreaves remarked, that if his colleague's objection only went to the words "suspected person," his motion went too far.

The question was put and negatived—37 to 36.

Mr. Gallatin then proposed an amendment to the following effect:

"Provided that any alien who was resident within the limits, and under the jurisdiction of the United States, before the 29th of January, 1795, and any alien who shall have made a declaration of his intention of becoming a citizen of the United States, in conformity to the provisions of an act establishing a uniform rule of naturalization, passed on that day, may be admitted to become citizens of the United States, according to the provisions of that act."

Mr. Craik was disposed to go much further than is proposed in this bill in restricting aliens from becoming citizens of this country. He should have no objection to say, that no foreigner coming into this country after this time, shall ever become a citizen; but he believed if this law was to have a retrospective operation on all those foreigners now residing within the United States, who have neglected to become citizens, it would be very unjust. There was a large class of persons, he said, in the country from which he came, who are not naturalized under any law, and many others who had been naturalized under the State law; about the legality of which, as had been stated, there is much doubt, though in Maryland and Virginia foreigners are still naturalized by the States, notwithstanding the law of the United States.

In deciding upon this question, Mr. C. said, it would not be proper to take into consideration emigrants from any particular country. Many of the persons he alluded to, are Germans, and well entitled to every privilege that can be given them, and whose neglect to become citizens was probably owing to their ignorance of our language and laws. He should, therefore, be in favor of this amendment, especially as far as it respects those aliens who were in this country before the year 1795.

Mr. Bayard said, though foreigners were prevented from becoming citizens of the United States until they have resided fourteen years in the country, in many of the States, they are entitled not only to vote for filling the offices of the State Governments, but also for filling those of the United States. Therefore, the only privilege which they are denied, is the capacity of becoming members of the Federal Government; which was a denial, he thought, recommended by sound policy. And he did not see why the restriction should not extend to the aliens now within the United States, as to those who shall hereafter come here. If aliens residing here had any right to expect an exception, it must be on the ground of compact. He did not, however, consider naturalization laws in that light. Aliens cannot be considered as members of the society of the United States; our laws are passed on the ground of our own policy, and whatever is granted to aliens is a mere matter of favor; and, if it is taken away, they have no right to complain. Every principle of policy, in his opinion, required this regulation to be made general; for he believed there were as many Jacobins and vagabonds come into the United States during the last two years, as may come for ten years hence; so that these very persons against whom this law was intended to operate, will become citizens, and may be chosen into the Government. He hoped, therefore, the amendment would not be adopted.

With respect to those persons who have given notice of their intention of renouncing their allegiance to the foreign country from whence they came (for they do not actually renounce it until they become citizens) it can make no difference to them, especially those referred to by the gentleman from Pennsylvania, because it is a principle of the British law, that British subjects have not a right to alienate themselves; they cannot renounce their allegiance to the British King. No objection, therefore, could be had against the measures being general on that ground,

Mr. Macon was apprehensive that gentlemen in their zeal to get at particular persons, will go too far in this business. He agreed with them, that, for three or four years past, people of all sorts of politics had come to this country, from the highest aristocrat to the greatest Jacobin; and he doubted not that persons who were very desirous of becoming citizens, or who had any particular end to answer by it, had availed themselves of the law. But there are persons in distant parts of the Continent, who have never yet become citizens, perhaps from their not being in the way of going through the ceremony, and because he had no apprehension of the privilege being taken from them. Many had also omitted to do it from an ignorance of our language. He hoped, therefore, this amendment would be agreed to. If persons have given notice of their intention to become citizens, they have complied in part with the laws; and he did not think it would be right to put it out of their power to comply with the other part.

Mr. Sewall said, this amendment would comprehend those aliens who have come here since the year 1795, though they may have made no declaration of their intention to become citizens, as they may make the declaration before the law passes. As to the other description of persons, he had not the same objection to them. He agreed with the gentleman from Delaware, that our regulations in this respect are made for our own convenience and safety, and that no alien has a right to complain, if these regulations should disappoint his expectations.

Mr. Sitgreaves said, this was either a question of right or expediency. He presumed no gentle-

man was prepared to say any alien had acquired an absolute and positive right in this country to citizenship at any particular time. If not, it was a mere matter of expediency; and, when it is considered in this light, there can be little difficulty in seeing the danger and disadvantages which would arise from allowing foreigners to become citizens, as heretofore, or as proposed by the present amendment. They are too evident to be enumerated.

But it was supposed that there were a large number of individuals in this country entitled to citizenship by the law of 1790, but who have, nevertheless, neglected to become citizens. It was a little extraordinary, he said, if this were so; that persons should for so long a time have neglected to embrace a right which, it is now represented, it would be doing them great injury to deprive them of. As to those persons who came into the country since the law of 1795, he saw no good reason for making an exception in their favor. As policy, safety, and security, dictated the measure, he hoped the bill would be passed as reported.

Mr. W. CLAIBORNE said he could not reconcile it to his feelings to vote for the bill without the amendment proposed by the gentleman from Pennsylvania, because it would be doing a number of people whom he represented the greatest injustice. Those people, he said, were peculiarly situated. It was only at the last Winter session that the State of Tennessee was represented on this floor; and, at the time of passing the naturalization law, the people of that country were not in a situation to receive information of what was done in Congress. It need not be a matter of surprise, therefore, if, in that frontier country, there are many persons aliens who did not take advantage of the law of 1790. There are numbers of such who have given the strongest proofs of attachment to the country; they have fought and bled in the service of the United States, and are as much wedded to the Government of the United States as any men born on American soil. If this amendment does not prevail, it will affect many valuable citizens of the State of Tennessee who were citizens in the year 1795, and ten years before that time. These persons would be deprived of rights, because they were living in a country in which there was no post road, and where, of course, they had no newspapers to give them information of what was going on at the seat of Government. He hoped, therefore, it would not be agreed to.

Mr. J. WILLIAMS hoped this provision would be agreed to. When an act is passed, good reasons, he said, ought to be given before any change takes place. Many persons had come into the country from an expectation of being naturalized at the end of a certain period; but, if this provision is not agreed to, the system will be entirely changed. He saw no difficulty which could arise from agreeing to this provision, as persons from countries at war with this country could not be made citizens at all. He knew a number of persons who had not taken advantage of the naturalization law, who perhaps are as good men as any in the United States. It was true, he said, that by the laws of the several States aliens are allowed to hold land; but when foreigners come here to reside, and behave well, he did not see why they ought to be prevented from becoming citizens. They contribute their share of the expense of Government, and it was an acknowledged principle that representation and taxation ought to go together; which would not be the case if the bill was passed without this amendment.

The question was put and carried, there being 52 votes for it.

The committee then rose, and the House proceeded to take up the amendments.

The amendment of Mr. GALLATIN coming again under consideration,

Mr. COIT hoped that part of the clause would be disagreed to which embraces persons who were in this country before the year 1795, but who had never shown any disposition to become citizens. Those who came since, and had given notice of their intention of becoming citizens, stand on very different ground. He should have no objection to the latter being accepted, in the way proposed, but not the former.

After a few observations on this amendment, it was negatived—49 to 32.

Mr. SITGREAVES proposed an amendment, limiting the time within which aliens, included in Mr. GALLATIN'S proposition, should be permitted to avail themselves of the exception in their favor, viz: those who were in this country before the year 1795, within one year after the passing of this act; and those who have come here since, and given notice of their intention to become citizens, within four years from the time of such notice having been given.

The question was first put on the former part of the amendment.

Mr. T. CLAIBORNE did not wish to punish men for not being born here, but to punish both natives and foreigners when guilty. He hoped two years would be allowed instead of one.

The question on two years was put and negatived—31 to 39. It was then put on one, and carried—57 votes being for it.

The question on the second part of the amendment was then put.

Mr. VARNUM said, the impulse of the moment led members to believe that these restrictions upon foreigners were necessary. He thought there was no necessity for any measures being taken with respect to foreigners, except such as belong to the nation with whom we expect to be at war; yet, he had no particular objection to restrictions being made with respect to such foreigners as shall hereafter come to this country; but, having heretofore held out inducements to foreigners to come to this country, and when they are come, with an expectation of becoming entitled to the rights of citizens in a certain time, he would not disappoint those expectations.

Mr. T. CLAIBORNE said this was a very important bill, and he should wish a little more time to consider on it; he therefore moved an adjournment.

The motion was put and negatived, there being only 15 votes for it.

Mr. Sitgreaves said, the observations of the gentleman from Massachusetts could only be applicable when the principle of the bill was under consideration; whereas, the present proposition only went to limit the period within which advantage should be taken of the indulgence proposed to be allowed.

Mr. Varnum moved a division of the amendment, and proposed to allow till the 1st of September next for persons to make a declaration of their intention to become citizens.

This motion was not seconded; and the question on the amendment was put and carried—47 to 31.

The bill was then ordered to be read a third time to-morrow.

Tuesday, May 22.

The bill to establish a uniform rule of naturalization, and to repeal the former act for that purpose, was read the third time and passed.

On motion of Mr. Macon, the House went into a Committee of the Whole on the bill allowing additional compensation to William Simmons, Accountant of the War Department, when it was agreed to allow him an additional compensation of $600 for the year 1798.

The committee rose, and the bill was ordered to be read a third time to-morrow; which was accordingly done and the bill passed.

Mr. Sitgreaves laid the following resolutions upon the table:

Resolved, That the commanders of the private armed vessels of the United States be authorized, by law, to take or destroy any cruiser of the French Republic, which shall attack them on the high seas, for the purpose of search or seizure.

Resolved, That the commanders of the public armed vessels of the United States be authorized and directed to take or destroy any cruiser of the French Republic which may be found attacking, on the high seas, any public or private vessel of the United States, for the purpose of search or seizure.

Resolved, That the commanders of the public and private armed vessels of the United States be authorized to retake any vessel of the United States which may have been captured by the cruisers of the French Republic, and to take or destroy any cruiser which may have made such capture.

Resolved, That the public armed vessels of the United States be authorized and directed to take or destroy all armed cruisers of the French Republic, which may be found on the coast of the United States within —— of the shore.

Mr. Sitgreaves moved these resolutions to be referred to the Committee for the Protection of Commerce and the Defence of the Country, to report by bill or otherwise.

Mr. McDowell hoped these resolutions would lie upon the table till to-morrow. He owned he was not ready to instruct the committee named to bring in a bill on this subject. He believed these resolutions are synonymous with a declaration of war; and, notwithstanding the present critical situation of the country, he had yet some hopes of war being averted, if prudent measures were adopted. He was not willing, therefore, to alarm the public mind by referring resolutions of so dangerous a nature as these. It was possible, he said, that we might soon receive information from our Commissioners, which would make a step like this proper; but he could not think it would be proper at present.

Mr. Venable inquired of the Speaker whether, when a member requested a resolution of this kind to lie upon the table, it was not to lie according to the rules of the House?

The Speaker answered in the affirmative, and the resolutions were ordered to lie upon the table.

NATURALIZATION LAW.

Mr. Bayard made a motion for suspending the operation of the naturalization bill, for a limited time. He thought the present time was not a proper period for making permanent regulations on the subject, and that it would be better to suspend the present law for a time, than pass any new law upon it at present, as there was danger, under our present feelings, that the restrictions against aliens might be carried too far.

The Speaker said, he conceived this motion could not be in order while the bill which had passed this morning on this subject was on its passage.

COMPENSATION OF MARSHALS.

On motion of Mr. Harrison, the House went into a Committee of the Whole on the bill for regulating the compensation of marshals, attorneys, jurors, and witnesses; and, after some discussion, the committee rose, and the House took up the bill; when

Mr. Lyon moved to strike out the salaries proposed to be allowed to marshals and attorneys, to the former of $300 a year, and to the latter $400 a year, exclusive of the fees arising from their office, which he thought quite sufficient without any salary.

Both motions were taken by yeas and nays, and were negatived—the first 45 to 27, the second 45 to 35.

The bill was ordered to be read a third time to-morrow; which was accordingly done, and the bill passed.

MARINE CORPS.

Mr. Sewall, from the Committee of Commerce and Protection, made the following report:

"That in their opinion important advantages would be obtained by an arrangement in one corps of the marines who are or shall be engaged in the service of the United States, and by annexing them to the existing Military Establishment; particularly, as it would afford the means of order and economy, in which a number of minute detachments are liable to be very deficient; and as thereby the detachments, which will be occasionally on shore, will be kept in proper discipline, and may be rendered useful in the fortifications, or elsewhere, as the public service may require. The committee, therefore, recommend the following resolution to be adopted:

"*Resolved*, That, in addition to the present Military Establishment, there shall be raised a battalion, to be called the Marine Corps, to consist of a Major, and

suitable commissioned and non-commissioned officers, five hundred privates, and the necessary musicians, including the marines now in service; and the marines which shall be employed in the armed vessels and galleys of the United States shall be detachments from this corps."

ALIEN ENEMIES.

On motion of Mr. SEWALL, the House went into a Committee of the Whole on the bill respecting alien enemies, Mr. DENT in the Chair; when the bill was read as follows:

SEC. 1. *Be it enacted, &c.*, That whenever there shall be a declared war between the United States and any foreign Nation or Government, or any invasion, or predatory incursion, shall be perpetrated, attempted, or threatened, against the territory of the United States, by any foreign Nation or Government, and the President of the United States shall make public proclamation of the event, all natives, denizens, citizens, or subjects of the hostile Nation or Government, being males of the age of fourteen years and upwards, who shall be within the United States, and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed, as alien enemies; and shall be further subject, with their goods and effects, to a just retaliation of any unusual severities, restraints, and confiscations, which shall be suffered by the citizens of the United States, resident within the territory of the hostile Nation or Government, and inflicted by their authority, previous to, or at the commencement of, any war or rupture as aforesaid, under color and pretence thereof. And the President of the United States shall be, and he is hereby, authorized, in any event as aforesaid, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, towards the aliens who shall become liable as aforesaid; the manner and degree of the restraint to which they shall be subject, and in what cases and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, shall refuse or neglect to depart therefrom, and to establish any other regulations which shall be found necessary in the premises, and for the public safety, subject, nevertheless, to the regulations which the Congress of the United States shall thereafter agree and establish.

SEC. 2. *Provided, &c.*, That aliens resident within the United States, who shall become liable as enemies in the manner aforesaid, and who shall not be chargeable with actual hostility, or other crime against the public safety, shall be allowed, for the recovery, disposal, and removal of their goods and effects, and for their departure, the full time which is or shall be stipulated by any treaty, where any shall have been between the United States and the hostile Nation or Government, of which they shall be natives, denizens, citizens, or subjects; and, where no such treaty shall have been, a reasonable time, which shall be ascertained and declared by the President, or by the Congress of the United States, as may be consistent with the public safety, and according to the dictates of humanity and national hospitality. And the goods and effects of an alien, resident within the United States, who shall become an enemy as aforesaid, belonging and accruing to him there, before the commencement of any war or rupture as aforesaid, shall not be liable to any seizure, confiscation, or restraint, unless by the necessity of a just retaliation as before mentioned, which, under the authority of the President of the United States alone, shall not extend further than to the securing of the persons, goods, and effects of aliens liable as aforesaid, until the end of the next ensuing session of Congress, and to be subject to the law which they shall agree and enact thereupon.

SEC. 3. *And be it further enacted,* That all Justices and Judges of the Courts of the United States, and of each State, and justices of the peace, having criminal jurisdictions and authority for the securing of offenders, and all marshals, sheriffs, and other officers, according to their powers, and within their several jurisdictions and precincts, shall be, and they are hereby, authorized and required to discharge, enforce, and execute the duties and authorities which shall be incumbent upon them respectively, by virtue of the rules and directions which, in any proclamation or other public act, the President of the United States shall and may make and establish in the premises as aforesaid: and whereto all the good people of the United States shall be obedient and assisting. And any person who shall wilfully hinder, obstruct, or oppose any judicial or other officer in the exercise and discharge of the authorities and duties which are or shall be granted or enjoined by this act, or pursuant thereto, or who shall harbor or conceal any alien liable as an enemy, knowing him to be such, after proclamation by the President of the United States as aforesaid. * * * *

The two first sections having been read, without motion for amendment,

Mr. LYON moved to strike out the word "harbor," in the third section, which was negatived.

Mr. MACON thought the third section gave the President a very extraordinary power; it seemed that his proclamation, in all cases, was to be considered as law. He wished the chairman of the committee, who reported the bill, to give some information on the subject.

Mr. SEWALL said, the gentleman from North Carolina seemed to suppose that this was a general power placed in the hands of the President, whereas his power is confined by the first section of the bill. This power, Mr. S. said, must be placed somewhere, and he believed it could not be better placed than in the President.

Mr. LYON saw no ground for the first section of the bill, except it was to restrain the property of aliens to make satisfaction for the injuries done to our own citizens; nor should he be willing to give a power to the President which might enable him to distress innocent persons. He moved, therefore, to strike out the words "or threatened," in the first section, as he considered these words too vague to authorize the exercise of so great a power as was here given.

Mr. MACON seconded the motion.

The question was put and negatived, 44 to 39.

Mr. HARPER moved to strike out the words "predatory incursion," in the first section. The power, he said, was a very extensive one, and he did not think it ought to be given except in case of serious attack; but, after a few words in opposition to it by Mr. SEWALL, and in favor of it by Mr. MCDOWELL, he withdrew his motion, alleging that he had not rightly understood the section.

Mr. BAYARD said, the last section of this bill

contained a principle contrary to all our maxims of jurisprudence, viz: to provide punishment for a crime by a law to be passed after the fact is committed. Whether the crime to be punished is to amount to treason, misprision of treason, or be only a misdemeanor, is left uncertain. It was his opinion that laws could not be too definite; but it would be impossible in this case for the person committed to know what crime he had committed, or to what punishment he was liable. In order to get rid of this difficulty, he moved to strike out all the words after the word "aforesaid," at the conclusion of the last section, and to insert in lieu thereof the following words, viz: "shall be guilty of a misdemeanor, and subject to a fine not exceeding ——— dollars, and be imprisoned not exceeding ——— months."

Mr. SEWALL acknowledged there was a good deal of uncertainty in that part of the bill moved to be struck out; but the select committee did not see any way of remedying the evil without making the law too mild in its operation. In some cases, the offence would amount to high treason, the punishment for which is death; in others, to misprision of treason, the punishment for which is imprisonment not exceeding seven years, and a fine not exceeding one thousand dollars. As the offence might, therefore, sometimes amount to high treason, there would be an impropriety in making it uniformly a misdemeanor.

If an alien should have resided here for a number of years, and he should turn out to have been a spy, and a citizen of the United States should have harbored and concealed the said alien, knowing him to have been a spy, he would be chargeable with high treason for aiding and abetting the enemies of the United States within its territory, or at least a misprision of treason.

But the gentleman from Delaware was mistaken in his idea that it was intended to try an offender by a law passed after the offence was committed. By the expression, "as by law is or shall be declared," was only meant such law as should be passed between the present time and the time of committing any offence.

The question on this amendment was put and carried, 44 to 25.

On motion of Mr. BAYARD, the blank for containing the amount of the penalty, in the amendment just carried, was filled with one thousand dollars.

The committee rose, and reported the amendments; which having been agreed to,

Mr. DENT moved to strike out the word "months," in Mr. BAYARD's amendment, in order to insert "seven years."

Mr. N. SMITH hoped this amendment would not be agreed to. He believed the penalty might, in some cases, be too severe, and in others by far too mild. He thought the bill stood well as it was. He did not think there was any uncertainty in it but what arose from the different species of offence which were comprised within this provision—for a person under it might be guilty of the highest crime, or of no crime at all, according to the circumstances of the case. This being the condition of things, to make an uniform punishment for all cases, whether highly criminal, or no crime at all, cannot be proper.

The bill as it stands, without the amendment, provides that offenders shall be imprisoned and punished according to the law which is or shall be made, (before the offence is committed,) and he thought this was the proper footing, as the punishment would then be apportioned according to the offence.

Mr. BAYARD hoped the amendment would be agreed to. He did not know that a greater misfortune could happen to any man than to live in a country where the laws are so indefinite that a person cannot ascertain when he commits an offence, or what is the penalty of an offence when it is committed. The gentlemen from Massachusetts and Connecticut tell the House about the aggravation of the offence. What was the aggravation they allude to they have not stated, and no gentleman could form an opinion upon the subject. The fact was of a definite nature, and a definite punishment ought to be made for it. What is the fact? It is the harboring and concealing of an alien enemy after the proclamation of the President. Gentlemen say this offence may amount to treason, misprision of treason, or other offence. If the offence could amount to treason, he owned he did not understand the bill, because the crime of treason is defined by the Constitution, and could not be varied by any law of Congress. If, then, the fact amount to treason, it will not be included in this law. If gentlemen wished to punish persons in exact conformity to their degree of offence, they ought to prepare a scale of offence for that purpose. If not, the amendment agreed to in Committee of the Whole, ought, in his opinion, to be concurred in.

Mr. SEWALL said, this bill aimed at one thing, and the gentleman from Delaware at another. The bill has in itself a definition of the offence. It has declared certain circumstances which shall put a person in a situation in which he shall answer for his conduct. It declares that a person harboring an alien enemy shall be a suspected person; but the crime and punishment must be ascertained by other laws; and by these offenders are to be punished agreeably to their offences, whether they be great or small.

Mr. GALLATIN said, if he understood the gentleman from Masssachusetts, it was not the object of this bill to define the nature of the offence of which a person should be guilty, or the punishment for it, for harboring aud concealing an alien enemy, but only that certain circumstances should render a man a suspected person. This to him was altogether a new legislation.

If he understood the bill as it stood rightly, a person may be apprehended and imprisoned on account of his having harbored and concealed alien enemies; yet the gentleman from Massachusetts says this is in itself no crime; for, if it were a crime, it ought to be punished in the way proposed by the gentleman from Delaware, but he states it to be only a sufficient ground of suspicion. This, Mr. G. said, was not only contrary

to every principle of justice and reason, but to the provisions of the Constitution. The Constitution says, "that no person shall be deprived of life, limb, or property, without due process by law." But here certain persons may be deprived of their liberty without any process of law, or being guilty of any crime. Yet the gentleman from Massachusetts says, that this bill does not define a crime or award a punishment. But, Mr. G. said, this assertion was not correct; for there was a new crime instituted, which was that of being a suspected person, and the overt act which is to be evidence of that crime, is the harboring and concealing of an alien enemy, and the punishment is to be apprehension and imprisonment until it shall be found what law the prisoner has offended.

Mr. G. said he was ready to acknowledge that where a man commits an offence, he ought to be punished; but he could not consent to punish any man on suspicion merely. He therefore moved to recommit the bill. He did this because he thought the whole of the bill vague in its nature. He wished it to be more in detail, and that the offences to be punished should be defined; for it was remarkable that every section of the bill concluded with these singular words: "subject nevertheless to the regulations which the Congress of the United States shall thereafter agree and establish." So that instead of deciding what the law should be, it gives the President the power of saying what it is; subject to the after regulations of Congress. He wished now to make the law to declare what the offence should be, and what the punishment, and not leave it to the President to make what regulations he shall think proper. If not, the whole of the bill might as well be in two or three words, viz: "The President of the United States shall have the power to remove, restrict, or confine alien enemies and citizens whom he may consider as suspected persons." When Congress attempted to legislate, they ought not to do it in this way. When the resolution was agreed to authorizing this bill to be reported, he expected the committee would have defined the nature of offences and their punishments, and not reported the bill in the vague way in which it is before the House, especially as this appears not to be meant for a temporary, but a permanent law.

If gentlemen examined the third section of the bill, it will be found that all Judges, Justices, Marshals, Sheriffs, and other officers, and all the good people of the United States, are bound to do, what? Not to execute any law; but to carry into effect any proclamation, or other public act of the President. So that instead of the Judicial, and any other officers of the United States, and the people at large, being obedient to the laws, they are to be obedient to the will of the President.

The last clause of the bill, which does not relate to aliens, but to our own citizens, is very objectionable. It is in the shape of a penal law, and the crime it defines is the harboring and concealing of alien enemies. Now it is said, that this crime may amount to high treason, by its being construed that an offender has adhered to the enemies of the United States, knowing them to be such, or it may be no offence at all. But the provision is general; and a man guilty of no offence is liable to be apprehended and imprisoned equally with the highest offender under this law.

Upon the whole, it was evident, Mr. G. said, that this bill wants detail, as what is left general and ambiguous, ought to be clearly defined. He hoped, therefore, the bill would be recommitted.

Mr. SEWALL said, that the gentleman from Pennsylvania, in order to bring forward this motion, has shut his eyes to the intention of the bill. He says it is a bill for punishing crimes which are not defined. He never knew that alien enemies were guilty of any offence merely as such. It is a bill to provide for the public safety in certain cases. In the event of a war with France, all her citizens here will become alien enemies, but neither this bill, nor common sense, would consider them as offenders. They may be offenders, but not because they are alien enemies, nevertheless it is necessary to provide for the public safety, and in all countries there is a power lodged somewhere for taking measures of this kind. In this country, this power is not lodged wholly in the Executive; it is in Congress. Perhaps, if war was declared, the President might then, as Commander-in-Chief, exercise a military power over these people; but it would be best to settle these regulations by civil process. They would be regulated by treaties as well as by the laws of nations. The intention of this bill is to give the President the power of judging what is proper to be done, and to limit his authority in the way proposed by this bill. In many cases, it would be unnecessary to remove or restrict aliens of this description; and he believed it would be impossible for Congress to describe the cases in which aliens or citizens ought to be punished, or not; but the President would be able to determine this matter by his proclamation. If, however, gentlemen could point out any way in which the necessary regulations could be detailed, he should have no particular objection to it, though he thought the bill stood very well as it was.

Mr. OTIS.—In considering this subject, the only practicable modes, he said, which present themselves are three. To provide for the removing or otherwise restricting all alien enemies without distinction, or to specify some overt acts for committing of which they shall be liable to be removed or restricted, or else to leave the power with the President to take such steps respecting them as he shall think proper and necessary for the public safety.

Mr. O. inquired if the House was ready to do the first? He thought not. He had no doubt there might be French citizens resident here who were entitled to protection, who meant to become good subjects, and who ought not to be exposed to any inconvenience or penalty whatever. He believed very few gentlemen are of opinion that it would be proper to treat all alien enemies in the same way. The operation of such a measure would be unjust. Will gentlemen think it right, then, to declare that alien enemies shall only be

removed, or otherwise restricted, on conviction of some overt act to be specified in the act? They are at present liable, with all other persons, to be punished for crimes; so that a regulation with this view would be unnecessary. But there may be cases where the conduct of such persons being extremely suspicious, they ought to be taken into custody, though no positive crime could be proved. Suppose a French army were to land in this country, some of these persons might show a disposition, which would warrant their imprisonment; and yet he did not know how such dispositions could be defined in this bill.

Mr. O. believed, therefore, that it would be best to vest a discretionary power in the Executive to secure and take care that these men should do no injury. And this could not be looked upon as a dangerous or exorbitant power, since the President would have the power, the moment war was declared, to apprehend the whole of these people as enemies, and make them prisoners of war. And in case of a predatory incursion, made on this country, there might be as much reason for securing some of them as in case of actual war or invasion. So that this bill ought rather to be considered as an amelioration or modification of those powers which the President already possesses, as Commander-in-Chief, and which the martial law would prove more rigorous than those proposed by this new regulation. Unless gentlemen were disposed, therefore, to suffer those men to go at large, and to carry on a correspondence with their countrymen and our enemy; unless they will consent to suffer a band of spies to be spread through the country, from one end of it to the other, who, in case of the introduction of an enemy into our country, may join them in their attack upon us, and in their plunder of our property, nothing short of the bill like the present can be effectual.

He was willing to say, that in a time of tranquillity, he should not desire to put a power like this into the hands of the Executive; but, in a time of war, the citizens of France ought to be considered and treated and watched in a very different manner from citizens of our own country.

As to the objection made by the gentleman from Pennsylvania, that the bill provides a punishment for suspected persons, and that the word suspected was indefinite, Mr. O. asked whether men are not usually arrested on suspicion? When information is lodged against a man for committing an offence, he is suspected of being guilty, and imprisoned until he can be examined.

Mr. O. believed, that, to provide for this detention of the person, was all Congress could now do. If the bill was recommitted, he did not think any definite provision could be made. It was necessary the President should have the power of judging in this case, and that punishment ought not to depend upon the slow operations of a trial. Though possessed of this power, the President would doubtless suffer all such persons to remain in the country as demeaned themselves peaceably; but when they discovered a contrary spirit, he would treat them accordingly.

Mr. GALLATIN withdrew his motion for committing the whole bill, and moved to commit the third section of it. His arguments, he said, went wholly against that; and gentlemen, in reply to him, had chosen to direct their observations to other parts of the bill. As he did not wish his object to be misunderstood, he would only move for a recommitment of the third section of the bill, as his objections to the other parts of it were immaterial, when compared with this.

After a few words from Mr. OTIS, Mr. MACON renewed his motion for recommitting the whole bill, which was negatived—37 to 36.

Mr. GALLATIN then renewed his motion for recommitting the third section, which was negatived by the casting vote of the Speaker there being thirty-eight votes for it, and thirty-eight votes against it.

Mr. LYON renewed his motion to strike out the words "or threatened," in the first section. He thought this too indefinite an expression upon which to rest so important a power as was given to the President by this bill. Where the liberty and happiness of thousands of people are concerned, he wished they might depend upon something more certain. Gentlemen who advocate this bill, he said, spoke as if all power was to be placed in the President, and Congress were never to sit again. He wished this expression to be stricken out, and if, when Congress met again, they found the President had not power enough, they might give him more. He called for the yeas and nays upon his motion.

The question for taking the yeas and nays was put, but less than one-fifth of the members present rising in its favor, it was not carried. The question was then put on the motion, and it was negatived without a division.

Mr. GALLATIN supposed, if these regulations were established, it would be proper that permits should be granted to such aliens as the President should suffer to remain in the United States. He was not immediately prepared to introduce a proper amendment for that purpose; but he would move to add a few words in that part of the bill where it is proposed to punish citizens for harboring aliens, to try the question. He did not very well understand the phrase, "liable as an enemy," by which those aliens were defined, and whom it would be criminal by this law to harbor; but he would move to introduce the words, "who shall not have obtained permission, under the authority of the President of the United States, to remain within the territory of the United States." He moved this, in order that citizens might not be entrapped by this law, but that they should know precisely to what description of aliens they might give a night's lodging, without being liable to be arrested as suspected persons.

Mr. BAYARD did not think this amendment necessary, as a citizen must harber and *conceal* an alien to be guilty of any offence.

And the question was put and negatived—38 to 33.

The bill was ordered to be engrossed for a third reading to-morrow.

WEDNESDAY, May 23.

A bill was received from the Senate for the more effectual protection of the commerce and coasts of the United States, which received its first reading.

ALIEN ENEMIES.

The bill respecting alien enemies was read the third time, when

Mr. R. WILLIAMS moved a recommitment of the bill. He said his objections did not lie so much against the provisions respecting aliens, as to the power proposed to be given to the President of issuing proclamations, which are to be binding on the Judges and other officers with respect to our own citizens. He would wish to designate every offence. and its adequate punishment, as far as it could be done. In order to effect this, he made his motion.

Mr. SEWALL said, so much discussion took place on this subject yesterday, that he did not expect any more to-day. The gentleman from North Carolina seemed not to object to the powers given to the President by the first and second sections of the bill, but he did not wish him to have any officers to execute his powers. If the President could carry the law into effect with his own hand, he might do so, but he objected to his having any aid from his officers or the people at large. He did not believe this kind of reasoning could have any effect in this House. If the President is authorized to issue orders, he must be authorized to require the aid of proper persons to execute them.

Mr. GALLATIN called for the yeas and nays upon this question, which, being agreed to, he hoped this bill would be recommitted. He had no doubt that the committee, by paying due attention to the subject, instead of this general and vague bill, might report such rules and regulations as would be proper to be adopted on this occasion. He recollected seeing a bill from the Senate on this subject, in which something of this kind was done; and though he did by no means approve of that bill, yet it showed that the thing was not impossible. The objection made against a recommittal of this bill, was, that it was necessary to do something to provide means for securing and removing alien enemies, which did not apply as an argument against the recommitment of the bill. It was a good reason why a bill should be passed, but no reason why it should pass in its present form. The present bill, Mr. G. said, was grounded upon the principle that the President of the United States shall have the power to do by proclamation what ought only to be done by law.

In the first place, the Proclamation of the President is to determine the period when foreigners not naturalized shall be liable to be apprehended, restrained, secured, and removed as alien enemies. Mr. G. understood what was meant by apprehending alien enemies, and securing them, but he did not understand the word "restraining;" it was vague, he said, in its nature, and he did not know that it was a legal phrase. The committee could themselves explain it. By the bill from the Senate, it was intended to confine them within the place where they reside; perhaps this was their idea. The bill goes further: they are not only liable to be apprehended, restrained, secured, and removed, but "to be subject, with their goods and effects, to a just retaliation of any unusual severities, restraints, and confiscations, which shall be suffered by the citizens of the United States resident within the territory of the hostile nation or Government, and inflicted by their authority."

Mr. G. wished to have explained what was meant by "unusual severities." They must mean something more than confiscations—than apprehending, restraining, or removing—because they are specifically provided for. He wished, therefore, to know what these unusual severities were, which, upon our own ideas of Government, we could retaliate? If any other severities besides those which are here enumerated were to be inflicted upon our citizens in France, he thought it would be disgraceful to that country, and he could not believe that either propriety or justice would warrant us committing a disgraceful act against the citizens of another nation, because that nation had committed a disgraceful act upon our citizens in their country.

[Mr. SEWALL rose to explain, but the SPEAKER said, the rule which declares no member shall speak more than once to a question would not permit him.]

Mr. G. did not know whether these words "unusual severities" were not intended to be held *in terrorem* over the conduct of France. If so, he did not think it a very creditable proceeding. But he believed that part of the bill perfectly useless, for two reasons: First, it is extremely doubtful whether the President of the United States could Constitutionally exercise those "unusual severities," which this bill says he may exercise; and with respect to confiscation, it was explained by a subsequent part of the bill to be only a sequestration till the next meeting of Congress, and he therefore conceived this part of the bill to be of no use, except to train our code of law in a manner expressly contrary to the spirit of our Constitution, which expressly declares no "cruel or unusual punishments" shall be inflicted.

But, supposing the words only held out *in terrorem*, he wished to know how they would apply whether it was to make a part of our permanent law, whether it is suited for the present time only. If it were not to make a part of our permanent system—and he thought no gentleman would say it ought—then it must be on account of our present situation. As to our present situation, in relation to anything which may befall our citizens in France, he would say the words are useless, and this for a plain reason; for, out of the natives of France in this country, ninety-nine out of an hundred are of that description of persons whom the French call emigrants, and it is therefore perfectly immaterial to the French nation how they are treated; so that the bill could operate only on a dozen or two of persons of a different description who may be in this country.

In the next place, with respect to confiscation, which by the next clause are so limited as to become sequestrations, it would be wrong to give

this power to the President. An article is inserted in the British Treaty expressly to declare that sequestrations are impolitic and unjust in every case, and providing against them. He admitted that it might be necessary to resort to them on some occasions, because he believed there might be cases where sequestration would be necessary, by way of indemnification; but what he insisted on was, that it ought to be done by law, and not by the President. On a former occasion, when the question of sequestration was before Congress, the power was not proposed to be left at large with the President, but was to be regulated by law.

There was another circumstance which showed how easy a thing it would be to pass a law themselves, instead of leaving every regulation relative to this subject with the President. About the middle of the second section it is said, "where no treaty exists, a reasonable time shall be allowed, which shall be ascertained and declared by the President, or by the Congress of the United States." This was a kind of double legislation which was new to him. He wished to know what difficulty there would have been in defining the time here referred to in this bill? It appeared to him the right and proper time to do it. From the moment that the resolution came before the House, he was ready to acknowledge that the power of regulating this business was in the power of Government, as it was a power possessed by every nation, which it had a right to exercise for its own security; but it ought to be exercised according to law. In some countries, indeed, this power is vested in the Executive. In France, he believed, it was wholly so, and in England in a great degree; but in this country he trusted that this House would be of opinion that Congress is the proper body to regulate so important a measure.

But the evil, Mr. G. said, did not stop here, it extended to all the citizens of the United States. The object of the last section provides that justices, judges, marshals, sheriffs, and the people at large shall perform a duty which is undefined. But the gentleman from Massachusetts says this is right, because the power given to the Executive by this bill is also undefined. This is the foundation of all the objection made to this bill; it is to the want of legislation in it, which leaves not only alien enemies, but citizens of the United States, to the will of the President.

But he would go farther, and say it is possible to define the duties of our own citizens, though the two first sections of the bill should be left at large as they are. By the present bill, the duties of justices, &c., are to be regulated by the Proclamation of the President. He could conceive that the House might take into consideration the nature of the powers vested in the President, and inquire what will be the duties required to be performed by the several officers of the Government to carry into effect those powers. Those powers are to apprehend, restrain, secure, and remove alien enemies, and to sequester their property. As to the removal of aliens, he could not see what justices and judges had to do with it; but if they had anything to do with it, Congress ought to say what. They might say what should be the duties of judges or justices, or of Executive officers in the several cases which may be likely to occur, instead of leaving the thing wholly at large.

The last part of the 3d section, he said, was as objectionable as any other. It defines the crime in two words, "harboring and concealing," and the penalty, if found guilty of this vague and uncertain charge, is imprisonment not exceeding seven years, and a fine not exceeding one thousand dollars. So that if a person be found guilty of harboring and concealing an alien enemy, however trifling the expense may be, his punishment will be left wholly to the discretion of the court. The only power of the jury will be to decide on the fact; and if a citizen has harbored for one night, however undesignedly, an alien enemy, he must be found guilty, leaving it altogether to the court to judge of the criminality of the act, and to affix the degree of punishment. He thought this part of the law ought to be better defined. It ought to distinguish between cases of misdemeanor and those which might arise from ignorance, and in which no offence at all might exist. He hoped, therefore, the bill would be recommitted.

The question on recommitting the bill was put and carried—46 to 44. The yeas and nays were as follow:

YEAS—Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Richard Brent, Nathan Bryan, Stephen Bullock, Demsey Burges, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, Thomas T. Davis, John Dawson, George Dent, Lucas Elmendorph, 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, Matthew Lyon, James Machir, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, Josiah Parker, John Reed, William Smith, 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., Bailey Bartlett, James A. Bayard, David Brooks, Christopher G. Champlin, John Chapman, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, John Dennis, William Edmond, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, Roger Griswold, Robert Goodloe Harper, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, William Matthews, Daniel Morgan, Lewis R. Morris, Harrison G. Otis, James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, George Thatcher, Richard Thomas, Mark Thomson, Thomas Tillinghast, John E. Van Alen, Peleg Wadsworth, and John Williams.

Mr. SEWALL, Mr. DANA, Mr. IMLAY, Mr. S. SMITH, Mr. JOSIAH PARKER, Mr. BROOKS, and Mr. RUTLEDGE, compose the committee.

Mr. OTIS reported two bills, one for the relief of persons imprisoned for debts due to the United

States; the other supplementary to an act for the relief of persons imprisoned for debt, which were twice read, and committed for Friday.

INSTRUCTIONS TO ARMED VESSELS.

The order of the day was called for on the resolutions of yesterday laid upon the table by Mr. SITGREAVES, proposing to instruct the commanders of our public and private armed vessels; which, being read,

Mr. SITGREAVES moved should be committed to the committee appointed for the protection of commerce and the defence of the country, and that they be instructed to report by bill or otherwise.

Mr. MACON hoped they would not be referred to that committee; but, as the subject was very important, they first go to a Committee of the whole House on the state of the Union, in order to be discussed, before they were referred to a select committee to report by bill.

Mr. SITGREAVES believed the course which he proposed was conformable to the practice on similar occasions. He agreed that the subject was important, and that it required deliberate consideration, and full discussion; but in the meantime he wished them to be referred in the way he had mentioned.

Mr. MCDOWELL was in favor of a reference to a Committee of the Whole. No subject ever came before this Congress, or any former one, of so alarming a nature as this. He wished, therefore, before these resolutions were sanctioned by a reference to a select committee to report by bill, that they should undergo a discussion. He thought a contrary course would create an alarm which he conceived to be unnecessary; for he did not believe the situation of this country authorized the taking up or passing of these resolutions. The President, he said, had the power to give such directions to the commanders of our vessels as our situation makes proper, and he was not, at present, in favor of changing that situation. He hoped, therefore, the resolutions would be referred to the Committee of the Whole on the state of the Union.

Mr. DAVIS inquired whether it would not be in order to postpone the consideration of these resolutions to a day certain? On being answered by the Speaker in the affirmative, Mr. D. moved that the further consideration of this question be postponed till the 2d Tuesday in June. He said he did not think this a proper time to take up this subject. If he was called upon to vote on these resolutions now, he should be obliged to vote against them. He knew only of two things which could warrant such a step being taken, viz: a declaration of war, or the return of our Commissioners, and their averring peace could not be preserved with the French Republic. Until one of those events took place, it would be with reluctance that he should vote for a measure like the present. Some gentlemen, indeed, declare we are now at war with France; if they are serious in such a declaration, why do they not bring foward a proposition to that effect? If there be a majority in the House ready to declare war, and will do it, then he should no longer be at a loss how to act. He could then no longer cherish a hope of preserving peace, which, however feeble it might now be, he was unwilling to part with entirely. When once our state was expressly declared to be a state of war, he should be ready to go into any measure of defence or offence, which the ingenuity of gentlemen could devise; but, whilst the state of our negotiation is unknown, whilst our Commissioners yet remain at Paris, (and if not proceeding with their negotiation, their stay there is unaccountable,) he was unwilling to do anything which should either frustrate any treaty which may be in train, or hazard the safety of the persons of our Commissioners.

Mr. D. said he would not have made this motion if he had thought it would have delayed the preparing of the vessels for sea. He believed not more than three of the vessels would be ready before that time; and if the directions to be given to the commanders are ready as soon as the vessels are prepared to sail, they will be soon enough. He hoped the motion would, therefore, be agreed to. In the meantime probably some information might be received, which would enable gentlemen to determine upon the question with more propriety than at present.

Mr. HARPER did not agree in either of the reasons given by the gentleman from Kentucky in favor of his motion. He did not believe the state of affairs between this country and France was uncertain; and if it were, he did not think it would be any reasonable ground for acting as he proposes.

With respect to the situation of our affairs with France being uncertain, he believed nothing more was necessary to convince gentlemen to the contrary, than that they should cast their eyes upon what is now taking place every day. It will be seen that the depredations committed upon our commerce become daily more enormous. We know that our Commissioners have no hope of accommodation with France; we know they have passsed a decree by which nine-tenths of our commerce is proscribed. It had frequently been said that that decree would only affect our trade with Great Britain; but if the decree be examined it will be found to affect almost every cargo with which our vessels are laden; besides, the smallest article of dress of the captain, or any of the crew, being British, would be sufficient for a condemnation of the vessel and cargo. There were also a number of articles which, though they might not come from British possessions, being no way different from such as do come from thence, would form a sufficient ground of capture; such were cotton, coffee, sugar, and rum. Indeed, the French seem determined to make prize of every vessel they meet with; for if a *role d'equipage* be the criterion which they choose to adopt to determine, they will ask for it, and destroy it, and then take the vessel for not having one; and when they find no other cause for seizure, they forge false ship-papers to make the vessel and cargo liable to confiscation. And when we see all our vessels, whether from the East and West Indies, or from Europe, taken and carried

into French ports, shall we still say we are in a state of peace, or that our situation is uncertain? This decree was passed on the 10th of January, and though our accounts from Bordeaux are up to the 25th of March, we know that it is yet in existence; and though the report of our Commissioners having been received, may be true, (though he did not believe it,) yet, whilst that decree is in existence, he could not say our situation is problematical. With a nation which takes all our vessels, without discrimination, we cannot be said to be at peace.

But what is our state with respect to France? Some days ago we had a report that our Commissioners had had an audience of the Directory; but subsequent accounts tell us that this is not true, that they have no prospect of settling our disputes, and that the demand of a loan of eleven millions is now grown into one of twenty-five millions. Yet gentlemen think the situation of this country problematical. Why our Commissioners remain in France, was, indeed, to him problematical, and he could only account for it by supposing they are kept there contrary to their will; for, so long ago as the first of January, they say they have no hope of accommodating our differences, and if they did not, in a few days, receive an answer to their memorial, they should apply for passports, and come home. The French Government had, however, only to delay giving them passports, and they would be obliged to remain; and he thought it highly probable that they would detain our Commissioners as hostages, in order to extort money from us. This, he owned, was mere conjecture, but he thought it very rational conjecture. Still we say our situation is problematical; still we say we will remain defenceless, we will suffer French privateers to cut up our trade, and, within fifty miles of Charleston, land on our coast, and carry off our property. This, he confessed, was very unaccountable conduct; and he believed France would accomplish her object, if we remained inactive, catching at every idle rumor which conveys any hope of accommodation. She will continue to destroy our trade and ravage our coasts, except some measure of this kind is gone into, which shall enable us to drive from our shores all the picaroons and armed vessels which infest it. This could not be done, without instructions like the present were given to our vessels; for, if the President were to send our armed vessels out with such instructions only as he has now the power to give, vessels might lie without our jurisdiction (beyond which our vessels would not have a right to go) and take our merchantmen within sight of our armed vessels, and they would not have it in their power to render them any assistance, except the attack were made in sight, and within the jurisdiction of the United States. In our present situation, Mr. H. thought we ought to use the arms we have. One of our armed vessels, he said, had dropped down the Delaware; and he was certain the people out of doors, whatever might be the opinion of gentlemen on that floor, were desirous we should drive off or bring in the swarms of privateers and picaroons which are upon our coast; those privateers and picaroons which, not content with capturing our vessels, do not scruple to fire upon our officers in the execution of their duty. If this was an equivocal situation, or if this was equivocal conduct in France, then was he at a loss to say what, short of an army being landed in the country, would induce us to resist. It was not the purpose of France, Mr. H. supposed, to go farther than this; whilst she can keep our Commissioners in Paris, paralyze our efforts at home, and continue to rob and plunder us, she will be satisfied, and will never attempt to invade our territory. She will continue to take our vessels wherever she can meet with them, and (according to Victor Hugue's definition) let none pass which have anything on board worth taking. And we still say our state is problematical.

Mr. H. said he could not help deploring this unaccountable delusion which had taken possession of certain gentlemen in that House, but under which he could not believe a majority of it could be drawn. He did hope that all remaining doubts on this head had been done away; but he perceived he was mistaken; he trusted however, that those who are sensible of the necessity there exists for taking active measures against France will unite on this occasion, and that the number who shall be of a contrary opinion will be small indeed.

Mr. McDOWELL observed, that the gentleman from South Carolina had gone into a lengthy argument on the question for postponement; but he did not think his statements were correct. He differed widely from him in his opinion. He states that there can be no doubt that France means to be at war with this country. Mr. McD. asked what information we had received from our Commissioners which could lead to this idea since the despatches dated the 19th of March? He knew of nothing. He thought everything since had rather been favorable than otherwise. True it was, Mr. McD. said, that the French nation has injured us extremely, by taking our vessels, and insulting our rights. But the question is, whether we ought, for the sake of protecting a part of our trade to Great Britain, and in order to obtain British manufactures, to go to war? The gentleman from South Carolina says that our vessels are seized without discrimination. He did not know from what source he got his information, for, however flagrant the conduct of the French towards us may be, this is certainly not correct.

Mr. McD. said, he should be glad to know where the gentleman from South Carolina got his information that the French had landed on the Southern coast, and carried off some property from thence? If that were true, it would be a serious fact. [Mr. HARPER said the fact was in all the papers.] Mr. McD. said he often saw things in the newspapers to which he gave but little credit, and this was one of those things. If such an event had taken place, he was confident that the officers of Government in that part of the country would before now have communicated the fact to Government. Mr. McD. did not believe the exaggerated statement of the gentleman from South Carolina;

and, whilst he had a hope of accommodating our differences with France, he should wish to avoid a declaration of war, or any other measures whose tendency would be certain war. Gentlemen say we have nothing to defend our coasts, the enemy may come and ravage them. Some time ago a number of vessels were asked for, for the purpose of protecting our trade on the coast. It was objected to their being used as convoys on the high seas, lest they should involve us in war. They were, however, granted, without any restriction as to their use. But these do not gratify gentlemen. They now call upon the House to go into a measure which must inevitably produce war, and which will destroy every remaining hope of accommodation.

Mr. McD. wished to call to the view of the House the state of things which they are about to bring about in this country. Let gentlemen reflect upon the prosperity which we have enjoyed for many years back, from a state of peace and tranquillity. But, if the measures succeed which are now taking to induce this House and the people of the United States to go to war with France, this country must again become a scene of blood and devastation; numbers of our valuable citizens must be deprived of existence, and numberless widows and children be deprived of their husbands and fathers, and others of their best friends. Such a state of things may arrive, as shall make it necessary to meet the distress and horrors of war, but they ought not lightly to be encountered. Those who had been witness to the miseries occasioned by our last war, could not but be anxious to avoid any measures which must again introduce similar scenes of misery to our view. Gentlemen who are young and ambitious, push on their schemes without duly calculating their consequences. Men who wish at any rate to involve this country in war, in order to assimilate our Government to that of Britain, will go all lengths to carry their point. He could not say that this was really their view, in pushing the country, first by one step and then another, into war; but he wished to avoid unnecessary war. And nothing could induce him more to oppose a war with France, than the strong conviction with which his mind was impressed that the certain consequence will be an alliance with Great Britain—a Government which he looked upon as the worst upon earth.

[The SPEAKER said, no observations relative to an alliance with Great Britain, or a declaration of war, could possibly be in order on the present question.]

Mr. McD. said, he meant to show the propriety of postponing the consideration of the resolutions before the House, in doing which he found it necessary to reply to some remarks which had fallen from the gentleman from South Carolina.

Mr. W. C. CLAIBORNE believed that prudence, policy, and wisdom, required the adoption of the present motion. The question which the discussion of these resolutions will introduce, being of the very first importance, ought to receive due consideration. It is no less than whether, under existing circumstances, it will be proper to authorize offensive measures against the French Republic; and he would ask gentlemen whether they are prepared to meet this question? Whether they are prepared to say, we will throw from our country all the happiness of peace, and plunge it inevitably into the miseries of war? If gentlemen were prepared to give the affirmative to this question, he must own he was not. He felt disposed to pause a little before he voted for introducing so important a change in the affairs of our country, as the decision upon these resolutions must necessarily introduce.

On account of the spoliations committed upon our commerce by the privateers of France, he felt all the resentment which the gentleman from South Carolina could possibly feel, but he should not suffer it to carry him so far as that of his friend from South Carolina carried him. That resentment he strove yet to stifle, and, for his country's good, he could wish to stifle it until all hopes of peace are destroyed. The gentleman from South Carolina says all hopes of peace are now gone. Did he (Mr. C.) think so, he might agree with him in opinion as to the measures which he wishes to take; but he thought differently. That gentleman says the despatches on the table support his opinion; I (said Mr. C.) can have no other resource for my opinion. What, said Mr. C., is the tenor of the last despatches from our Commissioners? Those gentlemen have stated to the Directory, in a very able and proper manner, a memorial containing the grounds of dispute between this country and France, and were waiting an answer, which, if they did not receive in a few days, they meant to apply for passports to come away. The gentleman from South Carolina supposes, because our Commissioners are yet in Paris, that they are prevented by the Government from coming away; he, on the contrary, supposed that their remaining there was a favorable circumstance, and showed that they had some hopes of yet accomplishing the object of their mission.

Mr. C. asked what possible good could be derived to the country by referring these resolutions immediately? Would the doing of this give protection to our Commissioners? Or would it preserve our vessels from capture? It could have no such effect. But the House are told that one of our ships of war has dropped down the Delaware, and that, in the course of a few weeks, others will be ready. Let us, then, said Mr. C., wait those few weeks, before we act upon these resolutions, and not hurry on to a situation of things which will require forty times the vessels we have got, and which will effectually frustrate any treaty which our Commissioners may possibly be making with the French Government. We must, then, expect to meet all the injuries which enraged France can commit upon us.

Mr. C. trusted gentlemen would reflect a little before they resolve upon the present measure. He hoped the motion of his friend from Kentucky would prevail, and if the information which should next be received from our Commissioners should

be such as to cast all hopes of peace from our view, there would then be unanimity in that House for prosecuting the most spirited measures which could be proposed. No division would then be seen. Every member would resolve to support the dignity of the country; as he supposed it was the intention of all to die upon the soil on which they now live; and that, for the protection of that soil, each, he hoped, would willingly shed all the blood which encircles his heart.

Mr. SITGREAVES said, if he understood the reason assigned in favor of this motion, (and it was the only reason which he had heard,) it was, that it would be improper to act in the way proposed, whilst our mission in France shall be pending and undetermined. He understood gentlemen to insinuate a belief that, whilst this mission remained undetermined, it would be an outrage on the laws and usages of nations to adopt the resolutions which he had proposed to the House.

On this subject, Mr. S. believed, there could be no sort of question. It is a principle as well settled as any in the law of nations, that when a nation has received aggressions from another nation, it is competent for the injured country to pursue its remedy by reprisal before a declaration of war takes place, and these reprisals shall be perfectly warrantable, whilst they are commensurate with the injuries received, and are not, under such circumstances, justifiable cause of war. It is even clear that these reprisals may be made during the pendency of a negotiation, and cannot, according to the law of nations, be a justifiable ground for the rupture of any such negotiation.

He believed, therefore, that upon this subject, there could be no doubt as to the right of adopting these resolutions. For, let it be remembered, they are not calculated to authorize *general* letters of marque or reprisal, which would induce indiscriminate attack on all vessels belonging to the French Republic, wherever found. The right of capture is proposed to be limited to cruisers of the French Republic, who may be found on our coast, or in cases where they may have actually attacked vessels of the United States, for the purpose of search or seizure—measures of strict defence which are essential to the present situation of our country, and by no means of an offensive nature; it is not a course of *general* reprisal, but of *special* reprisal, authorized by the law of nations, which does not amount to a cause of war, nor of the rupture of any negotiation now pending. He felt confident, therefore, that, on the ground of strict right, no objection could be made to this measure, and he did not expect to have met with any difficulties of this kind. On the question of expediency, gentlemen may differ; but he did not suspect they could have differed on the question of right. As to the question of expediency, he would ask his friend from Kentucky, what he had seen in the experience of the past or present situation of this country and France, to induce him for a moment to wish a postponement of the question? Is there anything in all our experience with the French Republic, since the commencement of our dispute, which can lead us to hope that we shall gain anything by forbearance, by submission and acquiescence in all the injuries we are daily receiving from her? Certainly not. We have been practising this system of forbearance from the earliest period of her aggressions until the present. Nothing else has been heard, and what has it produced but accumulated injury? Has this spirit of forbearance done any good? Has it produced the repeal of a single decree, or a relaxation in its execution? On the contrary, so far as appearances will warrant an opinion, we have some reason to believe that a spirit which should show an intention to resist repeated insult and injury, is the only kind of spirit which could produce any good effect in France.

He would not express an opinion on the authenticity of the late accounts from Europe, which represent our Envoys to have been received, and to have had several conferences on the subject of their mission, with the Minister for Foreign Affairs; but, if they are entitled to any belief, they prove, demonstrably to his mind, that the French nation is not willing to drive this country to extremities, but that they desire, by any means, to protract our present state of supense, and to avert that decision which must necessarily result from an absolute rupture of the negotiation. On account of the spirit of forbearance which has been shown by this country, the French have been encouraged to make the most unjust and extravagant demands of our Commissioners, but they have resisted these demands with becoming spirit. They have said, if these demands were persisted in, they would demand passports and return home. What has been the consequence? If the reports now in circulation are true, they prove that the French have not been willing to grant them passports, but, rather than drive us into extremities, to relax from their demands, and, if our mission exists at all, it must be on a different basis from that on which it heretofore rested. It will be proper, therefore, to give up that spirit of forbearance which has hitherto characterized our proceedings, and prosecute, by all the ways permitted by the laws of nations, measures of defence both by sea and land.

It had been said, that the proposed delay could do no injury. He believed it might; and he was sure it could do no good. The delay of a few days would not be likely to produce any more favorable accounts from France, nor to afford evidence of that state of things which would enable us to act with decision; such as a declaration of war, or the departure of our Envoys from France.

It was said, the public armed force would not be ready to put to sea before the time to which this question is proposed to be postponed; but these resolutions relate to private armed vessels as well as public vessels. And if it be admitted that the public armed ships may, in the course of two or three weeks, be equipped for sea, it is not to be expected, according to the usual discussions given to important bills, that if the resolutions were now referred the bill would be passed before the instructions are

wanted; and if the question should be postponed as proposed, the vessels would have to wait for instructions two or three weeks after they are ready to sail. One of these vessels is indeed now waiting only for instructions. And he asked what instructions could the President give, under our present circumstances, until further authority was vested in him by Congress? If he employed them as convoys, our coast would be left unprotected. And if they remained on the coasts what could they do? They cannot attack a French cruiser, or drive a picaroon away. They could only resist attacks made on the vessels of the United States. A French cruiser might even sail in company with our armed vessels, and if an American merchant ship should heave in sight, might seek his opportunity to capture her, when beyond the immediate protection of our armed vessels, and they could not have the power to retake the prize thus taken almost within their view. They could afford no protection to any vessel, except she was attacked in their presence. But if our armed vessels received the instructions which he proposed to give them, the French cruisers would be afraid of being seen by them, and two or three ships. like the Ganges, would scour the coast of nine-tenths of the privateers which now infest it. But if they must go out without these instructions, all the picaroons and cruisers would have to do, would be to take care not to attack any vessel in their view. He believed this was not a state of things to which this country ought to submit, or to which she would submit; for whatever may be the reluctance shown in this House to go into this measure, there is no such reluctance in the great mass of the American people. He was persuaded they impatiently expect Government to defend the honor and protect the property of the country. Their wishes and determinations far outstrip all that Congress propose to do. He believed that a division, such as is in this House, could not be found in any part of the Union. He did not believe that a meeting of the same number of persons could be called together in any part of the United States, from New Hampshire to Georgia, where such a division as is found in this House could take place. He believed the addresses which had been received from all parts of the Union incontestably prove this fact. The people are tired of the injuries which have been heaped upon us, and are impatient to prevent a repetition of them; and, so far as it can be done consistently with the law of nations, it has become a solemn duty to do it.

It ought to be the pride of America, that she has confined all her measures of defence to the established rules of the law of nations, and he wished to continue to govern our conduct by the same rule, and therefore instead of making a declaration of war, about which gentlemen make such a rout, or of authorizing general reprisals against France, which would have been imprudent whilst our Commissioners are in Paris, specific reprisals authorized by the law of nations, are only proposed to be pursued; a regulation which he believed was loudly called for by the situation of the country, but which was very different from general reprisals, or a declaration of war. For himself, however, he had no hesitation to say, that he regretted that there were any circumstances in our situation which obliged us to confine our measures to the specific reprisals proposed. If it were known either that our Envoys had left the territory of France, or were retained in that country against their will, or if it could in any way be ascertained that the mission was at an end, he gave it as his opinion that the honor, dignity, and interest of this country, require that we should make war upon the French Republic, and he believed it would be the duty of Congress to declare it.

Mr. S. concluded by observing that all the objections which had been made, and which he had encountered, did not strictly apply to the question before the House; which was on the reference of these resolutions to a committee and not on their adoption. As he had moved the resolutions it could not be doubted that for himself he was ready to pass upon them immediately. But as he did not desire to hasten the adoption of any important measure, without proper and mature deliberation, he had confined himself to bringing the subject before the House, and to moving that the resolutions should go to the Committee on the Protection of Commerce and the Defence of the Country, to be reported upon by them, by bill, or otherwise.

Mr. VENABLE observed, that it was a little extraordinary that the mover of these resolutions should insist upon their being conformable to the laws of nations, and that he should at the same time allow that the President of the United States cannot give these instructions, except authorized by law to do so, though it must be allowed he has a right to give whatever instructions are authorized by the laws of nations. Mr. V. recollected that when the subject of providing these vessels was under debate, it was objected against them, that their usefulness would be very limited, except we got into war; but that gentleman and others, at that time, said they could do many things, and be of great service, though he now confesses they can be of no use, without the instructions which he proposes to be given to them. But the same law which would authorize these vessels to act in the way proposed, would involve the country in war, for it goes to authorize our public and private armed vessels to attack any armed vessel which shall attempt to search any of our merchant vessels, though they are authorized to do so by the laws of nations, so that such a power is neither more nor less than war. And Mr. V. asked if the power proposed to be given to public and private armed vessels to retake any of our vessels which have been captured, be conformable to the laws of nations? It is not, but directly contrary. And the power to take and destroy all armed French cruisers which may be found on the coast, though vessels of all nations have a right not only to come upon our coast, but into our ports and harbors, is certainly an act of war.

Gentlemen have pretended, from time to time, to say, they were not ready to make war, but the gentleman last up declares he is ready. If we are to have war, he wished members might no longer amuse themselves with the hopes of peace. He wished the people of the United States to be undeceived in this respect. Every step which had been proposed for some time past, had progressed towards this event; and this measure seems to put it out of all doubt. He wished, therefore, it might be considered as a war measure.

The gentleman last up had spoken very decidedly as to the sentiments of the people of the United States. He might have, Mr. V. said, better information on this subject than he had, but he believed the people were as much divided as the members of this House, on the subject of war.

If gentlemen are determined to go to war at all events, he wished it to be so understood, that Congress might go into measures calculated to meet such a state. Because we have a single ship ready to sail, the gentleman seems to think we are ready to go to war. As if a vessel or two would be able to cover our whole coast, and to cut up all the armed force which might come against us! Ifevery member in the House could be got to vote for these resolutions, it would, in his opinion, be very improper to pass them at present, as the doing so would lay the whole of our commerce prostrate. Our coasting trade is as yet untouched, yet gentlemen are willing to expose the whole, though they have only one ship ready to protect it. He hoped the proposed postponement would take place.

Mr. R. WILLIAMS said, it was on all hands acknowledged, when the subject of the naval armament was under consideration, that the President had power to employ them in any manner authorized by the laws of nations. So that if the directions proposed by the gentleman from Pennsylvania for the commanders of our vessels be within the law of nations, the President has power to give them, without any law being passed for the purpose. But he conceived these resolutions to go much farther than is warranted by the laws of nations; he considered them as nothing short of a declaration of war.

The gentleman from South Carolina (Mr. HARPER) has told the committee that the situation of this country is by no means doubtful, and told them what he is willing to do. But if gentlemen are ready to declare war, why do they propose measures which they say only go half way. If a proposition for war was made in a direct manner, every member could then understand it. But he was inclined to doubt the correctness of the opinion of the gentleman from South Carolina as to the state of the country, as he had told the House the same thing last Spring, when he was as prepared, as he seems now to be, to plunge the country in war. He was himself then, as he continued to be, opposed to any measures which should produce war, until war was unavoidable; and he believed few persons would be found to say that the country had not been in a much happier situation (for produce never sold higher than it had done for the last year) than if we had been in war; our revenue having increased, and things in general gone well.

But, it was said, that out Commissioners were evidently of opinion that nothing could be done by way of negotiation. He himself thought the despatches would convey no such idea. On the 31st of January, our Commissioners presented a memorial to the French Government, and proposed to wait a reasonable time for an answer, which if they did not receive they proposed to apply for passports to come away; and as, by late accounts, we find they still remain at Paris, it is rational to suppose they have some hope of the negotiations having a favorable issue. For it could not be supposed they would be so regardless of the interest of the country, as to remain longer there than they entertained hopes of being of service.

But it was frequently asserted that France has made enormous and disgraceful demands upon this country. Whatever the demands were which certain persons made upon our Commissioners, we know they were not made in an authorized manner, nor do we know that the Government was at all acquainted with the transaction. We know that they were made by unofficial characters, and the last we heard from our Commissioners was, that they would not listen to them any more. It appeared to him that, at this time, as we do not know the situation of the negotiation, it would be extremely impolitic to enter into a measure like the present. He wished the decision upon this resolution to be postponed, until we heard something more from France. He believed, with the gentleman from Pennsylvania, that there was no great division in the country on the question of a peace or war; but he differed from him wholly as to the desire of the people on this subject. He believed they very generally desire peace, and not war. And he believed this was clear from the addresses to which the gentleman referred; for though they approve of the conduct of the President, what is it for? For endeavoring to preserve peace with the French Republic, and they generally contain expressions deprecating the horrors of war.

Besides, if these resolutions were proper now, why were they not brought forward immediately after the late despatches were received? Why were they hidden till this time; and when reports are in circulation that our Envoys are in the way of accomplishing their object, are they brought forward? It seemed as if gentlemen were apprehensive that something should be agreed upon, and they were determined to frustrate any settlement which might be on foot.

The matter of right, to do what was proposed, could not be disputed. He believed we had not only been sufficiently injured by France, but by another nation, to warrant any measure which policy might dictate. The question of expediency was the thing to be considered; and, as he could not yet give up the hope of an accommodation, he was decidedly in favor of the postponement.

Mr. W. concluded, by requesting gentlemen to

consider whether, if by a measure of this kind the mission now in France, which would otherwise have been successful, and preserved the country in peace, should be broken off and produce a war, how they could reconcile their conduct to their constituents? If he were to vote for such a measure, he could not do it. Were he convinced no hope remained of the negotiations succeeding, and that the French were determined on war, a measure of this kind, or much stronger, would be gone into without any division. When no hope of preserving peace remained, there would be but one voice in that House; but so long as that hope remained, it might be expected that those who are anxious to preserve that state of things for their country, would oppose every measure, whose object and tendency is war.

Mr. GALLATIN observed, the question was not now whether it would be proper to adopt these resolutions or not, but whether, under our present circumstances, they contain principles which form at present a proper subject-matter of discussion. The gentleman who moved the postponement stated that, so long as our negotiation in France was not concluded, the discussion was improper. His colleague, (Mr. SITGREAVES,) on the other hand, had insisted upon the right we had to pass these resolutions, that they are consistent with the laws of nations to be adopted in a state of peace, and would not, therefore, produce a rupture in our negotiation.

The first position, as to our right, Mr. G. said, he should not deny; but, when his colleague says resolutions like these are consistent with a state of peace, and not tantamount to war, that they are special letters of marque and reprisal, authorized by the laws of nations, his ideas are unfounded. The resolutions upon the table have nothing to do with letters of marque. It is true, they are not a declaration of war; but they go to the making of partial war. Was it ever heard that letters of marque were given to public vessels? They are given to private vessels alone; specific letters of marque are sometimes given in time of peace to an individual, in order to indemnify him for a specific injury. But general letters of marque and reprisal have not for a century been granted, except in a state of declared or actual war. But these resolutions are neither general nor specific letters of marque. They are instructions to our public vessels to make war. They do not say to the commanders of our vessels, "you shall make war in all cases," but they authorize certain acts of war. His idea of these resolutions, was, therefore, that they are instructions to make a partial war; and when one nation makes partial war upon another, nobody could doubt but it was war.

Mr. G. said, he would not speak of these resolutions as leading to war; for though they are not a declaration of war, they are tantamount to it. It might be proper for us to make a kind of partial war, in preference to a general war, in order to throw the blame of declaring war upon our enemy. He did not object to the resolutions, therefore, because they make a partial, instead of a general war, but because they are inconsistent at present with the state of peace in which it is insisted we still continue, and with the negotiations which are not yet finally terminated.

What reasons, said Mr. G., are given for entering into these resolutions at this time? Either that France is making war against us, or that no hopes remain of our negotiation terminating favorably.

France is certainly doing, and had long done, acts which would authorize us in making war upon her. The gentleman from South Carolina says, she takes our vessels under every possible circumstance, and so on. Mr. G. said, he did not mean to dispute anything which he had said in this respect. He was willing to grant, because it was not material in the present discussion, that France has taken all our vessels, wherever she could find them. But, he would ask, whether, after the despatches of our Commissioners, the House did not determine to take a certain stand, and to adopt certain measures? What were they? They were to make defensive preparations by land; to finish and equip for sea our three frigates; to provide twelve vessels and a number of galleys for the protection of our commerce and coast, to be employed according to the discretion of the President. It was then said, he might use them in conformity to the situation of our country. He did not mean to dispute that position. He would also take it for granted that the President had the right to employ these vessels for the protection of our trade, on the coast, and as convoys. He was himself opposed to their being used as convoys in time of peace. His opinion was, that armed vessels could be of little use as convoys in time of peace; but to employ these vessels effectually, would be to scour the coast of the privateers and picaroons which infest it. He concurred in opinion with gentlemen that this was the only effectual way in which our vessels could be employed; but the House then conceived that thus to employ them would be to make war, and, therefore, they were left to be employed by the President according to the state of the country at the time.

Mr. G. wished to know what change had taken place in the situation of the country since the period at which the despatches were communicated? He knew of none. Why, then, are these resolutions now brought before the House? If these instructions are proper to be given now, they were equally proper at the time when the despatches were received. The last information we have from our Commissioners says, that they have addressed a memorial to Government, and if it be not shortly answered, they shall demand their passports. Yet gentlemen are now desirous of changing our present situation, though it is really in no respect different from what it was at the time our first despatches were received. What was the ground taken at that time? It was this: It was thought to be extremely doubtful that our negotiation would succeed, and that, therefore, it was proper to put the country into a state of defence for war, but to wait the event of the negotiation, before war was either declared or made.

When gentlemen wish the resolutions upon the table to be adopted, they must do it from an idea that a change has taken place in our situation which has diminished our hopes of accommodation. Let us, said Mr. G., even grant that, and that there is now less hope of our negotiation succeeding than heretofore, yet it is not less a fact that our Commissioners have not yet left Paris. As to the reports which have been alluded to as to their having been since received, or the contrary, he meant to take no notice of them. He presumed the House knew nothing of what had taken place since the date of the last despatches. But if he were to draw any inference from what he had heard and saw on the subject, it would be, that the negotiation is going on, though the fact might be otherwise. But while the fact is doubtful, what is the motion before the House? It is not to reject the resolutions, but to postpone the consideration of them until the doubt is removed. And could it be proper, while doubts exist as to the fate of our negotiation, and when every day may be expected to remove the uncertainty, to adopt resolutions of this kind? Besides, what disadvantage would arise to the United States from a postponement of these resolutions for a fortnight? Was it because his colleague had yesterday laid these resolutions upon the table, that it had become all at once so important to adopt them? If the measure was so very necessary, how happened it that the committee appointed on the subject of the protection of commerce and the defence of the country, had not recommended the measure? He himself could see no inconvenience which could arise from the proposed delay.

On the other hand, what may be the consequence of going immediately into the measure? It may be a very serious one. It may involve the country in a war, which the delay may prevent. Gentlemen say a favorable result is not to be expected. He owned his hopes were slender, but while there exists a possibility of their being realized, he was not willing to abandon them; and, more especially, when no inconvenience could arise from the postponement which is desired.

The distinction which his colleague had made between war and these half-war measures, is perfectly fallacious. That gentleman had said, he was ready to declare war, and he well knows that this is only a substitute for a declaration of war. History confirms this idea. The last war between Great Britain and France was carried on for two years before a declaration took place. In the war of 1755, war was not declared for three or four years after letters of marque were granted to seize all the vessels of the enemy. He knew a distinction might be found in the laws of nations, as to the practice of the last century, but what is said on that subject is now altogether null and void from the practice of the present century. And the laws of nations are made up of nothing more than what is the general practice of different nations, and as that practice changes, so does the law of nations. But suppose letters of marque and reprisal could possibly be considered as consistent with a state of peace by the laws of nations when granted to private vessels in our situation, it certainly cannot be allowed that instructions to public armed vessels fall within that description.

A motion was made to adjourn, so the House adjourned without taking the question.

THURSDAY, May 24.

INSTRUCTIONS TO ARMED VESSELS.

The House resumed the discussion of Mr. SITGREAVES's resolutions for instructing the commanders of our public and private armed vessels; and the motion for a postponement of the consideration of these resolutions until the second Tuesday in June, being again under consideration, after a few words against the motion by Mr. HARTLEY, the question was put and negatived—43 to 37. The question then turned upon a reference of them to the Committee of the Whole, which was negatived, there being only 22 votes for it. The resolutions were then referred, agreeably to the original proposition of the mover, to the Committee for the Protection of Commerce and the Defence of the Country, to report by bill or otherwise. The bill from the Senate for the further protection of the commerce and coasts of the United States, was referred to the same committee. The House spent the remainder of the sitting on a bill providing for the more effectual collection of certain internal revenues of the United States, which was finally agreed to, and ordered to be engrossed for a third reading to-morrow.

FRIDAY, May 25.

The bill providing for a more effectual collection of certain internal revenues of the United States, was read a third time and passed.

Mr. HARPER, from the Committee of Ways and Means, to whom was referred the memorials of Jonathan Jackson and Abel Whitney, reported a bill to regulate the compensation of officers for collecting the internal revenues of the United States, which was twice read and committed for Monday.

The House went into a Committee of the Whole on the bill supplementary to an act for the relief of persons imprisoned for debt, which was agreed to, and ordered to be read a third time to-morrow.

IMPRISONMENT FOR DEBT.

The House next went into a Committee of the Whole on the bill providing for the relief of persons imprisoned for debt due to the United States; when some debate took place on a question to determine whether the benefit provided by this act should be extended to persons imprisoned on mesne process, as well as to those imprisoned on judgments. The motion moved by Mr. HARPER to extend the benefit to persons confined under mesne process was negatived—48 to 29. The bill was then agreed to, and ordered to be read a third time to-morrow.

Mr. SITGREAVES then proposed to the House a resolution to the following effect:

Resolved, That the Attorney General of the United States be directed to prepare and report to this House the plan of a general law for the relief of insolvent debtors who may be imprisoned by virtue of process out of any court of the United States, and who shall be willing to make an assignment of their estates and effects for the benefit of their creditors.

Ordered to lie on the table till to-morrow.

INSTRUCTIONS TO ARMED VESSELS.

Mr. SEWALL, from the Committee for the Protection of Commerce and the Defence of the Country, to whom was referred Mr. SITGREAVES's resolutions for instructing the commanders of our public and private armed vessels, and also the bill from the Senate for the further protection of the commerce and coast of the United States, reported it as the opinion of that committee that the bill from the Senate ought to be agreed to by the House.

The report was twice read, and ordered to be committed to a Committee of the Whole.

On the SPEAKER's asking for what day this bill should be made the order, Monday, to-morrow and to-day, were named.

The question was first taken on Monday, and negatived—43 to 37.

The question was then put upon to-morrow.

Mr. GALLATIN hoped this bill would be made the order for to-morrow, as the bill had only been printed this morning, and the report but this moment made. It would be a very extraordinary proceeding to make this very important bill the order for this day.

Mr. J. WILLIAMS said, this was a very extraordinary case. When we learn every day that our vessels are taken by the French cruisers, without any cause whatever, it is necessary to act with decision. This day had been spent on every trifling business compared with this, and he hoped the House would sit until this bill was gone through.

Mr. McDOWELL hoped this bill would be made the order for to-morrow, as it had only been laid upon the table this morning, and few gentlemen had yet turned their attention to it. Besides, the usual hour of adjournment is arrived, and he hoped gentlemen would not insist upon hurrying so important a bill through the House in this manner. The gentleman from New York remarked that the House had been engaged in trifling business all the day; but, he observed that gentleman sat very contentedly under the discussion, though he now seems so desirous of expediting this business.

Mr. SEWALL was impressed with the necessity of passing this bill as soon as possible. If the committee had thought they might with propriety have taken time to deliberate upon this subject, they would not have made this report, but have taken into consideration the resolution which had been referred to them with this bill; but finding it necessary that our armed vessels should receive their instructions immediately, that they may go out and take the vessels on the coast, or drive them off, they made this report, intending hereafter to report farther upon the subject. But the present measures they thought necessary, from the peculiarity of our present situation; the dangers attending which the people without seemed to be fully persuaded of. And as this subject had been fully discussed on the resolutions which had been before the House, he hoped the bill would be immediately, taken up; as he wished to provide without delay for the defence of our coast as far as our force would permit.

Mr. MACON said, it was very extraordinary indeed, that gentlemen should wish to hurry this bill through the House in the way proposed. It appeared as if they were afraid of any thing coming from our Commissioners before they got the country in war. Being now the usual hour of adjournment, it could not be expected that if the House went into this bill, that any debate could take place. Indeed gentlemen seemed to wish to prevent debate as much as possible; a few days ago, they had got a rule passed that no person should speak more than once to any question, and now by moving to go into a Committee of the Whole, at the hour of adjournment, they wish to prevent them from speaking once, and that upon a bill which will certainly place the country in a state of war. He thought a regard to decency ought to prevent gentlemen from pushing this motion.

Mr. LYON called upon gentlemen to consider the importance of this bill. He considered it as a declaration of war as it now stands, and he hoped time would be given to consider whether some amendment could not be introduced into it, so as to prevent its being so considered. At present, he believed, it was directly in the face of the laws of nations. He was desirous of avoiding war if possible. His constituents also wished it. He had received at least two hundred letters requesting him to do all in his power to prevent it. Indeed, he was afraid of the consequences of war; he was afraid it might produce even a dissolution of the present Government.

Mr. BRENT was proceeding to express his astonishment at the conduct of gentlemen in wishing to press so important a subject upon the House, while members were impatient to adjourn, when,

Mr. SEWALL rose and withdrew his motion, and the bill was made the order of the day for to-morrow.

Mr. HARPER laid before the House a letter from the Secretary of Treasury to the chairman of the Committee of Ways and Means, on the subject of the land tax, which was ordered to be printed, and the House adjourned.

SATURDAY, May 26.

The bill supplementary to an act for the relief of persons imprisoned for debt, and the bill for providing relief for persons imprisoned for debts due to the United States, were read the third time and passed.

PROTECTION OF COMMERCE.

Mr. SEWALL called for the order of the day on the bill from the Senate for the more effectual protection of the commerce and coasts of the United States; and the House accordingly resolved itself into a Committee of the Whole on the said bill, Mr. DENT in the Chair. The bill having been read,

Mr. MACON rose and observed, that he wished to amend both the bill and the preamble to it, and desired the Chairman to say which it would be in order to move first. The Chairman having answered that it would be most regular first to amend the bill, and then the preamble could be made conformable to it, Mr. MACON moved to strike out the word "such," in the enacting clause (the effect of which was to make the instructions given to the commanders of our vessels general against all cruisers, as well as against the French.) His reason for making the motion was, that if this bill must pass, it might be general against all nations who commit depredations upon our commerce, for it was a fact well known that France is not the only nation which does this. It was his opinion, that before any measure of this kind was taken, we ought to know the result of our mission in France; for, however slender our expectations of an accommodation may be, still those expectations ought not to be abandoned, until we are certain our Commissioners have left Paris, without being able to accomplish their mission.

Mr. M. believed it could not be doubted by any one that, if we had thought a state of war preferable to the state in which we had been placed for some time back, we had had sufficient provocation from more than one nation to have declared war long ago. Indeed he looked upon this bill as a declaration of war in substance; he saw that this was the situation to which measures was progressing, but he could not have expected that gentlemen would have proposed a measure of this kind whilst our Commissioners were yet in Paris. It was his opinion, however, that disagreeable as our present situation may be, it is much preferable to a state of war; for, notwithstanding all the losses which our merchants have sustained, our trade and our revenue are continually increasing.

In the part of the country from whence he came, Mr. M. said, the price of produce is now higher than it has been for some time past. But, in the case of war, it would fall, of course.

Notwithstanding all the evils which he was sensible must attend on a state of war, when he found our Commissioners had left France, and no hope of accommodation remained, he should not hesitate to join gentlemen in any measures which shall be necessary to meet a state of war.

Mr. HARPER could not help being surprised at the motives which the gentleman from North Carolina said had induced him to make this motion. Gentlemen had heretofore said, they were unwilling to take any active measures against France until negotiation was exhausted. Now, though they confess that they have no hope from negotiation, they are unwilling to do anything against France until our Commissioners come home. Yet the gentleman from North Carolina wishes to make this bill general; and, though he insists upon its being a declaration of war, he desires it may not be levelled at France only, but at England and Spain, to whom no remonstrance for their depredations has been made, and with whom no attempt has been made at negotiation.

Is it not astonishing that men, who have always expressed themselves in favor of peace, should be able to get their consent to arguments which give the lie to all their declarations—that they should object to a measure, because they deem it a war measure with one nation, and still be willing to embrace it when it is made to apply to three nations? If gentlemen are thus blinded by their passions in favor of some nations, and against others, he could only deplore that blindness. If, with their eyes open, they can rush into the measure proposed, and yet decline it when confined only to one nation, he left it to themselves to reconcile the inconsistency. And yet these gentlemen are loading those who wish to take spirited measures of defence with the most odious epithets, as being friendly to war. He could account for this inconsistency of conduct only from the violent antipathies and attachments which he had already mentioned, which seemed effectually to blind gentlemen as to what respects the true interests of their own country.

Mr. MCDOWELL said, the gentleman from South Carolina had dwelt much upon the inconsistency of the present motion. He himself could not see any in it. He had insinuated that the mover and seconder of it must be blinded by prejudice and governed by passion; that, instead of going to war with one nation, it would be going to war with three, and that before we remonstrate with them, or request them to desist from their practices; that we have been attempting to get redress from France for eighteen months past without effect, but that no attempt has been made to negotiate with England or Spain on the subject of their depredations. In this the gentleman from South Carolina was certainly mistaken. He knew we had lately concluded a treaty with England, which had been constantly violated; and what faith, Mr. McD. asked, could be placed in a nation which one day makes a treaty, and the next violates it? The same remark would apply to Spain, so far as they have depredated upon our commerce.

Mr. McD. said, he had all along declared himself opposed to war, or to any measures which would lead to it, and he still held the same opinion. He had no prejudice against or in favor of any nation whatever, except so far as their conduct towards this country was friendly or otherwise; and he could see no reason for giving instructions to the commanders of our vessels to seize and bring in the vessels of one country which may commit depredations upon our commerce, and not those of another. He was himself opposed to the bill altogether; but, if it must pass, he wished to make it contain as little mischief as possible, and he thought by striking out the word

"such," and by that means making it general: France could not take the same offence at it; as the bill now stood, it was tantamount to a declaration of war.

Mr. J. WILLIAMS was in hopes, when the gentleman from North Carolina first made his motion, that the opposition which he had heretofore shown was done away, and that the bill was only objected to because it was not general; but now it appears that gentlemen are opposed to the bill altogether. He had hoped when gentlemen had reflected upon what had taken place, even within our own jurisdiction, that there would not have been a single dissenting voice in the committee. Gentlemen allege that this measure will lead to war; but he would ask whether other neutral nations had not taken measures fully as strong as this, without producing war? For his part, he supposed it might have been better if this country had gone into this system of defending our commerce. He was opposed to it for a considerable time. He was in hopes of a reconciliation taking place; but he had been deceived from time to time, and, instead of any appearance of accommodation, every day brought information which convinced him that, except we meant to submit altogether, we must defend ourselves.

This being the case, he asked gentlemen which they would choose? Whether they would suffer themselves to come under the power of the French nation, or repel force by force? He did not believe any gentleman would say we ought not to embrace the latter.

At a time when the enemy's vessels are within our own jurisdiction, are we to withhold the necessary instructions to the commanders of our vessels? He hoped not. Not that he would go hastily into war; but have we not, he asked, been in war for a long time?—a war on one side, and total submission on the other. Yet the House are now called upon to postpone the consideration of this question, lest it should produce war. The only way to prevent a war, he believed, was to be prepared to meet it. If spirited measures had been taken during the extraordinary session of Congress, he believed it might have prevented the loss of property to the amount of twenty millions of dollars, and the necessity of a war. But Congress had gone on, from time to time, saying, we will wait for this, that, and the other, and it will, in all probability, prevent war. This conduct had produced the greatest difficulties, and yet gentlemen wish to go further in the same course. The enemy's vessels, he understood, are within the Capes, and he supposed gentlemen would wait till they came up to the city, before they would take any means to oppose them. He believed it was high time to say, "We will not submit," and to prepare to repel the repeated aggressions of our enemy.

But gentlemen say, "No, we will oppose the bill altogether." Let us, said Mr. W., pass this bill as it is, and, if gentlemen choose to bring forward another bill against any other nation, he should not object to it, if they refused to do us justice. He was not in favor of one nation more than another; he would resist oppression from all. This bill, he believed, ought to be passed immediately. If it had been passed a week ago, it would have saved to the United States a large sum of money.

Mr. SHEPARD observed, that much had been said on this bill, and on the resolutions on the same subject, which were referred to the same committee. Members differed in opinion very materially as to the proper mode of conducting our affairs at this important crisis; but he could see no reason for deferring vigorous measures any longer, as he did not see the least ground of hope for a reconciliation; it was, therefore, idle to dispute about it.

He would ask gentlemen so violently opposed to this bill what they would do? Are they willing to send more Envoys to the French nation, to sue for an accommodation? He supposed not; everything which can be done has been done to effect an accommodation. Are gentlemen ready, then, to give the money which had been demanded? He presumed not. He hoped gentlemen possessed too much American blood to agree to any such thing; and, if so, why do they hesitate to take the measure proposed, and endeavor to throw embarrassments in the way of every measure of defence which can be taken? If we are to purchase peace, let us do it; if not, let us defend ourselves like men. Or do gentlemen wish to wait until more injuries and more insults are added to those already received, before any step of defence must be taken, lest it should lead to war? Will conduct like this save America? No; it will not.

But gentlemen decline taking this measure, because they are apprehensive it will irritate the French nation. Mr. S. believed this country could do nothing to alter the conduct of the French nation towards us, except it were by giving them money. There could be no doubt, he said, but the French meant to subjugate this Government, and to lay the United States under contribution. Every newspaper told them this; yet some gentlemen seem opposed to everything intended to resist their doings, or even to tell them they have done wrong. For his part, he believed that nation had been boiling over with madness for two years past, and that they are totally void of every virtue.

They have told us, said Mr. S., in plain terms, they mean to subjugate us. They say they have a strong party in this country, and that they understand diplomatic agency as well as any other nation. This he believed, as he saw they had effectually used that power in subduing every country in Europe that they had anything to do with, except Great Britain, and he feared they would succeed against her. No man, he said, disliked war more than him; but, he believed, the best way of preserving ourselves from it, was to take measures to oppose a Power which has so unjustly treated us. We ought not, he said, to trifle any longer, but take new ground. The more insults we submit to, the more we shall have. He could not suppose gentlemen would be willing to

wait till all our vessels are taken and our Government overcome, before they will make resistance. If we meant to preserve our independence, he believed resistance ought now to be made. It is time, said he, to tell the French nation, "we will not submit any longer." This was the way we gained our independence, and this must be the way by which we must keep it. He hoped, therefore, the bill would pass as it stands.

Mr. OTIS said, though he had sufficient confidence in the committee to induce him to believe that the present motion cannot succeed, yet he could not forbear to expostulate with gentlemen on the impropriety of any measures which should have a tendency to give unnecessary offence to other nations, besides that against which we are called upon to act. To increase our foes would only be to aggravate our misfortunes. Mr. O. hoped and believed this country would be able to defend itself singly and alone; but, supposing, as gentlemen agree to be true, that we are on the eve of a war, would it not be highly impolitic to irritate a Power whose assistance we may find very acceptable in the course of a few months against a common enemy? He hoped it would never be necessary to seek for this assistance, though it is possible, if we are driven into war with our old friends, that we may willingly avail ourselves of the aid of our old enemies; for, though we had suffered injuries from more nations than one, yet he agreed with our Envoys in the sentiment that, if France should attack us, we must seek the best means of defence; and may find it more prudent to forgive than to provoke, by harsh measures, a nation which may aid in our defence.

Mr. O. said, if, after injuries had been committed against us by Great Britain and Spain, of the same nature with those which have been heaped upon us by France, and those nations, like her, had refused to hear us, or to do us justice, he would support the same measures against them and vindicate our national character and honor. But though he should by no means attempt to extenuate the conduct of Great Britain or Spain, he believed he might say that the depredations committed by those Powers subsequent to their treaties, have been under color, at least, of the laws of nations. But the difference in the degrees of these depredations, in comparison with those of the French Republic, cannot be better ascertained than by the rates of insurance paid as a security against them respectively.

Insurance may be effected against the Spanish and British for five per cent., whilst it cannot be procured against the French for less than twenty-five or thirty per cent. And though the British cruisers do, in some cases, take our vessels, in others they afford them protection. Indeed, he believed, the number of our vessels rescued from the fangs of the French, and restored to us by the British, greatly exceed in value the amount of those which have been taken from us by them since their treaty. They have saved to Philadelphia about a half a million of dollars. With respect to Spain, he believed her disposition towards us to be friendly, and that an injury offered by them to us was done at the instigation of another country. Again, we have received, under the late treaty with Great Britain £100,000 sterling for damages sustained by her depredations, and from Spain $300,000 have been awarded on the same account. So that no comparison could possibly be made between the treatment we experienced from France and those countries. She makes no treaties—she pays no compensations.

The amendment is proposed, with a design to hold up to the people the idea that, if we were at war with France, we cannot calculate to receive assistance from any other country, having cause of complaint against all parties. Gentlemen were certainly accountable to themselves for their own conduct and modes of expression, and, doubtless, think they act with discretion; but, he believed that, when the warmth of the present session and the ardor of debate should subside, they would be persuaded that comparisons, such as they had made, were not pertinent or judicious.

Mr. O. said, it would be recollected that gentlemen had acknowledged that, if this amendment was adopted, they should still vote against the bill. If Great Britain and Spain have injured us, the proper mode of proceeding was, first to endeavor to obtain redress; and if that is not allowed, it will be time enough to use force; but, with respect to the French Republic, every kind of application has been exhausted. There can be no question about war, the only way was to consider how we should get an honorable peace. They have made war upon us, and he believed, we should be more likely to obtain peace by a spirited conduct than by base submission.

Mr. KITTERA rose to observe, that one of the articles in our treaties with Great Britain and Spain, stipulates that no reprisals shall be authorized by either country until application shall be made to the other, which he thought would be a sufficient reason for negativing the amendment. He believed it would be proper to adopt an additional rule to those already established for the government of the House, viz: that when French privateers came within our own ports and take our vessels, a long debate shall not take place upon a bill to instruct the commanders of our vessels to make reprisals.

Mr. GALLATIN, in reply to the last observation of Mr. KITTERA, said that, if his assertion was true, that the French privateers were committing depredations within our own ports, or anywhere within our jurisdiction, it was no reason why this bill should pass immediately; for, without the bill, the President had full power to apply the armed vessels, or any other force at his disposal, in repelling the outrage. As to the amendment, he would not pretend to say that it was very essential; but, he supposed, the reason for moving it was this: It was asserted that this bill was not a declaration of war, but only a kind of special reprisal authorized by the law of nations, it was, therefore, thought it would be proper to make it a general regulation. If it was intended to be a declaration of war, it would be extremely wrong to make two enemies, instead of one. If it was to be passed with that

intention, it would be wrong to adopt the amendment; but he supposed it was introduced on the ground assumed by the supporters of the bill, that the measures proposed might be entered into without violating the laws of nations, and consistently with a state of peace.

In relation to the opposition which had been given to the various war measures which had been brought forward in the course of the session, it was in the power of gentlemen to have prevented the greater part of it; if, instead of going on step by step, the whole system which they had in view had been laid before the House at once, only one debate would have taken place on the propriety or policy of placing the country in a state of war. After that had been determined, the other measures, which must have followed in course, would have been adopted without much debate; because, after the country shall be declared to be in a state of war, it will be the duty of every member to make it as effectual as he is able, and as hurtful to the enemy as it can be made; but so long as the country is declared not to be in a state of war, it is natural for those members who are opposed to war, to endeavor to prevent measures leading to that state, or inconsistent with a state of peace; but, if war is once declared, he would take upon himself to say, no longer opposition would be given to either defensive or offensive preparations.

Mr. G. wished the committee had also made a report upon the resolution on this subject lately referred to them by the House, which they say they had not time to consider; and not that the House should have this bill to-day, another to-morrow, and so on; for if it be intended, at all events, to get into war, the more effectual the measures are which shall be taken, the better. He would at once concur in this bill, or any one which should go further, whenever the country shall have been declared to be in a state of war.

All that had been said for the postponement of this question, and against it, arose from the different opinions entertained as to the possibility of an accommodation with France. He owned his hopes on this subject are very slender; but there is one stubborn fact against any hostile measures at present—the negotiation is still open, and our Commissioners are still in Paris; and whilst this continued to be the case, although he was not able to account for their remaining there, he would continue to vote against any measures inconsistent with a state of negotiation.

On the other hand, when gentlemen say this measure is not war, (though he believed the contrary,) but authorized by the laws of nations, the gentleman from North Carolina came forward with his amendment, and said, if this is one of those things which nations may do consistently with their neutrality, let us make it general; for the moment you take measures of a hostile nature against one of the belligerent Powers, and not against another, it would not be sufficient for us to say that one of them has committed more depredations upon us than another, though this would be a good reason for going to war with one nation more than the other. Mr. G. wished, therefore, if this was intended as a war measure, (and he had no doubt of its being so,) that it might be clearly expressed, as then every effectual measure might be taken for furthering war preparations, and every opposition would hereafter cease.

Mr. HARTLEY said, the opposition made to this bill was very extraordinary. As to a declaration of war, he did not think such a measure could be proper whilst our Commissioners remain in Paris; but, for more than a week past, he was convinced France would have war with this country, he therefore wished to go into every measure of defence both of our commerce and territory. Gentlemen, notwithstanding they must see that France is aiming at universal dominion, wish to put off measures of defence from one period to another. He thought we ought no longer to hesitate, but to go as far as possible in the protection of our commerce; for he did not think we had anything to fear from the mighty nation. A body of a few thousand men would secure us in the Southern States, and we had nothing to fear in the Eastern or Northern States. He hoped, therefore, this amendment would be negatived, and the bill passed without further objection.

Mr. EDMOND supposed that the minds of gentlemen were pretty generally determined on this question, and he could not therefore hope to effect any change of opinion in any member of the committee; yet he hoped he should be justified, in a question of so much importance, in taking up a little time of the committee in delivering his sentiments upon it.

He rose in opposition to the present amendment. It was said, this is either a peace measure or a war measure. If it is consistent with a state of peace, it was argued that there could be no danger in extending it to other nations as well as to the French. He considered it as a peace measure; but before the committee agree to the proposed amendment, they ought to consider the consequences of doing so.

If one of our merchant vessels should be depredated upon by a British or a Spanish ship of war, it would not be war, but a breach of our treaties with those Powers, which stipulate that complaint of any injury received shall first be made, and satisfaction demanded, before any act of reprisal shall be authorized. But with respect to France, admitting that we have the same treaty with her, how does the fact stand? With respect to Great Britain and Spain, it is stipulated that redress shall in the first place be asked. This had repeatedly been done with respect to France. We have frequently made an application there in the language of supplication. Do France and Great Britain, then, stand upon the same footing? No; they stand upon different ground, and the same rule of conduct will not apply to them.

Another idea has been suggested, viz: that the bill should be general, lest it should displease France, and impede our negotiation with that country. If there was the most distant hope of an honorable settlement of our differences with that country, he should be as unwilling as any

man to stop or impede the business; but, when he reflected upon what had passed between the two countries from the commencement of our independence to the present time, that hope was lessened, if it ever existed. When he saw, that instead of friendship, she had shown quite a contrary conduct towards us, he doubted whether that friendship ever existed. When he found that on the 9th of May, 1793, she undertook to pass a decree to take out of all neutral vessels enemy's goods, in violation of her treaty with us, but that upon remonstrating with her, she undertook to repeal it on the 23d; but when she had blinded the eyes of our commercial people by this repeal, she sat down five days after and repealed her last decree. When he saw this he suspected the hatred of France instead of its friendship. Another application was made on the subject, and on the 1st of July, the offensive decree is again repealed; this repeal continued till the 28th of the same month, when it was again rescinded.

Try the conduct of France farther, and how does it appear? When we look at the depredations which have been committed upon our commerce; when we see the manner in which our vessels have been taken upon pretences of certain papers being wanting, of which our masters and owners of vessels were ignorant, what would have been a friendly conduct in such cases? Would it have been to take advantage of inadvertence and ignorance? Certainly not. Or, if we look at the conduct of their Minister in this country: he comes to cultivate harmony; but when we see him endeavoring to raise up the people against their Government, it cannot be taken as a friendly proceeding.

Mr. E. wished some gentleman would undertake to show the marks of this friendship of France of which so much had been heard. What has been done on our part? After receiving repeated injuries, we have appointed Commissioners after Commissioners to treat with them. Our reward is known. He did not wish to aggravate the conduct of France; but he wished to know how long gentlemen would be willing to lie at her footstool? Was it proper to continue our negotiation with a Power which is sweeping the ocean of all our vessels? Suppose our Commissioners are in Paris, endeavoring to negotiate, how comes it that the privateers of France are not recalled, instead of being suffered to infest our coasts? But instead of this, their disposition is shown by their decree of the 11th of January, which determines the character of vessels by their cargo.

All these acts, Mr. E. said, demonstrated the temper and disposition of that Republic towards America. He thought it perfectly idle for our Commissioners to remain at Paris, stating complaints and writing vindications, without the least hope of success. What will the Directory say to them? They will say, "You set up your claims, but how will you enforce them? You cannot get a vote to lay your hand upon any of our privateers upon your coast; you come on an idle errand. Congress have no idea that your country has any such claims; if they believed it, they would support them." When the French find us a feeble and divided nation, will they listen for a moment to the suppliant and feeble prayer of our Commissioners? No; they will continue their war upon our commerce, and raise a tribute upon us when they please, and when they have accomplished their part with Great Britain, they will then treat with us. We shall then be called upon to buy a peace upon their own terms. He acknowledged they had overpowered many nations, and made peace with them at various prices; but the peace which they are disposing of is of French manufacture; it may be brilliant, but not durable. He wished not to purchase such a peace. He would, on the contrary, now adopt spirited measures, and convince France that we are not to be trifled with any longer. Or, if gentlemen wish us to appear so degraded, so reduced, and humbled a nation, as to be ready to receive the boon we can beg from them, then it will be right to continue our supplication. But, if that is not their idea; if they conceive that we have rights founded in justice, which ought to be supported, will they not be persuaded that we shall be more likely to have them respected, by taking a spirited, manly course of conduct, than the contrary? They certainly must.

For himself, Mr. E. said, were he sent to treat with France at a period like the present, and that nation were to tell him that one-half his countrymen disavowed the claims which he set up, if there were any truth for the remark, he should think he might as well attempt to negotiate upon his own authority, as in behalf of Government. If, said he, we do not mean to lie upon our oars, let us come forward and support the claims of our Commissioners, and then there will be some probability of their being successful. Without this, our Commissioners will never be able to accomplish anything, and the French would continue their depredations upon our trade. But if we adopt the measure proposed, are we about to declare war? Certainly not. If, said he, I am attacked by an individual, and resist him, and in doing so, I break or take from him his sword, do I declare war against him? No; common sense, and the first principles of self-defence say that this is right. And will not the same reasoning apply to nations? He said it certainly would. The measure now proposed, goes no further than to wrest the sword from the hand of our enemy, and to keep it for our own security until our dispute is settled. He hoped, therefore, the amendment would be disagreed to.

Mr. LYON could not discover why gentlemen should be opposed to this amendment, if they did not suppose the bill under consideration would amount to a declaration of war. It was his opinion it would have that effect, and therefore he was opposed to it. He hoped our negotiation at Paris was not yet closed; but if this bill passes, his hopes of peace would be at an end. The gentleman last up spoke about the price of peace; he could not say for his part what would be the price of peace hereafter, if the country once got involved in war. He did not suppose we should be able

to beat the French so severely as to bring them to our terms. He was himself very unwilling to go to war. He believed the people of the United States are desirous of preserving peace, notwithstanding what had been insinuated to the contrary, from the addresses which had been sent to the President and to Congress. We had, said he, a million of thinking people within the United States, and supposing all the addressers to be in favor of war measures, (which he was far from believing,) they do not amount to more than 20,000. He believed there are more persons in this city in favor of war than in any other part of the United States. He was confident there are not two hundred people in his district who wish it. Indeed, he saw nothing to be got for this country by going to war. He said he should vote for this amendment, because it would take off a part of the asperity of the measure towards France.

The question was put and negatived, there being only 22 for it.

Mr. LYON proposed to amend the bill by inserting the words "consistently with the laws of nations," but his motion did not find a second.

The committee then rose and reported the bill.

Mr. MACON renewed his motion for striking out the word "such." The arguments that had been made use of against this motion had not convinced him of its impropriety. He did not think it would be a violation of our treaties either with Great Britain or Spain; but if gentlemen think so, it can be amended in that respect. Instead of blaming him, Mr. M. said, certain gentlemen ought to be obliged to him for having made his motion, because it had given them an opportunity of making studied speeches, which they otherwise could not have done.

The gentleman from South Carolina (Mr. HARPER) said that his (Mr. M.'s) conduct on this occasion was such as gave the lie to his former sentiments. This was not the most delicate way of treating gentlemen, but such as that gentleman generally used. It would, however, have no effect upon him. It was, and always had been, his object to preserve peace, and as long as he had a single hope left, he should not wish to take any measure to break it. It was with this view that he proposed his amendment to make the bill general.

What other nations have done is not now the question. The only question before the House is, what will be the interest of the country to do. He knew no good a repetition of the injuries we have received could do. It had been said, we ought not to do anything to offend Great Britain, as it was probable that if we have to fight our old friends, we might have occasion for the assistance of our old enemies. But, if we are to go to war, he hoped we should depend upon no ally. He wanted to have no connexion with any foreign nation. He believed our last treaty had done us no good, and he wanted no more of them. He had no objection to buy and sell with them all, but he desired to have no farther concern with them. He did not think it was in the power of any of them to hurt us, and he would do all in his power to prevent foreign alliances, which could never do this country any good, but which might do us great harm.

The House had again been told that the Middle and Eastern States are safe, and that if troops are sent to the Southern States, they will be safe also.

[Mr. M. was proceeding to state that in the last war no man eastward of the Delaware was ever seen fighting in the Southern States, and that now the Southern members (with only one or two exceptions) are satisfied to be left to themselves, when the SPEAKER reminded him of the question.]

It was complained against that this country was charged with being divided. He believed it always would be divided in political sentiment. Indeed, there is not a State in the Union, and but few neighborhoods, which are not divided in this respect. But was this any reason why they would not join heartily in the defence of their country, if it were attacked? However different parts of the Union may differ in political sentiment, when the question was a defence of the country against invaders, he was confident there would be no division upon it. And he thought it a proof the Executive Directory did not rely upon any division in their favor in this country, or they would not have dwelt so publicly on that point. Gentlemen might make use of an argument of this kind in this House in order to catch the popular ear, but it is not true, nor did he believe that there are ten people in the United States who will believe it.

The gentleman from Connecticut (Mr. EDMOND) had said, that if he was sent a Commissioner on any business, and one-half of the people were to say that the claims which he went to prefer were not founded, he should not expect any success in his mission. Mr. M. believed it; but had such a thing ever been said in this country by anybody, much less by one-half the people? Everybody believed our claims for redress against France are well founded.

On the subject of giving money, he believed no man would be inclined to stand out longer against giving money than him; and as to the idea of subjugation, he looked upon it as perfectly ludicrous, and he was sorry to hear a military man (Gen. SHEPARD) express apprehensions on this ground. He thought he had known the spirit of the American people too well to have entertained such an idea for a moment.

Gentlemen have all along denied, Mr. M. said, that this bill is tantamount to a declaration of war. If it were only intended to defend our commerce, according to the laws of nations, it ought to be made general, as he proposed by the present amendment; but he believed it would be in effect a declaration of war. He believed those who supported it generally intended it should have that effect, and the reason they had taken this course of making war in preference to making an open declaration of war is, they know it will be more popular than a declaration of war would have been. He had no doubt of it.

He wished, when gentlemen had come to a determination to go to war, they had brought the question fully before Congress, that it might have been fairly determined, instead of doing a little now and a little then, until they get the country into that state. If the whole plan had been seen at once, gentlemen would have known how to have acted.

Mr. M. concluded by saying, he did not mean to justify the conduct of any nation in Europe towards us. He was conscious we had been ill used by most of them. He had no doubt the gentleman from Connecticut might have enumerated more injuries committed against us by foreign nations than he had done. Was the impressment of our seamen nothing? He thought it the greatest insult which any nation ever received. It was, however, useless to take up the time of the House. He made the motion only for the purpose of replying to the observations which had been made against it in Committee of the Whole, and which he was prevented from answering there by the rule of the House, which says no member shall speak more than once to any question.

Mr. BAYARD thought the conduct of the gentleman from North Carolina was liable to the inconsistency with which the gentleman from South Carolina had charged it. That gentleman tells the House he is a friend of peace. If so, his motion is in opposition to his sentiments; because he has said he believes the bill to be tantamount to a declaration of war, and yet he wishes not to modify it, or make it less a provocation of war, but to extend it to two other Powers besides France.

The amendment of the gentleman is in no way opposed to the principle of the bill; but he wishes it to be general and not applied to France only. He would ask, which are the nations that the gentleman desires to comprehend within the provisions of this bill, besides the French nation? Is it the British nation? If it be, he wished to know upon what ground? Before gentlemen take a step which it is said is war, it ought to be shown that we should be warranted in a measure of this kind against Great Britain. He knew they had captured many of our merchant vessels; but are gentlemen prepared to say they were not captured on lawful ground? Will they say that all our trade is carried on so consistently with our treaty with that country, that there can be no ground of capture in any of our merchant vessels? We know that to have enemy's property on board is a sufficient ground for carrying vessels into a British port; and we also know that if they are laden with articles contraband of war, they are liable to capture. And since the British Treaty came into existence, Mr. B. said, we have had no proof of any seizure having been made by that country contrary to the laws of nations. Where, then, is the ground upon which to extend the provisions of this bill to Great Britain as well as to France? When we find a nation putting herself to great inconvenience to grant convoys for our vessels from her own ports to ours, are we to put her upon the same footing with one who, contrary to treaty and the laws of nations, is every day seizing our property and plundering our citizens, and who, when applied to for satisfaction, refuses to receive our Ministers? What other nation would this amendment affect? It had been said Spain. If she has committed depredations upon our commerce, Mr. B. believed they were not considerable; and he believed if the enormity of the conduct of France had stopped short of its present magnitude, no gentleman would have thought of taking this step; and, as it respects Spain, he could not find an excuse for her, as he did not consider her as a free agent, but as acting under the influence of the French nation; France was answerable, therefore, not only for her own depredations, but those of Spain.

Mr. B. could see no reason, therefore, why this bill should be made to operate against any other nation than France. It was strange that objections should yet be urged against measures for the protection of our coasts, though French privateers had entered two of our harbors; yet the gentleman from Pennsylvania, with that boldness of assertion so peculiar to him, tells the House that the President of the United States has the power to give directions for the seizing of privateers within the jurisdictional line, and therefore, on that account, this bill is unnecessary. But he called upon that gentleman to show any good ground for that opinion. Suppose, for instance, Mr. B. said, that a French privateer was to commit depredations beyond the jurisdictional line, and afterwards come within it, it would doubtless come within the provisions of this bill to afford a remedy; but the gentleman from Pennsylvania would not say that the President would have power to afford a remedy in such a case. He had no doubt, that when one nation infringes the rights of another, it had a right to take measures against it; but this right was lodged in the sovereignty of the nation, and as that, in this country, does not lie wholly in the President, but in Congress, the President has no power to act in the case. Congress only could authorize reprisals. Mr. B. concluded with a hope that the amendment would be disagreed to.

Mr. ALLEN called for the yeas and nays upon the question, which were agreed to be taken, and stood—yeas 20, nays 70, as follows:

YEAS—Abraham Baldwin, David Bard, Lemuel Benton, Nathan Bryan, Demsey Burges, John Clopton, Lucas Elmendorph, John Fowler, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, Anthony New, William Smith, Richard Stanford, Thomas Sumter, Abram Trigg, Philip Van Cortlandt, and Robert Williams.

NAYS—John Allen, George Baer, jr., Bailey Bartlett, James A. Bayard, Thomas Blount, Richard Brent, David Brooks, Stephen Bullock, Christopher G. Champlin, John Chapman, Thomas Claiborne, William C. C. Claiborne, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, Thomas T. Davis, John Dawson, John Dennis, George Dent, William Edmond, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Albert Gallatin, James Gillespie, Henry Glen, Chauncey Goodrich, Andrew Gregg, Roger Griswold,

William Barry Grove, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison, Thomas Hartley, Jonathan N. Havens, Joseph Heister, William Hindman, David Holmes, Hezekiah L. Hosmer, James H. Imlay, Walter Jones, John Wilkes Kittera, Samuel Lyman, James Machir, William Matthews, John Milledge, Daniel Morgan, Lewis R. Morris, Harrison G. Otis, Josiah Parker, John Reed, James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, Richard Sprigg, jr., George Thatcher, Richard Thomas, Mark Thomson, Thomas Tillinghast, John Trigg, John E. Van Alen, Joseph B. Varnum, Abraham Venable, Peleg Wadsworth, and John Williams.

The question then came up on the bill's going to a third reading; when

Mr. BRENT said he voted against the amendment offered by the gentleman from North Carolina, because he apprehended its effects would be to involve us in war with two countries instead of one. The amendment of the gentleman from North Carolina was to strike out the word *such* in the bill, in which instance the commanders of our armed vessels would have been directed by the President to seize and take the vessels of any nations that shall have committed, or are found hovering on our coast for the purpose of committing, depredations on the commerce of the United States. As the bill now stands, it will only apply to French depredations; if amended as proposed, it would have applied to Great Britain, or any other country whose subjects or citizens are unlawfully spoliating our commerce—as he believed that the laws of nations and the stipulations of treaties had been violated in relation to us, not only by the French, but the British also, he considered the tendency of this amendment might be to involve us in war with Great Britain, and he did not wish to increase the number of foes with whom we were to engage in hostility. That he was accurate in his opinion that the armed vessels of Great Britain were at this time in the practice of violating our neutral rights, seemed to be acknowledged by others, and particularly by the member from Massachusetts, (Mr. OTIS,) who had opposed the amendment, with a suggestion that in the event of an open rupture with France, it might be expedient for us to call in the aid of England, and, supposing the amendment might have a tendency to create irritation between that country and this, it was improper that at this crisis it should be adopted. This reasoning of the gentleman from Massachusetts could only be derived from an admission that Great Britain did not at this time respect our neutral rights; for, as the amendment only authorized the seizure of vessels spoliating our lawful commerce, there could be no danger that such a regulation would involve us in war, or produce a coolness with Great Britain, without a previous acknowledgment that her armed vessels were illegally depredating our commerce, and consequently would be affected by the general provision of the amendment, which, instead of confining our reprisals to French, extended it to vessels of all nations thus acting illegally in relation to ours.

Though, Mr. BRENT said, he was not, under any circumstances, like the gentleman from Massachusetts, for embarking our destiny with that of Great Britain in her present contest with France; though he should consider such an event as one of the most deplorable which could befall the United States, yet he was willing and even studious to preserve peace with Great Britain, notwithstanding the many injuries we had received from that quarter; on the same principle, from the same desire to preserve the tranquillity of this country, he was opposed to the bill itself. He considered this bill as perhaps determining the question, whether or not there should remain a possibility of reconciling our differences with the French Republic. He considered this bill as probably dispelling every ray of hope which yet remained of a reconciliation taking place, and he hoped gentlemen would pause a moment before they adopted a measure so serious and awful. He did not see that we were at present exposed to any greater danger, or our commerce to any great extent to ravages more considerable than we had experienced for some time past.

He acknowledged that our commerce had received great and repeated injuries from France; that it had long felt their injuries and still continued to suffer; yet, under all these circumstances, a disposition has been constantly evinced, and he believed was still sincerely cherished by the great mass of our people, that recourse should not be had to the last fatal resort, till every mode of amicable negotiation had been attempted, and every rational hope of a peaceable adjustment of our complaints was exhausted. From these impressions, and at a period when our commerce was suffering their unjust depredations, we had sent Commissioners to the French nation; and was it proper, until we were certainly advised that our Commissioners had left France, or that every hope of their effecting the object of their mission was to be abandoned, to precipitate a measure, the probable effect of which would be to destroy all prospect of reconciliation, even if, at the present moment, our Commissioners should be engaged in a treaty? Mr. B. said, that neither the despatches which we had received from our Commissioners, nor any other intelligence from abroad, that he was acquainted with, compelled a belief that every possibility of negotiation was past; on the contrary, it was perhaps strictly within the bounds of probability, that, when the Government of France discovered an inflexible disposition on our part not to accede to terms dishonorable or disadvantageous, others of a less exceptionable nature would be, and perhaps before this have been, proposed. But, in every event, what is now a matter of conjecture, a few weeks will reduce to certainty; a few weeks must bring us certain and decisive accounts from Europe, and he was for postponing all deliberation respecting the very delicate subject under consideration till this intelligence arrived. At present, he believed it would be premature and inexpedient to adopt the proposed measures, and should therefore refuse to give them his assent.

The question on the bill going to a third read-

ing, was taken by yeas and nays, and stood—51 to 39, as follows:

YEAS—John Allen, 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, William Edmond, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, Roger Griswold, Wm. Barry Grove, Robert Goodloe Harper, Thos. 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, John Reed, James Schureman, Samuel Sewall, William Shepard, Thos. Sinnickson, Samuel Sitgreaves, Nathaniel Smith, 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, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, John Dawson, Lucas Elmendorph, John Fowler, Albert Gallatin, James Gillespie, Andrew Gregg, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, William Smith, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Abram Trigg, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

The bill having been determined to be read a third time, the usual question was put by the SPEAKER, "For what day shall it be made the order?" Monday and to-day were answered.

Mr. GALLATIN hoped Monday would be the day. He did not see the necessity for passing the bill to-day. But it was said, the House ought not to exercise their discretion upon this subject, because French privateers are within our Capes. To this, he replied, that if there was any invasion of our jurisdiction, and depredations committed within it, the President of the United States had power to repel them without this law. He knew he had it, because the power is expressly given to him in the law respecting the revenue cutters; and he knew the power had been used by him when a vessel, taken by a privateer within our jurisdiction, had been restored to the owner by the President. He agreed with the gentleman from Delaware, that the President had not power to employ an armed force to make reprisals of vessels within our jurisdiction which may have taken vessels belonging to the United States.

Besides, he understood that the Senate were not in session to-day, and therefore the bill, if passed to-day, could not go any sooner to the Senate than if it passed on Monday. If, therefore, it could not hasten the final passage of the bill by going to the Senate to-day, he wished to know what other reason could be given for so hasty a proceeding? He saw none. He saw one reason for not passing it. Every hour might be expected to bring despatches from our Ministers. It was known that a vessel had arrived from France, which is said to have brought accounts up to the 8th of April. Perhaps she may bring information that would produce unanimity of opinion as to the propriety of passing this bill.

Mr. CRAIK rose to correct an assertion of the gentleman from Pennsylvania, that the President had now all the power which was necessary to protect our property within the jurisdiction line. If he recollected rightly, the power given to the President, in the law respecting the revenue cutters, was only applicable to the cutters; but, even admitting the President had the right which the gentleman mentioned, he wished to know whether the President could employ it so as to give effectual protection to our commerce? He certainly could not employ it in the manner directed by this bill, which could alone be effectual.

Mr. VENABLE did not suppose any gentleman had doubted that the President of the United States had the power to use any force under his command for the defence of property within the jurisdiction of the United States. He had not that power by law only, but by the Constitution. But, if this is not the case, this bill could not, as had already been observed, go to the Senate till Monday, and he did not suppose the President would proceed to act under it until it became a law. He supposed there would be a majority of the House to pass this bill, whether it was passed to-day or on Monday; but he thought some respect due to the wishes of gentlemen who were desirous of the usual course being taken with this bill. It is an important question to this country. We are about to appeal to arms in a cause which many gentleman had anxiously hoped might have been settled by negotiation, and who are not fully convinced that every hope of this kind is yet done away. And can these gentlemen be blamed for wishing to put off the solemn decision for one day? For his own part, he should never regret having given his opposition to these steps. He had for a long time believed that every measure which was brought forward had in view a rupture with France, and he believed this was a closing vote. He hoped, as it was a question of so serious a nature, gentlemen might not be pressed to vote upon it to-day.

Mr. J. PARKER said, as it could make no difference whether this bill passed to-day or on Monday, he should be in favor of Monday, as it is possible the vessel which had been mentioned might bring some advices from our Envoys, though he expected nothing more favorable from that quarter than had been already received. As it was said a French privateer was within our boundary, it was probable she might commit some depredation which might be heard of before Monday, which would convince every one of the necessity of passing this bill.

Mr. OTIS saw no reason for delaying the passage of this bill till Monday, arising from the possibility of the vessel, which was said to have arrived from France, having brought any news; because, if information should be received from our Commissioners which would give a different aspect to our affairs, the President of the United States could refrain from giving these instructions. If this bill

was passed to-day, it might be reported to the Senate on Monday morning; but if it was postponed till Monday, gentlemen might come with fresh motions and speeches, and produce a further delay.

Mr. DAVIS hoped the passage of this bill would not be insisted upon to-day. This subject had but very lately been referred to a select committee, and they had made an expeditious report. He had just given his vote in favor of the bill's passing to a third reading; but if, contrary to the usage of the House, he should be called upon to vote on the passage of the bill to-day, he should vote against it.

Mr. BAYARD was not willing to postpone the third reading of this bill till Monday, for the reason which had been given, viz: because the Senate is not now sitting. After the bill had passed this House, its going again to the Senate was known to be a mere matter of form. Therefore, the moment the bill passes this House, the President will be able to take measures immediately as if the bill had actually passed through all its forms. But, until the bill had absolutely passed this House, it would be impossible for the President to know to a certainty that some members might not, though they had hitherto voted in favor of the bill (as they had heard one gentleman say he intended to do) when it came to pass, vote against it. Mr. B. again spoke of the power of the President as to the protection of property within our jurisdiction, and said that the French vessel which had been alluded to might remain for any length of time within our capes, provided it committed no hostility there, without the President's having the power to remove her.

One word with respect to the probability of despatches being received from our Envoys before Monday. The House had before been told of an arrival here, and referred to the coffee-house books, to prove that our Commissioners were received. If the passing of the bill was delayed till Monday, he supposed the House would be again told of an arrival at Boston, Norfolk, or some other port, and a farther delay asked for, until we should hear whether something might not be done to make this law unnecessary. If we mean to act at all, Mr. B. said, the sooner we began the better.

Mr. VARNUM said, since the bill would become a law as soon if passed on Monday, as to-day, he could not see why the motion was objected to. This question, Mr. V. said, was of the greatest importance, as it went to plunging the country into a war from which it might not be extricated for many years to come. Yet gentlemen act as if they are afraid intelligence should be received before this bill becomes a law, which shall make it unnecessary. Indeed, it appeared to him, that there are certain gentlemen in the House who are determined to have a war with France, at any rate.

Mr. V. said, it had had been complained that an allusion had been made to the coffee-house books of this city, respecting certain information from France; he did not think that was more out of order, than what was heard one day about French privateers having landed men on the coast—another, about their being in our harbors, and taking our vessels from thence. All which stories, he had no doubt, were raised to influence the votes of members of this House. The public would doubtless see them in this light.

Mr. SITGREAVES said, as the gentleman last up appeared to have some doubt as to the fact of a French privateer's being within the bay of Delaware, he would read the information lately given by a Captain Canby, on oath, at the office of the Secretary of State. [This certificate has appeared in the papers: it speaks of having seen a French privateer four miles within the bay.] He would add, that with respect to the vessel arrived from Bordeaux to-day, she brings information that our Commissioners were yet in Paris, but not received by the Directory. She left Bordeaux the 8th April, so that the hope of receiving any favorable news by her could not be indulged. Mr. S. observed, that this bill was intended to meet a case of emergency, and it was proper, to get it passed as soon as possible. If he saw it passed to-day, he should be sure there could be no difficulty about it next week; but, if it was postponed till Monday, he should be afraid of further time being spent upon it. The gentleman from Kentucky (Mr. DAVIS) had already said, it would not be proper to pass this bill while our Envoys are in Paris, therefore, though the question were postponed till Monday, his vote could not be expected. He, therefore, saw no reason for the delay.

The question on the bill's being read a third time on Monday, was put and negatived 49 to 41. The question on reading it a third time to-day, was then put and carried.

The bill was accordingly read the third time and passed by yeas 50, nays 40, as follows:

YEAS—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, John Dennis, George Dent, William Edmond, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, 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 Matthews, Daniel Morgan, Lewis R. Morris, Harrison G. Otis, Josiah Parker, John Reed, James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, George Thatcher, Richard Thomas, Mark Thomson, Thomas Tillinghast, John E. Van Alen, Peleg Wadsworth, and John Williams.

NAYS—Abraham Baldwin, David Bard, Lemuel Benton, Thos. Blount, Richard Brent, Nathan Bryan, Demsey Burges, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, Thomas T. Davis, John Dawson, Lucas Elmendorph, John Fowler, Albert Gallatin, James Gillespie, Andrew Gregg, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, William Smith, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Abram Trigg, John Trigg, Philip Van Cort-

landt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

The several orders of the day were further postponed until Monday next.

MONDAY, May 28.

The usual hour of proceeding to business having arrived, the Clerk informed the members present that he had just heard that the SPEAKER was so much indisposed as not to be able to attend the House this morning.

Mr. D. FOSTER moved that the House proceed to the choice of a Speaker *pro tempore*, which motion was carried; the ballots were collected, and Messrs. BALDWIN and RUTLEDGE being called to tell the votes, it appeared that Mr. DENT had 51 votes, which being a very large majority of the members present (indeed all except two or three scattering votes to four or five other members) he was accordingly declared to be elected, and conducted to the Chair accordingly.

Mr. HARPER proposed the following resolution for adoption, which lies on the table till to-morrow:

Resolved, That it is expedient to suspend all commercial intercourse between the United States and the French Republic, or her possessions, until an adjustment of the existing differences between the two Powers shall be effected.

Mr. HARPER laid a resolution upon the table calling upon the Secretary of the Treasury to lay before the House annually, as soon as may be after the meeting of every session of Congress, a statement of goods, wares, and merchandise, imported into the United States during the preceding year; which was ordered to lie on the table.

Mr. SITGREAVES called up the resolution which he laid upon the table a few days ago, directing the Attorney General of the United States to report the plan of a general law for the relief of insolvent debtors; which, after some objections from Mr. COIT, was agreed to, without a division.

A bill from the Senate was read, altering and extending the Judicial Courts of the United States; which was twice read, and referred to a select committee of five members.

MARINE CORPS.

Mr. SEWALL called for the order of the day on the report of the Committee for the Protection of Commerce and the Defence of the Country, proposing an arrangement, in one corps, of the marines, who are or shall be engaged in the service of the United States, and by annexing them to the existing Military Establishment, to consist of a major and suitable commissioned and non-commissioned officers, 500 privates, and the necessary musicians.

Mr. GALLATIN wished the committee who made this report, would inform the House how many men would be wanted on board the several armed vessels of the United States.

Mr. J. PARKER said the United States have three frigates, twelve ships, and ten galleys. The two 44 gun frigates will require fifty marines each; one of 36 will need 48 men; two vessels of 22 guns each, will want 25 each; two vessels of 20 guns will require the same number; eight vessels of 16 guns each will need 20 men each; and ten galleys each 10 men, making in the whole 518, exclusive of sergeants and music. There will be no additional expense attending the change except the pay of a major, and it would be much more convenient to be thus organized, than to remain as at present.

Mr. VARNUM wished to know whether these men could ever be together so as to enable the commanding officer of a battalion to discipline the corps. He believed they would be separate in the different vessels, and that there would be no means of bringing them together for the purpose. Besides, those marines who have engaged in the service, have engaged to serve on board ship, and not on land, so that this law would have a retrospective effect on those men, now, to say they should serve both on sea and land.

Mr. SEWALL could not say that these marines could be brought together to be disciplined; but the major would superintend the whole, hear complaints, and attend to the recruiting service. He would also have to attend to the fortifications, and take a great deal of trouble from the War Office. The men would also sometimes be on shore, and without some officer is appointed, they would be solely under the care of the lieutenant. He believed, upon the whole, much advantage and economy would be derived from it.

The question being put upon the report, it was agreed to—54 votes being for it.

The committee then rose, and the House agreed to the report, after a few observations from Mr. GALLATIN, hoping that, when the bill was brought in, this corps of marines would not be made a permanent part of the Military Establishment; but only have the same duration with the laws for equipping and keeping in employment the armed vessels.

The select committee was directed to report a bill accordingly.

POST OFFICES, &c.

On motion of Mr. W. C. CLAIBORNE, the House went into a Committee of the Whole on the bill making alterations in the present law respecting post offices and post roads, Mr. SITGREAVES in the Chair; and after making a number of amendments in the bill, the committee rose, and had leave to sit again.

TUESDAY, May 29.

The SPEAKER attended and took the Chair.

The SPEAKER laid before the House the accounts of the Commissioners of the City of Washing from the 18th November, 1797, to the 18th May, 1798, which were ordered to be printed.

Mr. SEWALL reported a bill for establishing and organizing a battalion of infantry, to be called a Marine Corps, which was committed for to-morrow.

POST OFFICE BILL.

The bill respecting post offices and post roads being the order of the day,

Mr. COIT moved to discharge the Committee of the Whole from the further consideration of this subject. It must be evident, from the experience of yesterday, that it would not be possible to get through this business in any reasonable time, from the great number of roads which had been introduced into it; and he did not believe, that at this late period of the session, while so much important public business was before them, that they ought to proceed with it.

The motion was put and carried—38 to 35, and the further consideration of the subject was then postponed till the next session of Congress.

Mr. HARPER called up the resolution which he yesterday laid upon the table for suspending the commercial intercourse between the United States and France, and moved to refer it to the Committee for the Protection of Commerce and the Defence of the Country, to report by bill or otherwise, which was carried without a division.

Mr. HARPER proposed a resolution calling upon the Secretary of the Treasury to lay an annual statement of goods, wares, and merchandise, imported into the United States, as early as may be after the commencement of each session, distinguishing quantity, value, &c., which was agreed to.

COLLECTION OF DIRECT TAXES.

Mr. GALLATIN called for the order of the day on the bill providing for the assessment and collection of direct taxes; which being agreed to, the House resolved itself into a Committee of the Whole on that bill; and after a number of blanks had been filled,

Mr. G. said, the principle of this bill was to lay a tax on real estates and slaves; but in forming it, a distinction has been made between houses and other real property; they are to be enumerated and valued by themselves, and classed in the manner in which they stand in the bill, and a specific tax to be laid upon them. So that out of the proportion of any one State of the two millions of dollars proposed to be raised from the whole of this tax, when all the houses are enumerated and taxed according to a certain rate, and the slaves (where there are any) enumerated, the remainder of the amount to be raised by the tax, is to be levied upon land. Mr. G. did not see any great advantage to be derived from this plan, but much inconvenience. According to this arrangement, when a farm is valued, a separate valuation must be made of the house and of the land. This would be attended with difficulty, as no one could say what one would sell for without the other; a farmer never would think of selling his house without his farm, or his farm without his house, nor would any one ever offer to purchase them separate; yet the farmer, according to this bill, will have to pay a tax for his house, and a tax for his land, each being valued apart from the other.

In the State of Pennsylvania, Mr. G. said, where they are in the habit of taxing land, no inconvenience is found in making a valuation of lands and houses together. The manner of doing this is to value the land, considering every improvement upon it, and making the estimate accordingly. To value them separately would be difficult, and must be done by some arbitrary rule; for the valuation could not be made according to what each would sell for, since they never were sold apart, nor could a tax be laid indiscriminately on town and farm houses in proportion to what each might have cost in building, without being extremely unequal, as a house in town which cost no more in building would produce to its owner a much greater rent, and was in fact more productive and valuable than a house on a farm.

Another inconvenience would arise in respect to the Commissioners. The houses being valued in classes, and the land by itself, it would be impossible for them to correct, revise, and adjust, an assessment; for the houses being put in classes (and not according to the individual value of each) the Commissioners could not raise or lower their value, so as to adjust and equalize the tax upon the whole State. It would be impossible to give the Commissioners power over the assessments; they must be taken as they are made. And if this was to be done what security would the people of Pittsburgh have that the assessors of Philadelphia would value the houses there at their full value, or upon the same principle with their own assessors? There can be no doubt but the assessors in each place will do relative justice to the citizens in their own district, but no one can say that, in different places, they will adopt the same ideas as to the value of the property. On this account, it had always been found necessary in all the State laws upon this subject, to give a power to the Commissioners to regulate any variations in this respect.

Mr. G. understood that the argument given in favor of this change is, that this assessment being to continue for a number of years, and new houses being built from year to year, it will be necessary to enumerate them every year, in order to ascertain the new houses built, and the old ones taken down, which, it is supposed, may be done more easily on the plan proposed by the bill. But, in Pennsylvania, where the assessment is made every three years, no great inconvenience is experienced on this account. The only consequence attending it is, that houses built in the meantime escape taxation until a new assessment is made. Mr. G. believing that it would be much better to have the land and the improvements upon it valued together, than to have them separate, moved to strike out the 13th section of the bill, which contained the classification of houses. If it were struck out, the committee might proceed with the bill without recommitting it.

Mr. HARPER said, this motion might produce one of two effects. It might throw the houses into the general mass of property, as a part of the improvements of land, or it might destroy this mode of valuing houses.

Mr. H. believed that either of these changes would be extremely disadvantageous. The gentleman from Pennsylvania had rose with saying no reason could be given for making the separate valuation proposed; but, before he sat down,

stated a very good reason for it, without answering it. As this tax must last for some time, at least nine or ten years, it would be desirable to avoid repeated assessments, and this could not be done but by putting a separate value upon lands and houses separately, in which case it would only be necessary to attend to the changes which took place from year to year with respect to houses, for doing which a proper person might be appointed. The gentleman from Pennsylvania had said, no inconvenience was experienced in his State from houses and lands being valued together; but the tax must of necessity become very unequal from the houses being valued once in three years only. Suppose, for instance, a person has a house in town for which he pays a tax, and his neighbor builds a much better house which may be excused from tax until a new assessment is made, which may be for several years, will he who pays the tax think he is fairly dealt with? Certainly not. Mr. H. did not think there would be that difficulty which the gentleman from Pennsylvania had spoken of, in valuing the house upon a farm and the land separately. The land could be valued from its produce, and the house from what it cost, or, if in town, by the rent it produces. Since, however, valuations are at best uncertain, it is well to reduce that uncertainty as much as possible; and this would be effected by adopting the plan proposed of keeping the lands and houses separate. Besides, Mr. H. said, in valuing farms, houses were seldom taken any account of, though they differ much in value, and of course serve to raise or lower the value of a farm.

Mr. H. supposed the mode proposed of classing the houses would be preferable to the putting a separate value upon each, as any trifling difference of value put upon houses in the same neighborhood (which could not be avoided, but which always created discontent) would not, by this plan of classification, be discovered. Besides that, it would be much easier to say that a house should belong to a certain class, between one value and another, than to put a precise value upon it. And the placing a tax upon houses according to their value is a good way of raising a tax, because it calls upon men to pay a tax according to their means, as men generally choose to live in houses suitable to their ability to pay. By adopting this plan, the weight of the tax would be thrown upon the towns, and it would be lessened in the more remote parts of the Union. It would also fall heavier upon those people who are able to live in large houses, and of course best able to pay. As it is proposed that a house below the value of $200 shall only pay half a dollar; of $200 value, and less than $400, one dollar and a half; but a house of between 10,000 and 20,000 dollars, a tax of 123 dollars. Houses of the latter description, it is calculated, will pay 60,000 dollars; and out of the two millions proposed to be raised by this tax, 1,300,000 dollars, it is supposed, will be raised from houses. He hoped, therefore, this section would be retained.

The committee rose, and had leave to sit again, and the House adjourned.

WEDNESDAY, May 30.

Mr. MACON laid before the House a resolution proposing an adjournment of both Houses on the 14th day of June; which was ordered to lie on the table.

DIRECT TAXES.

The House again resolved itself into a Committee of the Whole on the bill for laying and collecting direct taxes; when, the question for striking out the 13th section being under consideration,

Mr. MACON said, it would be more easy to carry this law into execution without this section than with it, and, under that impression, he should vote for striking it out. He could not see why a tax should be laid upon a house, more than any other improvements erected on land. He believed land ought to be valued with the houses, mills, furnaces, and other improvements upon it; otherwise, if two persons live in the same neighborhood, and one chooses to improve his property by the erecting of houses, and the other chooses rather to erect mills, &c., the one will be taxed for his improvements, and the other not.

The gentleman from South Carolina had yesterday said there would always be great uncertainty as to the value of property. This, Mr. M. acknowledged, but thought it would be best ascertained in this way, as the putting a separate value upon a house and a farm would be attended with much inconvenience.

But it was said, if this mode was adopted, the tax would fall very lightly on the people in remote parts of the Union; but he believed it would fall full as light, and be more agreeable to justice, if all improvements were valued; and it would be done with much less inconvenience than in the way proposed.

Mr. J. WILLIAMS opposed the striking out of this section, being fully persuaded, from the calculations of the Secretary of the Treasury, that the tax will be much better collected, to be laid principally on houses, in the way proposed by this bill, than in any other way. Nor did he expect this motion would have come from the quarter whence it did come. If he recollected rightly, the gentleman from Pennsylvania, (Mr. GALLATIN,) had, on a former occasion, spoken of the great inconvenience which would attend the collection of this tax from farmers in the interior of the country, where there is very little circulating medium. But, if the plan proposed by this bill is adopted, the tax will fall very lightly, indeed, upon the new settlers of the country, who, in general, are men unable to bear any considerable portion of taxes, but principally upon the cities, which are best able to pay.

If the calculation of the Secretary of the Treasury was to be depended upon, (and he did not doubt it,) three-fourths of the proposed tax would fall upon houses; and, if persons choose to go to the expense of building large, elegant houses, he supposed they would have no objection to pay the tax for them, according to their value. Perhaps the rage for building elegant houses had gone too far in this country, and, if this tax went to check

it, it would not be lamented, as excesses of this kind tend to obstruct agricultural pursuits, which must be considered as the true interests of the country. And those members, who, like himself, are concerned in supporting the landed interest, must, if they consider the rents which are paid for houses in this city, be convinced that the mode of raising the tax proposed by this bill, will be most favorable to the farming interest. And, if the tax should be found to fall too heavily upon persons living in small towns, with a few acres of land, they might give up their places to tradesmen or mechanics, who can better afford to pay the tax and remove into the country.

Frame the bill as they might, Mr. W. said, they could not reach one hundred millions of property in this country; but, by laying the tax on houses, according to their value, they would come nearer to the proportion of ability to pay, than by any other mode he knew. It was his wish to lay taxes upon persons able to pay, and to excuse those who have not money to pay with. The riches of the country lie in the cities, and the taxes ought, therefore, principally to fall there.

The gentleman from Pennsylvania inquired what a house would sell for in the middle of a farm, without the land. That had nothing to do with the bill. Doubtless houses and farms would always be sold together; but it did not follow that they might not be assessed separately.

Mr. W. liked this mode of classification, though he thought some increase might be made by dividing again some of the higher classes of houses, and adding a higher rate of tax, in proportion to the houses in the higher classes. This might be rectified, if the section was retained. He said he was opposed to a direct tax altogether, and in favor of indirect taxes, which persons pay voluntarily, and which might in a great degree be avoided, if the people chose. But, if the tax was laid according to the present bill, it would partake, in some degree, of the nature of an indirect tax, because every man who built a house would know to what kind of tax it would be subject, and fix his plan accordingly.

He would ask gentlemen, who were acquainted with the settlement of new lands, if settlers, moving on new lands, ought not to be relieved from taxes as much as possible? It was well known that new settlers underwent much hardship and difficulties from the want of roads, bridges, mills, &c., and being distant from neighbors. In the first instance, they build a house under the value of eighty dollars, which, by this section, will be exempted from taxes, until, by their industry, they are enabled to build better houses; and the more wealthy would in the present time make up the deficiency.

As he had been, and still was, concerned in the settlement of new lands, he well knew the expense and difficulty attending new settlements, and how hard it was for those people to procure money. And it being so beneficial to this country, we ought to encourage settlers to go on new lands, and those persons who do it should be exempt from public burdens. This section was not only calculated to do this, but also to relieve the poorer class of our citizens, who, he thought, were entitled to notice.

Mr. OTIS hoped, with the gentleman last up, that this clause would not be struck out, as it involved an important principle in the bill. It was very desirable, Mr. O. said, that all taxes should be equal. It was, perhaps, impossible to establish any principle which shall be equal and unerring. All that could be done was, to come as near to these qualities as possible, by fixing upon some criterion of property, which, though not infallible, would be the least fallacious; so that persons possessing these signs of property might be called upon to pay a tax, not merely in an arithmetical proportion to their poorer neighbors, but in a sort of artificial proportion, to be ascertained by experience and observation, which should require from them a larger contribution than their exact proportions, according to the value, splendor, and accommodations of the assumed standard. His opinion was, that the mode of assessing the tax proposed by this bill, would accomplish this purpose in as great a degree as possible. It must be a wise Legislature, indeed, that could do it with certainty. If there were no mode of concealing property, or if all that appeared was real, or if, without arbitrary and inquisitorial laws, men could be compelled to disclose the true state of their affairs, there would be no difficulty in apportioning a tax of this kind according to the true ability of the individual; but it is well known that the case is very different. Immense property of various descriptions is wholly kept out of sight. Some who appear to be opulent are plunged in debt, and compulsory disclosures of property upon oath bind the honest at the expense of the knaves.

The Committee of Ways and Means have reported a bill for laying a tax on three distinct objects, lands, houses, and slaves. But it is now proposed to connect two of these objects together, viz: lands and houses in a general assessment, while slaves are to be taxed by themselves, though there appeared no more reason to him for connecting lands and houses, than lands and slaves, or houses and slaves. He knew of no common property between them. In law they are connected, but in the nature of things have no resemblance to each other. What, said he, constitutes the value of land? It is its produce. It is in its nature a permanent and productive capital; but houses are articles of expense, and produce nothing. They are merely instrumental (and when they do not exceed the measure of convenience they are necessary) to our enjoying other comforts. But they are not so much connected with land, as slaves, who are employed in its cultivation. There is not, therefore, so much connexion between houses and land as between land and slaves. The truth is they are entirely distinct from each other.

If houses and land are not connected together in the nature of things, what reason had been given for connecting them? He had only heard one, which was, that except they are connected, Commissioners would be obliged to rely wholly

upon the accuracy of the assessor's reports, which might be partial. But if houses were to be assessed at all, and the assessors were disposed to be partial, it will be more difficult to connect them, when houses and lands are included in one common valuation, than in the event of their being estimated apart from each other.

Mr. O. said he would not pledge himself to agree to the formal part of the report of the Secretary of the Treasury. He believed the classes might be capable of some arrangement for the better. When the section came under consideration, every gentleman would be at liberty to propose alterations. The question at present is upon the general principle, which he thought a good one. On examination, Mr. O. said, it would be found that, by the plan proposed, the poorer classes of the community would be almost wholly exempt from this tax, and there would be no better way of levying a tax on all property than by making good houses the standard of opulence. A good house, though in itself unproductive, is more frequently an indication of the wealth of the occupant, than even a valuable and productive farm. For a man, consistently with public economy, may live on a farm, though he may be embarrassed in his circumstances, and though the farm itself may be mortgaged. If it produces any surplus beyond the interest which he pays, he may as well cultivate that farm as another, but in no case is an embarrassed or a poor man justifiable in holding a valuable house. It must add to his difficulties. He ought to sell it and pay his debts, or let it, and save the difference of rent. If he will do neither, let him pay for indulging his vanity or his folly.

It had been suggested, by the gentleman from North Carolina, that the tax ought to be levied on all other improvements upon land, as well as houses. This would be to introduce a new principle into the bill, which might as well extend to every other species of property, and the bill must be re-committed; it would also tend to difficulties which he believed gentlemen could not at present foresee, and which they would be glad to give up when they did see them. Such a principle might include articles already taxed; distil houses, for instance, the owners of which already pay duties on the spirit distilled, and warehouses which are used for storing goods upon which an impost duty has been paid. Such taxes would operate as additional duties, in the nature of excise or of impost, or what is more likely as a deduction from the fair profits of trade. Store rent and shop rent are certainly deductions from such profits. Taxes upon stores and shops will often operate in the same manner.

Mr. VARNUM observed, that gentlemen who had spoken in opposition to this motion had gone upon the idea of taxing the most wealthy part of the community heavier in proportion to their wealth than others. It had been said that it is impossible to equalize taxation; but, because Congress cannot attain perfection in this respect, did it follow that they ought not to make an attempt at common equity? He believed the proper mode of laying taxes is according to the extent of persons' property. But he did not believe this would be the case, according to the present bill; for it is proposed that a house of the value of $200, shall pay as heavy a tax as that of the value of $600. Was that, he asked, laying the burden of the tax on the most wealthy part of the community? He thought not; he conceived it to be neither equal, nor according to the principle which his colleague said ought to be observed, of taxing the wealthy heavier, in proportion to their wealth, than the poorer classes of the community. Yet this is the principle of the bill throughout.

Mr. V. did not think this tax on houses would produce anything like the sum which had been mentioned. He believed taxes ought to be paid by the people inhabiting towns, and those living in the country, in proportion to their ability to pay, as all had the same interest in, and protection from the Government.

In order to attain this object in taxation in the State to which he belonged, not only all lands and buildings are assessed, but all personal estates also, and this he believed to be the true principle of taxation. But if Congress decline meddling with personal estates, why not include all real estates, and assess all mills, warehouses, distilleries, &c. But his colleague had said that distilleries pay a heavy duty already. This he denied. The excise upon spirits distilled is not paid by the owners of stills, but by the consumers of the spirits, and not only the duty, but a profit upon it. The same remark is applicable to warehouses and merchants. The owners of the buildings pay no duty.

It was said there is no connexion between houses and land. He thought this an erroneous idea. The land and houses are to be valued according to their money price; but take the lot upon which a farm house is built, and it will sell for a mere nothing without the land; the same may be said of the land without the house, which shows that there is a very material connexion between the two. This being the case, he thought assessors would have great difficulty in putting a separate value upon the land and houses separately. No such thing was ever done in the State of Massachusetts.

Mr. V. hoped if Congress should not think it expedient to tax money and moneyed securities, to tax vessels, (which, to be sure, just now are not very valuable property,) all kinds of stock in trade, and all live stock upon a farm, they would think it right to bring into view all the real estates of the country. As the bill stood at present, the tax would operate very unequally indeed; he hoped, therefore, the section under consideration would be struck out; and that the other real estates which had been mentioned, would be introduced.

Mr. N. SMITH said, it would be remembered, that two years ago, this House passed a resolution requesting the Secretary of the Treasury to prepare and report a plan for a system of direct taxation early at the next session. A report was accordingly prepared and laid before the House, the result of great labor and skill. The report was

referred to the Committee of Ways and Means, and after considering the subject, they reported a bill pretty nearly in conformity to the plan recommended by the Secretary of the Treasury. It was not then acted upon, but the subject had this session been resumed, and had again undergone the scrutiny of the Committee of Ways and Means. The gentleman from Pennsylvania has, from that time to this, done everything in his power to influence the committee to adopt his principle in laying this tax; but, notwithstanding his exertions, the bill had been reported in its present form, and the committee ought, in his opinion, to be extremely cautious how they meddled with the details of the bill; and he called upon gentlemen who are sensible of the alarming situation of the country, and who know the necessity there is for raising money, to resist any attempt of this kind. It was well known, that in a system of taxation like the present, a variety of opinions exist as to the best mode of carrying it into effect, and if every gentleman was to be indulged in his own notions on the subject, there would be no possibility of getting through the bill, especially when it might be expected that amendments would be brought forward with a view of defeating the bill altogether. When once way is given to amendments, they will be introduced one after another, until the whole system sinks under their weight. He hoped, therefore, attempts to amend the bill, except in something which shall at once appear to be essential, would be resisted. With this determination upon his mind, he should decline introducing some amendments which he otherwise should have introduced.

With respect to the present amendment, to adopt it, Mr. S. believed, would injure the bill extremely; so far from making it better, he thought it would make it infinitely worse. What are the objections to the bill as it stands? He had heard but two stated by the gentleman from Pennsylvania, and again reiterated, viz: that it would not be practicable to value houses and land separately, and that if they were so valued the Commissioners would have no check upon the assessors.

To the first, he would answer, that in almost every collection district, there are houses and lands disconnected with each other, which will be a rule for valuing all the rest of the property in the district. But the objection went to a separate assessment; for, if both are assessed, there appeared to be no difficulty in keeping the value of the houses and lands distinct. The assessors ought not to be considered either as knaves or fools, but men who will do their duty, and, in doing this, they would certainly put a separate value on different parts of a farm, in order to come at the gross value of the whole.

But it was said, the Commissioners would have no check upon the assessors, because the houses would be placed in classes, and not precisely valued. This objection, he thought unfounded, as the assessors are not to class the houses, but to value them, and the Commissioners will class them according to their value, and may raise or lower them as they shall think proper.

Mr. S. conceived, therefore, that the objections against the bill as it stands, are unsupported, and must fall. As to the amendment proposed, he had already said, it would, in his opinion, very much injure the bill. For his own part, he thought houses ought to pay a larger proportion of the taxes than land, and this is the principle of the bill.

The gentleman from North Carolina had said, Congress ought to tax property wherever it could be found; yet it is generally allowed that personal property cannot be taxed. But he was of opinion that nothing was a better or more certain sign of property than the house a man lives in. Land carries with it evidence of no other property besides itself; but an elegant house carries an idea of something farther, and the possessor of it certainly ought to pay a heavier tax than the solitary possessor of land; and he could not help being surprised that the gentleman from Pennsylvania should wish to introduce an amendment which would throw the burden of the tax from the cities upon the country. This may be showing a friendship for the people in the country; but it did not strike him in that light. It was, on the contrary, his (Mr. S.'s) object to throw the tax principally upon the cities, where it would be most easily collected. He would not say that it was the object of the present amendment to destroy the bill altogether; but he could not see, if it was not for that purpose, for what the amendment was introduced as it certainly went to destroy the best principle, in the bill, by destroying that alone which could make it palatable. This provision would not only enable this Congress to lay the tax, in a great degree, upon houses, but, if the tax which will fall on land should hereafter be found oppressive to the farmer, it might also hereafter be thrown upon the houses also.

Another important reason for rejecting the present motion is, that, if the bill passes with this clause, there will be no necessity for new assessments of the houses, as the business might be attended to by a Commissioner. He, therefore, called upon the friends of this bill to unite in rejecting the present motion.

Mr. MCDOWELL differed widely in opinion from the gentleman last up as to the excellence of this section of the bill. Had he the same confidence in the Secretary of the Treasury, and in the Committee of Ways and Means, that that gentleman seems to have, he should not have troubled the committee on this subject; but he had not. When he was called upon to give a vote for the laying of a tax, he wished to consult his own judgment; and the members of this House can certainly tell how a tax will operate better than any one man, however wise and experienced he may be.

Mr. MCD. said, when he examined the bill, he was convinced that neither the Secretary of the Treasury, nor the Committee of Ways and Means, had paid sufficient attention to it. For instance, according to this section of the bill, if a house be valued at five hundred dollars it pays as light a tax as if it were valued at nine hundred and ninety-nine dollars. Yet gentlemen say this tax is to

fall upon the rich, and not upon the poor, though this is the principle of the bill throughout.

But it had been said, if this section were struck out, houses and lots would not be taxed at all. This is a mistake. But when he was called upon to lay a tax upon the people of the United States, he was for taxing every species of visible property in proportion to its value, since every citizen of the United States is equally indebted for protection to the Government. He was, therefore, in favor of striking out this section, and of embracing every species of real property.

Gentlemen had, however, asserted, that, except this section is retained, the tax would fall heavily upon the poorer classes of the community. This could not be, since their property could only be taxed according to its value. On the other hand, to put separate value upon lands and houses, would be attended with all the inconveniences which had been mentioned.

Mr. SITGREAVES said, that after the very satisfactory vindication of this clause, which had been made by the gentleman from Connecticut, (Mr. N. SMITH,) it would be wasting the time of the committee for him to go into any observations at length in favor of it. He would only notice one or two objections made to it, which he believed had not yet been noticed.

An objection was made by the gentleman from North Carolina, who opened this debate, which, in point of fact, is true, viz: that there are certain species of property, which are unequivocal indications of wealth, not included in this bill. This, however, was not an objection to this section of the bill, as it relates to dwelling houses only. Mills and other buildings which had been mentioned might either be included in a general assessment of lands, or with the houses. So that this omission might easily be rectified by an amendment, if this section was retained.

Of the same nature is the objection of another gentleman of North Carolina that houses of the value of five hundred dollars pay as much as those of the value of nine hundred and ninety-nine dollars. This might be remedied by multiplying the classes, or by putting a per centage rate upon the precise value of the houses.

Mr. S. added, that, upon the principles of justice, it could not be denied that taxes ought not to be collected absolutely equally, but in proportion to persons' wealth; that is to say, a man worth ten thousand dollars a year ought to pay more than ten times the tax that a man pays who is worth only one thousand dollars a year.

Mr. GALLATIN rose, and was proceeding to make some observations upon this question; when

Mr. HARPER called to order, and desired the rule might be read which directs that a member shall only speak once to the same question.

The rule was read.

The CHAIRMAN said, he conceived that the gentleman from Pennsylvania had not yet spoken to the question, since it was in possession of the Committee of the Whole. What he said previously to the introduction of his motion to the committee, the Chair did not consider as speaking once to the question, according to the sense of the rule which had been adopted.

Mr. HARPER said, it was with unwillingness that he differed in opinion from the Chair; but it was necessary to fix a certain construction to the rule on this occasion, or else do it away altogether.

The CHAIRMAN asked whether the gentleman from South Carolina appealed from the decision of the Chair?

On being answered in the affirmative, the question was put by the CHAIRMAN to the committee, in this form: "Has the member from Pennsylvania spoken to the question before the committee?" Ayes 24, noes 55.

Mr. GALLATIN then proceeded. He said he would not have troubled the committee on this question, had he thought it of great importance.

The gentleman from Connecticut (Mr. N. SMITH) might have spared himself part of the observations which he had made, particularly his appeal to all those in favor of the bill, and upon those in favor of throwing the tax upon that part of the community who are best able to bear it, and to avert it from the poor. Indeed, he had been astonished at what fell from the gentleman from New York, (Mr. J. WILLIAMS;) for, though he generally differed from him in opinion on political questions, he had generally sagacity enough to see how a tax would operate; but, in the present case, he had been quite mistaken in this respect.

In the first place, the mode proposed will create great delay and expense. It will introduce delay, because it will make a double valuation necessary, where a single one would have been sufficient. Besides, if the lands and houses were to be valued together, as is the case in most States, the assessors could have had recourse to the documents of the several States; but, if this section is not struck out, they will be obliged to make all their assessments afresh, without any assistance from the State documents. Whether this would not occasion both delay and expense, he left the committee to decide.

With respect to the inequality of this bill, its principle is founded on inequality, and therefore cannot be amended. The moment houses of a different value are thrown into the same class, and made to pay the same tax, a principle of inequality is introduced which cannot be got rid of. But it is in other respects unequal. Assessors will assess in different places on different principles, and there will be no way of remedying the defect. What security should he or his constituents have that the assessors of Philadelphia will assess their houses according to their real value? Or what security have the citizens of Philadelphia that the people beyond the Alleghany mountains will assess their property according to its real value? None. Unless Commissioners were employed to adjust the various assessments which are made, no equality of taxation could be expected. He knew that in one township, in his own county, land had been valued once at two shillings per acre, whilst in others lands of the same value had

been rated at ten shillings. Though justice may, therefore, be done to persons in the same township, it may be very unequal, as the assessment relates to different districts.

In this bill the same inconveniences had been foreseen, and in order to rectify them, Commissioners have been provided to adjust the value of lands, but not of houses; and if the committee will agree that houses and lands shall be valued together, according to their real value, instead of returning the houses in classes, the Commissioners will be able to rectify any inequality which may take place. But, in order to avoid the difficulty which had been suggested as attending the valuation of lands and houses separate, the gentleman from Connecticut has assumed a principle which is not to be found in the bill. He supposes that the assessors shall value houses separately, and send the valuation to the Commissioners, who, he says, will place them in their proper classes. This provision is not in the bill; but if it was, it would not remove the objection. In what manner are Commissioners to know the value of houses upon farms? They will be able to rectify the assessments upon lands, because that requires only a general knowledge of the relative value of land in different parts of the State; but they cannot rectify the assessments of houses, because this would require a particular knowledge of every house, which they cannot possess.

A gentleman from Massachusetts (Mr. OTIS) had said, that there was no more reason for connecting land and houses together, than land and slaves; for houses were an article of expense, and land of revenue. All this may be true as an abstract proposition; but when the speculation is brought into practice, it will not be found to answer. And notwithstanding the gentleman from Massachusetts says that lands and houses are not connected together, he knew the contrary; for, if he wished to sell his house, he knew he could not do it without selling his farm also, nor his farm without his house; but if he was the owner of a slave, (which, however, he was not,) he knew he could sell him without either house or land. It is true that land is the production of nature, and houses of art, but it is impossible to disconnect them. But suppose it is admitted that houses may be valued separately; it must be done in an arbitrary manner; and the gentleman from Connecticut had himself pointed out one of the most arbitrary ways imaginable, by saying that, if a single house stood distinct from a farm in any district, it would be a guide for valuing all the houses on farms in the district; for, if a house stands by itself, it is a house in a village, which yields an income, which is worth more, and will sell for more, than a house standing upon a farm. Upon the whole, it was clear to him that a distinction between land and houses would be attended with innumerable difficulties, and the assessors must be altogether relied upon for the accuracy of their valuations.

Mr. G. complained that gentlemen, in speaking on this subject, had introduced the report of the Secretary of the Treasury, as though it made a part of the present bill; whereas, it relates to another bill, which is to apportion a tax upon houses according to their classes. How could gentlemen say it is the intention of the committee to lay such a tax upon one class, and such a tax upon another. Gentlemen in favor of retaining this section, tell the committee that the tax will fall upon the rich, and that three-fourths of it will be raised from houses. Nothing could be more fallacious. There is no security for any such thing. In the first place the Secretary of the Treasury goes upon an idea that there are a certain number of houses in the United States, of such and such descriptions, but for which he has no data; then he supposes that, if there are so many in the whole, there are so many of different descriptions; and, thirdly, he proceeds to propose a certain tax for each, which, if adopted by Congress, and if all his other suppositions are correct, will produce a certain sum.

Mr. G. was confident the statement of the Secretary of the number and value of the houses of the United States was incorrect. He values them at three hundred and fifty millions of dollars, and no gentleman could believe that the houses in the United States were worth that money. He believed there would be a much larger number of houses exempt from duty than the Secretary imagines, and a much less number of houses of high value than he has stated. But not only there will be less houses taxed than he supposes; but they will be rated below their real value; for, as the manner of raising the tax is perfectly arbitrary, the effect will be that, in every township, the assessor will value the houses in his district as low as possible. Yet it is said that three-fourths of the tax will be raised from houses. To prove this, several principles are assumed as true, of which we have no proof, viz: that there are the number of houses estimated, (of which we know nothing,) that there are many in the higher classes as the Secretary of the Treasury supposes, and that the asssessors will faithfully perform their duty, though there will be no control over them to bind them to it. If any one of these assumptions fail, then the whole of the calculation falls to the ground.

But, Mr. G said, he would go further. That idea, thrown out to entice farmers and landholders, that $1,200,000 will be raised from houses, and only $500,000 from land, was a mere take-in, and nothing more than a Treasury plan, in order to raise more money; for, if the fact was to turn out so, the consequence would be, that the owners of houses will complain of the burden, and say that the tax on land is too light; and at a future day, probably next session, it will be argued that farmers do not pay enough—the tax on houses will remain the same—that upon land will be trebled; and thus the inhabitants of the country will have to pay a double tax—one on their houses, and one on their land.

Another assertion was made to render this provision unpopular, to wit: that the tax would fall more lightly on the poor than on the rich. Let us see, said he, how far this idea is correct. Supposing that the estimate of the Secretary of the

Treasury be adopted, to show that the rich will pay more than the poor, it ought to be shown that they pay more per cent., according to their property, than the poor; and that houses of from ten to twenty thousand dollars value pay more tax, in proportion to their value, than houses of from six to twelve hundred dollars value. He had made a calculation, and did not find this to be the case, but that the classes stood in the following proportion—each paying on an average as follows:

First class houses, from eighty to two hundred dollars value, five-fourteenths per cent.
Second class houses, from two hundred to six hundred dollars value, three-eighths per cent.
Third class houses, from six hundred to twelve hundred dollars value, one-third per cent.
Fourth class houses, from twelve hundred to two thousand dollars value, three-eighths per cent.
Fifth class houses, from two thousand to four thousand dollars value, two-fifths per cent.
Sixth class houses, from four thousand to six thousand dollars value, two-fifths per cent.
Seventh class houses, from six thousand to ten thousand dollars value, three-eights per cent.
Eighth class houses, from ten thousand to twenty-five thousand dollars value, twelve thirty-fifths per cent.
The ninth class, above twenty-five thousand, as it is unbounded, could not be estimated. Putting the proportions in whole numbers, they are as follow: 42, 45, 40, 45, 48, 48, 45, 41.

Thus, upon an average, according to that plan, a house from eighty to two hundred dollars value would pay more in proportion to its value than a house of from ten thousand to twenty-five thousand; and a house from two to four thousand dollars value, would pay more than a house from six to ten thousand. The inequality would appear still more striking, if specific instances were taken. Thus, a house one hundred dollars value is to pay half a dollar—that is to say half per cent. on its value; and a house worth twenty-four thousand dollars is to pay sixty dollars, that is to say, only a quarter per cent. on its value; that is to say, that the palace worth twenty-four thousand dollars pays only one half, in proportion to its value, of the tax raised on the cottage worth only one hundred dollars. Nay, the gentleman from Massachusetts, (Mr. OTIS,) at the same time that he contended, in the face of positive calculation, that this tax would fall more lightly on the poor than on the rich, had conceded fully that it would operate in a different manner, and had gone so far as to say that it was proper to make houses of low value, and consequently inhabited by the poorest class of citizens, pay a greater tax than other houses in proportion to their respective value; as, unless that was done, it would not be worth while to collect the tax upon them. The inequality resulting from that plan, applied as well to houses of a moderate value as to those of the smallest value. For a house worth two hundred and fifty dollars is to pay a dollar and a half; and a house worth one thousand dollars, that is to say, four times as much, pays only three dollars; that is to say, only double the tax, instead of six dollars, which it should pay, if both were taxed according to their respective value. A house worth two thousand two hundred and fifty dollars pays twelve dollars; and a house worth four times as much, that is to say, nine thousand dollars, instead of paying four times as much, that is to say, forty-eight dollars, is to pay only thirty dollars.

The fact is, that in all the States south of New England, the business is done in the way which he wished to recommend. All those persons who live in remote parts of the country, pay nothing for their houses, but only for their land. If the principle in the bill was agreed to, then houses of a less value than eighty dollars would remain in the same situation in which he wished to place all; but others, who live in houses worth more than eighty dollars, will first have to pay for their houses and then for their land. For, if an individual in the country has a house which cost him one thousand dollars, and a citizen of the city of Philadelphia has one which cost him the same money, it is the intention of this bill that the house in the country shall pay as much tax as the house in the city, in addition to the tax put upon the farm on which it may be built; though, according to the old system of valuing houses and farms together, he supposed that such a house and farm together would not have been charged with more than the house in Philadelphia.

Mr. G. said, he would mention one strong instance in which such a principle would operate against common farmers. Every man who has a house must pay a tax for it; but these men who hold large uncultivated tracts of land (which are mostly rich) will escape without taxation.

Thus, he believed, he had shown that the plan proposed by the bill would tend to introduce a greater inequality than if the houses and land are valued together, according to the practice of the several States; that it will also delay the collection of the tax, and increase the expense.

It is true, Mr. G. said, and it was the only objection which he could see to the proposition yesterday, when he brought forward this amendment, that new houses would, for a time, escape taxation. This, he believed, would be the only inconvenience; and that would, in some degree, be balanced by the encouraging improvements.

His colleague (Mr. SITGREAVES) had suggested an amendment for the including of improvements in the same way as houses, which, if adopted, would introduce the same inconveniences which are complained of as arising from connecting houses and land together, as new improvements will constantly be made as well as new houses built.

As to the idea of facility of collection, if the tax were to be laid upon houses alone, he had no doubt but it would be more easily collected than if it were laid on land, or on land and houses together; but this bill contemplates a tax on both, and whether a larger or less sum be raised from land, it will be attended with nearly the same trouble and expense.

In every point of view in which he could consider it, Mr. G. said, nothing but inconvenience and inequality arose from retaining the section,

and no evil that he saw could arise from striking it out. He hoped, therefore, the amendment would be adopted.

Mr. SEWALL said, the gentleman from Pennsylvania had introduced so many uncandid arguments, that he could not forbear taking notice of some of them. He had endeavored by every means in his power to get rid of this clause, whether from a wish to get rid of the bill altogether, he could not say. It had that appearance at least, since every one must acknowledge that it would render a land tax less disagreeable, to have houses assessed in the manner proposed, than by confounding them with land, and by that means suffering them to pass almost without value. This clause was intended as a remedy to the defect acknowledged to exist in a system of this kind, of not being able to reach personal property. This bill does not go to the property of persons in business, or to any kind of money-property, and laying a tax upon a man, in proportion to the size and goodness of his house, will, in some degree, remedy the omission, and when gentlemen attempt to get rid of it, he must thing they wish to get rid of the system itself.

Mr. S. complained, that the gentleman from Pennsylvania had not acted with any tolerable degree of candor in this business. He had not attended to the principle of this subject, but gone into the consideration of a detail which is capable of amendment, and which gentlemen acknowledge themselves ready to amend. Not content with this, he has gone into other parts of the bill, anticipating with what the blanks of another bill may be filled, and examining the statements and opinions of the Secretary of the Treasury. None of these observations had the least weight upon him, and he trusted they would have as little upon the committee.

To consider the objections of the gentleman from Pennsylvania somewhat in detail. He says this mode of laying the tax will create great delay. How can this be? The Secretary of the Treasury supposes the tax on houses will be much more speedily collected from persons well able to pay it. But, it is said, if this plan is adopted the assessors cannot avail themselves of the use of the assessment of the several States; but were they, Mr. S. asked, to be governed wholly by these assessments of the States? If not, and they must value the lands for themselves, he could not see that any great advantage could be derived from a reference to the State assessments.

But, it is said, this mode of raising the tax ought not to be agreed to, because it is liable to be abused by the returns of the assessors. This he doubted not might be prevented. But, it is added, that if the House succeeds in making the proposed assessments on houses, to the relief of land, it might be expected that hereafter it would be thrown upon the land; not, Mr. S. apprehended, while a majority of this House are land-holders, who will naturally be disposed to put as heavy a tax upon cities as they can, to the relief of themselves and their constituents; but the gentleman from Pennsylvania is afraid that, though this section should be retained, still houses may be valued at a less rate per cent. than they would be when valued with the land. This was supposing what is, in the nature of things, impossible.

Without attending further to the objections of the gentleman from Pennsylvania, Mr. S. said, he would give to the committee his own ideas of the bill. It is complained that there will be great difficulty in separating houses from farms. He allowed there would be that difficulty if the assessors were to consider one annihilated when they they valued the other; but no man would value a house as if there was no farm belonging to it, or a farm as if without a house, when the farm or the house was on the spot. As well might it be said, that if a farm house was burned down, no value could be put upon the farm. Besides, he knew it was common to estimate farms and buildings separately. Nor could farmers be displeased with having their houses separately valued, since they would be assured that the tax would principally fall upon houses in the cities, and that houses there would be taxed much higher than houses in the country. But the gentleman from Pennsylvania boasts himself of an unwillingness to lay less upon the farmers than their proportion of the tax. Mr. S. believed, however, that farmers would see the reasonableness of taxing people as nearly as possible according to their ability to pay, which is the object of this bill.

As to the inequality produced by classing the houses, it might be avoided by providing that the houses shall be valued, and a tax of so much per centum exceeding the per centum to be laid upon land, put upon them, if the section is retained. He hoped, therefore, it would be retained.

The question for striking out the section was put and carried—45 to 39.

The committee then rose and had leave to sit again.

INTERCOURSE WITH FRANCE.

Mr. SEWALL reported a bill to suspend the commercial intercourse between the United States and France, and the dependencies thereof, which was committed for to-morrow.

AMENDMENT OF RULES.

Mr. ALLEN moved a resolution declaratory of the meaning of the rule adopted some days ago, prohibiting members from speaking more than once to a question, viz: that prefatory remarks to a motion shall be considered as speaking to the question.

Mr. HARPER moved another, which he thought would be better, viz: "that, for the remainder of this session, no member shall be permitted to speak, except to a motion made and seconded, and stated from the Chair."

The SPEAKER said, from the decision which had taken place, in future no member would be permitted to speak, prefatorily, to a motion.

The two motions were ordered to lie on the table.

THURSDAY, May 31.

Mr. MACON called up the resolution which he yesterday laid upon the table for an adjournment

of both Houses on the 14th of June; which, after some objections by Mr. SEWALL, who stated that it was impossible to say how soon the public business could be finished, was negatived—34 to 32.

Mr. EDMOND, from the committee to whom was referred the bill from the Senate making an alteration in the Judicial Courts of the United States, reported it as their opinion that the bill ought to pass without amendment. The bill was committed for Monday.

AMENDMENT OF RULES.

Mr. ALLEN called up his resolution, proposing that when a member introduces a motion, the remarks he makes upon it shall be considered as speaking once to the question, and deemed to be within the rule of the 18th May, which directs that no member shall speak to a question more than once.

Mr. HARPER moved to rescind the rule itself. He believed it had been long enough in operation to prove that it was wholly useless, as it was constantly evaded. The gentleman from Connecticut proposes to prevent one evasion, but there are more ways than one of evading it. Motions might be made, one after another, so that a man who has ingenuity and dexterity enough to evade the rule, does so, and those only are bound by it who will not take advantage of evasions. He believed, also, that the rule was fundamemtally wrong. He knew the liberty of speaking might be abused by members, but he believed this could only be cured by gentlemen's own sense of propriety.

This motion for rescinding the rule was ordered to lie till to-morrow.

DIRECT TAXES.

Mr. SEWALL said, so important a change had taken place in the bill for laying and collecting direct taxes, that much time would be saved by recommitting the bill to the Committee of Ways and Means. He therefore made that motion.

This motion was negatived—41 to 31.

Mr. HARPER moved to postpone the consideration of this bill till Monday.

This motion, after some opposition, was negatived—48 to 33.

Mr. HARPER then moved to postpone it till Saturday, which being negatived, a motion was made and carried for a postponement till to-morrow.

MARINE CORPS.

Mr. SEWALL called for the order of the day on the bill establishing a marine corps. The House accordingly went into a Committee of the Whole on that bill, and, after a few objections from Mr. MACON, stating, that as the marines would be probably scattered from one end of the continent to the other, he did not think there was any necessity for a field officer; which were replied to by Messrs. SEWALL and DAYTON. The bill was agreed to, and ordered to be read a third time to-morrow.

INTERCOURSE WITH FRANCE.

Mr. SEWALL next moved that the House go into a Committee of the Whole on the bill for suspending the commercial intercourse between the United States and France, and the dependencies thereof, and the House resolved itself into a Committee of the Whole accordingly.

Mr. S. after introducing a trifling amendment in the first section, moved to fill the blank containing the period at which this law should take effect with the first of July.

Mr. OTIS thought this too distant a period. He conceived, if a vessel was about to sail from this port in a few days, it ought to be restrained. And if a few days were given, after the passing of the act shall have been duly notified at the different ports, he believed that would be sufficient.

Mr. DAYTON (the Speaker) hoped the blank would not now be filled. He was not sure that it would be proper to pass this bill, except there was a prospect of reducing our enemy to submission by starving them. In order to give the committee who reported this bill an opportunity of informing the Committee of the Whole what are the advantages expected to be derived from this bill, he should move to strike out the first section.

The CHAIRMAN said the motion was not in order, as the first section had already been amended.

Mr. SEWALL moved the following amendment, viz: "excepting any vessel to which the President of the United States shall grant a passport, which he is hereby authorized to grant, in all cases where it is requisite for any purposes of political or national intercourse." Agreed to.

Mr. GALLATIN wished to know what was the difference between "the French Republic"—expressions used in the bill?—or "the Government of France?"

Mr. SEWALL said, the committee thought it necessary to provide for all possible occurrences; and they conceived it might happen, that when a peace shall take place, that that country may no longer be a Republic.

Mr. GALLATIN wished to know whether, if the House were about to pass a bill relative to Great Britain, they would use the words "Kingdom of Great Britain, or the Government of Great Britain," from the possibility that that country might, in the course of the Summer, become a Republic? He believed not. He therefore moved to strike out the words "the French Republic," which was carried without a division.

The bill was then ordered to be engrossed and read a third time to-morrow.

COMPENSATION TO COLLECTORS OF THE REVENUE.

Mr. HARPER called for the order of the day on the bill for regulating the compensation of officers employed in the collection of the internal revenue of the United States, and to provide for the more effectual settlement of their accounts.

Mr. GALLATIN moved to discharge the Committee of the Whole from the further consideration of this subject, with a view, if that motion was carried, to postpone it till the next session of Congress. This bill, he said, proposed an advance of the salaries of those officers of about 25 per cent., though it is well known that the expense of collecting this revenue had heretofore been considered as high. This bill has been originated on a

report of the Secretary of the Treasury, to whom was referred the petitions of two revenue officers from Massachusetts, the one a supervisor, the other a collector. They complain that their salaries are not sufficient. The Secretary of the Treasury gave it as his opinion, that it would be improper to raise the salaries of these two officers, without a general regulation, and that report produced the present bill. He did not think, therefore, as there were only two solitary complaints before them, that it would be proper, especially at this late period of the session, to go into the subject. He had himself never heard of any complaint of the present salaries being too low. He knew the office of Supervisor in the State of Pennsylvania was filled by a man of great respectability and property, and he believed these officers are generally persons of this description, who would not accept of them, if they were not worth their attention. He did not think it necessary, therefore, to go into the subject of raising the salaries of all the revenue officers of the United States, especially when Congress is about to lay a land-tax to the amount of two millions, which is to be collected by the same officers, and upon which they will be allowed a certain rate per cent. The House ought to know, therefore, what addition this new tax will afford them before they attempt to change the present system, especially at a time when all the economy possible ought to be observed in the expenditure of public money. He hoped, therefore, the subject would be postponed.

Mr. SEWALL presumed the gentleman from Pennsylvania must have paid some attention to this subject; and, if so, he must know that the Secretary of the Treasury has stated, that the proposed augmentation is necessary, in order to prevent the greatest embarrassment in the collection of the internal revenues. After such a declaration by the Head of a Department, who must be thoroughly acquainted with the subject, he should have supposed that no objection could have been made to the measure. And, though the table was not covered with petitions, he had no doubt these officers had pretty generally stated their complaints to the Secretary of the Treasury. He himself knew, from the information of that gentleman himself, that the Supervisor of Massachusetts, after paying his clerk hire, had only $800 a year left for his own services, which is less than he would be able to get as a common clerk.

Mr. HARPER observed, that the gentleman from Pennsylvania had argued to show that the proposed augmentation is not necessary; or, if it be, that the land tax will afford that augmentation. As to the first argument, he thought the opinion of the Secretary of the Treasury might very well be set against that of the gentleman from Pennsylvania, and he says that it is necessary, to prevent the greatest embarrassments; and surely gentlemen will not consent to risk these embarrassments for the sake of 25 per cent. upon the present salaries of the officers, which may amount to from $25,000 to $30,000. This would be bad economy, as it would risk revenue to three or four times the amount. But because there are only two petitions before the House, and because the gentleman says the Supervisor of this State is a wealthy and respectable individual, these salaries ought not to be raised. It might happen that these wealthy officers, of whom the gentleman speaks, may be the worst kind of officers which could be employed in the business. In order to have the public business done well, the livelihood of the person who does it should depend upon it. He will then devote his whole time and attention to it. But, it is said, the salaries of these officers will be augmented by means of the land tax. This depends upon themselves, as they may make their allowance for collecting that tax what they please. Indeed, a land tax might not be agreed to at all; and he believed some gentlemen wished to destroy it. He hoped, however, they would be disappointed. Neither is the augmentation of salaries the only object of the bill. A more energetic mode than has heretofore existed for the compelling of officers to settle their accounts, makes a prominent part of the bill. This regulation, he believed, was very essential, and he trusted the committee would not be discharged.

Mr. MCDOWELL was in favor of discharging the Committee of the Whole from the consideration of this bill. The gentleman from Massachusetts has spoken of the clerk hire paid by the Supervisor of that district. What the duties of that officer may be, he could not say; but he supposed the reason for his paying so much for clerk hire was, he did nothing himself. It was the opinion of the gentleman from South Carolina that men of property and respectability are not the most proper persons to fill the office of Supervisor of the Revenue; he differed from that gentleman in opinion. He also believed that the present officers are generally satisfied with their salaries. If they had not thought them adequate, they would either have given up their offices, or applied for an increase of compensation. But, it is said, the Secretary of the Treasury is the best judge of this business. He had no doubt he had the best information on the subject; but when he was called upon to increase a salary, he should never surrender his opinion to any other officer of Government. If it be necessary to increase the pay of these officers, it might as well be done by means of a higher allowance for the land tax as in any other way.

Mr. COIT believed, from the information which he himself had upon this subject, that the opinion of the Secretary of the Treasury is just. In the district from which he came, he knew it had been difficult to obtain a revenue officer. The duties of the office had been so great, and the compensation next to nothing, that the Supervisor found it impossible to get an officer. The person who at present holds it, has been importuned to take it, and he holds it in expectation of his salary being advanced. He believed the proposed increase of salary would be saved in insuring a better collection of the revenue. The question for a postponement was put and negatived, there being only 23 votes for it.

FRIDAY, June 1.

INTERCOURSE WITH FRANCE.

The bill for suspending the commercial intercourse between the United States and the French Republic, was read the third time; and, after the blanks were filled,

Mr. GALLATIN inquired, whether there was not a mistake in the third section of the bill in that part which related to foreigners. The bill, as it stands, would affect vessels belonging to foreigners residing here. He proposed a change in the phraseology.

Mr. SEWALL had no objection to the alteration, and he supposed it might be made by general consent, without recommitting the bill.

Consent was granted, and the alteration made.

The following question was then put "Shall this bill pass?"

Mr. McDOWELL could not reconcile it to himself to give a silent vote on the passage of this important bill. He had heard no reason assigned for the introduction of this bill, either when the original proposition was before the House, or since; and, therefore, though the bill might pass by a large majority, he should give his vote against it. It had been said, by the gentleman from Massachusetts, that this bill was intended to secure the property of the citizens of the United States from capture. How was this to be done? This bill will not lay an embargo, and, therefore, cannot prevent our vessels from falling into the hands of the French, or any other nation, who chooses to attack them. If gentlemen wished to effect their object, they ought to propose a general embargo; but when he found gentlemen indisposed to this, he could scarcely believe them serious in their wishes to prevent the property of our citizens from being taken. By this bill our merchants are prohibited from trading to any of the ports of France or her dependencies. This he neither thought politic or just. He thought there was no cause for going this length at present. It would be seen by the estimate on the table, the great amount of exports sent to those countries, and this bill would not only destroy the trade to France and her dependencies, but affect also all our other trade. Gentlemen better acquainted with commerce than he pretended to be, would be able to ascertain the effects of this regulation with more precision than he could do; but it appeared to him that this regulation would put the whole of our exports within the power of Great Britain. He hoped, therefore, gentlemen would consider the inconveniences which would be produced by this measure, and not suffer their passions, which are so highly irritated against France, to lead our own citizens into serious difficulties, for the sake of doing her some injury. There could be no doubt, that the moment France received the information of the passage of this bill, all negotiation would be put an end to, and they will lay their hands on all the property belonging to citizens of this country, which they can meet with. He was of opinion that the prudence of our merchants alone would be sufficient to regulate the business, without Legislative interference. Mr. McD. hoped, therefore, the bill would be passed, and called the yeas and nays upon it.

Mr. SEWALL said, it was very true, as the gentleman from North Carolina observed, that no general reasons had been given in favor of this bill; and he did not know that any opportunity had occurred in which they could with propriety have been given. Certainly if a measure meets with general approbation, and passes without argument and without discussion, it must have been carried for the best reasons. Reasons, said he, are not strengthened by debate; general consent indicates the strongest reasons in favor of a measure that can be assigned.

The gentleman from North Carolina has supposed that the only argument in favor of this bill was, that it would be the means of protecting the commerce of our citizens; that argument, he agreed, was forcible, but he confessed he relied upon this measure very much affecting our enemy. It occurred to the committee that this measure might very much distress the French West Indies, which are the harbor of a nest of pirates, which continually assail our commerce. It is true, he said, that our commerce is also annoyed in the European seas, but in a much greater degree from vessels fitted out from the West Indies; the privateers from these islands depredate our commerce upon our coast, and if no measures are taken to prevent it, they might soon be expected on our shores. Any measure, therefore, which can be taken, consistent with our political situation, ought to be taken to prevent this mischief. This would not be carrying on hostility, but would withdraw from our enemies the means of supporting their hostility. Gentlemen have objected to this bill because they conceive it will not have this effect; he was, on the contrary, in favor of it, because he believed it would have the effect.

Mr. S. considered our trade with France as at present annihilated, as well as that with Spain and Holland, in a great degree; and France must hereafter, if this bill passes into a law, carry on her trade with this country by means of vessels belonging to the Hanse Towns, Sweden, or Denmark; and having reduced France to the necessity of changing her measures with regard to the neutral Powers of Europe, she might, perhaps, be induced to change her conduct with respect to the United States, or perhaps with respect to all the neutral Powers. He thought this measure recommended by these political considerations. Whether it would produce all the effect which had been mentioned, he could not tell, but it was well calculated to produce it. And the only objection to the measure appeared to be, that it would produce commercial disadvantages to our merchants; but since the adoption of the decree of the French Directory, which directs that all neutral vessels, with British produce or manufactures on board, shall be confiscated as good prizes, and which goes to the destruction of nearly all our trade, this objection would have but little weight, as a trade thus carried on would stand but a very small chance of producing any profit. Some

merchants, indeed, are of opinion that our trade to France and her dependencies has for a long time past been attended with loss instead of profit. It was evident, he said, that the decree to which he had alluded had already had the effect in this country to lower the price of our produce, as many vessels employed in that trade are now employed in a different manner.

Mr. S. hoped the bill would therefore pass. He was not prepared to state all the advantages which would attend this measure; but he trusted those which he had mentioned would appear sufficient to show the propriety of it.

Mr. GALLATIN must confess, without pretending to be a very good judge of the subject, that this measure appeared to him at least of a doubtful nature. The object of it is said to be to distress France and the French West Indies as much as possible. How far this could be effected, or whether the attempt to distress our enemy might not distress ourselves more than the enemy, he was not able to ascertain with precision. With respect to France herself, he did not see that it could have any effect. As to the West Indies, Guadaloupe, which he supposed was the place principally aimed at, was so situated with respect to neutral islands that she could always procure supplies of provisions from them. The only place, then, which would be affected by this regulation would be St. Domingo, and there he believed it might have some effect. If the intercourse between this country and that was stopped, it might be distressed for want of provisions; but in doing this he was persuaded we should also injure ourselves, by annihilating our commerce and sinking the price of our produce. With respect to our commerce, in six weeks or two months, all the trade which our merchants now carry on to French ports would be transferred to other neutral nations. The Danes and Swedes will come into our ports and carry our produce to the French islands; so that the only difference, after that time, will be that the carrying trade which we now have will be transferred to those Powers. France will be supplied by way of Holland or Hamburg, and as the freight and other expenses attending the trade will of course be greater than if the commerce was carried on direct, it may be expected the price here will be low. It would be the same with respect to provisions. If the measure would be likely to distress France or her islands to any considerable degree, so as the better to bring her to terms of accommodation, he should not object to it. The inconveniences attending it must be encountered by our citizens; but seeing its effects on our enemy would be doubtful, and upon ourselves certain, he should vote against the bill.

Effectually to prevent provisions being carried to the West Indies, the exportation of them ought to be forbidden, both in our own vessels and in all others. Without this we cannot prevent our provisions from being exported by means of neutral vessels to French ports.

So far as related to his own constituents, Mr. G. said, they are not immediately concerned in this question, as they do not export their produce either to the West Indies or any port of Europe, but to New Orleans, by the Mississippi. He stated the matter as it struck him, and left other gentlemen to enlarge upon it.

Mr. RUTLEDGE allowed that the bill was liable to the objection which had been urged by the gentleman from Pennsylvania, and which might be made against every measure which would be proposed for the defence of the country; it might be said of it that it will produce some inconvenience to our constituents, and bear hard upon the commercial and agricultural interests; but he believed no measure could be devised which would prove so injurious to France, and as little inconvenient to America, as suspending the commercial intercourse between the two countries.

Erecting fortifications, building ships of war, and raising troops, will require great additional revenue, render new taxes indispensably necessary, and, of course, will occasion some inconvenience to our citizens; but he was persuaded these inconveniences and burdens were very far short of those the people of this country are willing and ready to bear for the defence and preservation of their rights and liberties. Mr. R. believed that prohibiting all intercourse with French ports would not only greatly distress the French colonies, but be a very considerable means of preserving our seamen. If our merchants are disposed to speculate and gamble, and will be so adventurous as to continue trading with the French islands in this perilous season of affairs, it is the duty of Government to restrain them, and take care of our sailors; this useful class of our citizens, he thought, were rendered peculiarly valuable by the existing state of things.

Gentlemen who objected to the present measure as being inconvenient, had called upon its advocates to know why they had not advised a greater inconvenience, and asked why an embargo was not proposed? He believed from a general embargo much distress would obtain to America, and not more inconvenience to France than from the proposed regulation; but if this partial restriction shall prove inadequate, and a general embargo be hereafter deemed necessary, it would not be objected to by himself nor those with whom he had the honor to act.

The gentleman from Pennsylvania thinks the bill under consideration will prove fruitless, because the vessels of Sweden and Denmark may carry our produce to the French West Indies; this could not be contemplated as a probable event; in the convulsed state in which almost all the commercial States of Europe are, neutral bottoms will be in too great demand in Europe to permit of their seeking freights in America. If, however, they shall come here, and the Danes and Swedes become our carriers, we can then adopt the regulation suggested by the gentleman from Pennsylvania; we can then prohibit our intercourse with the French, even by means of neutrals; or as that may be impracticable, inasmuch as we shall not have any control over a neutral vessel after she leaves our ports, we can lay a general embargo.

Mr. R. thought gentlemen were greatly mistaken who imagined the present measure would lower the prices of our produce. He did not believe they would fall in consequence of the present bill or any which could be passed. He did not believe a declared war would lower the price of our grain. For some time past, an *ex parte* war has existed; the French have made war in every sea upon our commerce, which for months past has been bleeding at every pore. Government has not protected the trade of the country, but has, by preventing our vessels from arming, deprived our merchants of the use of the means their wealth afforded, of protecting themselves; thus insurance and seamen's wages have been higher, and the price of produce lower than they probably will be in a state of declared war. The grain of the State he had the honor of representing sells for less than it has done for twenty years past, or at any period of the last war; rice, which is the great staple of the country, and which, a few years ago, sold at six dollars the hundred weight, now sells but for a dollar and a half, and Indian corn, which article, the year before last, sold at a dollar a bushel, now sells for twenty-five cents only.

The gentleman from North Carolina has insisted, that because our trade to France and her dependencies, for the two last years, has been great, that we ought not to stop it. He thinks that merchants understand their interests better than we do, and that if they, who are in the habit of calculating risks, think it proper to prosecute a trade with France, that we ought not to restrain them. Mr. R. allowed that our exports to France the year before the last had been great, but said that our returns had been small indeed; of the great number of valuable cargoes sent to St. Domingo, very few have been paid for. The proclamations of persons in authority in that island, and other deceptive contrivances, have allured much of our property to its ports, but, arriving there, it has been arbitrarily taken at a price fixed by the Government, and payment made by bills upon France, which have not been paid, and are now lying protested at Paris, to the amount of many millions of dollars. So that our exports, which the gentleman says France has taken, have been literally *taken*, very little of it having been paid for. Upon such terms it was impossible to suppose this commerce would continue, and it is fallacious in the extreme to calculate, as a permanent trade, that which a peculiar state of things has occasioned with the French islands for some years past, and which we are now suffering for having engaged in.

Mr. R. said, he was not apprehensive of giving umbrage to any honest merchant or fair trader, when he declared it as his opinion, that a trade with France would not and could not be carried on at present but by persons sinking under pecuniary embarrassments. Like gamblers upon the threshold of ruin, they adventure and put at hazard the remnants of their fortune to increase the chances of recovering what had been previously lost. The trade, he also believed, was in a great degree carried on for some time past by bankrupts, who, by means of bank facilities, and other credits fraudulently obtained, were enabled to speculate in a sea of danger and risk, into which they would not have gone if they had had anything to lose. In such a state of things, it would be wise and expedient for Government to interfere, and say to the merchants who are willing to continue trading with France, although you may be disposed to continue this commerce, because it is carried on upon a borrowed capital, and because it is insured in Europe, yet we will put a stop to it, for we must take care of our sailors. When they are abused and imprisoned, and their captains publicly whipped in French ports, it is our duty to protect and preserve them from a continuance of such injuries. Mr. R. concluded with observing, that the present bill would occasion much distress to the French islands; would be the means of preserving many of our vessels and seamen, and answer other very valuable purposes. He hoped therefore it would pass.

Mr. OTIS said, as neither of the gentlemen who had spoken on this subject had expressed an opinion which had a primary influence on his mind, he would beg leave to declare it in a few words. It was undoubtedly desirable, that this country should have a free commerce with all the world; but, under our present circumstances, with relation to France, no intercourse will be maintained with that country by the fair American merchant. He will not venture his property either to France, or to any of her dependencies. None but merchants who may have exclusive privileges in the ports of France, will now carry on this trade. He had no doubt that Citizen Hedouville, and other agents of the Directory, would give exclusive privileges to a certain description of dealers at the expense of the fair trader. Protections of this kind had been given, he believed, to favorite traders in every considerable port in the United States; and were not the proposed regulations to be adopted, these persons would be growing fat and rich, while the whole body of merchants would be suffering from the injustice and violence of the French. He did not think it would be prudent to leave room for encouragements of this kind to any of our citizens. For, while they are in the habit of receiving large favors from the agents of the French Government, they will be likely to feel a stronger attachment to the interests of that country than of their own; and a stronger temptation could not be offered to them than a monopoly of the French trade.

Mr. O. inquired whether, in a state of war, it was not usual and proper for all nations to restrain their subjects from a direct trade with their enemies? And are we not in war? Have we not passed a variety of bills which gentlemen have declared amount to war? This very morning, a bill has been passed, which, according to their construction, reaches the climax of war measures. If, then, we are now in a state of war, it will be inexpedient to continue to carry on this traffic. But it is said, if we restrain our own citizens, it will be carried on by neutral nations. To a cer-

tain degree, it might be supposed that this would be the case; but this is one of the losses incident to a state of war. We must expect that a part of our carrying trade will be transferred to neutrals for a time; but though this will affect the mercantile part of the community, it will not wound the agricultural interest so deeply as a total suspension of commerce. If neutral vessels come hither for produce, the price will not fall so low as it otherwise would do, and the farmers will be the better able to bear the burdens which a war must necessarily lay upon them.

Mr. O. concluded his observations by some remarks with respect to neutral nations. He said he was not without hope that other neutral nations would be prepared to resent the treatment of France towards them with the same spirit which had shown itself in this country. The liberties of mankind are not yet wholly prostrate. All these nations may not submit to be crushed beneath the iron hand of oppression. Mr. O. said, he had been well informed that a spirit of great resentment had been excited in Sweden, Denmark, and Prussia, by the late decrees of the French nation, and he did not despair of a coalition among those Powers favorable to the cause of the United States, and which should prevent the despotism which had overspread so many countries in Europe, from conquering the world.

Mr. W. C. CLAIBORNE said, it was his intention to vote in favor of the passage of this bill for two reasons. The first was, we have many vessels and much property afloat on the ocean, which we cannot adequately defend, and which is now constantly depredated upon. This measure will keep many of our vessels at home. The second was, that it would tend to increase our revenue, which at this time is a very desirable thing; for he was of opinion, that the neutral Powers of Europe would become the carriers of our produce to the West Indies. Denmark, Sweden, and the Dutch, all possess islands in the West Indies in the neighborhood of the French Islands, and if they come and fetch away our produce, the duty on tonnage will be increased; and the duties arising from imposts will not be lessened, as they will doubtless bring with them the produce of Europe when they come out to this country.

The question on the passage of the bill was then taken, and stood—yeas 55, nays 25, as follows:

YEAS—John Allen, George Baer, Jr., Bailey Bartlett, David Brooks, Stephen Bullock, Christopher G. Champlin, John Chapman, Thomas Claiborne, Wm. C. C. Claiborne, James Cochran, Joshua Coit, Wm. Craik, Samuel W. Dana, Thomas T. Davis, John Dennis, George Dent, William Edmond, Thomas Evans, Abiel Foster, D. Foster, Jonathan Freeman, James Gillespie, H. Glen, Chauncey Goodrich, Roger Griswold, William Barry Grove, Robert Goodloe Harper, Thomas Hartley, William Hindman, David Holmes, Hezekiah L. Hosmer, James H. Imlay, Samuel Lyman, James Machir, William Matthews, Daniel Morgan, Lewis R. Morris, Harrison G. Otis, Josiah Parker, John Reed, John Rutledge, jun., James Schureman, Samuel Sewall, Thomas Sinnickson, Nathaniel Smith, William Smith, Richard Stanford, George Thatcher, Richard Thomas, Mark Thomson, Thomas Tillinghast, John E. Van Alen, Peleg Wadsworth, John Williams, and Robert Williams.

NAYS—Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Demsey Burges, John Clopton, John Dawson, Lucas Elmendorph, John Fowler, Albert Gallatin, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, Matthew Locke, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, Richard Sprigg, Jr., Thomas Sumter, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, and Abraham Venable.

AMENDMENT OF RULES.

Mr. T. CLAIBORNE called up the resolution yesterday laid upon the table by Mr. HARPER, proposing to rescind the rule prohibiting members from speaking more than once to a question. It was taken up accordingly, and after some observations in favor of rescinding it by Messrs. HARPER, GALLATIN, MACON, BROOKS, and T. CLAIBORNE, and against it by Messrs. COIT and THATCHER, the motion was carried—40 to 32. Members have now, therefore, liberty to speak twice to any question in the House, and as often as they please in Committee of the Whole.

DIRECT TAXES.

The order of the day was called for on the bill for laying direct taxes.

Mr. SEWALL moved that the Committee of the Whole be discharged from the further consideration of this bill, with a view of having it recommitted to the Committee of Ways and Means, as the alteration which had the other day been made in the principle of the bill, would occasion many alterations, which would be better made by a select committee than by the Committee of the Whole.

The motion was carried—40 to 33. The bill was accordingly recommitted to the Committee of Ways and Means.

JOHN VAUGHAN.

Mr. D. FOSTER called for the order of the day on the report of the Committee of Claims on the petition of John Vaughan, of this city, merchant; and the House resolved itself into a Committee of the Whole upon it. The petitioner prayed for compensation for a loss sustained on a quantity of silver bullion, amounting to 230,888 ounces of standard silver sent to the Mint in the course of the year 1795, as assayed and calculated by the then Assayer of the Mint, at the rate of nine parts fine to one part alloy; but, by law, the said silver ought to have been assayed at the rate of 1485 parts fine to 179 parts alloy, by which difference, in the coined silver which he received back for the said bullion, he sustained a loss of two thousand two hundred and sixty dollars. The Committee of Claims recommended this loss to be made good by the Treasury Department, and the report was agreed to, without debate, both in Committee of the Whole and in the House, and a bill ordered to be brought in accordingly.

MONDAY, June 4.

Mr. MACON informed the House of the death of his colleague, Mr. BRYAN, at nine o'clock this morning. The House, in consequence, entered into a resolution appointing the members of North Carolina a committee to manage the funeral of the deceased, and stating that the House do attend the same. This committee afterwards reported that the funeral would take place at nine o'clock in the morning.

Mr. D. FOSTER reported a bill for the relief of John Vaughan, which was twice read and committed for to-morrow.

Mr. HARPER laid a resolution on the table providing that the testimony taken under the act prescribing the mode of taking evidence in cases of contested election, shall be admitted during the existence of the present Congress; which was ordered to lie on the table.

Mr. HARPER moved a resolution proposing that provision ought to be made by law for excusing from ordinary militia duty such corps of volunteers as shall be accepted by the President; which was ordered to lie on the table.

The House afterwards resolved itself into a Committee of the Whole on the bill for regulating the compensation of the Supervisors and Collectors of the internal revenues of the United States; when considerable discussion took place on a motion of Mr. GALLATIN, to strike out the second section, on the ground of this being an improper time to raise the salaries of these officers. The committee rose without taking a question, and had leave to sit again.

JUDICIAL COURTS.

Mr. W. C. CLAIBORNE called the order of the day on the bill for altering and extending the act respecting the Judicial establishment. The House accordingly went into a Committee of the Whole on this bill; when on

Mr. COIT's requesting information upon it,

Mr. W. CLAIBORNE said, the intention of this bill was to extend to the States of Kentucky and Tennessee the same advantages which are enjoyed by the other States of the Union. At present there is no Circuit Court in those States, but the whole of the Judicial business is done by District Courts. This is an evil which the citizens have experienced, and they seek a remedy of it as a matter of right; for, being free and independent States, it is their opinion they have a right to the same accommodation with other States. Asking this as a matter of right, he supposed it would be a thing of course. It would require at least one additional associate Judge, but two would be found very convenient, as the present duties of those officers are very great. Some of them are obliged to be absent eight months in the year. This hardship the Senate wish to remedy by adding another Judge, which he hoped would be agreed to by this matter.

Mr. J. WILLIAMS moved to strike out two, and insert one.

Mr. COIT moved the committee to rise, in order to give time to consider this subject; and the committee rose accordingly, and had leave to sit again.

SEDITIOUS PRACTICES.

Mr. SEWALL, from the Committee for the Protection of Commerce and the defence of the Country, reported a bill for the prevention and restraint of dangerous and seditious practices, which was committed for Wednesday.

[This bill proposes, that any alien resident, or who shall come to reside within the United States, who hath been convicted of any felony, or other infamous crime, or who shall be a notorious fugitive from justice, upon any charge of treasonable or seditious practices, in any foreign State or country, or whose continuance within the United States shall be, in the opinion of the President of the United States, injurious to the public peace and safety, may be deemed and adjudged a dangerous person, and may be required to depart from the country, and be apprehended and removed therefrom. And if any person, whether alien or citizen, shall secretly or openly combine, or conspire together, with an intention of opposing any measures of the Government of the United States, which are or shall be directed by the proper authority, or to defeat the operation of any law of the United States, or to discourage or prevent any person holding any place or office in or under the Government of the United States, from undertaking or executing his trust or duty; and if any person, with intent as aforesaid, shall, by any writing, printing, or advised speaking, threaten such officer or person in public trust, with any danger to his character, person, or property, or shall counsel or advise, or attempt to procure any insurrection, riot, or unlawful assembly or combination as aforesaid, whether such conspiring, &c., shall have the proposed effect or not, shall and may be punished, upon the conviction of the offence, by a fine not exceeding —— dollars, and by binding, with sufficient surety for good behaviour, or by imprisonment for a term not exceeding —— years; and if the person so convicted shall be an alien, he may be farther adjudged, in lieu of such binding or imprisonment, to be banished and removed from the territory of the United States.]

TUESDAY, June 5.

Mr. RUTLEDGE proposed a resolution to the following effect, which was unanimously agreed to:

"*Resolved*, That the members of this House, from a desire of showing their respect to the late Nathan Bryan, Esq., member of this House, deceased, will go into mourning for one month, by wearing a crape on the left arm."

The amendments of the Senate to the bill for the relief of persons imprisoned for debt, were taken up and agreed to.

VOLUNTEER SERVICE.

Mr. HARPER withdrew his resolution of yesterday respecting the exemption of volunteers from ordinary militia duty, and proposed the following resolutions in its place, viz:

"*Resolved*, That provision ought to be made, by law, for exempting from ordinary militia duty, such corps of volunteers as shall be accepted by the President of the United States, pursuant to the third section of the act, entitled "An act authorizing the President of the United States to raise a provisional army;" such exemption to continue during the time for which the said corps shall be respectively accepted.

"*Resolved*, That provision ought to be made, by law, for enabling the President of the United States to appoint and commission, immediately, all such officers as he may judge proper, for raising, organizing, and commanding such volunteer corps; such officers to receive no pay, or other emoluments, till called into actual service.

"*Resolved*, That provision ought to be made, by law, for enabling the President of the United States to supply such of the said volunteers as may be in need thereof, with cannon, small arms, and accoutrements, either by sale or loan, as he may judge most expedient; and under regulations to be established on that subject.

"*Resolved*, That provision ought to be made, by law, for enabling the President of the United States to establish regulations for the government of the said volunteer corps, when ordered on military duty, but not in actual service.

"*Resolved*, That provision ought to be made, by law, for enabling the President of the United States to appoint and commission, immediately, all officers necessary for the army of ten thousand men, provided for by the first section of the aforesaid act; such officers to receive no pay or emoluments, till the raising of the said army shall have actually been commenced."

Mr. HARPER moved a reference of these resolutions to the Committee for the Protection of Commerce and the Defence of the Country; but Mr. MCDOWELL desiring they might lie on the table till to-morrow, they lie accordingly.

DIRECT TAXES.

Mr. HARPER, from the Committee of Ways and Means, to whom was referred the bill for laying and collecting direct taxes, reported a new bill, entitled "A bill providing for the valuation of lands and dwelling houses, and for the enumeration of slaves in the United States," which was committed for Friday.

Mr. HARPER said, the Committee of Ways and Means having agreed to exclude from the bill just reported everything which relates to the collecting of the taxes, and to confine it to the assessment only, he should move to discharge the Committee of the Whole from a farther consideration of that bill, and for the recommittal of it; which was accordingly done.

COMPENSATION OF COLLECTORS.

According to the order of the day, the House again went into a Committee of the Whole on the bill for regulating the compensation of officers employed in the collection of the internal revenue of the United States, and to provide for the more effectual settlement of their accounts; and, after adopting several amendments, the bill was gone through, and reported to the House.

RELATIONS WITH FRANCE.

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

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 both Houses.

JOHN ADAMS.

UNITED STATES, *June* 5, 1798.

The said Message, and communications referred to therein, were read, and ordered to lie on the table. (See *Appendix.*)

WEDNESDAY, June 6.

LEAVE OF ABSENCE.

Mr. HARPER called up the resolution which he laid upon the table some time ago proposing that no member shall, during the remainder of the session, have leave of absence, except in case of sickness of himself or family.

It was objected against this motion, that it would deprive this House of its right of judgment in particular cases, and there could be no doubt that great caution would be exercised in granting leave of absence to members in future.

The resolution was negatived, there being only 13 votes for it.

Mr. ALLEN proposed a resolution to the following effect:

"*Resolved*, That there shall be a call of the House at half past eleven o'clock every day on which the House shall sit during the present session."

Ordered to lie on the table.

RELATIONS WITH FRANCE.

Mr. D. FOSTER laid the following resolutions upon the table, viz:

"Whereas the French Republic, regardless of those principles of good faith which ought to insure a due observance of treaties, have, in various instances, violated the express stipulations of the treaties heretofore made and subsisting between the United States and the French nation, in a manner highly injurious to the interest and honor of the United States; by reason whereof the United States are released from all obligation on their part to respect the said treaties, or to consider themselves as holden or bound thereby.

"*Resolved*, That it is expedient to make a Legislative declaration notifying the citizens of the United States, and all others concerned, that the said treaties are no longer obligatory upon the United States.

"*Resolved*, That provision ought to be made by law, authorizing the President of the United States to grant letters of marque and reprisal against all ships and other vessels, with their cargoes, found on the high seas, sailing under the authority of the French Republic, or belonging to the said Republic, or any of the citizens thereof, or its dependencies; to continue and be in force until the French Government shall revoke and annul the orders and decrees authorizing the capture and detention of the vessels and property of the citizens of the United States, contrary to the laws of nations.

"*Resolved*, That provision ought to be made by law granting a bounty, in proportion to the size and number of guns, on all armed vessels (which shall be taken and brought into any of the ports of the United States)

belonging to the Republic of France, or to any of the citizens thereof, or of its dependencies, or to others sailing under the authority, or pretence of authority, from the said Republic."

They were ordered to lie upon the table,

COMPENSATION TO COLLECTORS.

The House then took up the report of the Committee of the Whole on the bill to regulate the compensation of officers employed in the collection of the internal revenues of the United States, and to provide for the more effectual settlement of their accounts. And, after the amendments had been concurred in,

Mr. MACON observed, that the advances which had been made to the salaries of the revenue officers by this bill had been made with but little information, as it could not be told how they would exactly operate; and, as the land tax about to be laid, would of course produce some difference in the salaries of these officers, he wished the bill to be limited in its duration, and proposed to insert a clause to confine its operation to two years.

This was opposed by the friends of the bill, and the motion was negatived—37 to 36.

The bill was then ordered to be engrossed for a third reading to-morrow.

The amendments of the Senate to the bill respecting Loan Office certificates, indents of interest, and final settlement certificates, were taken up, and agreed to.

JOHN VAUGHAN.

On motion of Mr. D. FOSTER, the House went into a Committee of the Whole on the bill for the relief of John Vaughan, which was reported to the House without amendment.

On the question being put on its going to a third reading,

Mr. MACON moved that the bill be recommitted in order to have a general bill reported in its place; as there could be no doubt that every one, who was in the same situation with Mr. Vaughan, would apply for relief, when they see it has been granted to him.

Mr. D. FOSTER did not see the necessity for this. It would be time enough to make the allowance when it was called for. He believed there were few others in similar circumstances.

The question for recommitting the bill was put and negatived, there being only 16 votes for it. It was then ordered to be read a third time to-morrow.

VOLUNTEER SERVICE.

Mr. HARPER called up the resolutions which he yesterday laid upon the table respecting the volunteers and provisional army; which he moved to refer to the Committee for the Protection of Commerce and the Defence of the Country.

Mr. MCDOWELL hoped these resolutions would not be referred. He believed most of them are already provided for in the law authorizing the President to raise a provisional army. It is there provided that the President shall appoint officers both in the 10,000 troops to be raised, and in the volunteer corps, as soon as the officers could be necessary, and he could see no use in legislating afresh on this subject at this late period of the session. The other part of the resolution which went to free the volunteers from militia duty was still more objectionable. It is in opposition to the laws of several of the States, which direct that every citizen shall be trained as a militiaman. Besides, if these volunteers are not to be disciplined along with the militia of the State, he could not see how they are, in many cases, to be disciplined at all, except officers are to be appointed to ride over the country for the purpose; for they will, in some parts, be so scattered, that they cannot be drawn together for the purpose of training. For his part, he could see no propriety in dividing volunteers from the militia before they are called into service.

Mr. HARPER had no doubt the gentleman from North Carolina thought this provision unnecessary, because it went to make the law better than it is at present; and improper, because it will give efficiency to the volunteer corps, which he so much dislikes. That gentleman was, however, mistaken with respect to the provisions of the law which had been passed with respect to the appointment of officers. The President, by that law, cannot appoint officers, until the men are called into service; nor is he authorized, according to its strict construction, to give commissions to enterprising individuals who may be willing to undertake the raising of volunteer corps. All he could do at present was to receive these corps, after they are raised. He might, indeed, promise commissions to such as shall raise men; but, in order that the President may have the power to raise the greatest possible number of volunteer corps, he wished him to have the power of granting commissions immediately, provided that no pay shall be allowed to such officers until they are called into actual service.

With respect to the provisional army, the President is placed in exactly the same situation. He is empowered to raise the army, in case of certain contingencies, and, when the army is raised, he can appoint the officers. But he believed it was desirable that he should have the power of appointing the officers immediately, that they may be known; and when the contingencies shall arrive which will authorize the raising of the army, the business may be entered upon immediately, without waiting two or three weeks for the appointment of officers; and as they are to receive no pay until the army is raised, he could see no reasonable objection to this course.

It had been said that there is no occasion for a law to declare volunteers are not liable to be called upon to do ordinary militia duty; but, he knew a different opinion existed in the War Office, and he supposed in the President of the United States. It was believed by them and other respectable authorities, that these volunteers are not exempt, on account of their volunteer service, from ordinary military duty. This, he said, proves a great hindrance and discouragement to the volunteers; and, because it is a hindrance and discouragement to the formation of volunteer corps,

he wished to remove it; though, for the same reason, he supposed the gentleman from North Carolina would wish to keep it as it is.

With respect to training, the gentleman from North Carolina is of opinion it would be best done along with the militia; but he thought it would be best done apart from the militia. The law authorizes the calling of them out, but does not put them under articles of war until they are called into actual service. He wished to give the President power to institute rules for the regulation of these corps in the meantime, and therefore he proposed the measure. Mr. H. said he should have moved an immediate adoption of the resolution, had he not wished to avoid a double discussion.

Mr. DANA wished to know whether, if these resolutions were referred to the Committee of Commerce and Protection, they would be obliged to report by bill?

The SPEAKER answered in the negative.

Mr. MCDOWELL said he might not perhaps perfectly understand the bill which had been passed for raising a provisional army, but he thought that he was not mistaken in this, viz: that the officers to the volunteer corps are to be appointed as soon as the corps are accepted by the President, and in the provisional army as soon as imminent danger appears, to make the raising of the army necesary. And from the motion brought forward this morning, by a gentleman who may be supposed to be pretty well acquainted with the views of the Executive, it might be supposed he did not think that danger very distant. [Such remarks, the SPEAKER said, were wholly out of order.] Mr. MCD. said his intention and that of the gentleman from South Carolina were very different. That gentleman wishes to give the President all power in this business, and he wished the House to exercise as much as they could do with convenience to themselves.

The gentleman from South Carolina had, on a former occasion, sounded the praise of our heroic young men, who, he said, were eager to come forward in defence of their country, but we would not receive them; but now, when the power of receiving them had been given, the tone of that gentleman is changed. He finds they do not flock to the standard so fast as he expected, and he wants to send out officers in search of volunteers. Mr. MCD. was sorry to hear that spirit, of which the gentleman had boasted so loudly, now flagged; but he did not wish to employ officers to use their efforts to raise it, because he believed whenever real danger appears, that will be sufficient to rouse a spirit in every citizen to defend his country.

The question for a reference was put and carried—40 to 37.

THURSDAY, June 7.

The bill for the relief of John Vaughan was read the third time and passed.

Mr. SITGREAVES laid the following resolution upon the table:

"*Resolved*, That the Attorney General of the United States be directed to prepare and report to this House, a plan to regulate the process and practice of the Courts of the United States, by a uniform system."

Mr. DAWSON laid the following resolution upon the table:

"*Resolved*, That the President of the United States be requested to cause to be laid before this House, such information as he possesses respecting the conduct which has been observed by the British Government, or by persons acting, or pretending to act, by or under the authority thereof, towards the neutral rights of commerce of the United States, since the ratification of the subsisting Treaty of Amity, Commerce, and Navigation."

MILITARY APPROPRIATIONS.

On motion of Mr. SEWALL, the House took up the amendments of the Senate to the bill making appropriations for the Military Establishment for the year 1798. These amendments proposed to consolidate all the appropriations, amounting to $1,411,798, (including $200,000 already appropriated on account,) under one head, instead of having them particularized under a number of distinct heads, as it was agreed to have them, after very considerable debate in this House; to allow $224,000 for the expenses of the Quartermaster General's Department, instead of $150,000, as contained in the bill passed by this House; to add $9,141 under the head of contingencies; and to strike out the words "which sums shall be solely applied to the objects for which they are respectively appropriated."

On agreeing to the first, some debate took place, in which the same arguments were used on the same subject as when formerly under consideration, viz: in favor of the amendment, by Messrs. SEWALL, DANA, DAYTON, and SITGREAVES, that the specification of the appropriations would embarrass the proceedings of the War Department, and might, in some cases, be attended with great inconvenience and injury to the service, particularly in the event of any unforeseen accident. On the other hand, it was argued by Mr. GALLATIN that heretofore the want of this specification had been very evident, and that without it there could be no check against the expenditure of any appropriation made by this bill, as, if more money should be wanted under one head of expense than was appropriated for it, it would be taken from another, to which more had been appropriated than might be necessary for that object, so that the distinct estimates became useless, and the whole might as well be appropriated in one sum. Mr. HARPER took a middle course, and wished the amendments of the Senate to be disagreed to, in order to produce a conference, in which he said a less particular specification might be agreed upon than had been agreed upon in this bill, which he had always been opposed to as being too particular; but he was far from wishing the appropriation to be left at large, as proposed by the Senate. It was at length carried—45 to 32.

The amendment for increasing the appropriation under the Quartermaster General's Department by $74,000, was advocated by Messrs. DANA and KITTERA, on the ground of its being necessary

for some items which had not before come into notice. It was opposed by Messrs. GALLATIN and J. WILLIAMS. Mr. HARPER was in favor of making the whole appropriation $200,000, (which would have been $24,000 less than the above.) The question on the largest sum was, however, put and carried—48 votes being in favor of it. The committee rose, and

The House took up their report, when the yeas and nays were called by Mr. GALLATIN on the above two amendments, and they were taken upon both questions together, and decided in the affirmative—yeas 46, nays 34, as follows:

YEAS—John Allen, George Baer, jr., Bailey Bartlett, James A. Bayard, David Brooks, Demsey Burges, Christopher G. Champlin, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, John Dennis, George Dent, William Edmond, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, Roger Griswold, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, John Wilkes Kittera, Samuel Lyman, William Matthews, Daniel Morgan, Lewis R. Morris, Harrison G. Otis, Isaac Parker, John Reed, John Rutledge, jr., James Schureman, 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, John Chapman, Wm. Charles Cole Claiborne, John Clopton, Thomas T. Davis, John Dawson, Lucas Elmendorph, John Fowler, Albert Gallatin, James Gillespie, Andrew Gregg, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Matthew Lyon, Nathaniel Macon, Blair McClenachan, John Milledge, Anthony New, Wm. Smith, Richard Sprigg, jun., Richard Stanford, Thomas Sumter, Thomas Tillinghast, Abram Trigg, Philip Van Cortlandt, Joseph B. Varnum, and Abraham Venable.

COMPENSATION OF COLLECTORS.

The bill for regulating the compensation of the officers employed in the collection of the internal revenue of the United States, and to provide for the more effectual settlement of their accounts, was read the third time, and,

On motion of Mr. ELMENDORPH, the yeas and nays were taken on its passage, and determined in the affirmative, 49 to 32, as follows:

YEAS—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, John Dennis, George Dent, William Edmond, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, Roger Griswold, John A. Hanna, Robert Goodloe Harper, Thos. Hartley, Hezekiah L. Hosmer, John Wilkes Kittera, Samuel Lyman, William Matthews, Lewis R. Morris, Harrison G. Otis, Isaac Parker, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, Richard Sprigg, jr., George Thatcher, Richard Thomas, Mark Thomson, Thomas Tillinghast, John E. Van Alen, Joseph B. Varnum, Peleg Wadsworth, and John Williams.

NAYS—Abraham Baldwin, Thomas Blount, Richard Brent, Demsey Burges, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, Thomas T. Davis, John Dawson, Lucas Elmendorph, John Fowler, Albert Gallatin, James Gillespie, Andrew Gregg, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, Josiah Parker, William Smith, Richard Stanford, Thomas Sumter, Abram Trigg, Philip Van Cortlandt, Abraham Venable, and Robert Williams.

PROTECTION OF COMMERCE.

Mr. SEWALL said, the committee appointed to consider on the proper measures to be taken for the protection of commerce and the defence of the country had had it suggested to them that two mistakes had escaped in two of the bills passed this session, viz: the act for arming and equipping a number of small vessels, and that respecting the revenue cutters. In the former, it is said the officers shall have the same rank, pay, and subsistence with the officers upon the Naval Establishment. This, said he, is by no means necessary, and would show a great want of economy, as a much lower rank would be sufficient. With respect to the cutters, they are limited to thirty men, though several of them will carry seventy men. It is necessary, therefore, to make some amendments to these two acts. Mr. S. reported a bill for the purpose, which was twice read, and committed for to-morrow.

THE JUDICIARY.

On motion of Mr. W. CLAIBORNE, the House again resolved itself into a Committee of the Whole for altering the Judicial Department; but,

On motion of Mr. DAVIS, the farther consideration of this bill was postponed till the next session of Congress.

ADJOURNMENT OF CONGRESS.

Mr. GALLATIN said, it was desirable that it should be known at what time the present session of Congress would probably close. He found, by conversing with different members on this subject, that there exists a variety of opinion upon it. Many gentlemen think it would be proper to adjourn within a short period, appointing an earlier day than the Constitutional day for the next session; other gentlemen say this is no time to talk of adjournment, but that the session ought to be permanent. Whatever might be determined by a majority, he supposed would be generally submitted to; but from the frequent applications for leave of absence, it was evident many members are impatient to bring the session to a close. If it was determined to make the session permanent, it would probably be necessary for several gentlemen, who had not contemplated any such thing, to obtain leave to return home to arrange their affairs. He thought, therefore, if they met earlier, it would be best to have a short recess. In order to take the sense of the House, he proposed two resolutions for their consideration, to the following effect, which were ordered to lie till to-morrow:

"*Resolved*, That a committee be appointed to inquire

whether, and when, it may be proper to close the present session of Congress, and also to appoint a time for their next meeting.

"*Resolved*, That a conference be requested with the Senate, on the subject matter of the above resolution, and that the same committee be conferees on the part of this House for the purpose."

Mr. G. said, he knew that the Senate had, on a former occasion, declined conferring with the House on this subject; but, perhaps, they might not now object to it.

FRIDAY, June 8.

Mr. J. WILLIAMS reported a bill providing arms for the militia throughout the United States; which was committed for Wednesday next.

Mr. SITGREAVES called up his resolution requiring the Attorney General to prepare and report a plan to this House for regulating the process and practice of the Courts of the United States by an uniform system; which was agreed to after the addition of the words "at the next session" was made.

Mr. DAWSON called up the resolution, which he yesterday laid upon the table, proposing to call upon the President for information relative to the conduct of the British since the treaty was concluded between the two countries; which was taken up accordingly, and negatived without debate—47 to 38.

ADJOURNMENT OF CONGRESS.

Mr. GALLATIN called up his resolutions for the appointment of a committee to consider whether and when it will be proper for the two Houses to adjourn. The first being taken up,

Mr. ALLEN wished the resolution to be amended in such a way as that the committee might report what business it thought it would be proper to act upon during the session.

Some doubt having been expressed as to the propriety of instructing a committee of conference—

The SPEAKER read two instances from the Journals, in which the same practice had taken place.

The mover accordingly agreed to accept of the amendment.

Mr. SITGREAVES moved to strike it out. He said it was impossible for any committee to say what business it might be necessary to bring before the House, when it was seen that every day produces measures of importance arising out of our present situation. No one would now say whether it would not be necessary for Congress to sit until their powers expire, (the 3d of March next.) He thought the instruction, therefore, very improper.

Mr. J. WILLIAMS hoped the amendment would be agreed to. It was well known that this House cannot adjourn without the consent of the Senate. It was desirable, therefore, to know their opinion on the subject. If a day was fixed for adjournment, and any particular business arose, doubtless it would be done. It was usual, he said, in all the Legislatures with which he had been acquainted to appoint a committee of this sort towards the close of a session, to report what business it would be proper first to attend to. When this was before the House, it could then be ascertained whether or not the session could close at the time proposed.

The motion for striking out was carried, 45 to 36. The resolutions were then agreed to, and a committee appointed.

LETTERS OF MARQUE, &c.

Mr. D. FOSTER then called up his resolutions relative to granting general reprisals, letters of marque, &c., which, being read, he moved to refer to the Committee for the Protection of Commerce and the Defence of the Country, with power to report by bill or otherwise.

Mr. DAVIS hoped these resolutions would not be referred. It appeared very strange to him that gentlemen should be desirous of taking this step at present. He had heard much in this House about French parties, and of gentlemen being attached to France, but he thought the House had witnessed, not many minutes ago, something of another party, [referring to the negative which had been put upon the resolution calling upon the President for information respecting British depredations.] And yet, when we have lately received information from France that peace is probably yet within our grasp, a motion is brought foward which, if adopted, would effectually shut out all hopes of a favorable termination of our dispute, In the conclusion of the late despatches, he read as follows:

"As we were taking our leave of Mr. Talleyrand, we told him that two of us would return immediately, to receive instructions of our Government, if that would be agreeable to the Directory; if it was not, we would wait some time, in the expectation of receiving instructions."

So, that two of our Commissioners might be expected shortly to return, to lay certain propositions before the Government here, or that they will write for farther instructions; and, whilst these things are pending, can a proposition like the present be justified? He thought not. It was not, in his mind, a declaration of war; but it was evidently a war measure. And when it is evident, from our Envoys' own showing, that the negotiation between them and the Minister of Foreign Affairs in France was in train on the 8th of March, the date of their last despatches, as certain propositions had been made to them which were not rejected, he thought it would be extremely imprudent to refer resolutions of so hostile a kind as these certainly are. It would be time enough, Mr. D. said, to adopt a measure of this kind when our Envoys shall have informed us that peace is unattainable; but, whilst they held up a contrary expectation, he could not consent to do anything which should cast wholly away the hope of preserving a state of peace. With respect to the first resolution, which declares the treaty between France and this country void, he had not much objection to it, because it must be so considered from the laws

already passed; but those which respect the granting letters of marque and general reprisals, he thought very objectionable indeed.

Mr. HARPER said, if the arguments of the gentleman from Kentucky were well founded, he had not introduced them at the proper time. If he views the state of our negotiation with France in the light which he had placed it, his objections to this measure are natural and consistent; but they ought to be made, when a bill is brought in, against its being read a second time; or, if the motion had now been to adopt the resolutions instead of referring them, the remarks which he had made would have been perfectly in order; but that gentleman must know that there is a great difference between committing and agreeing to adopt a resolution. He would confess that he, for one, should not now be ready to agree to any of those propositions, though a fortnight hence he might be willing to adopt them all. If the motion was, therefore, for adopting, instead of referring them, he should move a postponement, or the previous question, or take some other mode of disposing of them; but when the motion was merely to refer them to a committee who might report upon them immediately, or let them lie until farther information was received from our Commissioners; or, if they report a bill, that bill might lie until gentlemen thought proper to pass upon it. He did not, therefore, see any ground for the alarm which the gentleman from Kentucky has shown. He confessed he could not look upon our negotiation with France as in the happy train in which it appears to that gentleman. He knew we might have peace, if we would consent to have our property plundered *ad libitum;* or by paying a contribution to the full amount of our ability to pay, which were the terms that Talleyrand and his agents had offered to our Envoys; and this loan was made a *sine qua non* by Talleyrand. He could not tell, therefore, how the gentleman from Kentucky could conceive the negotiation to be in good train, except he is willing to pay the tribute which France demands from us.

But, as he had already said, the present question is neither to adopt the resolutions, nor to give them the least sanction, but to refer them to a committee over whose acts the House have a complete control; and though he should vote for the reference, he should not consider himself as having given any countenance to the resolutions themselves, though he expected the time would soon come when it would be proper to adopt the two last resolutions; but he thought it was not yet arrived, and that there is other business which may be done to advantage in the meantime.

Mr. VENABLE said, the gentleman last up had drawn a distinction between committing these resolutions and agreeing to them, and had said that he himself is not ready to agree to them. Mr. V. thought resolutions of this kind ought not to be laid upon the table before the House is ready to decide upon them, as the moment the foreign nation to which they have reference hears that such resolutions have been brought forward, they will take advantage of it, and seize all the property belonging to our citizens within their power. If the resolutions are not proper, therefore, to be adopted, they ought immediately to be rejected; for, if this is not done, we may expect that not only all the property of our citizens in French ports will be seized, but that all our vessels, without exception, which can be met with will be taken. He hoped, therefore, if gentlemen are of opinion with him that the time for taking measures like the present is not yet arrived, that the reference would be refused. It would do infinite mischief. We ought not, he said, to show a spirit of this kind, until we are perfectly prepared to act. And as he believed the House is better calculated to judge of the propriety of thus changing the situation of the country, than any committee could be, he should not choose to ask the opinion of the Committee for the Protection of Commerce and the Defence of the Country, what he should do in this case.

Mr. R. WILLIAMS observed, that the gentleman from South Carolina seemed to argue in favor of committing these resolutions, as if no time would be so proper for doing so as the present. But he believed this House would be equally capable of judging of this matter hereafter as at present, and could act upon them in future as well as now. Why, then, ought the House now to refer them, when even the gentleman from South Carolina says he is not prepared to vote for them; but that if he were called upon now to vote upon them, he should give his negative on the question?

It appeared to him, Mr. W. said, that the reference of these resolutions could have no other appearance than that of a challenge, and will doubtless produce the consequences which has been mentioned by the gentleman from Virginia. And however their vessels may have depredated upon our commerce, and suffered their citizens to plunder us at sea, they have not gone so far as to make it a national act to seize all the property of our citizens within their power. He was, therefore, opposed to this reference; for though, whenever the time of actual war shall arrive (for it seemed as if it must arrive,) we shall think it necessary to do France all the mischief we can, yet he did not think it would be prudent to tell them we mean to injure them, in this or that way, before-hand.

He had another reason for voting against this reference. However proper the distinction might be, Mr. W. said, between a reference and the adoption of these resolutions, the argument could not apply to the first resolution; for he should never be in favor of referring any resolution which he did not think the House had the Constitutional power of acting upon. But he did not believe that this House has the power to annul a treaty; if they had, it appeared to him that they would have the power of defeating the treaty-making power as laid down by the Constitution. This was to him, at least, a very doubtful subject.

Mr. HARRISON believed, that to refer these resolutions would be to give them a degree of sanction; and, as he looked upon the question as very important, he should call for the yeas and nays upon it. They were agreed to be taken.

Mr. GALLATIN said, it appeared to him that the committee to whom it is proposed to refer these resolutions might, without this reference, have brought the subject before the House, as they are appointed to consider whatever relates to the protection of commerce and the defence of the country. The reference must mean something more, therefore, than a mere instruction to them to consider the subject, because they have already those instructions given to them generally in their original appointment. What, he asked, could be obtained by a vote on this subject? He was at a loss to know. He could see no possible good to be derived from it. He wished, indeed, the committee to whom it is proposed to refer these resolutions, instead of doing the business committed to them by piecemeal, in the manner which they had adopted, had laid before the House at once a complete general plan of defence consistent with the present situation of the country. A majority of this House seem not only ready to take every defensive measure, but, in a certain degree, offensive measures also. This having been once determined, the committee might very well prepare such a plan. Such a plan would be more consistent and uniform, than if individual members were left to bring forward any measures which it may strike them as necessary to be taken. Of what use, Mr. G. asked, had been the reference of a set of resolutions made some days ago by Mr. SITGREAVES? No report has been made upon them. A part of them were of the same nature with these, and would authorize a report on this subject, if the committee had not the general power already mentioned.

If, then, no advantage can be derived from a reference of these resolutions, and as some disadvantages, which have already been mentioned, may be the consequence, he trusted they would not be referred.

So far as any conclusion could be drawn from the despatches of our Ministers, he confessed he had no great hopes of our negotiation with France being concluded in an effectual manner. He saw a kind of negotiation open between our Envoys and the French Minister for Foreign Affairs. He saw that the latter had asked for a loan; a demand inadmissible by our Envoys, since it was contrary to their instructions; a demand inadmissible from any instructions they might hereafter receive, for the sentiments of the Executive on that subject were well known; and, he would add, a demand inadmissible in its very nature, inadmissible in the opinion not only of this House, but of every individual in the House. So that, as long as that demand was insisted upon, no accommodation could be effected. But it must have been remarked, in the late despatches, that when our Envoys inquired of Mr. Talleyrand whether a loan of money was the ultimatium of the French Government, he did not choose to give a direct answer. This shows it to be possible that this demand may not be their ultimatum; and if not, as we have heard it reported, (though not officially,) that one of our Commissioners still remains in Paris, it would not be prudent to take any step that would defeat any treaty which might be in contemplation.

Besides, the gentlemen in favor of adopting measures of this kind, must know that the committee, to whom it is proposed to refer the resolutions, can at any time make a report on the subject, without the reference, whenever they shall think the state of things requires these measures should be taken. He hoped, therefore, the resolutions would not be referred.

Mr. COIT felt embarrased on this subject. If he were called upon to vote for a reference of these resolutions at present, he should vote against it. He differed in opinion from gentlemen who think there is a probability of a favorable issue of our negotiation with France. If our Envoys, or any of them, were mad enough to make a treaty, upon such terms as the French propose, it would not preserve peace between the two countries. He believed we should have war; but he did not wish to go on faster to this state of things than the people of this country, and the opinion of the world, would justify.

Mr. C. was aware that to refer these resolutions, was not to agree to them; but he thought it would be giving them a sort of sanction. Measures might turn up, he said, which would make the adoption of these resolutions proper, though he did not think the time yet arrived. He therefore moved a postponement of the question for one week.

Mr. W. CLAIBORNE hoped the motion for postponement would prevail, for, though a reference of those resolutions would not be a complete sanction of them, he should consider it as a prelude to a speedy adoption. His observation on the past proceedings of the House justified this remark.

Mr. C. differed in opinion from the gentleman from North Carolina as to the power of Congress with respect to treaties. He believed Congress has a right to do away any treaty by a Legislative act; if not, he should think he lived under the most miserable Government upon earth.

What, said Mr. C., is the nature of the injuries which we have received from France? Have they not been wholly maritime? and have we not done all we can conveniently do for the defence of our commerce? Were not all our marine force already under such regulations as to be enabled to act to great advantage in the prevention of future outrages on our commerce? Why, then, shall we proceed to measures which must inevitably involve the country in war? Will the adoption of these resolutions give us a single ship or gun? No. Why, then, widen the breach between the two countries, by acting upon a measure more replete with impolicy than any act he ever saw introduced into that House. If it were adopted, it would go to the destruction of our commerce with several of the great commercial Powers; for the moment war is declared with France, we shall also be at war with Spain and Holland, her allies. And when a war with Spain shall take place, the commerce of the Southern States and Western country will be immediately gone, and all our vessels in French, Dutch, or

Spanish ports, will doubtless be confiscated. These, he said, were evils which he foresaw would attend the adoption of these resolutions, and he called upon the mover to show a single advantage which could be derived from their adoption. He hoped, therefore, the question would be postponed for a week; and if, at the end of that period, nothing shall have transpired which will make their adoption proper, he trusted they would then be farther postponed. If France is determined to have war with us, we must and will defend ourselves; but he was desirous that no act of ours should show that we ourselves wish for war.

Mr. SITGREAVES did not feel very solicitous whether the reference of these resolutions should or should not be postponed for one week, as he did not think so short a time would make any essential difference in the state of things; but, as he knew no good purpose that could be answered by the postponement, he should vote against it. He rose to offer his reasons in favor of the reference, generally.

Mr. S. said, those gentlemen who had been in the habit of observing the frequency and facility with which a certain description of the members of this House could put on and shake off the most important principles, as occasion required, would not be surprised at the comparison he was about to state between their conduct now and on a former occasion. Everybody recollected that, some time ago, the resolutions of a grenadier company, at Portsmouth, in Virginia, were presented to the House; and that, when it was proposed to refer these resolutions to a Committee of the Whole on the state of the Union, it was objected to, because they contained a most abominably gross and indecent libel on the Government and those who administered it. The reference of those libellous resolutions was nevertheless advocated by one side of the House very warmly, and eventually carried by a majority; and it must be well remembered that this course was justified by its advocates, on the ground that the reference of a proposition to a committee could not by any implication be construed into an approbation of the proposition; and, therefore, while those gentlemen urged the reference of the grenadier resolutions, they, one and all, disavowed all participation in the sentiments they contained. But now, when resolutions highly important and intimately connected with the welfare of the country, are proposed by a member of the House in discharge of his duty, and it is moved that these resolutions should be referred, in the usual and ordinary course of proceeding, for the purpose of consideration, the same members who, on the former occasion, disclaimed all pollution from the reference of Magnien's Libel, affect to declare that the reference now proposed cannot be made without adopting, or countenancing, or sanctioning, to a certain degree, the specific propositions to be referred. How they can reconcile this versatility of principle to the rules of rectitude or reason, he was at a loss to conjecture; it appeared to him that, if the principle they *now* maintain is just, these gentlemen have subjected themselves to the imputation of "adopting, or countenancing, or sanctioning, to a certain degree," the libel of Captain Magnien and his grenadiers—or, on the other hand, if the principle which they *then* contended for was just, they absolutely fail in the ground of their present opposition.

His colleague (Mr. GALLATIN) had fallen into two mistakes; he had said that these resolutions are of the same nature with those which he (Mr. SITGREAVES) had the honor, some days ago, to lay before the House; and that the committee, to which the resolutions are proposed to be referred, have, at present, all the power which this reference would give them. He was not correct, in the first place, in saying that these resolutions are of the same nature with those formerly submitted. The former propositions suggested a course of special reprisal, in cases limited and defined; the present propositions are for letters of general marque and reprisal, which modes of proceeding are essentially different in their nature and their incidents, in their theory and practice. The present propositions, also, recommend a declaration on the subject of the treaties, to which the former ones made no allusion. He believed his colleague to be equally mistaken in his other assertion, that the committee had already power to report to the extent of these resolutions, if they should deem it expedient. Their general power was to consider and report upon so much of the President's Speech as relates to the protection of commerce and defence of the country; and this authority, when construed with relation to the Speech, cannot be considered as going beyond the measures of defence, strictly compatible with the neutral position in which we stood at the commencement of the session; and could not, without an express reference, justify the committee in proposing broad measures of hostility. This, however, is a question of form merely. If the committee have already the power, the reference proposed can do no mischief; if they have it not already, it remains to inquire whether they ought not to have it. He conceived they ought.

He did not mean to give an opinion whether the specific propositions contained in these resolutions ought actually to be adopted; that is not now the question; and all the arguments that have been urged in relation to the actual expediency of the measures proposed, have been irrelevant and out of order. The question is, whether they do not form proper subjects for submission to a committee? On this point he had no hesitation to say, that the councils of the nation could not too soon turn their serious attention to these subjects. Gentlemen could not, with any propriety, contend that the situation of the country is the same as before the receipt of the last despatches; they have most effectually dispelled the few rays of faint hope that the negotiation with France could terminate amicably; we learn by them that the demand of money, of a tribute so disgraceful as on all hands to be scouted as inadmissible, which had before been made by inofficial agents, has now been repeated and insisted upon, as a preliminary to negotiation, by the acknowledged and official

organ of the Directory. War, therefore, absolute war; hostility in all its modes and with all its incidents, appears to be, not merely highly probable, but absolutely inevitable; and whether the precise point of time for its legitimate commencement shall arrive a little sooner or a little later, it is an event to which our solemn attention ought to be immediately directed, on which we should accustom ourselves to reflect, and on which a reference should be made to a committee whose particular duty it would be to revolve it in their minds, and to make a report the instant the necessity should occur. The power of declaring war is, by the Constitution, placed in this department of the Government; and in proportion as the season approaches when the exercise of this power shall become our duty, ought we to prepare ourselves for so solemn an occasion by reflection, by consideration, and discussion. It is already anticipated by the public sentiment and the public voice; and we disregard our obligations if we neglect to make it a principal subject of our own deliberations. We consider, not only what measures are suited to our actual situation, but those also which are calculated for a state of things which appears to be inevitable. The only design of the motion for reference, is to pave the way for these discussions. The committee would deliberate with a caution adapted to the importance of the subject, and after having decided for themselves, would submit to the control and the decision of the House, the result of their deliberations: on the whole, the resolutions contained, he believed, important objects on which, eventually, we must think and decide. He would not say we are prepared to decide; but he was sure we could not begin to think too soon.

Mr. BALDWIN said, that nothing was more certain than that individual members could not vote to refer a motion to a committee, as was now proposed, unless at the time they feel themselves favorably disposed to the object of the motion, and vote to refer it to a committee to further that object, and to give it practicable shape and form. The gentleman who had just sat down should reflect, that referring petitions is a matter of course, and is established by usage as a respectful form of receiving and hearing the applications of our fellow-citizens. The introduction of a petition requires no second; but a motion made and seconded, is to be regarded as a step in the actual operations of the House. For himself he must say that, with respect to the present motion, it required no time for him to be ready to declare, that he was not now favorably disposed towards it, and could not, in any shape, now give it his countenance and support.

When he reflected on what they had done in the small space of a few weeks, and the course of measures which had been adopted by Congress since the receipt of the despatches from our Envoys, he thought they had come on, one upon another, in a succession sufficiently rapid. They must, in their nature, greatly affect the state of the country, perhaps more than was ever done before in so short a time. He thought it would be wise in the House, at present, to make a short pause, before they proceeded any further. It is a subject on which all Governments are apt to err, and to proceed too rapidly. Let us, said, he, take a little time to ourselves, and give some time to our constituents, to look at our interests, and the state of our public affairs, in the new posture which we have given them in the course of a few weeks.

Our measures, he said, divided themselves into three classes; first, the internal defence of our country and of our seacoast. On this there had been no difference of opinion; we had adopted, promptly, the same course of measures which had been adopted a few years ago, when we were threatened by another European Power, we had fortified our ports and harbors, fixed row-galleys and other vessels on our coast, and ordered a draught of eighty thousand militia to hold themselves in constant readiness; and ordered a million of dollars to be expended, in procuring arms, cannon, and ammunition, to be placed all along the country in proper situations, that they may be put into use by such of our fellow-citizens as should be driven to the unfortunate necessity of defending themselves by arms. He had been glad to see such a perfect unanimity in those measures, and such a readiness, on all quarters, to vote even larger sums than were recommended in the reports for these purposes. This course of measures was founded on principles merely defensive, and related only to our own country, and our own coast within cannot shot from our shores, which, by the law of nations, is called our territory; he trusted what had been done, accompanied with the spirit and resolution of our countrymen, would render our country impregnable.

The second course of measures, which he said had also been adopted, was extending our military preparations, and carrying our force beyond our own jurisdiction, on the main ocean, to defend our commerce by convoys, and to seek for and capture French privateers. On these the House had not been unanimous; they had appeared to be founded on more questionable policy; but, as the laws were passed, they would not only be cheerfully submitted to, but as vigorously supported as the others; it was now his duty to hope and expect that they would do more good than harm.

The third and last course of measures, was presented to our consideration by the present motion, to put the country immediately into an actual state of war. He must say he had been surprised to hear it; he thought it very ill-timed; he must express upon it his utter disapprobation. As had been already stated, the last official information from our Envoys, showed that our negotiations were still going on; and though the French Minister still insisted on a compulsory loan, which our Ministers justly declared to be a very inadmissible condition; yet, it ought to be noticed in the despatches that, when he was asked by Mr. GERRY, if they were to consider him as insisting on a loan as an ultimatum, he avoided the question, which gives reason to believe that, as things then stood, a loan or war were not absolute inevitable alter-

native; it was such an alternatives as he was not disposed to take, so long as it was avoidable. Though our situation has been, in many respects, bad for the year past, yet in a state of actual war, it will be much worse. He never turned his attention to the part of the country where he lived, but that he felt himself compelled, by every principle of duty to whom he represented, to address and to urge every consideration to avoid going to that extreme. They have been once almost totally destroyed by war; they know, from their distance and from past experience, that prompt and adequate protection never will be extended to them. He believed no honest man, deliberating merely for the public good, could take a view of the affairs of this country, of his own home, and of his friends, and think of going into a state of war, if is possible to avoid it.

Our fellow-citizens had, by their addresses from every part of the Union, testified their attachment to the principles of the Government, and had endeavored to fortify their public men on this trying crisis, by assurances of their confidence, and their determination not to appear to be a divided people. He hoped they might always conduct public affairs in such a manner as to merit and receive support so grateful on such occasions. The people have discovered dispositions so favorable, he thought it would be wise for the Government not to go too fast for their expectations. Perhaps, said he, as much has been done at this time as was expected. The people had not said expressly that they are desirous of going into war, as some seem to suppose; we know to the contrary—it is only the worst class of them that are desirous of war, and we should deliberate on the subject under this impression: they tell us, to be sure, that they rely on us, and will support whatever we do; they see there is no other way of getting along; we know it, and if a law actually passes the different branches of the Government to make war, there is no doubt but that the whole country goes with us; the consciousness of this good disposition should be, so far from making us more rash and hasty in rushing into war, that it should be felt as the strongest obligation upon us to do for them everything that is possible to avoid it.

Mr. B. mentioned another consideration which had weight with him against the present motion. A committee had been appointed this morning to join a committee of the Senate, to look over the business, and see whether there might not be a recess of Congress for a few weeks. That committee will doubtless find this subject as fairly within the purview of their appointment as the committee of defence could, if it were referred to them. It will come before the committee appointed this morning, without any act of the House, and in a particularly favorable attitude; they must examine it as it stands in relation to the question of adjournment. If there is to be an adjournment of Congress this Summer, which he hoped and trusted there would, will not every one say that it is desirable the adjournment should take place before this question of war is finally determined on? It is the very life of all representative Governments that the representative should have opportunity to see his constituents, more especially on such great occasions; it gives mutual confidence and very much fortifies the Government. It has been the practice in some of the States never to pass an important law without first publishing it for consideration, and then adjourning and going home. At the next session they consider themselves as bringing up the more mature sense of the people on the subject. In other countries, we know that in any great turn of public affairs, it is a common practice to dissolve the deliberative assembly, and to have a new one elected, so as to be sure to bring up the sense of the people. Never can there be more reason for it than in a country of so different interests, and of so great extent as this. The public men of the United States have a work of immense difficulty to conduct; they need to take great care, or they will make shipwreck. It is to be remembered, that since the Fall before the last, Congress has been almost constantly in session, and they who live remote have had very little time to be with their constituents at all. They are full of anxiety, said he, on the present very interesting state of our affairs; it is their business which we are transacting; it is as interesting to each one of them as to ourselves. After so long an absence, and so much having been done, he thought it very desirable that a recess should now give them time to intermingle with their fellow-citizens. It was not stated there was anything immediately pressing for a decision of the question of war just at this time; there is no immediate great stroke to be struck, or special advantage to be obtained by determining it now rather than a few weeks hence. More intelligence might be received; circumstances might alter; he thought every consideration urged letting the war question remain till after the adjournment.

Mr. DANA hoped the gentleman from Georgia did not want to inquire of his constituents whether they would consent to a treaty with France, in which we shall bind ourselves to pay a tribute. He trusted if that gentleman's constituents were thus to instruct him, he would refuse to obey their instructions. He hoped no member of this House could be prevailed with to set his hand to what would prove the death-warrant to the liberties of the country. Mr. D. thought, therefore, that no instructions were necessary on this subject; it is not a subject proper for deliberation in the American Congress, and no other terms of accommodation had been held out to us by that country. Does not Mr. Talleyrand, said Mr. D., complain of the Farewell Address of General Washington, and of the Speeches of Mr. Adams, and say that, before any treaty can be entered upon with us, some proof of our friendly disposition must be shown towards them, and that proof, he more than insinuates, must be a loan, or a tribute to the extent of our capacity to pay? If the despatches do not mean this, he did not know what they mean; and when Mr. Talleyrand was asked whether this was the ultimatum of the French Government,

though he does not answer in direct terms, it is clearly implied that it is so.

What, then, said Mr. D., are our hopes relative to France? Does anybody expect anything from the terrible generosity of the Great Nation? Can we expect anything from their justice, or, rather, have we not everything to expect from their vengeance, if not prepared to meet it? Why do gentlemen tell the House of the danger of irritating France? He thought delicacy of this kind unnecessary, when speaking of a nation which has set at defiance every moral principle, which has taken and is determined to take our vessels, contrary to every principle of right. For himself, he felt no such delicacy; and, therefore, he was in favor of referring the resolutions under consideration. He did not think them so notoriously wrong that they are not fit subjects for deliberation.

The gentleman from Pennsylvania had said, indeed, that as this subject had been referred to the Committee for the Protection of Commerce, and the Defence of the Country, generally, it was improper to make this reference. For this reason, he thought the reference proper. The resolutions introduced some days ago by the gentleman from Pennsylvania (Mr. SITGREAVES) of a like nature, were referred to that committee. If this reference was improper, therefore, the proceedings of the House had heretofore been wrong. The gentleman from Pennsylvania has also thought proper to make some remarks on the conduct of that committee, and has given them his advice. He wishes them to produce a general system, which should contain all the measures relative to the defence of the country which will be necessary during the whole of the session; and he doubted not if such a system was produced, that gentleman would be the first to find fault with and argue against it. Indeed, it would be impossible to produce such a system, whilst every day produces changes in our situation.

Mr. J. WILLIAMS wished to say a few words in reply to the remark which had been made, that members who voted for the reference of resolutions, generally vote for the resolution itself. He believed he could produce twenty instances to the contrary, where references had been made, and the measures themselves afterwards have been disagreed to. He should give his vote in favor of the committal, because he wished to see the principles of these resolutions detailed; but he by no means pledged himself to vote for the passage of the bill.

The gentleman from Kentucky had spoken of two parties in this country, but that the decision upon a resolution of this morning proved that there is now a third party. He supposed the gentleman who had made the motion alluded to would have given some reasons why it ought to be agreed to; but not having done that, he voted against it.

[The SPEAKER reminded Mr. W. of the question.]

He then observed in reply to the remark of the gentleman from North Carolina (Mr. R. WILLIAMS) with respect to treaties, that it was clear from the writers on the laws of nations, that when one nation breaks a treaty, it is no longer obligatory on the other party. But treaties are now-a-days, done away, and power substituted in their place.

According to the opinion which gentlemen had themselves expressed, Congress had already agreed to form different measures, which would involve the country in war. If the present bill was passed (and he doubted not it would) it will be the fifth, though the gentleman from Pennsylvania has said that this reference will give the Committee for the Protection of Commerce and the Defence of the Country no new power, and of course, in his opinion, it could make no difference whether these resolutions are referred or not.

The yeas and nays were taken, and the question was negatived—42 to 41, as follows:

YEAS—John Allen, Bailey Bartlett, James A. Bayard, David Brooks, Christopher G. Champlin, James Cochran, William Craik, Samuel W. Dana, John Dennis, William Edmond, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, Roger Griswold, William Barry Grove, Robert Goodloe Harper, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, William Matthews, Lewis R. Morris, Harrison G. Otis, Isaac Parker, John Reed, John Rutledge, junior, James Schureman, Samuel Sewall, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, George Thatcher, Richard Thomas, Mark Thomson, Thomas Tillinghast, John E. Van Alen, Peleg Wadsworth, and John Williams.

NAYS—George Baer, jun., Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Richard Brent, Stephen Bullock, Demsey Burges, John Chapman, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, Joshua Coit, Thomas T. Davis, John Dawson, George Dent, Albert Gallatin, James Gillespie, Andrew Gregg, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, Josiah Parker, William Smith, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Abram Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

Mr. SITGREAVES moved to postpone the consideration of these resolutions for two weeks, which motion was seconded by Mr. J. PARKER.

Mr. S. afterwards withdrew his motion for a postponement for two weeks, and moved a postponement of one week.

Mr. J. PARKER renewed his motion for a postponement for two weeks.

Mr. VENABLE inquired whether it was in order to take any further question upon the resolutions, the original motion having been negatived.

The SPEAKER answered, that the question on reference having been disagreed to, the resolutions themselves are now before the House.

Mr. VENABLE said, he had thought it was not in order to enter again upon the consideration of these resolutions, after the question which had been taken upon them. He knew that, to suffer

them to lie on the table, could have no effect upon the people of this country, but it might have effect on the conduct of a foreign nation, as, when they heard such resolutions were under consideration, and of course likely to be adopted, they might anticipate their being carried into law, and proceed to seize the property of our citizens in their ports. If this motion were to be negatived, or withdrawn for the present, it might be brought forward again, whenever gentlemen shall think it ought to be adopted. He was as much opposed to the suspension, as he was against the reference of these resolutions.

Mr. SEWALL said, the gentleman from Virginia had not pointed out any mischief which could arise from a postponement of this motion. He had said, that passing a negative upon it, will leave us in the same situation in which we were before it was brought forward. He apprehended not. It would be saying to the French nation, "notwithstanding all the injuries you have heaped upon us, we will not take active measures against you," It was saying we will not go beyond defensive measures. It was coming to an ultimatum before we know to what extremity France means to drive us. To have postponed the consideration of the question was a very different motion from the present. But gentlemen were desirous of taking a question upon the resolutions themselves, without debate. He hoped, however, this would not be the case, but that the consideration of them would be postponed.

Mr. MACON hoped the consideration of these resolutions would not be postponed. It was a little curious that a gentleman who was a few minutes ago against a postponement for a week, was now become an advocate for a postponement for a fortnight.

The SPEAKER said, the two questions were different.

Mr. RUTLEDGE rose to make this observation: That members opposed to the former motion for postponement, when a mere question of reference was under consideration, might with propriety be in favor of it when the question comes to be final upon the resolution.

Mr. R. wished gentlemen to use their victory with moderation. He believed the country was big with expectation that spirited measures would be entered into. He did not believe they approved of the half-measures which Congress took. Indeed, the countries which France had overcome, had been overcome chiefly from their taking half-measures while France had taken whole measures. He hoped the postponement would be agreed to; as if the next advices from our Envoys are not more favorable than the last were, he supposed there could be no hesitation in agreeing to have these resolutions carried into effect, and to reject them would have a mischievous effect.

Mr. LYON called for the yeas and nays on the question, but as one-fifth of the members present did not rise in favor of it, the question was not carried.

Mr. DAVIS wished the mover to withdraw his resolution.

The question on postponement was put and carried—44 to 40.

Immediately after which, Mr. BLOUNT moved the following:

"Whereas the King and Government of Great Britain, regardless of those principles of good faith which ought to insure a due observance of treaties, have in various instances violated the express stipulations of the treaties heretofore made and subsisting between the United States and the British nation, in a manner highly injurious to the interest and honor of the United States; by reason whereof, the United States are released from all obligation on their part to respect the said treaties, or consider themselves as holden or bound thereby:

"*Resolved*, That it is expedient to make a Legislative declaration, notifying the citizens of the United States, and all others concerned, that the said treaties are no longer obligatory upon the United States."

Mr. HARPER called for the question upon it.

The SPEAKER was about to put it, when

Mr. GALLATIN asked if this resolution would not require the concurrence of the Senate? If so, he supposed it must of course lie, at least one day, upon the table.

The SPEAKER answered in the negative.

The yeas and nays were called for, and agreed to be taken.

Mr. BLOUNT said, he proposed that this motion should lie upon the table, and it was not his intention to have called it up until the resolution which had just been postponed with respect to France, was decided upon. He had been opposed to that resolution; and to take the question upon this resolution would place him in an awkward situation, as he did not wish it to be adopted, except the motion with respect to France was adopted. But if it be right to come to a resolution of this kind with respect to France, it would be equally so with regard to Great Britain; for if her violations of the treaty subsisting between the two countries have not been so great as those of France, they have been great enough to justify this resolution.

Mr. B. said, he did not expect gentlemen would have shown so much indecency of conduct towards his motion as they had done; since it must have been evident to them that he did not intend to have it decided at present.

Mr. VENABLE was sorry this resolution had been laid on the table. We are, said he, in difficulties sufficient already without unnecessarily increasing them. Even if the other resolution should be adopted, he should be unwilling to have this brought forward. He hoped, as from what the mover had said, he did not wish it now to be decided upon, that he would withdraw his motion.

Mr. BLOUNT withdrew his motion, saying he would introduce it at a future day.

INTERCOURSE WITH FRANCE.

The amendments of the Senate to the bill for suspending the intercourse between the United States and France, and to the bill providing for the more effectual collection of certain internal revenues, were read, and ordered to be printed.

DIRECT TAXES.

Mr. HARPER called for the order of the day on the bill to provide for the valuation of lands and dwelling houses, and the enumeration of slaves, within the United States; which being read,

Mr. GALLATIN said, the original bill provided that every dwelling house with its appurtenances, &c., above the value of $200, should be separately enumerated; but in the present bill the provision is extended to all houses above the value of $100. He would move, therefore, to strike out the $100 for the purpose of inserting 200 dollars, as before, in order that houses under that valuation might be valued along with the land to which they belonged, which would save a great deal of trouble to the assessors, and be more agreeable to the people.

Mr. HARPER believed the amendment contained a principle by no means advantageous. If it be desirable to have a distinct and accurate knowledge of the different species of taxable property throughout the United States, it will not be effected if this amendment be adopted. Even if all houses of the value of $100 are enumerated, Government would be deprived of a considerable share of information which it might possess, if the provision was not so confined. It would be desirable to know what number of houses there are in the United States under the value of $100; but these, according to this bill, will not be enumerated, but valued along with the land; but if, instead of being limited to houses above the value of $100, it should be extended to $200, it would exclude from enumeration a great proportion of the houses in the country, and Government would be left in the dark as to this species of property of the United States, which might be necessary for the laying of future taxes.

Mr. VENABLE said, the gentleman from South Carolina admits, that the non-enumeration of those small houses would take nothing from the value, or the amount of the tax, yet he insists upon the great advantage which will be derived to Government by such an enumeration, though he does not say what that advantage will be. If every house-keeper was returned, he should suppose every purpose of the gentleman would be answered, and the enumeration which he wishes would doubtless occasion much trouble, and he could not see that it would be of any use. He thought it would not be worth while to report a house not worth less than $200, but let them go along with other property. He hoped, therefore, the motion would prevail.

Mr. GALLATIN remarked, that the gentleman from South Carolina did not object to this amendment, because it would excuse any number of houses from taxation but merely from description; that is to say, we shall not be in possession of the number of houses in the United States of from $100 to $200 value; for these houses of small value will nevertheless be valued along with the land and other improvements.

What is the object, Mr. G. asked, of obtaining this return of small houses? It is not to lay a tax upon them at present, but that hereafter Congress may with facility lay a tax upon them, to a larger amount than is laid upon the lands; and it was because it was to be made use of as a ground of future taxation, that he wished them to be excused from enumeration, and separate value. He was of opinion that houses of the value of $200 and under, ought not to be taxed at any higher rate than lands. He did not think they were a criterion of that property which ought to be taxed. The Secretary of the Treasury, in his plan, proposed to excuse from enumeration houses of the value of 200 dollars, and under; and they certainly ought to be excused, as they are generally possessed by a description of farmers and laborers, who are not in circumstances to pay such a tax. And, as it is acknowledged that the want of enumeration will not excuse those houses from a tax in proportion to their value, it is of some consequence to levy the tax in a manner which shall be the least disagreeable to the people; their prejudices ought to be consulted, particularly the prejudices of those who live in a part of the country where they can get the least information. Such people, when they saw their houses and lands valued separately, contrary to the custom of the State, would apprehend a double tax was about to be laid upon them, and such an idea might excite great discontent.

Mr. OTIS thought this motion premature, as it had a tendency to involve a principle which was intended to be kept out of sight in this bill. It is the object of this bill merely to provide for a valuation of property. It has nothing to do with the tax to be laid. After the valuation had been directed, it will become a question in another bill, whether or not any part shall be excused from taxation. He was not himself prepared to say that all houses under the value of $200 ought to be excused from taxation. He could not say that men living in houses of this description will not be able to pay a tax of half a dollar a year. If this description of houses were wholly to be exempted from tax, it might influence men when they went upon a tract of land, to build houses of this description, in order to avoid tax, instead of building good houses in the first instance. He wished to have this information distinct; it might not be useful only for future taxation, but also for ascertaining the number of militia, and for other purposes, especially as it might be obtained without any additional expense. He supposed the description of houses proposed to be excused, would amount to $150,000, which at half a dollar each, would amount to $75,000, which he thought was too serious an object to be abandoned. As to the alarm which gentlemen predicted that this separate valuation would produce, he could not conceive any such thing. He believed the difficulties which this bill met with in its passage, would create more alarm than anything else.

Mr. HARPER said, the language of the gentleman from Pennsylvania, on former occasions, contrasted with what he said on the present, would, to use a favorite European expression, exhibit a *strange spectacle.* How often has that gentleman said, that it was necessary to place

confidence in future Congresses; to believe that they would do what was right and proper to be done. But now he is opposed to the information being obtained, lest a future Congress should abuse it, lest they should lay too heavy a tax upon this description of the people. He, on the contrary, supposed future Congresses would do their duty, and he wished to do his by obtaining the necessary information. He wished to give them data upon which to act, if they think proper. Having this, they can have the houses and land valued together, or separately, as they shall judge best, but the gentleman from Pennsylvania is opposed to this. It was his wish, indeed, not to have separated houses from land at all. That gentleman was fearful of the people being alarmed by a separate value being put upon houses, lest a double tax was about to be imposed; but he could not conceive them to be such blockheads; he believed they would see the reasonableness of the thing, and when they were told the most valuable houses were taxed according to their value, they must allow that the principle is a just one. He could not see, therefore, any use in adopting the amendment, except it was thought proper to hoodwink future Congresses, to prevent them from doing what would be improper.

Mr. W. CLAIBORNE was in favor of the motion. It appeared to him to be founded on justice and sound policy. He believed the people in the country would not be such blockheads (to use the phraseology of the gentleman from South Carolina) as not to know that when a separate value was put upon their houses, that they put it in the power of a future Congress to tax their houses separately; and he was of opinion that such a persuasion would excite alarm and general disapprobation. He believed it would be extremely wrong to lay a direct tax on houses of the value of $200 and under, as they are generally the abodes of poverty; and he could not fancy to himself a more degrading sight than to see our collectors sent to the door of the humble cottager to ask half a dollar for the privilege of his shelter from the inclemency of the seasons.

Mr. C. had another objection to the enumeration of houses of this description. He believed it would be a tax upon the cultivation of the soil, and would excuse the wealthy landholder from paying his portion of it.

The gentleman from Massachusetts observed that a wealthy man might build himself a humble cottage, in order to excuse himself from paying the tax. He did not believe this would ever be the case. He believed the wealthy man would always consult his ease and comfort, and never live in a house worth less than $200, for the sake of saving the tax. Let gentlemen travel into new settled countries, and they will find, that as soon as they can get them, men who have property, will have comfortable houses, and that these persons (generally speaking) who occupy houses of the value of $200 and under, are not objects of taxation.

Mr. C. concluded by observing, that Congres ought to endeavor to make this tax as palatable as possible to the people; and if there be any part of it more than another calculated to excite dissatisfaction, it ought to be struck out. The amendment under consideration, in his opinion, went to remove what would be a source of dissatisfaction, and therefore it had his cordial support.

Mr. J. WILLIAMS was opposed to the motion; for though he did not like the provision in this bill so well as that in the original bill, he thought it would be much better as it is, than as it is proposed to be amended. The arguments used in support of this motion, he thought would be more fully used in a future Congress. He did not think they were at all applicable to the present question, as the present bill went only to a valuation of property preparatory to the laying of a tax.

But it is said, if houses and land are thus divided, the tax will fall heavily upon the poorer classes of society. This, he said, was certainly a mistaken notion. And the gentleman from Tennessee says, it would be a degrading sight to see a tax gatherer call upon a cottager for half a dollar for his house; but if land and houses were valued together, the tax gatherer would still have to call upon the cottager for his tax; and that gentleman must know that a great part of the people who settle upon back lands live in houses of a less value than of one hundred dollars. And where this is the case, he will be excused from any tax. If, by separating houses from land, a heavier tax can be put upon large and elegant houses than would otherwise be put upon them, it ought to be done. As to small houses, it would make but little difference whether they were valued with the land, or separate.

The question on striking out was negatived, there being only 21 votes in favor of it.

The committee rose, and had leave to sit again.

ALIEN ENEMIES, &c.

Mr. SEWALL, from the Committee for the Protection of Commerce and the Defence of the Country, reported the bill respecting alien enemies, newly modified, which was some days ago recommitted to that committee for that purpose. Also, a bill authorizing merchant vessels to defend themselves against French depredations. This bill authorizes the commanders and crews of merchant vessels to oppose the attack or search of any French armed vessel, and to repel any such search or attack by force, and to capture the vessels making such attack. All such captures to go one-half to the owner of the vessel making the capture, and the other half to the captors. No armed merchant vessel to be suffered to clear out, but such as is owned by a citizen of the United States, who, together with the commander, shall enter into bond, that she shall not commit any outrage against the vessels of any nation at amity with the United States, and that said vessel shall not, during her voyage, carry any articles contraband of war.

A bill was received from the Senate entitled "An act concerning aliens." This bill goes to authorize the President of the United States to order all such aliens as he shall deem dangerous to the

United States, to depart out of its territory; and if, after such order, any such alien shall be found at large, he shall be imprisoned for three years, and forever after deprived of the privilege of becoming a citizen of the United States. And if any alien shall return to this country, after he shall have been sent out of it, he shall be imprisoned and kept to hard labor for life. And all commanders of vessels who shall arrive in any of the ports of the United States after the 1st day of July next, shall make a report in writing of all aliens who shall come passengers on board their vessels, giving an account of their age, profession, description of their person, &c., on pain of forfeiting three hundred dollars.

These bills were severally made the order of the day for Monday.

SATURDAY, June 9.

Mr. J. PARKER moved that the bills, with the amendments of the Senate to them, for altering the time of entering stills, and for the more effectual collection of the internal revenues, be referred to a select committee. Agreed to.

The House spent the remainder of the day principally in going through a very long bill to provide for the valuation of lands and dwelling houses, and the enumeration of slaves within the United States, previously to the laying a direct tax on them. The bill was gone through in the Committee of the Whole, without any debate of consequence, except as to what related to filling the blanks intended to contain the amount to be appropriated for carrying the law into execution, the salary of the Commissioners, Assessors, &c. The committee had leave to sit again. No other business of importance was done this day.

MONDAY, June 11.

Mr. HARPER, from the Committee of Ways and Means, reported a bill providing for the enumeration of the inhabitants of the United States; which was committed for Wednesday.

INTERCOURSE WITH FRANCE.

The order of the day was called for on the bill providing for the valuation of lands and houses, and the enumeration of slaves.

Mr. SEWALL hoped before the order of the day was gone into, the amendment of the Senate to the bill for suspending the commercial intercourse between the United States and France, would be taken up.

The question for suspending the unfinished business, being postponed for this purpose, 37 to 32, the amendments of the Senate to the bill above named were taken up The principal of which was, a provision that the President should have the power of excluding vessels from the operation of this act, in all cases where he shall judge it proper. This amendment being objected to; it was modified by striking out "in all cases," and inserting, "any vessel which shall be necessary for aiding the departure of French persons resident here, wishing to depart with their goods and effects from the United States." The Senate afterwards informed the House that they concurred in the amendment.

DIRECT TAXES.

The House then again resolved itself into a Committee of the Whole on the bill providing for the valuation of houses and lands, and for the enumeration of slaves.

The blank appropriating a sum of money for carrying this law into effect, was filled with one hundred and fifty thousand dollars.

Mr. VENABLE moved to exclude female slaves from the tax. The motion was negatived—35 to 29.

The committee rose, and the House having taken up the report,

Mr. T. CLAIBORNE moved to change the age at which negroes are to be enumerated from 12 to 50 to from 16 to 50. The motion was negatived—38 to 36.

Mr. TILLINGHAST renewed a motion which had been negatived in the Committee of the Whole, to extend the tax from houses and land to other property, by inserting in the 8th section the following words: "And such other property as by the law and usage is taxable, by the respective States within their respective districts, in the assessment of direct taxes." Mr. T. called the yeas and nays upon this question. He thought it unreasonable that a man possessing a piece of land of the value of two hundred dollars, should pay a tax, whilst his neighbour, possessed of immediate property of a different kind, should be excused from tax.

The yeas and nays were taken, and the question negatived—59 to 22, as follows:

YEAS—Abraham Baldwin, Lemuel Benton, Stephen Bullock, Christopher G. Champlin, Thomas Claiborne, William Charles Cole Claiborne, Thomas T. Davis, John Dawson, John Fowler, Jonathan Freeman, Jonathan N. Havens, Samuel Lyman, Matthew Lyon, Nathaniel Macon, William Shepard, Richard Stanford, Thomas Sumter, Thomas Tillinghast, Abram Trigg, John Trigg, Philip Van Cortlandt, and Joseph B. Varnum.

NAYS—John Allen, George Baer, jr., David Bard, Bailey Bartlett, James A. Bayard, Thomas Blount, David Brooks, Demsey Burges, John Chapman, John Clopton, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, John Dennis, George Dent, William Edmond, Thomas Evans, Abiel Foster, Dwight Foster, Albert Gallatin, Henry Glen, Chauncey Goodrich, Andrew Gregg, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison, Joseph Heister, William Hindman, David Holmes, Hezekiah L. Hosmer, James H. Imlay, Walter Jones, John Wilkes Kittera, William Matthews, Blair McClenachan, John Milledge, Lewis R. Morris, Anthony New, Harrison G. Otis, Isaac Parker, Josiah Parker, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, Samuel Sitgreaves, Nathaniel Smith, Samuel Smith, William Smith, Richard Sprigg, jr., George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, Abraham Venable, Peleg Wadsworth, John Williams, and Robert Williams.

The bill was then ordered to be engrossed for a third reading on Wednesday.

TUESDAY, June 12.

Mr. HARPER presented the following resolutions to the House, which were referred to a Committee of the whole House:

"*Resolved*, That the sum of —— dollars ought to be appropriated for the support, during the year 1798, of the regiment of artillery and engineers, to be raised pursuant to the act entitled an act for raising an additional regiment of artillery and engineers.

"*Resolved*, That provision ought to be made by law, for enabling the President of the United States to borrow such sums of money as may be necessary for the public service, during the year 1798, in addition to the present revenue of the United States."

DEFENCE OF MERCHANT VESSELS.

Mr. SITGREAVES called for the order of the day on the bill to authorize the defence of merchant vessels of the United States against French depredations.

The House accordingly resolved itself into a Committee of the Whole on that bill, Mr. DENT in the Chair; when the third section, in the following words, being under consideration:

SECTION 3. That, after notice of this act at the several custom-houses, no armed merchant vessel of the United States shall receive a clearance or permit, or shall be suffered to depart therefrom, unless the same shall be owned wholly by a citizen or citizens thereof, nor unless such owner or owners, and the master or commander of such vessel, for the intended voyage, with one or more sufficient surety or sureties, shall give bond, to the use of the United States, in a sum of ——, with condition that such vessel shall not make or commit any depredation, outrage, unlawful assault, or unprovoked violence, upon the high seas, against the vessel of any nation in amity with the United States; and that during her intended voyage, and until her return within the United States, while armed as aforesaid, there shall not be carried in such vessel, to any belligerent nation, any goods or merchandise contraband of war, or any provisions or other articles, to any place actually besieged or invested, or any property of a belligerent nation, or of the citizens or subjects thereof; and that the guns, arms, and ammunition of such vessel shall be returned within the United States, or otherwise accounted for, and shall not be sold or disposed of in any foreign port or place; and that such owner or owners, and the commander and crew of such merchant vessel, shall, in all things, observe and perform such further instructions in the premises, as the President of the United States shall establish and order, for the better government of the armed merchant vessels of the United States."

Mr. SITGREAVES moved to strike out the following words in this section, "or any property of a belligerent nation, or of the citizens and subjects thereof." He could not conceive upon what principle these words had been introduced. He apprehended this bill to be, as the title purported, "a bill to authorize the defence of the merchant vessels of the United States against French depredations"—a bill for the protection of the lawful commerce of our citizens; as, therefore, so far as it respects France, the vessels of the United States are authorized to carry the goods of the belligerent Powers, by the express stipulations of our treaty with that country, it follows that such vessels are engaged in a lawful commerce; and he could not understand why a clause had been introduced into this bill to prohibit merchants from arming their vessels in its defence. It might be proper, perhaps, to bind the owner and master to fulfil the other provisions of the section; but when our treaty with France stipulates that free bottoms shall make free goods, he did not think it right to oblige our merchants to give bond which would deprive them of the necessary protection in this case, which is to be allowed to the other branches of our commerce. It would defeat the very end and object of the bill, and abandon our vessels defenceless to the lawless arrests of the French Directory.

Mr. SEWALL was not disposed warmly to contest the opinion of the gentleman from Pennsylvania, or, if the words which he thought objectionable were struck out, he should not be uneasy about them; but it was the opinion of the committee who reported the bill, that we ought to show to all nations we did not mean to do anything contrary to the laws of nations. Our treaty with France was an exception to the general rules of the laws of nations. It had been contended by France that the doctrine of the laws of nations was otherwise; but Great Britain had insisted upon a contrary stipulation, viz: that an enemy's property may be seized on board a neutral ship. In arming our vessels, therefore, we should show that we do not mean to offend against the property of other nations. It is true we owe France no obedience in respect to our neutral ground. We accordingly refuse her the right to examine our vessels. But, when we put arms on board our vessels, we ought not to consider a treaty as existing which has long since been done away—a treaty which, if France was to claim anything under it, we should deny it to her. And it was only on the ground of that treaty that the gentleman from Pennsylvania could found his objection. He thought the words ought, therefore, to remain.

Mr. DANA said, that when merchant vessels sailed armed, they might have occasion to use their arms against the lawless attacks of different nations, and, therefore, Congress ought to make such regulations as would be proper with respect to all nations; and, in order to effect this, it was necessary to restrict our citizens to a commerce allowed by the laws of nations. Besides, he thought it would be extremeiy wrong to take any measure on the ground of the treaty with France, which had so long ceased to be obligatory, and which he hoped, before this Congress rose, would be declared null and void. And as the only argument which had been used in favor of this motion had been founded upon that treaty, he hoped it would not prevail.

Mr. OTIS wished, for his own part, rather to consider what measures are proper to be taken in relation to existing circumstances, than puzzle himself by referring his inquiries into abstract rights. He wished not to investigate what might be a

proper conduct under certain circumstances, but what is now right and necessary to be done. The design of this bill is, to authorize a defence against French depredations; and he was opposed to the insertion of any clause in this bill which shall betray a fear of going to the extent to which we are entitled by treaty, except we are compelled to give it up. While it existed, we certainly have a right to carry the property of the belligerent Powers—the enemies of France; and these he would insist upon carrying.

Mr. O. said he should have been much better satisfied with a general decision upon the subject, which should have authorized the capture of all the vessels of the French Republic or her dependencies, wherever they are met with. If the committee was not, however, ripe for this, it must yet be deferred for some time. He was opposed to the adoption of half-way measures, because he believed they would all be in vain. The nation against whom we have to guard is the French nation; and it ought to be avowed to the people that half-way measures will never succeed against them; for the sooner the former probable event is declared, the better they will be able to meet it.

Mr. S. SMITH said, if he understood the gentleman last up, he is in favor of striking out the words moved to be struck out, though he did not declare it. He was of opinion with him that we ought to consider our present situation. He believed our treaty with France to be as much annulled as if it had never existed; therefore no regulation ought to be taken which should consider that as in existence. This section provides regulations for the government of our armed merchant vessels at sea, in their conduct towards the vessels of all nations. It goes to regulate a natural right, and this right ought to be regulated upon the established principles of the laws of nations. Our treaty with Great Britain says our vessels shall not carry enemy's goods, and to strike out the clause in question would take away our right to oppose the lawless attacks of the British; whereas we have a natural right to oppose the lawless attacks of any nation. If our vessels have Spanish or Dutch property on board, the British armed vessels, after search, might insist upon carrying vessels of this kind into their ports; but our captains would say, "you shall not, except you have superior force."

Was this the situation in which we are to be placed? If so, he should have no objection. He thought "France" had better be struck out, and then the bill would provide that it shall be lawful for our vessels to go out armed, and to defend themselves against all nations when carrying on a lawful trade, but not otherwise.

Mr. SITGREAVES said, that every gentleman who had spoken in opposition to this motion, had assumed a principle which does not exist, viz: that the treaties between this country and France are void. There can be no doubt that the wanton and unprovoked aggressions of France upon our neutral commerce, are a sufficient and justifiable cause for us to declare them void; but, until this declaration is made, they are binding upon all the departments of the Government, as the law of the land. He thought the rule of the law of nations on this subject had been well understood, that the aggressions of one party make the treaty voidable at the choice of the other party, but not actually void until that choice is pronounced. It is competent to the aggrieved nation either to adhere to the treaty and repel the infractions of it, or to declare it null, and discharge themselves, as well of the obligations as of the advantages of it. According to the forms of our Government, it is only by the Congress that the option can be made; and so far as that has not been done, it necessarily follows that the treaty is the rule of conduct for the departments of the Government, and for our citizens generally; that is, except in those cases in which the Congress have not authorized the contrary.

Now what has been done? A motion which had been laid upon the table for declaring these treaties void, had been refused even a reference; and when such a motion has been negatived, shall it be said that our treaties with France are void? If they are void, why so much tenaciousness against making the declaration? Why refuse to declare to our courts of justice, and to our country, the ground upon which we stand? If Congress had done that, they would have done away many of the difficulties which now embarrass them. We have a right, Mr. S. said, to declare our treaties with France void, either in whole or in part, whenever we please, or to declare war; but until our treaties are declared void they must be considered as the law of the land, and it is perfectly reasonable we should avail ourselves of the rights conceded to us by those treaties while we continue bound by any of its obligations. One of those rights is, that our merchants shall cover belligerent property under their neutral flag, and, being authorized to carry on this commerce, it is the duty of Government to defend them in it.

It ought to be recollected that we are pursuing a system of defensive reprisal; a system suited to our situation, according to the laws of nations; a system of reprisal connected with the defence of our lawful commerce. No authority is given to attack any cruiser of the French Republic, nor is the President authorized to fit out privateers to cruise against the merchant vessels of that nation; our vessels will only have power to use their arms in repelling attacks not authorized by the subsisting relation of things between the two countries, and to make reprisals on the aggressors by capture. The Directory have made a decree that the quality of a vessel shall be determined by the quality of her cargo, and that any British property being on board shall be a ground of condemnation not merely of such property, which of itself would be contrary to the treaty, but also of the vessel and the rest of the cargo, which is in direct violation of the law of nations. The avowed intention of this bill is to repel such aggressions, and it must be agreed to be a strange way of doing it, to prevent our merchant vessels thus circumstanced from arming in their defence. Instead of counteracting the effects of the decree, the direct

tendency would be to expose every vessel, that would come within its purview, defenceless to its operations. It would be a bill to sustain and not repel aggression.

The gentleman from Maryland seemed to think that our vessels ought to be authorized to repel the attacks of the vessels of Spain, Holland, and Great Britain, as well as of France. But if our relations with those countries stand upon a different footing, our provisions with respect to them ought to vary according to this difference. If by our treaty with one country we are authorized in the carrying of enemy's property on board our vessels, and not by another, the provisions of the bill might be accommodated to the two cases. But he understood this to be a bill to authorize a defence against French depredations, and in that view only he wished to consider it. If, however, in adopting provisions against French depredations, there should be any apprehension of their operating against other nations in amity with us, let them be duly restricted in that respect, and in that only.

He agreed with gentlemen in opinion who think our treaties with France ought to be declared void, which, when it took place, would require an alteration in this bill; but, until that took place, our merchants have a right to every advantage secured to them by treaty.

Mr. SEWALL said, the gentleman from Pennsylvania contends that the bond proposed to be given by this bill for the lawfulness of the cargo, includes in it what it is lawful for our merchants to carry. There is no law to determine this matter, it can only be determined by the law of nations. Every other article in the bond might as well be objected to. The gentleman from Pennsylvania might as well say, why not carry provisions to a besieged place, or articles contraband of war? But the carrying of these, as well as enemy's property, is forbidden by the laws of nations, and when we authorize our merchant vessels to be armed on the high seas, we ought to restrict them from carrying anything contrary to the laws of nations. He saw nothing of half-way measures in this. He wished the gentleman from Pennsylvania would restrain himself in his observations upon the conduct of a committee, of whom he did not know that he had any reason to think otherwise than well. All the measures, indeed, which are taken, and which are grounded upon our neutral situation, may be called half-way measures. His own opinion was that we had a right to declare war against France, which, if Congress were to do, he supposed his colleague would call that a *whole-way* measure; but when it was seen from all sides of the House, that gentlemen are not ready to go into this situation of things, the committee had done no more than their duty in reporting a bill such as they have reported, which he did not consider as favorable to France, as it denied her the right of search; whereas the British armed vessels would still have the right of search; but if they attempted to take in our vessels contrary to right, the commanders of our merchant vessels would resist them, without attempting to make a capture of their vessels, which they are not authorized to do.

With respect to our treaty with France, he thought it would be extremely objectionable to take any step that would acknowledge it to be still in force. It was a new doctrine to him that it was necessary to make a Legislative declaration that a treaty is void; it was sufficient to declare this by our acts. He considered that treaty to be so far annihilated, that we could not be called upon to do anything which was stipulated in that treaty, and he should wish to avoid anything that would look like a recognition of that treaty. And the gentleman from Pennsylvania will not allow that we ought to take any advantage of an instrument, when we should resist any claim made upon it. This would be perfectly uncandid.

Mr. BAYARD said, this was the first time that he had heard it asserted that, for a neutral vessel to carry enemy's property, was an unlawful commerce. He had always thought that, in case of war between nations, any neutral had a right to carry the property of a belligerent nation, and that it could not be considered as unlawful commerce. He knew that the belligerent Powers had a right of search, and in case they find enemy's property on board a neutral vessel, they have a right to take it, and no more; but no gentleman could say that a neutral having enemy's property on board, rendered her liable to capture.

Then, if he were called upon to decide on the laws of nations in this respect, he should say that a neutral had a right to carry enemy's property; but, in that case, the search of a French privateer ought not to be resisted. Consequently, he believed, that this bill went too far in prohibiting the carrying of enemy's property as unlawful, and, also, in determining to resist a search. But he wished to know whether the bill was predicated on the laws of nations? He did not know how, according to those laws, our merchant vessels could resist the search of any of the vessels of the belligerent Powers. To resist a search, would alone be a sufficient ground of capture. This provision, therefore, is in direct opposition to the laws of nations.

The embarrassment on this occasion, Mr. B. said, arose from the novelty of our situation. We are not in a state of hostility, and no one could say we are in a state of perfect peace. It is plain, that a variety of measures which have been taken during the present session, have not been built upon the laws of nations, as it respects neutral Powers. Indeed, this country cannot be considered as in amity with France. The act passed for cutting off all intercourse between the two countries, could not be considered as a peace measure.

Mr. B. said he would mention another power given to our merchant vessels, not authorized by the laws of nations. They are authorized not only to resist the attack of French privateers, but to subdue and capture them; and, after they are brought into port, to be libelled and condemned, and one-half of what they are sold for is to go to

the owner, and the other half to the seamen. This certainly could not be said to be agreeably to the laws of nations.

Besides, the authority given to the public armed vessels of the United States, was not built upon a state of peace with France, but upon a defensive state, peculiar to our situation; because they are authorized to capture French vessels hovering on our coast, with an intention to commit hostility, and this intention is to be judged of by themselves.

Mr. B. thought the amendment ought not to be objected to, therefore, because it is not exactly in conformity to the laws of nations. We say we are not bound by treaty, because the French have flagrantly violated that treaty. The same may be said with respect to the laws of nations, which they have equally violated. If they had suffered us to have carried on our trade according to the laws of nations, we should have been satisfied; but when they interfere with their armed vessels and will not suffer us to carry on that trade, we are no longer bound by the laws of nations, or by treaties. If these words were not struck out, he should doubt very much the propriety of passing the bill at all.

Mr. DAYTON (the Speaker) differed in opinion with his friend from Delaware, (Mr. BAYARD,) who had asserted that the bill was founded on principles repugnant to the laws of nations. He, on the contrary, believed it to be perfectly consistent with them, for when one belligerent nation arbitrarily assumes a right to issue its decrees for detaining, seizing, carrying into port, and condemning the vessels and cargoes of neutrals, contrary to the known and established laws of nations, it forfeits all the right to search, which those laws might otherwise have entitled it to. The French Republic, in addition to the numerous acts of plunder and hostility committed against those Powers who had determined to take no part in the war, had issued decrees which subjected an American vessel to capture and condemnation, merely for having on board a single article of the manufacture of Great Britain. Having thus outraged and put at defiance the general law of nations, regulating the conduct of States and Sovereigns towards each other, they had no claim to that right of search, which, having been so grossly abused, might be refused to them, consistently with a state of peace, until they should return to a sense of justice.

Equally consistent with the same law, viz: that of nations, and with the same state, viz: that of peace, was the act alluded to by the member from Delaware, prohibiting commercial intercourse with France and its dependencies. It had pleased those in authority throughout the whole extent of that Republic, and particularly in their West India islands, to seize the vessels and cargoes of our citizens, and to detain and confine in prisons our seamen, whenever they arrived in their ports, even when carrying them produce, and that without compensation for the property thus taken. It behooved the Legislature and Government of this country, under these circumstances, and for the purpose of protecting the persons and preserving the property of its citizens, to prohibit any intercourse with a people whose rapacity was only limited by their power.

Mr. D. said he was opposed to the amendment, limited as it is, because it went to admit the treaty as valid at that moment between the United States and France, although utterly disregarded and violated by the latter. He considered it as broken and void, and would never assent to any proposition which admitted the implication that this country was still bound by it. If an act declaring its abrogation was necessary, he was ready to agree to one, but, in the meantime, he hoped that they should not be prevented by any belief of its being still in force, from taking every measure which the protection of commerce and the defence of the country required. He saw and felt the embarrassment of the House upon this, as well as upon other bills, which had been lately under discussion. It arose from the indecision of many gentlemen, whose intentions were, however, pure, from a desire to adopt only half-way measures, which were always awkward, always embarrassing, and rarely reconcileable with any fixed principle. He lamented, exceedingly, that there was not yet a clear majority wearied with this unprofitable, ruinous, and degrading forbearance, and prepared to take the most decisive measures; for, whilst they were balancing thus between the obligation and dissolution of former treaties, and were kept in a state of uncertainty and suspense between peace and war, no effectual preparations, no active exertions, would be made by the Government or the people. To strike out the words proposed in the amendment, was doing too much, if the object was to provide for protecting merchant vessels against all the belligerent Powers; and it was doing too little, if the intention was, as the title imported, to protect them against French depredations. Mr. D. considered it in the latter point of view, and, therefore, hoped that the motion would be varied by the mover, so as to strike out also the following words, in the three preceding lines, viz: "there shall not be carried to any belligerent nation, any goods or merchandise contraband of war, or any provisions or other articles to any place actually besieged or invested."

Mr. GALLATIN could not conceive why the gentleman from New Jersey should be so much afraid of recognising the existence of our treaty with France. If we had no such treaty with any other Power, the thing would be different; but he had forgotten that we have treaties with Holland and Spain of the same nature. Therefore, in relation to the laws of nations, or to our treaties, these words may be struck out. In our treaties with Spain and Holland, it is determined that free bottoms shall make free goods, and if we wish to insist upon, and defend that right, we have an undoubted right to do so, and he considered the question now before the committee as a mere matter of expediency.

In relation to France, he did not think it mattered anything whether our treaty with that country be considered as in existence or not; because,

after the other provisions of this bill are agreed to, it would be immaterial whether our vessels had English goods on board or not, for there could be no doubt that the French would attack and capture (if they are able) every American vessel they fall in with, and they will not be the less condemned for not having British goods on board.

This section, Mr. G. said, is of a general nature; it gives direction for the regulation of our armed merchant vessels towards all nations; and here is this difficulty in the way. With Spain and Holland we have treaties of one kind, and with Great Britain of another. Having entered into these different stipulations, when we are about to adopt a general rule with respect to them, we are obliged to do it in conformity to the British Treaty, as most general; because it is impossible we can say to the commanders of our armed merchant vessels, "You shall capture the vessels of one nation, who shall molest you contrary to the law of nations and treaties, and not any other." On this account the words, he supposed, had been introduced, and on this account he should vote against the motion for striking them out. But if our treaty with Great Britain were of the same nature with our treaties with Spain and Holland, he should have voted for it.

As to any arguments which have been drawn from the French Treaty, he could not understand them, or see how they could apply to the question.

Mr. HARPER said, he should vote against this amendment, because he thought our treaty with France was out of the question, and because he thought it proper to regulate this business upon the ground of the law of nations. He did not coincide in opinion with those gentlemen who think it necessary to make a Legislative declaration that our treaty with France is void. He believed it would be right for them to proceed with the passing of such laws as they believed to be necessary, according to the present situation of the country. In doing which, he should pay no more attention to that treaty than he should do to a chapter in the Koran.

But gentlemen appeared to confound the right of search with the right of capture. The right of search is universal. A belligerent Power has a right to search the vessels of every neutral nation. But this right may, nevertheless, be abused. After the vessel of a belligerent Power has searched a neutral vessel, she may proceed to capture it, contrary to treaty and the law of nations. The mode of making this search may be violated. France has violated the mode, by making it contrary to the rules prescribed by her treaty with us, and abused the right by capturing vessels after they have been searched, where there was no ground for capture. Having, therefore, abused the right, he would resist all search in future. He would say to French armed vessels, "You have abused this right of search, therefore we will not allow you that privilege. You have a right to come upon our coast with your privateers, and into our harbors with your ships of war; but, as you have abused this right, we will not allow it you any longer."

What, then, are the principles upon which we mean to regulate the arming of our vessels? They are the principles of the laws of nations, upon which our Envoys have been directed to negotiate a treaty. We have said we are desirous of putting enemy's property on board neutral vessels in the same situation in which it is placed in our treaty with Great Britain—that is to say, that a belligerent Power shall have a right to seize an enemy's property on board a neutral ship; but that, as France has so grossly abused the right, we refuse to allow it to her in future.

This, he conceived to be a proper line of conduct, according to the system which we have adopted for the defence of our commerce. We have said to France, "You have infringed our rights, and we are determined to protect them; we will call forth the resources of our country, and resist your attacks." We have not said we will make war; but we have said we will repel your violations. This, said Mr. H., is the situation in which we are, and all our acts are to be justified on this ground.

But the amendment of the gentleman from Pennsylvania (Mr. SITGREAVES) has gone a step farther. He not only wished that we should carry on a trade authorized by the laws of nations, but also what we were authorized to carry on by our treaty with France, which was something beyond the laws of nations. We have allowed to the British, by treaty, the right to seize the goods of an enemy on board our vessels; but with the French, Spanish, and Dutch, it has been stipulated that free bottoms make free goods—and to adopt this amendment would be to say, we will resist the right allowed to the two latter nations. He was therefore of opinion that it ought to be rejected.

If merchants choose to carry on a trade different from this, they would then have to do it in unarmed vessels. When we shall have gone a step farther, and, instead of a defensive system, shall have resolved upon making general reprisals, or war, (for he looked upon general reprisals to be tantamount to war,) then it will be proper to take measures accordingly; but, even then, we ought not to adopt our measures against any other nation than that with whom we may be at war. Therefore, when we shall authorize letters of marque and general reprisals, it would be improper to adopt this regulation, because it would extend to other nations whom we do not mean to place upon the same footing with France. When that period shall arrive, it will be proper to say, "Our vessels shall carry what goods their owners please, and whither they please, and we will defend them to the best of our ability." We have not yet said this, and until we do, he did not think it would be prudent to take the step proposed by this amendment.

Mr. S. SMITH perfectly coincided with the ideas of the gentleman from Delaware, (Mr. BAYARD,) as to what is a fair trade. We have a right to carry the property of either of the belligerent Powers, our own produce, or arms and ammunition, to any place we please. It is all fair trade;

because we do so at our own risk, and if the articles are contraband, and our vessels are met by those of any of the belligerent Powers, those goods will be taken. But now we are about to authorize a defence of our trade by force of arms, and yet it is said we ought not to prevent our merchants from carrying on a trade which is not right with respect to the Powers at war, and which is contrary to the laws of nations. He thought, when our vessels armed, they ought only to carry on a trade which is clearly authorized by the laws of nations.

Mr. S. also agreed with the gentleman from South Carolina, (Mr. HARPER,) that, where nations abuse the right of search, we can with propriety withhold from them the right. That all belligerent Powers have the right of search every man must allow; but, when abused, we certainly have a right to resist that abuse. This had been the case with each of the belligerent Powers with respect to this country. We have a treaty with Great Britain, which says that a vessel bound into a blockaded port shall be turned away from it, and, if she attempts afterwards to enter, she shall be deemed a good prize. The American merchants acted accordingly. But Great Britain has since declared that vessels bound to any such port shall be a prize in the first instance. We know that sixty or seventy of our vessels have been carried into Cape Nichola Mole, and condemned by Cambault, who, the British Government says, acts without their authority.

We do not, therefore, know where to seek for redress. Supposing, then, that a British privateer should attack one of our vessels in the neighborhood of Cape Nichola Mole, evidently with an intention of capturing and carrying her in, and, if she was carried in, it was certain she would be condemned, since none escape condemnation, would it not be right to resist the attack? He thought it would; because it makes no difference to a merchant who loses his property whether it be taken by order of Victor Hugues, because the vessel has an Irish supercargo on board, or by order of Cambault, because his vessel is bound to a French port. The loss is the same in both cases. He hoped, therefore, the amendment would be disagreed to; it might have a very bad effect.

Mr. SITGREAVES did not believe that gentlemen supposed he had these views which they stated. Indeed, they speak of its tendency, rather than the design of the mover. They do not think it was his intention that our vessels should resist by force the search of the vessels of any Power besides those of the French Republic. If the committee have confounded two things, which he thought perfectly distinct, it was not his fault. He had supposed that this bill was to authorize a certain system of defence against the French Republic. He looked at the bill, and found nothing in it with respect to any other than French cruisers. Not a word was said about that general defence of which several gentlemen had spoken. On the other hand, he found that our merchants and the masters of their vessels were to enter into a bond not to "commit any depredation, outrage, unlawful assault, or unprovoked violence, against the vessel of any nation in amity with the United States," and if our vessel shall resist the search of such vessel, she would doubtless become a lawful prize; or if a British armed vessel shall find French property on board of our vessels, it will be contrary to the bond which has been given, and the British will have a right to carry the vessel into port, in order to condemn such property, and therefore this bill could only go to French depredations. If these things are so confounded as gentlemen seem to think them, he believed it would be necessary to strike out of the bill more words than he had contemplated.

If it is really the intention of the gentleman from South Carolina to draw the line between French vessels and others, this bill does not draw that line. That gentleman allows that the conduct of the French has been such as to authorize us to resist the search which the laws of nations gives them a right to make, be the cargoes of our vessels what they may; yet he would oblige our merchants to deprive themselves of their right to carry a cargo unquestionably lawful, or to carry it without the power of defence. If a vessel carries British property, she must sail armed, and be obliged to submit to the search and seizure of French vessels, which he admits ought not to be submitted to.

If it be the sincere desire of gentlemen, therefore, to make a distinction between the Powers at war, and to leave our commerce with other nations upon the same footing on which it stands at present, it would be proper to strike out these words, "there shall not be carried in such vessel, to any belligerent nation, any goods or merchandise contraband of war, or any provisions or other articles, to any place actually besieged or invested," which precede the words already moved to be struck out, and to add in their place, "and shall not resist the lawful search of the armed vessels of any of the belligerent Powers, except the French Republic." This would be drawing the line which gentlemen had spoken of; it would be taking from the French Republic a right which they have always abused, and leaving it with other Powers unimpeded. Mr. S. concluded by making this motion.

Mr. DAYTON (the Speaker) said, he could most heartily agree to the amendment, varied as it had been by the mover, so as to lay our armed vessels under no prohibition from carrying what they pleased, free from search or seizure by French ships. It obviated entirely the objection he had offered against the first motion, because in its present latitude it was not founded on the presumption of our being obligated to grant any privileges to France under a treaty which they had so flagrantly violated, nor even the right of examination and search, to which those belligerent nations only are entitled, who know how to respect the rights and sovereignty of others.

Mr. THATCHER wished the gentleman who moved it would except the word "lawful" from his amendment.

Mr. DANA, at the present moment, was not pre-

pared to say that he approved of this amendment. The tendency of the motion is, that we are willing to contend at sea for the privilege of carrying articles contraband of war, of carrying provisions to a blockaded port, and of carrying the goods of a belligerent Power. In a commercial view, he could not consider such a measure as at present necessary; and in a political view, he could not think these privileges worth a single shot. He hoped, therefore, they would not be contended for.

Mr. SITGREAVES did not know how the gentleman from Connecticut could attach this tendency to his motion. These things are certainly not proposed to be contended for. All nations will have the same liberty of search as before, except the French Republic. We say, because they have abused the power, we will resist any future attempts of theirs to search our vessels under any circumstances. The gentleman must see, therefore, that there is no ground for his remarks.

Mr. S. SMITH said, if he understood the motion, it went completely to confine our armed merchant vessels, in their defence against illegal attacks, to French vessels. So that if ever so many unjustifiable attacks are made upon our vessels by British, Spanish, or Dutch cruisers, no resistance is to be offered. And the British are nearly as much in the habit of making illegal seizures of our vessels as the French; and the French might very well act under Spanish commissions, and by that means avoid the regulations intended to operate against France only. Our vessels would not be able to resist any of those attacks made upon them in the neighborhood of Cape Nichola Mole; and if not, almost every vessel which sails that way will be taken, and except the master has got 3,000 dollars to purchase the ransom of his vessel, he cannot prevent her being libelled; and, if libelled, she will certainly be condemned. And when our merchants go to Great Britain with complaints, they are told that Cambault is an unauthorized judge; that no such man is known to their Government; and how merchants who have lost their property in this way will get any satisfaction he could not tell.

Mr. S. was of opinion, that unlesss our merchants were to have the power of attacking and capturing the vessels of the British, Spanish, and Dutch, they would be in a worse situation than at present; because now they believe they have a natural right to defend themselves and their property against the unjustifiable attacks of any nation, and arm accordingly. Because the French nation has gone beyond any other in her injuries towards us, we ought not certainly to tie up our hands with respect to other nations, whose violations of our rights, though they are not so enormous as those of the French, are every day coming to our ears.

Mr. D. FOSTER believed, the more the committee investigated this subject, the more they would be convinced that it would not be proper to retain any part of the section. He therefore moved to strike it out.

Mr. BAYARD was opposed to striking out the whole. He thought that part of it requiring a bond for the return of the arms and ammunition which are taken out on a voyage ought by all means to be retained.

Mr. N. SMITH inquired whether it would not answer all the purpose which the mover of this amendment had in view, to strike out the following words, which immediately precede those already moved to be struck out, viz: "and that during her intended voyage, and until her return within the United States, while armed as aforesaid."

Mr. D. FOSTER said he was willing to accept of this amendment in place of his.

Mr. SEWALL said, the committee had to weigh the advantages to be derived from carrying on our commerce in armed vessels instead of unarmed ones. If this part of the section was struck out, he took it that our armed as well as unarmed vessels may carry goods contraband of war, enemy's goods, and provisions, to a blockaded port. The consequence will be, that when our armed vessels are questioned by any of the armed vessels of Spain, Holland, or England, they may, and probably will resist their search, and by that means procure a condemnation of their vessels and cargoes; by which means we shall be deprived of arms and ammunition, of which we may stand in great need at the time. He was of opinion, though it might be proper to carry on a contraband trade in unarmed vessels, that it would be improper it should be suffered in armed vessels, as it is a part of our trade which had the least claim upon our protection. But if gentlemen thought the profits arising from this trade were so great as to warrant the risk that would be encountered in suffering it to be carried on in armed vessels, they are right in wishing it. It had not struck him in this light.

Mr. N. SMITH observed, that the gentleman from Massachusetts did not rightly understand the force of this amendment. If these words are struck out, the bond will engage that the armed vessels shall not commit any depredation, outrage, unlawful assault, or unprovoked violence, against the vessel of any nation in amity with the United States. This will be security to us against any improper conduct in our commanders in the cases which the gentleman had named; and he confessed, if they restricted the vessels of countries in amity with us, he was willing they should do what they pleased with such as are at war with us. He did himself, at this time, consider the French Republic as at war with this country. He believed they had been long at war with us. Every gentleman was ready to acknowledge that they had set aside the treaty between the two countries; and he believed that our peace and neutrality were destroyed by that act. Although we should adopt the propositions of this bill, and act upon them; although our privateers are directed to bring in the vessels of the French Republic; although we have suspended all intercourse with that country, shall we still consider ourselves in a state of peace and neutrality? and, being so, prevent our citizens from doing what they please toward them? He believed not. He wished them

to carry on any commerce they chose, without respect to that nation. This is the ground upon which the bill stands, and he thought it the proper ground. With respect to nations at peace with us, we say to our merchants, you shall not commit any outrage against them; but with respect to those nations who have disregarded all our neutral rights, who stop at nothing that is violent toward us, do as you please.

Mr. GALLATIN would have voted for striking out the whole of the section, and he was ready to vote for striking out the part of it now under consideration. With respect to arming of merchant vessels, nothing could be objected to it, except that we had adopted a different rule for a number of years, and ever since the law of 1794. He knew it to be the practice of all the neutral European nations to permit their merchants to arm their vessels; but he never knew a law passed to regulate their arming. He always understood that bonds were required from the commanders of privateers and letters of marque, when they are authorized to capture vessels. But it is a principle admitted, that if a merchant arms his vessel, he is bound not to offend against the laws of nations and of treaties, and that he is responsible for the exercise of his power. It is, therefore, perfectly needless to restrict merchants as to what commerce they shall carry on in their armed vessels, because the offence of carrying on an improper commerce is the same whether the vessels in which it is carried are armed or not.

The two first sections of the bill authorize our merchant vessels to resist French armed vessels, but no other; therefore, though the third section were altogether struck out, our vessels would have no right to resist the armed vessels of Great Britain, Holland, or Spain, except in cases authorized by the law of nations. It is, therefore, perfectly useless to retain any part of the section. He thought it useless to pass a law to regulate the use of arms, which the laws of nations give our merchantmen a right to carry; for, whether a part of this section be retained or not, or whether a bond was given by the owners and commanders of the vessels or not, they would not be authorized in committing any act contrary to the laws of nations. He did not think the argument of the gentleman from Massachusetts, that vessels carrying on contraband trade ought to be armed, had any weight; because the arming of a vessel gives it no right which it did not before possess. Mr. G. said, there would be an inconvenience in going much into detail in this business, as it might make Government answerable for the acts of the commanders of our merchant vessels.

Mr. EDMOND admitted that the laws of nations are sufficient to regulate the arming of merchant vessels, without any bond; but, in order to secure our citizens and the country from being involved in war, we have a right to make this regulation.

With respect to that part of the section proposed to be struck out, he was in favor of the motion, because he did not wish to deprive ourselves of any right which the laws of nations gave us, and it would not be denied that neutral nations had a right to carry the goods of the belligerent Powers. It is true, they are liable to search, and if such property be found on board, it is liable to be taken; but the nation whose violence we are about to resist, have determined that, in such case, not only the property so found, but the other parts of the cargo, and the vessel itself, shall be forfeited. We have, therefore, a right to say to that nation, "Since you disregarded the laws of nations and of treaties, you have placed yourselves in a situation distinct from other nations." He hoped the amendment would be agreed to.

The question was put and carried, there being 52 votes in favor of it.

Mr. BROOKS moved to strike out the provision which requires that there shall be one or more sufficient surety or sureties to the bond. He thought the bond of the owner and master sufficient, without surety. He supposed there would, in some cases, be great difficulty in obtaining sureties to such a bond.

Mr. S. SMITH thought the sureties necessary.

The motion was negatived without a division.

Mr. HARPER proposed to amend the bill by adding the following:

"And may also retake any vessel owned as aforesaid, which may have been captured by any vessel sailing under French colors, or acting or pretending to act under the authority of the French Republic, and may also attack, take, or destroy, any vessel sailing or acting as aforesaid, which may have made, or may be found attempting to make, any such capture."

This question was put, without debate, and negatived—38 to 34.

Mr. SEWALL said, he would move an amendment, which would embrace a part of the motion of the gentleman from South Carolina. As the bill stands at present, resistance is only to be made by a vessel immediately attacked. He believed if two of our vessels were sailing in company and one of them should be attacked and not the other, it would be right that the other should assist in repelling the attack. He therefore moved to add the following words in the first section, after the words "such vessel:"

"Or upon any other vessel, owned as aforesaid, in company therewith."

Mr. CHAMPLIN suggested the propriety of omitting the words "in company therewith," and extending the provision to all our vessels.

Mr. SEWALL agreed to accept of this alteration, and the amendment was carried without a division.

Mr. S. SMITH said, there was a part of the amendment offered by the gentleman from South Carolina, which he thought it would be proper to adopt. He moved to add the following words to the first section:

"And may also retake any vessel, owned as aforesaid, which may have been captured by any vessel sailing under French colors, or acting, or pretending to act, by or under the authority of the French Republic."

This motion was put and carried—37 to 28.

Mr. SEWALL moved to fill the blank in the third

section, containing the sum for which the bond shall be given, with "a sum equal to double the value of such vessel." Agreed to.

The committee having gone through the bill, rose, and the House agreed to the amendments reported by the Committee of the Whole.

Mr. HARPER renewed his motion, to introduce the following words into the first section:

"And may also attack, take, or destroy, any vessel, sailing or acting as aforesaid, which may have made any such capture."

Mr. H. believed it would be proper to adopt this amendment, for a variety of reasons. The principle, he said, is the same as one contained in the bill providing vessels for the protection of the commerce and coast, and he could not see any reason why merchant vessels should not have the same authority. To reject it, he believed, would be to prevent our vessels from doing what would be most useful to our commerce, as it would put it in their power of clearing the coast of those plundering marauders which infest it. Unless this was done, our vessels might see privateers attack other vessels, and they would not, when they came up with them, after they had ceased the attack, have the power to take them. Would it be politic, he asked, to damp the ardour of the commanders of our merchant vessels, by thus limiting their power? He was sure it would not, and trusted it would not be done. He was of opinion that the adoption of this amendment would make one of the best provisions in the bill.

Mr. VARNUM called for the reading of the law to which the gentleman from South Carolina had referred, which was read accordingly.

Mr. HARPER said, though the provision was not in the same words, the principle was the same.

Mr. DANA observed, that the gentleman from South Carolina seemed very desirous that Congress should adopt certain principles. These may be proper, but they cannot be proper in this bill. This bill relates only to our merchant vessels, and to their defence; and were Congress to authorize them to search for and attack French cruisers, it would be departing from the intention of the bill. Besides, when this power was given, proper security would be taken against the abuse of it, which require more detail than was introduced into this bill, which the committee had confined to the single object of a defence for our merchant vessels.

Mr. OTIS could see no objection to the giving of this power.

Mr. SITGREAVES called for the yeas and nays upon it, which were agreed to be taken.

Mr. GALLATIN said, he should vote against the amendment, because he considered it much the same as granting letters of marque and general reprisal. The commanders of these vessels may suppose every French vessel they meet with at sea has made an attack upon some American vessel. To be sure, the authority would not extend to merchantmen; but he believed this to be of little consequence, as the amount of the French commerce, at present, is too small to be any object.

Mr. SITGREAVES said, there was another distinction between this power and letters of marque and general reprisal, besides that which his colleague had named. It is not to extend even to vessels of war, except such alone as have attacked or captured ours. It is, therefore, a part of that system of special reprisals already adopted; it is not proposed, as his colleague has stated, to give a power to the commanders of merchant ships to take such vessels as they may *suppose* have taken our vessels, but such as have *actually done so*.

Mr. S. SMITH remarked, that the law which had been alluded to for the protection of our coasts and commerce, was more particularly adapted to the protection of the coast; but our merchantmen sailed all over the ocean.

Mr. COIT observed, that though there was a similar provision in the law for protecting our commerce and coast, yet he thought there was a considerable difference between entrusting this power to commanders appointed by the President of the United States, and entrusting it to commanders of merchant vessels.

The question was taken by yeas and nays, and negatived—47 to 28, as follows:

YEAS—John Allen, James A. Bayard, David Brooks, Christopher G. Champlin, James Cochran, John Dennis, William Edmond, Abiel Foster, Dwight Foster, Henry Glen, Chauncey Goodrich, Roger Griswold, Robert Goodloe Harper, Jas. H. Imlay, John Wilkes Kittera, Samuel Lyman, Daniel Morgan, Lewis R. Morris, Harrison G. Otis, Isaac Parker, James Schureman, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, George Thatcher, Mark Thomson, John E. Van Alen, and Peleg Wadsworth.

NAYS—George Baer, jr., Abraham Baldwin, David Bard, Bailey Bartlett, Thomas Blount, Stephen Bullock, Demsey Burges, Thomas Claiborne, John Clopton, Joshua Coit, Samuel W. Dana, Thomas T. Davis, John Dawson, George Dent, Thomas Evans, Jonathan Freeman, Albert Gallatin, James Gillespie, Andrew Gregg, William Barry Grove, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Hezekiah L. Hosmer, Walter Jones, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Anthony New, Josiah Parker, John Reed, John Rutledge, jr., Samuel Sewall, William Shepard, Samuel Smith, William Smith, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Thomas Tillinghast, Abram Trigg, John Trigg, Joseph B. Varnum, Abraham Venable, and Robert Williams.

The bill was then ordered to be read a third time to-morrow.

CALL OF THE HOUSE.

On motion of Mr. OTIS, a call of the House was agreed to be made to-morrow, at half-past eleven, in order to insure a full attendance on the passing of two important bills, viz: the bill for making a valuation of lands and houses, and an enumeration of slaves, preparatory to laying a direct tax; and the bill authorizing the defence of the merchant vessels of the United States against French depredations.

PROVISIONAL ARMY.

Mr. SEWALL reported a bill supplementary and to amend the act authorizing the President of the

United States to raise a provisional army; which was twice read and referred to the Committee of the Whole.

PURCHASE OF SMALL VESSELS.

The House went into a Committee of the Whole on the bill to amend the act providing a naval armament, and the act authorizing the President to cause to be purchased or built a number of small vessels, to be equipped as galleys, or otherwise.

This bill was agreed to without amendment, and it was ordered to be engrossed for a third reading to-morrow.

WEDNESDAY, June 13.

Mr. GALLATIN, from the committee to whom was referred a bill from the Senate to authorize the sale of certain lands between the Great and Little Miami river, in the territory of the United States northwest of the Ohio, and for giving the pre-emption to certain purchasers and settlers; and the bill to authorize a grant of lands to Stephen Monot, and other inhabitants of Galliopolis, therein named, reported that the former ought to be passed with amendments, and the latter without. The bills were committed.

Mr. J. PARKER, from the committee to whom was referred the bill to alter the time of making entry on stills, reported it as the opinion of the committee that all the amendments ought to be agreed to, except one.

CALL OF THE HOUSE.

The SPEAKER informed the House that the hour was arrived at which a call of the House was ordered, and that the Clerk would proceed to the call. He did so, when it appeared that all the members were present, but three, and excepting such as are absent on leave, or sick. Two of the three absent members appeared in the course of the sitting, and on making apologies were excused.

DIRECT TAXES.

The bill providing for the valuation of houses and lands and the enumeration of slaves within the United States, was then read the third time, and upon the question being put, "Shall this bill pass?"

Mr. DAVIS said, he was under the necessity of opposing the passage of this bill. No part of the community would contribute more cheerfully, to the extent of their ability, to the support of the General Government, than his constituents; but, from the knowledge he had of their situation; of the scarcity of circulating medium amongst them; and from the want of a market for their surplus produce, he could not give his vote in favor of a tax which it would be with great difficulty they would be able to pay. The people of Kentucky, he said, had produce of every kind, in abundance, but they want a market for it. The Mississippi had lately promised a medium through which to transport it, but as yet little advantage has been derived from it; and whenever a war shall take place, it may be expected that they would be deprived of the advantages which the free navigation of that river promises to the Western country.

Mr. D said, when he came from home, he did not think the coin in circulation, in Kentucky, amounted to $10,000; and, since that period, he was informed that money had become still more scarce. If he thought the tax would be paid without great difficulty he would have cheerfully voted for it; but believing the contrary, he was constrained to give his vote against it.

Mr. W. CLAIBORNE said, the people of Tennessee are, in a great degree, similarly situated with those of Kentucky. Every one enjoyed the necessaries of life, but few of them experience those conveniences which flow from wealth. Money is a scarce article amongst them; and when he reflected upon the present situation of things, and the probability there is that the avenue which was lately opened for the disposal of the surplus produce of the State would soon be closed, he feared his constituents would be illy able to pay this tax. But if, as the gentleman from North Carolina (Mr. MACON) on a former occasion suggested, he should be mistaken in this respect, and that the people of Tennessee are well able to pay the tax, he should rejoice in the event. Fearing the contrary, however, when he heard the people complaining of this grievous burden, he wished to have the consolation of saying, "I did not consent to this law, because I was of opinion that its operation would be particularly oppressive to the Western people."

Mr. GALLATIN observed, it would be extremely difficult to point out any mode of taxation which will not be inconvenient and oppressive, in some degree, for some part of the people to pay; and it must be expected that every mode which can be adopted, will bear more hardly on some parts of the community than on others. With respect to the tax on land, he must agree, with the gentlemen from Kentucky and Tennessee, that, from there being a less quantity of circulating medium in their States than any other State of the Union, it would probably fall heavier upon their constituents than upon people of the Atlantic States. But there is one circumstance with respect to those States which ought to be taken into consideration, viz: that the tax for this year will be laid according to the old census taken seven or eight years ago; since which time, it is well known, that the population of these States has more than doubled. Therefore, the inconvenience of paying this tax will be greatly lessened to these States by that circumstance. In the State of Tennessee, by the old census taken in 1791, there were only 35,000 inhabitants, whereas, by a census taken in that State by themselves, two years ago, the number exceeded 60,000.

Besides, it appeared to him that both the gentlemen assumed a principle by no means ascertained, viz: that the Mississippi will be shortly closed to the Western country. No people could suffer more by such an event than the people whom he himself represented. They stood precisely in the situation of the constituents of those gentlemen; and undoubtedly, if our present difficulties with France should produce a war with Spain, it would

be extremely fatal to his constituents as well as theirs. But he knew of no reason for supposing this; and it would be wrong to legislate on a presumption that such will be the case.

In relation to this law, it was not formed, Mr. G. said, altogether to his wish; but it was as nearly so as he could get it, and it was necessary the money should be raised. He had opposed, as long and as forcibly as he was able, most of the measures which made the great expenses of the present session necessary; but a majority having determined that the expense shall be incurred, and that measures shall be taken which will necessarily decrease our present revenue, it has become the duty of every member to provide the means for paying the expense to be incurred, and for supplying the probable deficiencies of former revenues.

If the expense is to be provided for, how is it to be done? It must be either by taxation or by loans. Indeed, it is probable that Congress will be obliged to resort to loans, even during the present session; but certainly it is their duty, as far as they are able, to provide for the public expenses, without going into measures which will increase the public debt. Our choice lies, therefore, between loans and taxation; and however inconvenient it may be to the people to pay taxes, he should certainly resort to taxes rather than loans. And if the money is to be raised by taxes, to what objects can we turn our attention? Congress must have recourse to internal revenue, or an increase of duty on the importation of some of the necessaries of life. Indeed, after turning his attention very seriously to the subject, he could not find how any considerable revenue could be raised, but by means of a direct tax on land and houses, or a tax on salt. He did not think any other could be relied upon; and, between the two, he believed it would be infinitely better, both for the United States and his constituents, to lay a tax on land and houses than on salt. The tax on land and houses will be laid according to the value of the property; and, though there is less circulating medium in the back country, which is thinly settled, than in the larger towns, the property in those parts will be estimated at a much lower rate, and of course the people will have a smaller proportion of the tax to pay; and he thought it far preferable to lay a tax which would fall, in a great degree, upon persons according to their wealth, than one which would operate as a *poll tax*, (as a tax on salt would do,) according to their number.

Mr. G. said, he was of opinion that an annual tax would be sufficient, and that we need not have recourse to loans.

It was necessary, Mr. G. said, at all events, that this bill should pass; for, if it could be proved that our revenue would be sufficient for this year, it would be a good argument why the tax should not be laid for this year, but not against making the valuation of property proposed by this bill; for, if war takes place, it will be convenient to have this valuation made, upon which a tax may be laid. Therefore, though he knew it would prove inconvenient to some of his constituents, as well as to those of the gentlemen from Kentucky and Tennessee, he would nevertheless vote for the passing of this bill.

Mr. HARPER had the pleasure of being persuaded, in his own mind, from the small personal knowledge he had of the Western country, that the gentlemen from that part of the country represented as little the true situation as they do the real convenience of their constituents. He could not persuade himself that the people of the States of Kentucky and Tennessee would be unable to pay this tax, and still less, that those people would be ready to lay their rights and independence at the feet of a foreign Power, sooner than pay for the defence of them. The objection made to this tax is not that it is improperly laid, or as being unnecessary for the defence of our country. It is not said that the objects which Congress have already undertaken for the defence of the country can be provided for in any other way; but the House is told that the people will be unable to pay this tax—their proportion of the expense of measures which are necessary for the defence of their rights and liberties. This was a statement which he was certain the people of those States will never allow to be correct. He believed it to be founded altogether in mistake, and he believed it would be proved to be so, by the prompt manner in which these people will pay this tax. He had no doubt the gentlemen who made this statement thought it well founded; but he believed they had suffered their fears to blind them; for he never would believe, whilst he considered them Americans, and himself one, that the people of those States will say that they are unable to pay their share of the expense of the defence of their liberties. No; they will spurn the idea, and prove themselves worthy of enjoying that liberty which they assisted to obtain with their blood, by declaring that they are able and willing to contribute their portion in the defence of their country. He would not himself so far insult them, as to suggest the idea of exempting them from the payment of their share of the expense of that defence, much less to insinuate that they would place themselves in the situation of paupers, and claim to be exempted. On the contrary, he would repeat it, that they would pay their share of this expense with cheerfulness; and he would venture to say, that, in making this declaration, he represented the feelings of the people of those States better than their immediate representatives, who asserted the contrary; and he was willing to rest his credit upon this avowal.

Mr. DAVIS said, he believed he could prove to the gentleman from Pennsylvania (Mr. GALLATIN) that his conclusions with respect to the ability of the people of the State of Kentucky to pay this tax, were not altogether correct; and that the number of the people inhabiting the State now, being double what it was when the last census was taken, will afford them no relief. For, if there were $10,000 in circulation in the State, when there were only 30,000 inhabitants, and no more, now there are 150,000—the tax would fall no lighter now than it would have fallen then. How, it might be inquired, does it happen that,

though the population is so greatly increased, no increase should have been made in the quantity of circulating specie? It happens thus: Men who emigrate from the Atlantic States to this country, seldom bring much money with them; for, whatever they may have when they set out, it is expended on their journey, or paid for land to a single person when they reach us, so that none of their money comes into general circulation; and though the people are able to raise plenty of produce, they are not able to exchange it for money. It is true, the more inhabitants they get, the more the general property of the State is increased, but it did not increase the circulating medium. He did not believe there is now so much money in circulation as there was when the census was taken. There was then an army there, and produce sold for a good price; but since a peace was made with the Indians, money has been constantly draining off from the State to pay the debts which the merchants of that State had contracted whilst trade was brisk in this and other cities.

Therefore, as personal property is not taxed, as the people who go there carry with them no slaves, and as there are large tracts of unappropriated land which the State has let out free from taxes, and which will not pay any part of this tax, the people of Kentucky, who will have to pay this tax, will not be much relieved by the State's increased population.

The gentleman from Pennsylvania says his constituents would feel the same inconvenience from the closing of the navigation of the river Mississippi, that the people in the Western States would feel. This he did not think correct; for though it would be very inconvenient for the people on the other side of the Alleghany to carry their produce to an easterly market, they could, nevertheless, do it; but, from the State of Kentucky, it would be impossible for produce to be sent from thence to the Atlantic cities; they must, therefore, trade down the Mississippi, or not at all.

As to the gentleman from South Carolina, he did not believe he either represented the feelings of the people of Kentucky or Tennessee, or knew their interests; though it is not the first time he had heard that gentleman assume to himself more knowledge than everybody else. He denied that he represented the feelings of his constituents. On the contrary, he was persuaded that he himself had represented them truly, when he said that they will be willing to pay any tax, for the support of the General Government, which they are able to pay; but he doubted, from his intimate acquaintance with their circumstances, whether they would be able to pay this tax, and on this account it was that he proposed to vote against it. He did not come here, as the gentleman from South Carolina had represented, to claim an exemption from this tax for his constituents, on account of their poverty. He should vote against the bill, because he knew it would fall oppressively on his constituents, and the gentleman from South Carolina is welcome to all the credit which he can obtain for asserting the contrary. But every person in the least acquainted with the State from which he came, must know that the people cannot command money, though they have an abundance of produce. When he left home, he could have purchased any quantity of Indian corn at half a dollar a barrel; but men, with their stores full of produce, could not, perhaps, produce a dollar in cash. Another reason why money is so scarce is, that, during the Indian war, merchants sent out large quantities of goods, and, when peace was made, the people were much indebted to the merchants, which they had been compelled to pay as fast as they could collect it, and the merchants there had sent off the money to discharge their debts here and in other places, as he had already stated.

Mr. W. CLAIBORNE rose; when

The SPEAKER desired he would confine himself to the question before the House, as the gentleman who had already spoken had wandered very much from the subject.

Mr. C. hoped he should be permitted to make a few remarks upon what had fallen from the gentleman from South Carolina. The eloquence of that gentleman, all must allow, is great; but it must also be admitted that he does not always apply it to the most proper purposes. He has told the House that he, (Mr. C.,) as the representative of the State of Tennessee, misrepresents the feelings of his constituents—as attributing to them sentiments which they will *despise*.

[The SPEAKER said the gentleman from South Carolina did not say so; *disavow* was the word he used. Mr. C. changed the word accordingly.]

That gentleman, Mr. C. said, has observed that the people of Tennessee will consider this as a question whether they will suffer their rights and independence to be abandoned to a foreign Power. These remarks had no weight upon his mind. He had stated, and stated truly, that the people of Tennessee would be very illy able to pay a land tax, of which this bill lays the foundation. He never represented them as willing to abandon their rights and independence. Were he to throw out any such idea, he should calumniate the people whom he represented. They have little treasure to bring forward for the service of the public, but they have valiant blood to shed; and when the question shall arrive whether this country shall give up its *independence*, if the gentleman from South Carolina and he should live to that period, he doubted not they would see the people of Tennessee among the foremost in the ranks to defend it. *Dulce est pro patria mori*, was a saying, the truth of which the freemen of that State admitted, and he had the happiness to believe, that they would think it sweet to die for their country.

The gentleman from Pennsylvania (Mr. GALLATIN) had said that the measures which had chiefly created the necessity for this tax had not met with his approbation. He could himself say the same thing; but a majority of the American Government having thought them proper, he should do all in his power to carry them into effect; and, on his return home, he should think it

his duty to endeavor to reconcile his neighbors to the state in which they would of course place us. But he could not, as their representative, believing, as he did, that they will be less able to pay this tax than any other that could be imposed, and that it will be found extremely burdensome, vote for this bill. The gentleman from Pennsylvania had truly stated that Tennessee had greatly increased in numbers since the taking of the last census; but, though this is true, it is not consequently true that the State has greatly increased in wealth. When the emigrants from the Atlantic States first leave home to go to that State, they have some property; but it is generally expended on their journey, or for the purchase of land on their arrival, as had been justly represented by his friend from Kentucky. Now and then, indeed, a person of wealth came among them, but the emigrants to the Western country, generally, came in search of an asylum from poverty and distress. It may be, that in the course of a few years, provided his constituents could have a vent for their produce, the State of Tennessee may become wealthy. When that shall be the case, he was certain they would pay the tax cheerfully, without complaint. He hoped to see the day when this State shall vie with its sister States in wealth and consequence; but at present, being in her infancy, he was afraid this tax would of all others prove the most burdensome to many of his constituents. But if the gentleman from South Carolina had supposed that his opposition to this tax arose from a willingness in him, or his constituents, to surrender the independence of this country to a foreign Power, he had greatly wronged both him and them.

Mr. S. SMITH did not think the fears of the gentlemen from Kentucky and Tennessee would be realized. It is no doubt true that the quantity of circulating specie in Kentucky had diminished since the peace with the Indians; but it is also true that the Spring trade this year from Kentucky by the Mississippi has been both great and profitable. But gentlemen suppose, if we have a war with France, we shall also be at war with Spain, and our intercourse by that river will be cut off. But the interest of Spain will be against this; for in case of war, there will be great difficulty in getting flour to the Havana from the Atlantic ports, as our West India trade will be cut off, and they will have to depend upon a supply by the Mississippi. Besides, if produce be so much cheaper in the Western country than in the Atlantic States, as it has been stated to be, it will become the interest of neutrals in the Atlantic cities, to make remittances by produce from that country to the Havana. And if Spain should be drawn into the war, there would be other modes of the people of those States disposing of their produce. He did not think, therefore, gentlemen from that country need be so much alarmed as they appeared to be.

Mr. J. WILLIAMS had always been opposed to every system of direct taxes; but as a majority of the House had agreed to call forth the resources of the country by this means, he must give his vote for this bill. He was astonished to find the gentlemen from Kentucky and Tennessee opposing this bill, when so much of the money of the General Government had been expended in that country. They must acknowledge their States have had their portion of specie from the Treasury of the United States. An act had indeed been passed during the present session for paying a company of militia for a certain expedition in Tennessee, which amounted to nearly one-fourth of the whole sum required from that State. He believed some of the troops of the United States are also now there, and likely to continue, so that they are constantly receiving supplies of cash from the Treasury of the United States. Besides, it ought to be considered that this tax will fall upon unimproved, as well as improved land, many of the owners of which, he supposed, lived out of that State, which would reduce the portion of the tax to the State. The district in which he lived would pay more tax than the whole State of Tennessee. He knew the tax would be collected in some places with difficulty, and more so, since the bill had undergone a change which had thrown the tax upon land more than it would otherwise have fallen.

But, whatever difficulty may attend the collection of this tax, when we see the ruinous effects of public debt in other countries, we ought to be cautious how we make extensive loans, and endeavor to draw forth the resources of the country, to meet any of the expenses which we may have to encounter.

Mr. VARNUM should vote against this bill. He had always thought, since the establishment of the present Government, that there would be no necessity for resorting to direct taxes, except in case of our being engaged in war. He believed the measures already taken would not require a direct tax if no further expenses were contemplated. But he now believed a majority of the Government of the United States are determined on war, and he would, on that account, have given his vote for the bill, if the tax was proposed to be laid on just and equal principles. It was his opinion, that every species of property ought to be taxed, as well as houses and land. So far from this being the case, he believed that between one-third and one-half of the property taxed by the State Legislatures, in their system of direct taxes, would, by the present plan, be excused altogether from tax. Some of the most wealthy people in the Union would, by this means, be untaxed, in a great degree, while persons who hold a small property in houses or land, will bear the burden of it; and not only of this tax, but to any further extent to which the Government may have occasion to carry it.

Mr. T. CLAIBORNE had opposed many of the measures which made this tax necessary; but a majority of Congress having determined upon a certain course of measures, however contrary they may be to his opinion, he should cheerfully submit to them, and vote in favor of this bill.

The people of Virginia, if they must be taxed, wished to be taxed in a direct way, and he doubted

not this tax would be paid with alacrity. They always had been, and would continue to be, he had no doubt, prompt in their obedience to the laws of the General Government.

Mr. LYON should vote against this bill. He had expected that whenever the States should have been called upon to pay a direct tax, they would have been required to have raised their quota of the tax in the way that should have been most agreeable to them. This would have been a much more economical way than the present. If the State of Vermont had been called upon in this way, he doubted not she could have raised the money at not more than two per cent. upon the collection: whereas, in the way proposed, it is estimated to cost 25 per cent. He should not have objected to a direct tax if properly collected; but he could not agree to this expensive mode of doing the business.

The yeas and nays were then taken upon the passing of the bill; it was passed—69 votes to 19, as follows:

YEAS—John Allen, George Baer, jr., Abraham Baldwin, David Bard, Bailey Bartlett, James A. Bayard, Thomas Blount, Richard Brent, David Brooks, Christopher G. Champlin, Thomas Claiborne, John Clopton, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, John Dawson, John Dennis, George Dent, William Edmond, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Albert Gallatin, James Gillespie, Henry Glen, Chauncey Goodrich, Andrew Gregg, Roger Griswold, William Barry Grove, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison, William Hindman, David Holmes, Hezekiah L. Hosmer, James H. Imlay, Walter Jones, John Wilkes Kittera, Samuel Lyman, William Matthews, John Milledge, Daniel Morgan, Lewis R. Morris, Anthony New, Harrison G. Otis, Isaac Parker, Josiah Parker, John Reed, John Rutledge, jun., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, Samuel Smith, Richard Sprigg, jr., Richard Stanford, George Thatcher, Richard Thomas, Mark Thomson, Thomas Tillinghast, John Trigg, John E. Van Alen, Abraham Venable, Peleg Wadsworth, and John Williams

NAYS—Lemuel Benton, Stephen Bullock, Demsey Burges, William Charles Cole Claiborne, Thomas T. Davis, John Fowler, Jonathan N. Havens, Joseph Heister, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, William Smith, Thomas Sumter, Abram Trigg, Philip Van Cortlandt, Joseph B. Varnum, and Robert Williams.

Resolved, That the title be, "An act to provide for the valuation of lands and dwelling houses, and the enumeration of slaves, within the United States."

SUNDRY BILLS PASSED.

The bill to authorize the defence of merchant vessels against French depredations; and the bill to amend the act to provide a Naval Armament; and the 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, were read the third time and passed.

The amendments of the Senate to the bill supplementary to the act for providing an uniform rule of naturalization, were taken up and agreed to.

NORTHWESTERN LANDS.

Mr. GALLATIN, from the committee to whom was referred the letter of Rufus Putnam, Surveyor General of the United States, suggesting the propriety of repealing that part of the law providing for the sale of land northwest of the river Ohio, which requires the north and south lines, &c., to be run according to the true meridian, on account of the difficulty attending it, reported it as their opinion, that it would be improper to repeal that part of the law.

The same gentleman, from the committee appointed to inquire into what progress had been made in the law for the sale of the Northwestern lands, and whether any alteration ought to be made in the said law, reported it as the opinion of the committee, that any alteration which may be proper in the above act, ought to be postponed till next session.

Both reports were committed.

The amendments of the Senate to the bill for the better collection of certain internal revenues, were committed to a Committee of the Whole.

THURSDAY, June 14.

A bill was received from the Senate, authorizing the President of the United States to accept of any vessel of war which may be offered to him for the public service, in addition to those heretofore provided.

Mr. SEWALL, from the committee appointed to confer with the Senate on the subject of an adjournment, reported that they had held a conference with the committee from the Senate, the result of which was—

"That, in their opinion, it is probable Congress may adjourn about the middle of July; at least until the beginning of October next; but that the state of public affairs renders it inexpedient to resolve at present upon the time of adjournment."

POST OFFICES.

Mr. THATCHER called up the resolution which he some time ago laid upon the table, directing the Postmaster General to prepare and report at the next session, such a system as shall comprise in one all the laws heretofore passed on the subject of post offices and post roads, adding to his report such other new roads as he thinks it would be expedient to establish; which was agreed to.

Mr. T. then moved to refer all the petitions which had been presented to the House on this subject, to the Postmaster General; which was also agreed to.

COLLECTION OF INTERNAL REVENUE.

The House went into a Committee of the Whole on the report of the committee to whom were referred the amendments of the Senate to the bill for the more effectual collection of certain internal revenues, and, after spending some time therein, reported their disagreement to the first, and their agreement to the second, of the Senate's amendments; which report was concurred in by the House.

ARMS FOR MILITIA.

The House then resolved itself into a Committee of the Whole on the bill providing arms for the militia throughout the United States, Mr. SITGREAVES in the Chair; when

Mr. COIT, not seeing any necessity for passing this bill, moved to strike out the first section.

Mr. DAYTON (the Speaker) could not give his assent to the first section, and was rather in favor of striking it out, because it would be found in practice very inconvenient for the United States to become the retailers of arms to the extent therein proposed. He called upon gentlemen to reflect for a moment upon the expense of transporting them to every division of the militia, which in many cases would require a land carriage of two or three hundred miles. And let it be also taken into consideration how many of the muskets must be injured materially by such transportation, and rendered utterly unfit for service until repaired. Armorers must, therefore, be sent with every parcel of arms into the interior of the United States, and held in constant pay, not merely to repair the damages sustained by transportation, but to expose them frequently to the air, and to keep them free from rust, to which they must be constantly exposed. If they should be scattered abroad in parcels throughout the country, as this section required, it was very uncertain whether the militia would buy the arms, with the additional expense laid on them for transportation, and those thus unsold would consequently be useless both to the public and individuals, or must after some time be brought back to the public armories, with an expense equal to their first cost. The plan contained in the first section was, therefore, the worst that could be proposed, and ought to be essentially altered or struck out.

Mr. MCDOWELL hoped the section would not be struck out. He supposed it must be the wish of every gentleman that the militia throughout the country should be well armed. In some parts of the Union it is well known that this is not the case at present, and some provision ought to be made for supplying the deficiency. The gentleman from New Jersey had said that the States or individuals ought themselves to procure arms from the manufacturers; but, in those parts of the country where these arms are chiefly wanted, there are no manufactories from which they can be purchased; therefore it would be well for the Government to undertake to supply them. The expense of transportation by land would certainly be great; but it ought to be encountered, because, if it is not done in the first instance, if the service of the militia is wanted, they must have arms sent to them, where arms are wanting. Besides, the expense of transportation would be added to the price of the arms. As to the difficulty which would attend the keeping of arms in order, though it would be attended with some trouble, he could not think it would be so great as it had been represented.

Mr. SHEPARD said the committee who reported this bill, were induced do to it from a persuasion that the Southern States are in want of arms, and have not an opportunity of purchasing them. In the Eastern States, Mr. S. said, they had sufficient manufactories of arms, from whence Government might purchase, and furnish the desired supply. The committee did not forget the inconveniences mentioned by the gentleman from New Jersey, but, notwithstanding these, they were of opinion that Government ought to undertake the business, especially since it would be attended with little or no expense in the end, as the money laid out (or lent for a time) would be returned, when the arms shall be sold.

Mr. S. SMITH felt some of the inconveniences pointed out by the gentleman from New Jersey; but when it is recollected that all the manufactories of small arms either are, or doubtless will be, engaged in public service, the necessity and propriety of Government undertaking this business will appear evident; for, if it be desirable that the militia should be well armed, and it undoubtedly is so, Government ought to aid the people in the purchase. Mr. S. asked what was done in the late insurrection? One part of the militia called upon were not completely armed, and Government was obliged to transport arms from the arsenals of the United States; and it would be better to do this while we are at peace, than after we shall be engaged in war, especially as the people would now purchase their own arms; but, if they were supplied by Government in case of emergency, it would be at public expense. Mr. S. was, therefore, decidedly in favor of the measure.

Mr. HARRISON said that a little time ago it was dangerous for gentlemen to speak about saving expense, as any man who did so, was immediately charged with wishing to give up his country to a foreign enemy. But now, when a plan is on foot to supply the Southern States with arms, though no expense will eventually attend it, a loud cry is made against the expense which will be incurred. Though gentlemen are perfectly willing to incur the expense of a standing army, they are unwilling to risk a small loss which may accrue from carrying into effect the proposed measure for supplying such of the militia as want them with arms. For what purpose are these arms wanted? For the defence of the liberty and independence of the country; and yet gentlemen now speak of expense. At the present crisis of danger, when all allow that the Southern States are most likely to be attacked, and the militia of those States want arms, and asked for them, when it is proposed to accommodate them, expense is held up as an objection. He trusted, when gentlemen considered the situation of the Southern States, and that they contain within their own bosom a dangerous enemy, they will not persist in their opposition to a measure calculated to remedy this defect; that they will not exhibit to the world a strange inconsistency in a free country, viz: that the General Government insists upon sending hired standing troops into the Southern States, against the will of the people, but at the same time refuses to give them an opportunity of purchasing arms for their own defence!

Mr. HARPER believed that most, if not all of the

inconveniences set forth by the gentleman from New Jersey, might be avoided, and the object of the bill attained. These inconveniences were supposed to arise chiefly from a lengthy transportation of those arms by land. Whatever inconvenience and loss, however, might attend this supply, he thought, with the gentleman from Maryland, that the difficulty ought to be encountered now, rather than in a state of war. Besides, if this supply is withheld until the arms are wanted, the same inconvenience would not only be encountered, but the arms would come too late for the people to use them in training. But are we, said Mr. H., obliged to incur the expense of land-carriage? He believed not, except in very few instances. Let it be recollected that every State, except two, borders upon the sea, and that they are penetrated by rivers, which are to a certain extent navigable by boats; and if these arms were sent into some town in every State, where the people could get supplied, though they might have to ride fifty or one hundred miles for the supply, they could readily depute a person to go and make a purchase of all that might be wanted in a neighborhood. There were, to be sure, a few exceptions, in which cases the expense of land carriage must be incurred.

Mr. DAYTON said that, if the motion to strike out the second section was withdrawn, he should not object to their proceeding with the bill, and endeavoring to make it as unexceptionable as possible. He had been opposed to the general project of it, because he believed it would rather prevent than promote the general arming of the militia, and would remove from use, as well as put out of repair, many thousand stands of the public arms.

Mr. D. declared that he was not willing to do more than to authorize the increase of the number of armories and arsenals, so that there might be one in every State, where it might be deemed safe and practicable. He hoped that each State would take measures to procure arms for their citizens. It was known that the United States had no surplus of this important instrument of war, but, on the contrary, were deficient.

Mr. HARPER knew that the section as it stands, without amendment, would produce great inconvenience; but he also knew that this section is capable of a very simple amendment, which would bring the bill to what the gentleman from New Jersey wished.

Mr. COIT withdrew his motion.

Mr. S. SMITH moved to strike out the words, "in due proportion," which was immediately agreed to.

Mr. HARPER moved to strike out the words, "within each divisison of the militia of the State."

Mr. VARNUM wished a division of the question.

Mr. RUTLEDGE said, as some of the States could easily supply themselves, they did not, of course, stand in need of the assistance of Government; though in other States, where arms cannot be got, it will be proper to send them. In the State from which he came, (South Carolina,) though the citizens in the lower part of the country are well armed, the inhabitants of the back country are in want of arms; and, in order to furnish a supply for that part of the country, the Legislature of that State had appropriated a sum of money for the purchase of ten thousand stands of arms. This money now lies in the Treasury, and if the General Government could send this quantity of arms to that State, they would be immediately paid for. He had himself applied to the Executive Department on account of these arms, but had received for answer, that, though Government had arms in their arsenals, they had no authority to sell them, but, if this law passed, they might be forwarded.

Mr. R. said, if the United States were asked to supply the militia at their own expense with arms, some objection might be made to the request; but as they were only requested to be instrumental in affording the supply, without bearing ultimately any part of the expense, he thought the proposition could not reasonably be objected to.

Mr. VARNUM did not believe that the militia of any of the States are completely armed; and many of the arms which they have are of different calibres. In the State of Massachusetts, he believed those persons who had not proper arms could not get them. He hoped, therefore, the arms would be distributed among the several States.

Mr. BROOKS did not think the gentleman from Massachusetts had any reason to be uneasy on this subject. If the words are struck out, the President would, doubtless, distribute them where they are most wanted, and where the people will be willing to purchase them.

Mr. MACON said, that he had supposed, since the words "due proportion," were struck out, that the words now moved to be dispensed with, would have gone out of course. This, he said, was one of those kind of bills which are calculated to benefit the whole Union. Those States which manufacture arms, will be benefited by the sale of them to other States which want them, and they will be benefited by the supply. There was very little chance of the State of North Carolina, from whence he came, being invaded; but if either of the neighboring States were attacked, he supposed the people of his State would be called upon for assistance; and when they were so called upon, he was desirous that they should be well armed, and ready to obey the call.

Questions on both parts of the amendment were put, and carried.

Mr. S. SMITH wished, from what had fallen from the gentleman from South Carolina, (Mr. RUTLEDGE,) to strike out the word "out," and to insert "to the Government of the respective States, or."

Mr. THATCHER did not know why the General Government should be put to the trouble and expense of providing arms for the State Governments. The original object was to provide arms for such individuals of the States as should choose to purchase them, and he thought that object ought not to be extended to the State Governments.

Mr. T. CLAIBORNE said, the gentleman from Massachusetts must have a very fertile imagination, indeed, if he could suppose that the State Governments could want arms for any other purpose besides that of distributing amongst the people; and, at this time, he thought it proper that arms should be put into the hands of the people, and that those who are not able to pay for them should have them given to them.

Mr. BAYARD hoped this amendment would be agreed to. The object of the bill was to place arms in the hands of those who want them, and this object would be accomplished, whether they are sold to individuals, or to the State Governments. If gentlemen supposed the Governments of the States could readily get supplied, they are mistaken. He could speak with certainty as to the State from which he came. He knew money had been appropriated for purchasing arms for their quota of the militia. He knew the Governor of that State came to this city, to endeavor to make a contract for these arms, but he found all were engaged for the Government of the United States, and the money yet lies in the Treasury of the State. He hoped, therefore, no further opposition would be made to it.

Mr. KITTERA said, the State of Pennsylvania had appropriated money for twenty thousand stand of arms; one half to be purchased within the United States, and the other half to be imported. Those which were ordered to be purchased within the United States had been purchased; but the contracts abroad, he believed, had failed; and he believed the State Government is anxious to complete the order.

Mr. THATCHER said, he did not oppose the amendment, because he wished to prevent the State Governments from purchasing any quantity of arms they pleased; but he did not think this was the best way of bringing arms into the hands of the people. He thought the State Governments might as well go to the manufacturers, or send their orders abroad themselves, as to employ the General Government to do the business for them.

The question was put, and carried without a division.

Mr. DAYTON proposed a new section, authorizing the President, in case all or any part of the arms remain unsold, to cause them to be delivered to such of the militia as may want them when called into actual service; proper receipts and securities being taken for returning the same.

It was carried—57 votes being for it.

The question on filling the blank containing the number of arms to be provided, being under consideration,

Mr. HARPER hoped it would be filled with 100,000 stands. He thought that number might be well distributed throughout the United States. They were to serve a double purpose, it would be recollected, viz: they are not only to be sold, but to arm such of the militia as may stand in need of them whenever they shall be called into actual service.

Mr. RUTLEDGE thought this would be by far too large a number; they would require more money than could be well spared for the purpose; they would cost from 14,000 to 16,000 dollars. He believed 30,000 stands would be sufficient.

Mr. T. CLAIBORNE thought 25,000 or 30,000 would be enough.

Mr. OTIS was opinion that if such a number was agreed to, and the President of the United States was authorized to apply the money received from those which are unsold, in purchasing a fresh quantity, so as to keep the sum now appropriated as a fund to be constantly employed in the purchase of arms, until the people in all parts of the Union shall be well supplied with them, the provision would be sufficient.

Mr. KITTERA was against 100,000. He believed that number would cost little less than $2,000,000.

Mr. HARPER withdrew his motion for 100,000, and the sense of the House was taken on 50,000, and negatived, there being only twenty votes for it. 30,000 were then moved and carried—44 to 28.

Mr. SHEPARD believed they could be purchased for twelve dollars a stand, and therefore moved to fill the blank to contain the sum proposed to be applied for the purchase of those arms, $400,000. Agreed to.

Mr. OTIS made a motion to carry his purpose into effect, of having this sum constantly employed as a fund for the purchase of arms.

It was negatived, there being only twenty votes for it.

The committee then rose, and the House took up the amendments. Coming to the new section,

Mr. S. SMITH could see no occasion for this section, as there was a similar one introduced in the law for raising a provisional army.

Mr. HARPER said, there was considerable difference between this section and the one alluded to in a former act. By that provision the arms could not be delivered to the people unless required by the Governor of a State; and it might happen that the President would think it necessary to call out the militia, when the Governor of some particular State might not think it necessary. When the volunteers are in want of arms, the President is authorized to supply them on request of the volunteers; but, with respect to the militia, the concurrent authority of the Governor of a State is necessary. Mr. H. thought this a defect in the law which ought to be remedied.

Mr. KITTERA suggested the propriety of recommitting this bill, in order to give the Speaker, who was the author of this section, an opportunity of speaking in reply to the observations urged against it.

The motion was negatived—42 to 28.

Mr. EDMOND said, he understood the object of this bill to be to provide arms to be sold out to such individuals or State Governments as choose to become purchasers, by placing them in convenient situations in the different States; but, if this section is introduced into the bill, it will operate as a discouragement to the purchase of these arms, because when the State Governments and individuals see that if they do not purchase arms for themselves, they will, in case of necessity,

have them put into the hands of those who want them, they will not of course be very eager to purchase, and the arms will lie undisposed of at the risk and loss of the United States.

Mr. SITGREAVES said, an objection had been brought against this bill, which he thought had some weight, viz: that though these arms were proposed to be sold, there was no obligation upon the people to purchase them, and therefore a clause ought to be introduced for placing such arms as may remain in any part of the country unsold in the hands of the people, in case of emergency. For this purpose this clause had been introduced in the Committee of the Whole. Mr. S. said, the idea of the gentleman from South Carolina was a correct one, that, without this clause, the President of the United States could only dispose of these arms by sale. However urgent an occasion might arise, he could not put them into the hands of the militia without the concurrence of the Executive of a State; and he believed, if gentlemen wished this bill to pass at all, it would be necessary to have this clause inserted.

Mr. R. WILLIAMS was in favor of retaining this clause.

Mr. EDMOND again expressed his opinion against the section.

After a few words in favor of the clause from Mr. CRAIK, the question was put and carried, there being 54 votes for it.

Mr. ALLEN moved to strike out the following words, "which shall be deposited at suitable places." He thought them very vague. They might mean suitable for safekeeping, or suitable for sale. If they meant that the arms should be placed in suitable places for sale in every State, he should be opposed to it. He did not wish to have these arms sent all over the Union, but to have them left at the disposal of the President. The gentleman from Kentucky, (Mr. DAVIS,) for instance, could not wish to have them sent there, because his constituents, according to his own account, are not liable to purchase them.

The SPEAKER declared this motion out of order.

Mr. ALLEN then moved to add the words "for safekeeping."

Mr. HARPER was sorry the gentleman from Connecticut should quarrel with the bill, because it was proposed to accommodate the purchasers of these arms as much as possible. He thought the bill was founded altogether on this ground of accommodation; and as the President would now have the disposal of the arms according to his own discretion, he thought the bill stood very well at present.

Mr. ALLEN withdrew his motion, and the bill was ordered to be engrossed for a third reading.

PROVISIONAL ARMY.

Mr. SEWALL now called the order of the day on the bill supplementary to, and to amend the act authorizing the President of the United States to raise a provisional army. The House accordingly resolved itself into a Committee of the Whole on that bill; when

Mr. SHEPARD moved to strike out the first section of the bill.

Mr. MCDOWELL seconded the motion. It was one he was himself prepared to have made. He thought the bill highly exceptionable. It is provided by this bill that the volunteers shall not be subject to the militia training which the States have a right to put them under. If these volunteers are, indeed, to be considered as a standing army, then they are free from the authority of the States; but if they are not to be thus considered, to excuse them from militia training would be an interference with State authority, which was altogether unallowable, and would have a tendency to destroy the militia, which had hitherto always been considered as the sure defence of the country. To excuse these volunteers from militia duty, would also create a distinction between them and the militia, which he was apprehensive would produce the most unhappy effects.

Mr. S. SMITH said, if he could consider these volunteers as part of the militia of the United States, he should agree in opinion with the gentleman last up; but he considered them not as a part of the militia, but as regular troops, bound to do regular service for two years, after they are accepted by the President. Surely, then, while men stand thus pledged for the public service, it would be very unreasonable, indeed, to call upon them to do militia duty, and fine them for the neglect of doing it, for they could not perform both services.

Mr. SEWALL remarked that these volunteers, though they would not be subject to the articles of war until they came into actual service, would nevertheless, according to this bill, be subject to rules and regulations to be established by the President, which he supposed would be founded on the articles of war. It must, therefore, appear to be reasonable to excuse them from militia duty.

Mr. SHEPARD objected to this clause; because, in the first place, it makes a call to the whole of the militia to come forward and make an offer of their service to the President of the United States, which, if complied with to any extent, would have the effect of destroying altogether the State authority with respect to the militia, and would convert the whole into a standing army, and, consequently, violate the Constitution. If the law could be so modified as to be made agreeable to the Constitution, he should not object to it; but, at present, he thought it in direct violation of that provision which says, the training of the militia shall be left to the individual States; for this bill proposes that these men shall be called by another name, taken from their old officers, and placed under such as shall be appointed by the President of the United States, and its certain effect must be to create disunion between the States and the General Government.

Mr. HARPER said, that gentlemen who spoke against this bill had taken an erroneous view of the subject. They spoke as if these volunteers were to be excused from service, whereas they will be subject to much severer exercise than the militia, not only when called into actual service,

but in the mean time, and they will therefore undergo a more rigid discipline than ever the militia are called to. They ought certainly, therefore, to be exempted from militia duty.

Besides, Mr. H. said, he looked upon these corps as a much better defence than the ordinary militia could afford; and those gentlemen who spoke of the militia as being a sufficient defence for the country, he would refer to the fate of the Canton of Berne, from which they will find that something more than spirit and bravery is necessary. It will be seen that nothing can be effected without discipline, for though the people of Berne, assisted by their wives and sisters, defended themselves bravely with their scythes and pitchforks, they were mown down by the superior discipline and order of the enemy; so that for want of energy and decision in their Government, and discipline in their troops, they were crushed and destroyed. This example he thought so strikingly in point, that he was astonished any gentleman should be found here to advocate similar temporizing measures.

Mr. H. had no doubt that our militia are as brave a set of men as any in the world; but courage alone will not avail—undisciplined courage placed against veteran troops, as in the instance just mentioned, would be certain to fail; it would only give the enemy the trouble of killing such a force, and filling the ditches with their dead bodies. In proportion, therefore, as you impart to the people discipline, organization, command, and military habits, you produce an effectual defence for the country. It was on this account that he was so favorably impressed with respect to the volunteers, and that he advocated the present bill.

Mr. MACON wished the gentleman from South Carolina had examined the Constitutional question, instead of referring the House to the fate of Berne. Whatever energy it might be necessary to exert, it ought to be exerted according to the Constitution. He thought the present bill a direct violation of it. If these volunteers are regulars, there is no occasion for this clause, as the State cannot call upon regular soldiers to do militia duty; so that this law, and the committee who formed it, must have considered them as a part of the militia.

This, Mr. M. said, was the same question which was formerly under discussion, on the original bill; and he had not altered his opinion of its unconstitutionality.

Mr. SHEPARD said, this bill was not only unconstitutional, but would create much disturbance and uneasiness in the country. He could not but be much obliged to the gentleman from South Carolina (Mr. HARPER) for his lecture on military duty; but he believed he (Mr. S.) had forgotten more than that gentleman ever knew, and therefore did not want his instructions. He believed the militia are, in general, much better trained and disciplined than they would be in the form of volunteers; but it seemed as if no man could be a good officer, unless he received his commission from the President. He saw no foundation for such an idea.

Mr. BAYARD said, whatever name is given to these volunteer corps, whether they shall be called regular troops, or not, there cannot now be a doubt that they are not to be considered as militia, because, by the law authorizing the President to raise a provisional army, he is directed to appoint the officers, and the Constitution is positive that the officers of the militia cannot be appointed other than by the States.

Mr. B. supposed the gentleman from North Carolina (Mr. MACON) did not mean to say that the Legislature of the United States could not exempt persons from a performance of military duty. A proof to the contrary might be found in the militia law. It was clear, therefore, that the House had a right to excuse volunteers from militia duty, and the only question was as to the reasonableness and propriety of doing so; and he thought this must be very evident from the impossibility there would be of their complying with both laws.

Mr. HARPER wished to add one word in reply to what had fallen from the gentleman from Massachusetts, in relation to himself. That gentleman, whom he knew held a considerable military command, must have forgotten more military knowledge than he ever knew, because he never knew any; and because that gentleman seemed to possess but little at present; but he did not know that it was necessary to have a practical knowledge of military affairs to determine that nothing can be done by way of defence without discipline. He believed he might form as correct an opinion on that point as if were possessed of all the military knowledge which that gentleman says he has forgotten.

Mr. GALLATIN observed, there was one point of view in which this subject had not been considered. If he understood the law which had been passed on this subject, his ideas were the same, with respect to the volunteers, as those of the gentlemen from Delaware and Maryland, viz: not that they are a part of the militia, but a part of the Army of the United States; for, if they had been considered as a part of the militia, the law would have been unconstitutional, by giving the power of appointing officers to the President, instead of reserving it to the several States, as the Constitution directs. He, therefore, considered that point as decided, viz: that these volunteers are a part of the Army of the United States; but the section now under consideration goes to declare, that such of the volunteers as shall submit to certain rules of discipline, shall be exempt from militia duty, and, therefore, such as shall not choose to submit to these rules, are to be considered as liable to do militia duty. In that view, it was perfectly inconsistent with the bill passed. He conceived that the moment a person enlisted himself as a volunteer, he was exempt from militia duty.

This bill, he understood, had been introduced to rectify a defect in the original law. A great deal had been said about the great effect of discipline, and of the fate of Berne, which he thought wholly irrelevant. When the original bill was

formerly under consideration, it was objected against it that it did not provide sufficient regulations for the government of these corps. This is found now to be the case, and the deficiency is proposed to be supplied. How is this to be done? By submitting to such rules and regulations as the President shall appoint, or if volunteers shall neglect to do it, they are to be subject to militia duty. He neither thought this right or proper. He thought it ought to be made positive that the volunteers should conform to the rules laid down by the President, instead of leaving the matter at large; for having once determined the volunteers to be standing troops, by authorizing the President to appoint the officers, they cannot any longer be considered as at all appertaining to the militia. The section ought, therefore, either to be amended or rejected.

Mr. DANA thought the section stood very well at present. Every volunteer, while he remained such, must, according to this bill, conform to the regulations of the President. Gentlemen still brought up the question as to what these corps ought to be called. They might call them what they pleased, if they did not call them "an army which will flee before the enemies of their country." As to the volunteers performing the duty of militiamen, as well as the duty of their own corps, it would be utterly impossible to do it; but, if any volunteer declined complying with the regulations laid down by the President for their government, he would be turned back to the militia; for it was not intended that any volunteer should perform a grudging service.

Mr. S. SMITH hoped the section would not be struck out, but that it would be amended in the way proposed by the gentleman from Pennsylvania.

Mr. VARNUM thought the objections to this section might be removed by an amendment in the way proposed. The objections made by his colleague, (Mr. SHEPARD,) and other gentlemen, would have been very proper when the original bill was under consideration; but, at present, he did not think they were applicable. He had himself at that time objected to this corps; but as it had been agreed to, and as it would be looked upon in no other light than as standing troops—and troops, too, which would be first called upon in case of any emergency—it would be wholly inconsistent to make them liable to militia duty.

The question on striking out was put, and negatived—46 to 26.

The question now came up on the proposition for loaning arms to the volunteers; when

Mr. GALLATIN said, it had been provided by the law for raising a provisional army, that, in case any of the volunteers shall be called into service, before they get possession of arms, the President is authorized to loan to them field artillery, arms, and accoutrements; but the provision in this bill proposes that these arms may be loaned for the purpose of training. This he did not think prudent, as it would operate as a discouragement to the purchase of arms by the volunteers themselves, and prevent the country from receiving that cheap defence from the service of these volunteers, which gentlemen had foretold. He believed it would be sufficient to loan arms to such of these volunteers as may want them, when called into actual service. Mr. G. therefore moved to strike out the words which proposed this loan of arms.

Mr. S. SMITH said, the objection of the gentleman from Pennsylvania had some weight; but he believed it might be remedied by confining the loan of arms to field pieces; and he believed that volunteers would generally wish to find their own muskets.

Mr. GALLATIN varied his motion to meet the ideas of the gentleman last up.

Mr. DAYTON moved that the committee might rise. He found a compromise taking place between gentlemen which he did not approve. He thought there might be young men who would turn out as volunteers, who could not afford to purchase their own arms; and in such case he would have arms given to them. He hoped, therefore, a little time would be given to consider this subject.

The committee rose accordingly, and had leave to sit again.

FRIDAY, June 15.

The resolutions laid upon the table some days ago by Mr. HARPER, appropriating a sum of money for defraying the expense of the additional regiment of artillery and engineers, and to authorize the President to obtain such a loan of money as may be necessary for the expenses of the Government for the present year, over and above the current revenue, were taken up in the Committee of the Whole, agreed to, and bills ordered to be reported accordingly.

A bill was received from the Senate, authorizing the President of the United States to receive vessels, armed or suitable to be armed, for the use of the United States, in addition to those heretofore provided, was twice read, and ordered to be committed this day.

Mr. HARPER moved that the House go immediately into a Committee of the Whole on this bill.

Mr. GALLATIN hoped the bill would first be printed. Agreed to.

ARMS FOR THE MILITIA.

The bill providing arms for the militia throughout the United States was read the third time and passed, 55 votes to 17, as follows:

YEAS—Abraham Baldwin, David Bard, James A. Bayard, Thomas Blount, David Brooks, Demsey Burges, Christopher G. Champlin, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, William Craik, Thomas T. Davis, John Dennis, George Dent, Thomas Evans, John Fowler, Jonathan Freeman, Albert Gallatin, Jas. Gillespie, John A. Hanna, Robert G. Harper, Carter B. Harrison, Jonathan N. Havens, Jos. Heister, David Holmes, Hezekiah L. Hosmer, Walter Jones, John Wilkes Kittera, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Daniel Morgan, Anthony New, Harrison G. Otis, Josiah Parker, John Reed, John Rutledge, jr., William Shepard, Thomas Sinnickson, Nathaniel

Smith, Samuel Smith, William Smith, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Richard Thomas, Mark Thomson, Abram Trigg, John Trigg, John E. Van Alen, Joseph B. Varnum, and Robert Williams.

NAYS—John Allen, Bailey Bartlett, Stephen Bullock, John Chapman Samuel W. Dana, William Edmond, Abiel Foster, Dwight Foster, Henry Glen, Andrew Gregg, Roger Griswold, Isaac Parker, Jas. Schureman, Samuel Sewall, Samuel Sitgreaves, Geo. Thatcher, and Thomas Tillinghast.

PROVISIONAL ARMY.

The House then again resolved itself into a Committee of the Whole on the bill supplementary to and to amend the act, entitled "an act authorizing the President of the United States to raise a provisional army."

The motion to confine the loan of arms to pieces of artillery being resumed,

Mr. DAYTON said, that he could not agree to this motion, the object of which was to deprive the President of the discretionary power of loaning arms to the volunteer corps, who had most patriotically enrolled themselves, and offered their services to their country. The youths and other meritorious men composing these corps, who had thus nobly stepped forward and offered themselves among the foremost to meet danger, were certainly entitled to so much consideration as to be allowed to use the public arms until they were enabled to supply themselves by purchase. The muskets would be benefited rather than injured by being thus used for exercise, or for more active service, and he trusted, therefore, that the motion would not prevail.

The question was put and negatived—41 to 34.

Mr. SEWALL said, a section had been proposed in the select committee to this bill, which, though it had been there negatived, he would now offer to the Committee of the Whole.

[Mr. S. moved it accordingly. It was to give the President power to appoint such of the officers for the provisional army of 10,000 men as he may think necessary for immediately raising the men, whenever it shall be expedient to raise them, provided such officers shall not receive any pay or emolument, until actually employed in the service of the United States.]

Mr. S. SMITH hoped this section would not be agreed to. It met with the disapprobation of the Committee for the Protection of Commerce and the Defence of the Country, upon this principle, viz: that the probability was that, when this army shall be found absolutely necessary, a very different description of people would make offers of their services as officers, from what would now come forward. This opinion was strongly confirmed by the experience of the last war; and he had no doubt, that, in case of real danger, the best of officers would join the public standard, who, from their well known characters, would have it in their power to raise the best of troops; but, if the appointments were now made, such only would apply for offices as meant to make the profession of a soldier their business, and who would not be very willing to lay down that profession, when the occasion shall cease requiring their services.

Mr. HARPER believed the arguments of the gentleman from Maryland would deserve consideration, if the section proposed an immediate appointment of all the officers. He should, in that case, himself be opposed to the section; because it was likely enough that circumstances would occur by and by which would enable the President to get more fit men for the higher grades of officers than he could get at present; and, though the power were to be given to the President to appoint the officers, it would only be exercised for the public advantage. So far as it was fit the appointments would be made, and no farther. He conceived that many advantages would be derived from giving to the President the power of immediately appointing these officers. There was a great difference, he said, between organizing 10,000 men, and a regiment of artillery. A much longer time must be necessary for the one than for the other; and how long a time, he asked, had been found necessary to organize the regiment of artillery? He believed six weeks had elapsed since the act passed for raising this corps; and, in case of the imminent danger which could alone authorize the raising of these men, six weeks would be a long time to lose in the appointment of officers before the raising of the men could be proceeded with. He thought it would be desirable, therefore, that the arrangement of officers should now be made, that, when the men should be found necessary, orders might be given for raising them without loss of time. Immediately upon the passing of this act, no doubt, the President would have a number of applications, and from these he could make his choice, either before or at the time when he shall have come to a conclusion as to the necessity of raising the men.

But why will not those patriotic characters, which had been alluded to, now come forward with offers of their service? They know that this army is not to be raised, except in case of imminent danger; and when they make the offer, they will look forward to the contingency upon which it is made. If this was a common army, to be raised immediately, the thing would be different. He believed there are many characters in the United States who would be ready to accept of offices in a patriotic army like this, that would not join an ordinary army; and as these gentlemen would be assured that their services would not be called for, except in case of the events mentioned in the act, he doubted not they would now come forward with an offer of them. He hoped the section would be agreed to.

Mr. DAYTON (the Speaker) said, that, although he was of opinion with the gentleman from Maryland, that the appointment of field and general officers would not be so good whilst there was a doubt whether this country should be driven into a war, yet he trusted that doubt, in whatever mind it still existed, would soon be removed, and, in the meantime, he thought the company officers ought to be nominated. These were the officers who must recruit the men, and it would require

some time to ascertain from each of them, whether they accept the rank allotted to them, and stand ready to raise the troops, so soon as recruiting orders should be sent them. Much time would be saved by authorizing this measure immediately, and it would not add to the expense, for they would not be put upon pay until it became necessary to raise an army for the defence of the country. He hoped the section would be agreed to.

Mr. S. SMITH said, gentlemen seemed determined to do everything by steps. The raising of the provisional army was made to rest upon certain contingencies; but now it is wished that the President should have the power to appoint the officers immediately. He thought it would be fairer in gentlemen to come forward at once, and give the President the power to raise the army whenever he shall think proper, or immediately. This conduct would be more consistent with the dignity of Legislative proceedings, than doing one thing to-day and another to-morrow, which appeared to be the course constantly adopted. As it had been thought proper to defer the raising of the army until danger shall appear, he believed it would be best to defer the appointment of officers also till that time; for, if they were to be now appointed, instead of consisting of men who would engage in the service from patriotic motives, they would consist of bad sons, bad nephews, and indifferent cousins, who look up to the army for a livelihood. He wished this army to be a good army, and, therefore, he wished the appointment of officers to be delayed until danger appeared, in order to draw men of character and property into it, and in order to obtain such an army as we had during the Revolution.

Mr. SEWALL said, it appeared to him extraordinary that gentlemen should suppose that men who seek a military life for support should be anxious to accept of situations in a provisional army which may never be raised, and, until it is raised, from which they will never receive any pay or emolument. If the appointments are to be made at this time, these are not the men, he apprehended, who will solicit the appointments; they must have situations from which they can receive immediate emolument. Men who accept of these appointments must have something to live upon at home. But if these officers are not appointed until the time of danger arrives, the President will be under the necessity of appointing such as offer first; whereas, if they are made now, with deliberation, there is every reason to believe good men will be appointed. Indeed, if the appointment of officers was to be delayed until the army was raised, he should be in favor of raising it immediately.

Mr. SHEPARD thought it would be soon enough to appoint the officers, when we knew whether any men could be got. We had officers at this time recruiting for men to fill up the old regiments, but he believed they met with indifferent success. He could see no other way of raising the men than that of making requisitions on the several States for their portion of men; and if they furnish their quota of men, they will expect to be consulted in the choice of officers. But if the appointments are made at present, and recruiting officers are sent out to get men, they will only pick up the refuse of society, one of whom will require two better men to take care of him; but if the appointment of officers and raising of men were delayed until occasion called for them, tried patriotic officers would be got, and the sons of the yeomanry of the country would enter into the service.

Mr. DANA said, he always supposed, until he heard from the gentleman from Massachusetts, whose military character certainly gave weight to his opinion on military subjects, that it was necessary first to raise men before officers were appointed—that it was first necessary to appoint officers in order to raise men. He supposed the President would not at present proceed to the appointment of officers of the superior grades, but confine his choice to those of the lower grades chiefly, which it may be supposed none of the patriotic officers of the Revolution would be willing to accept of, and this would be a business of the greatest trouble. In case of actual war, he supposed there are many military men in Congress who would again join the standard of their country; but he should be sorry if the public should be deprived of their services in the great councils of the nation, until an actual state of things shall call for their exertions in the field.

Mr. HARPER wished to bring to the recollection of the gentleman from Maryland what he determined to forget, viz: the disposition which certainly exists between making arrangements for an army, and the raising of that army. The bill for raising a provisional army, is a bill for raising an army, provided certain contingencies shall take place; and this bill is intended to make previous arrangements to be in readiness in case the army shall eventually be raised, therefore the objections of the gentleman from Maryland fell to the ground.

Mr. H. thought the idea of none but men who wished to make a military life their profession applying for offices in this army, in case they are appointed immediately, had been ably refuted by the gentleman from Massachusetts, (Mr. SEWALL.) It was likely to have quite a contrary effect.

With respect to the mode of raising troops by requisition, spoken of by another gentleman from Massachusetts, (Mr. SHEPARD,) such an idea must have arisen from a want of that military knowledge which he yesterday said he had forgotten. It was quite a novel idea that the States should have anything to do either with the raising of the men or the appointment of the officers of regular troops. It was another proof that the gentleman had forgotten part of his military knowledge, when he spoke of first raising men and then appointing officers. The gentleman had forgotten a number of other things; but Mr. H. hoped that gentlemen would all remember that Congress is now providing an effectual force against a threatened invasion, and he believed nothing would tend more to make it so, than giving the President power to appoint such officers, as he may think necessary, immediately.

Mr. MACON did not consider this a very import-

ant section, as it was, in some degree, similar to one which had already been passed. Gentlemen had said, when the former act was under consideration, that it would provide an effectual force; but now a bill is brought forward to make it so. As the former law gave the President power to appoint officers whenever danger appeared, if this section is agreed to, he should conclude that the officers would be immediately appointed. As we had officers already on recruiting service, it would be needless, he believed, to appoint others. He found that the officers in the new regiment of artillery are placed in every part of the United States; and if we want that corps completed, its progress ought not to be impeded by the appointment of other recruiting officers.

Mr. SHEPARD was obliged to the gentleman from South Carolina for adducing proofs that he had forgotten his military knowledge; but, notwithstanding what that gentleman has said, he did not think, if officers were appointed to-morrow, that they would enlist 200 men in two years. If they are not got by requisition, therefore, he could not see any other mode of getting them, except we wait until actual danger appears, and, in that case, the best of men will be got.

As to the *chin-talk* of the gentleman from South Carolina, he should take but little notice of it; though he attempted to laugh at him whenever he spoke, (which was rather disgusting,) he would continue to speak without being hindered or terrified by him.

Mr. BROOKS said, when the question was before the select committee, he was of opinion that it would be best not to appoint the officers to this army until the danger appeared which would warrant the raising of men; but the arguments which he had heard on this subject, and the conviction which he had upon his mind that we must have war, and that every day brings us nearer to that state of things (and that is now at hand) when it will be necessary to raise the army, he thought the weight of the argument then used in favor of the postponement of this subject every day diminished. For he did not consider this question, as some other gentlemen had done, a gradual step towards raising an army at all events; because the President, as has been already intimated, has no power but what was originally vested in him, viz: to raise the army in case one of three contingencies shall take place. When these officers are appointed, they are not to receive any pay. All that was intended, was to give the President a choice of officers, in order that he might select them at his leisure, and inquire into their character.

Mr. DENT thought this section would be better if made more explicit. He therefore moved to add the following words: "such and so many of the officers of the 10,000 men as the President shall think necessary, and to cause to be raised and enlisted the whole or such portion of the corps of such men as, in his opinion, the public service shall require."

This motion was negatived, there being only 23 votes for it.

Mr. S. SMITH said, the gentleman from S. Carolina had charged him with not having attended to the distinction between raising an army and making arrangements for the raising of one. He did understand the difference; but his arguments had gone against the impolicy of appointing the officers at present. He said nothing about the men. But the gentlemen from South Carolina and Massachusetts (Messrs. HARPER and SEWALL) contend that men who wish to make the business of a soldier their profession will not accept of situations in the provisional army. He believed this was a mistake. They would believe, with him, that this army will be speedily raised, and that much time will not therefore elapse before it will be necessary for them to engage in actual service, and consequent pay. He was opposed to this immediate appointment, because he wished rather to have men of experience and character as officers than soldiers by profession. Besides, it is well known that the young men are everywhere coming forward as volunteers. These are something similar, Mr. S. said, to the independent companies in our Revolutionary war, and they will be, like them, a school for officers. Young men thus engaged will soon find out whether their talents are military, or not; and such as have that talent will come forward and offer their services as officers, and it will be much better to appoint men of this kind, than men who seek commissions merely for support.

The question on the section was put and negatived—41 to 39.

Mr. BAYARD said, he had a strong persuasion on his mind, that if the bill for raising a provisional army stands, as at present, our volunteers corps would not be very numerous. As they consist of young men who are mostly extensively engaged in business, it is scarcely probable that many persons of this description will offer their services, if they shall render themselves liable, by doing so, to be marched on service from one end of the Union to the other. This opinion had been strongly confirmed by fact. He therefore moved an additional section, providing "that no company of volunteers who shall have been accepted by the President of the United States, shall be compelled to march beyond the limits of a State adjacent to that in which they may belong.

Mr. T. CLAIBORNE said, this question had already been fully discussed and decided. He thought it would be an extraordinary thing, indeed, if the best men in the country should be thus limited in their service; if the young and active should be kept at home, whilst persons older and less able shall be liable to be sent whithersoever danger may call them.

Mr. S. SMITH hoped the amendment would not prevail. What! said he, shall volunteer corps, consisting of the young men, be kept at home? Shall we first make provisions exempting them from militia duty, for a loan of arms, &c., and then tie their hands from acting? The gentleman who makes this motion has two States adjoining him, others have three or four, and some have only one; so that the provision would be very unequal. Certainly, the gentleman does not mean to make

the volunteers less effectual than the militia, and to separate the young men for the purpose of keeping them at home by their fire-sides. Such a provision would be disgraceful to these young men, and a libel upon their bravery and public spirit. He hoped the idea of introducing such a provision was not seriously entertained.

Mr. KITTERA observed, that it ought to be recollected that our militia are only called out for three months at a time; whereas these volunteers are liable to serve for two years.

Mr. HARPER said, there was another great difference between the militia and volunteers: the latter clothe and equip themselves, and in most instances purchase their arms. It is true, provision is made for the loan of arms, where it shall be necessary; but the probability is that the greater part will purchase their own arms and equipments. Nor would the proposed amendment tie the hands of the volunteers. They might still go where they pleased. It went only to prevent their being forced to go on distant service; but if it were agreed to, he doubted whether very few of them would decline any service upon which they were called. It was not to be supposed that the President would order the volunteers of New York or Philadelphia to march to the frontiers of Georgia; but wherever there was danger, he did not believe the volunteers would ever hesitate to go. He hoped, as the volunteers lay under several disadvantages, such as engaging to serve for two years, and being liable, if the President chooses, to be called upon every day to do duty previous to any actual service, that this clause in their favor would be agreed to.

Mr. MACON did not suppose it would have been necessary to have said a word on this subject. Mr. M. spoke of the unequal service that would fall upon volunteers in different parts of the Union from such a regulation. The gentleman from South Carolina had said, but few of the volunteers would ever avail themselves of this clause. He hoped not; but he should think it very wrong to pass a law to give them the power of refusing to serve whenever they shall be called upon. He hoped the gentleman from Delaware would withdraw his proposition, for he thought it would place a stigma on these young men which they ill deserved. He had seen some of them parade in the city, and was well pleased with their soldierly appearance. But, to say these volunteers should have arms and cannon lent them, and at the same time not be called upon when their services might be wanted, would be a strange provision, indeed. Besides, as this question has been already decided, he thought it very improper to have it thus renewed.

Mr. SEWALL would only say one word on the inconsistency of the gentleman from North Carolina. He had heretofore said that these volunteers would form an unconstitutional body; that it was improper to place such a force in the hands of the President; that the militia of the country would be sufficient for its defence; and that, therefore, there was neither occasion for volunteer corps, nor provisional army; but now, all at once, the gentleman turns round and speaks of the volunteers as being the troops chiefly to be relied upon. Mr. S. thought the proposed clause would have a good effect in increasing the vigilance of the several States; because, when they see that they must rely upon themselves, or a neighboring State, or adjoining States, if more than one, for defence, they will associate, and put themselves in the best condition for defending themselves.

Mr. RUTLEDGE said, if this amendment was agreed to, he feared its effects would be fatal to the volunteer corps. What young man of spirit, he asked, would enter into a corps so confined in its service? The young men in different parts of the country have come forward and enrolled themselves, with a view of being ready to fly to the defence of the country wherever she may be attacked; but if the present motion was agreed to, it would essentially change the spirit of the associations which have taken place. He would say for himself, he would never consent to belong to such a corps. The militia, when called upon, are obliged to march to any part of the Union; and he thought it would be paying a poor compliment to the young men of this country, to suppose they wanted an inducement like the present to become volunteers; for he could not believe they associated together for the sake of wearing a military uniform and feather, or of marching about the city on a Sunday in their military dress. He hoped, therefore, the motion would be either withdrawn or negatived.

Mr. MCDOWELL was surprised that this motion should have been again brought forward, after having been so decidedly negatived on a former occasion. And what was the greatest surprise to him was, that the gentleman from South Carolina (Mr. HARPER) should be found among its advocates, as heretofore that gentleman had spoken of these young men as willing to lay bare their bosoms in the front of the battle—that they would be ready to fly to every part of the Continent to defend their country. Leave had been granted to raise them; it had been asked to relieve them from militia duty. That is not sufficient, gentlemen now wish to excuse them from any service at a distance from home. This, he owned, was a great falling off from the high strain in which gentlemen had formerly spoken of these volunteers.

What sort of an army, said Mr. MCDOWELL, will these volunteers form? The commander of it cannot rely upon his troops beyond a certain point, at which they may all refuse to obey his command. This would be placing the country in a perilous situation indeed; and to suppose such an exclusion from service would be grateful to these young men, was paying them a very indifferent compliment. There may be many of these young men of the description which the gentleman from Delaware had mentioned; and he hoped men of property would show themselves equally ready to defend their country with their fellow citizens who possess a less share of property, and that they would not seek to be excused from service in the way proposed by this amendment.

Mr. BAYARD observed, that gentlemen opposed to this amendment, tell the committee that this principle was contained in the original bill, and that having been fully discussed and determined upon at that time, it ought not again to be brought forward. He believed they were mistaken as to the discussion, because, if he recollected rightly, the question was taken without debate, and, to some members, very unexpectedly carried. It was because it seemed not to have excited sufficient attention at the time, that he again brought it forward. And, notwithstanding all the high notions of chivalry and public spirit of which he heard so much, he would venture to predict, that if these volunteers were to be liable to be marched from one end of the Continent to the other, so far from their affording any considerable public service, there would be no volunteers at all, or at least the number would be so small as to have no effect. He was willing to give the young men of the country all the credit they deserved. He saw them willing to incur many inconveniences in order to render service to their country; but he did not believe they would suffer their military ardor to carry them so far as to induce them to devote themselves to destruction.

What, said Mr. B., are the description of persons who generally comprise these volunteer companies? Many of them are professional men; others are merchants; many of them mechanics and artificers, and many of them have families who depend upon them for subsistence. What is the situation of these volunteers? They become regular troops, subject to such discipline as the President shall choose to direct; and, before the provisional army can be raised, they may be marched from one end of the United States to the other, and might, perhaps, render the provisional army altogether unnecessary. It was because he wished to see a numerous body of volunteers, that he brought forward this amendment; because he did not wish to throw a damper upon the military ardor of our young men, or to disgust them. This regulation would put no restraint upon their public spirit; because it did not go to prevent them from marching beyond the limits mentioned, if they are disposed to do it; it only provides that they shall not be compelled to march beyond the limits of an adjoining State. He did not consider these volunteer corps in the light of a standing army, but as auxiliaries to act in aid of a standing force; to rally around the provisional army, in case of invasion.

As to what the gentleman from North Carolina (Mr. MACON) had said respecting some of the Southern States being only joined by one or two States, and on that account would not have the same advantages from these volunteers with other States, he thought it was a philippic against the public spirit of those States; it was supposing that the youth of those States would not be equally ready to turn out in defence of their country with the youth of other States. The House had been told on former occasions, that if the Southern States were supplied with arms and ammunition, they wanted no other assistance: he hoped this was true; and he thought if gentlemen wished to see a numerous corps of volunteers, they would agree to the present proposition, as, without it, he was confident their number would be too small to be of any public service.

Mr. S. SMITH observed, that gentlemen in support of this motion said, that the volunteers ought to be favored, because they clothe and equip themselves at their own expense; and do not, asked Mr. S., the militia the same? But is it a fact that the volunteers arm themselves? No; the House has agreed to lend them arms, and after the power to lend has been given, he apprehended few would be bought. What would the great body of the militia say, provided the present motion were to pass? They would say, "we are obliged to answer any call which may be made upon us; but these volunteers whom you have taken from our body, and to whom you have given arms, remain at home." Would not this offend the great body of militia? It certainly would. Besides, would any military man take command of a body of troops, who, when they came to a certain line, might lay down their arms, and refuse with impunity to march any farther? They certainly would not, as such a circumstance might occasion the most serious consequences; for it would be recollected, that during the war, men who were engaged for six months only went off on the very day their time expired, and on which an action took place, which occasioned a defeat of the American Army.

But the committee were told by the gentleman from Delaware (Mr. BAYARD) that except this motion was agreed to, we should have no volunteers, or at least very few. If so, we had better have none. If these young men wish only to fight by their own fire-sides, they had better remain with the militia, and go into the ranks with older men. It would not be worth while to form a separate corps for them. Indeed, if he had a son that would enter into such a corps, he should be ashamed of him, and he would disinherit him; and he was persuaded that the young men of America would not thank gentlemen for placing them in such a situation as was proposed. If they wished to place them in a ridiculous point of view, or to procure for them the name of the *Silk Stocking Company*, or any other term of derision, they could not take a more effectual course to obtain it. He hoped, therefore, this proposition would not be agreed to.

Mr. BROOKS did not view the clause under consideration in so exceptionable a point of view as his friend from Maryland, or he would not vote for it. He knew that a provision similar to this made a part of the former bill. How it came to be struck out, he could not tell; but he believed it was done without debate.

Gentlemen spoke of the favorable situation in which these volunteers will be placed, if this provision is agreed to; but they do not weigh the matter on both sides. They forget that the militia cannot be called into service for a longer term than three months at a time, and it was never known that militia were called very far from

home. The idea of marching these volunteers from one part of the United States to the other, was rather imaginary than real. In the course of the last war, the militia was scarcely ever called beyond the bounds of an adjoining State; but he had no doubt if the service of the country should stand in need of these young men, they would not suffer their ardor to be overcome by an ideal line. He believed these young men would prove better troops than any other, and perhaps prevent the necessity of raising any other.

The gentleman from Maryland has said, that if he had a son who would enter into a corps under such a restriction as this, he would disown him. Other gentlemen would be equally concerned with him, if their sons were to take advantage of such a clause in time of danger. But he did not think it would be right to terrify young men from the service by holding up more severe duty for them than it would be likely they would be ever called to perform. He hoped, therefore, the amendment would be agreed to.

Mr. MILLEDGE said, if this provision was agreed to, the State of Georgia could only expect assistance from the volunteers of one State, and the exposed situation of that State is well known. The United States ought certainly to be protected in every part; and in the last war it was usual for the flower of the American people to fly to the most extreme parts of the Union whenever danger appeared.

Mr. OTIS did not believe that any provision could be thought of which could be more effectual in discouraging these voluntary associations than a provision of this kind. His friend from Delaware spoke of these young men as if they were to be singled out for distant service in preference to any other troops, and he was afraid such a suggestion, and a motion like the present, might have an undue effect out of doors. For though he believed there are a great number of young men ready to come forward, he believed the adoption of this motion would prevent them from doing so. He rose, therefore, to remind the committee that the volunteers have no reason to believe they will ever be called upon to go upon any distant service, except in such cases as would induce them to it whether they were volunteers or not.

As to the idea of these volunteers superseding the necessity of regular troops, he had no such opinion. He believed that neither volunteers nor militia would be a sufficient defence without regular troops; and as there had been no instance in the last war in which the militia had been sent to any great distance from home, he thought it could not be reasonably expected that these young men would be very soon sent from their own homes. But if this provision was agreed to, he was afraid other arguments would be made use of, rather to discourage than favor these establishments. Instead of evincing any extraordinary degree of spirit and bravery, it would be said their object was to stay at home; they would be called the silk-stocking corps, the invalids, &c.

But, it was said, except this clause was agreed to, no volunteers would enter the service. He had not been out of the city, but he had the pleasure to see, every morning, from three hundred to four hundred young men exercising themselves in military discipline. He also saw troops of horse going through their evolutions. He believed a similar spirit existed also in New York, and other large towns, and he trusted, therefore, that the opinion of his friend from Delaware would prove to have been unfounded.

The question was put and negatived, there being only 19 votes in favor of it.

Mr. DAYTON moved to amend the bill by adding the word "legions;" which was agreed to.

The committee then rose, and the House having agreed to the amendments reported.

Mr. SEWALL renewed his motion, of an additional section, authorizing the President of the United States immediately to appoint such officers as he shall think necessary for the better raising the provisional army, whenever he shall think it necessary.

The question was taken by yeas and nays, as follows, and carried—42 to 39:

YEAS—John Allen, Bailey Bartlett, James A. Bayard, David Brooks, Stephen Bullock, Christopher G. Champlin, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, John Dennis, William Edmond, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, Robert Goodloe Harper, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, William Matthews, Daniel Morgan, Harrison G. Otis, Isaac Parker, John Reed, John Rutledge, jr., Jas. Schureman, Samuel Sewall, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, Geo. 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, Demsey Burges, John Chapman, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, Thomas T. Davis, John Dawson, George Dent, John Fowler, Albert Gallatin, James Gillespie, Andrew Gregg, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, William Shepard, Samuel Smith, William Smith, Richard Sprigg, jr., Thomas Sumter, Abram Trigg, John Trigg, Joseph B. Varnum, and Robert Williams.

Mr. S. SMITH then renewed his motion for striking out certain words, in order to confine the loan of arms to pieces of artillery alone. His opinion was that small arms ought not to be lent to the volunteers. He thought them much better able to purchase arms than the militia; and if it was determined to lend them, the probability would be that none would be bought.

Mr. BROOKS observed, the volunteers could not purchase arms until they are to be sold; and he believed Government had arms which they could lend, but which they had no authority to sell.

Mr. OTIS said, if the gentleman from New York could demonstrate the fact, that Government has guns to lend and not to sell, it would have some weight upon his vote; or if arms

could be bought, he should certainly be in favor of the motion of the gentleman from Maryland, as he did not think these volunteers ought to be excused from burdens laid upon the militia.

Mr. BROOKS had no doubt of the fact.

Mr. SITGREAVES observed that a principle had been assumed by gentlemen on all sides, which he thought it important to be exposed, and which ought to be abandoned. Gentlemen seem to think there would be no propriety in extending to these corps exemptions which are not also given to the militia. It is said, they are on no better footing than the militia, and that they ought, therefore, to buy their own arms. He believed the true policy of this country lay on the other side. While we are endeavoring to organize the youth and active citizens of the country, in order to be ready to render service to their country at the first call, without regard to place, or limitation of service; when making this invitation, Congress ought certainly to encourage it by all the motives which can be given; and if Congress can, by lending these young men arms, induce them to turn out, they ought to do it; or, if there be any other way of attaining the end, it ought to be taken.

Gentlemen speak, on this occasion, as if there were no probability of having any volunteers other than young men of property, such as are generally seen associating in Philadelphia and New York. He hoped the same enthusiasm which had fired the young men of the cities, would also reach the young men in the country, and that we should, in consequence, have volunteers in agricultural, as well as commercial districts; and in those districts it must be known, that if public aid is not given, arms of uniform bore and size cannot be got.

These volunteers, Mr. S. said, undertake greater service than the militia; their engagements are of a superior kind, and, in order to induce young men generally to enter into these corps, every proper encouragement ought to be held out to them.

Mr. R. WILLIAMS said, it appeared to him that gentlemen very much abandoned the ground which they originally took. The House were told when the subject of volunteers was first under consideration, that these youths would produce a very formidable defence for the United States, without cost, until they came into actual service. These were reasons urged in favor of them, when gentlemen spoke of the militia as being the natural and best defence of the country; but now gentlemen propose for them one privilege after another. It was said, at that time, that the raising of these corps would not injure the militia, because they would be liable to do much more duty, and be at greater expenses, and that nothing but love of country could induce young men thus to come forward. But now, and on former occasions, attempts have been made to obtain regulations in their favor. They had hitherto been resisted, and he trusted they would be so, for if ever material distinctions were made between these corps and the militia, they would produce nothing but discontent. While the duty bears equally upon the people, they will never complain—they will do the duty they are called upon to perform; but, whenever advantages are given to one class of citizens more than to another, dissatisfactions and complaint are the immediate consequences.

What are the militia obliged to do? They are compelled to provide their own arms, and to be subject to the call of Government upon any service upon which they may think it necessary to engage them. It is true that the volunteers may be called into service for a longer period at a time; but that was a condition of their engagement with which they were acquainted at the time. But here is a proposition to loan them arms; and he was of opinion this circumstance might induce many men to join these corps, rather than the militia, where they would have to purchase their own arms. If Government have not the arms to sell at present, as had been suggested, but that they might loan them, why not put the provision upon that ground, and say the arms shall be loaned until they can be got for sale to them. To such a provision he should not object. The gentleman last up had said, the volunteers ought to have a preference given them, but he thought not. He supposes that the enthusiasm which is at present so prevalent in the cities, will spread to the country. Mr. W. wished it might; but if it did, could the gentlemen suppose that there are arms now in the public arsenals to lend to these youths throughout the country? If not, these persons being excused from militia duty, will be excused from all military duty whatsoever. Besides, if the United States were to find arms for all these volunteers, he wished gentlemen to recollect how serious a sum it would cost. He hoped, therefore, the loan of arms would be confined to field pieces.

Mr. EDMOND observed, that the gentleman from North Carolina last up had said he was opposed to distinctions, yet he has advocated an amendment which will go to create them. This morning a bill had been passed for supplying the militia with arms, and if neither the State Governments nor individuals will purchase them, they are to be loaned to the people. He himself opposed that measure, because he believed it would discourage persons from purchasing arms, when they had a prospect of borrowing them, though he believed the gentleman from North Carolina was in favor of it.

The volunteers stand upon a very different ground from that on which the original bill proposed to place them. It was there proposed that they should not go beyond the limits of an adjoining State. And in that case multitudes would have come forward, provided they should not be called to serve as a standing army, whilst their families were left destitute. Men might then have been tempted to have left the militia, in order to have joined these corps; but if Congress goes so far as to say they will depend solely for the defence of the country upon the ardor and patriotism of these young men, what will these gentlemen say? Each will say to himself, "I am now exempt from military duty, there is no law to compel me to it; but if I go into these volunteer corps, I must equip and arm myself; I may be marched to the extreme parts of the Union, and not return for

two years. If I do not join this corps, I can stay at home, and, when called upon, do militia duty with my neighbours." Where, then, he asked, was the inducement to become volunteers? There is none, and it can only be a pure sentiment of patriotism which could induce young men to enter these corps. He hoped, therefore, the law would not be trammelled, but that the encouragement held out by this clause would, at least, be agreed to; especially as men beyond the age of 45, who are excused from militia duty, might join these corps.

Mr. S. SMITH said, the arguments of the gentleman last up go to this, that there are no arms to be bought. His amendment said no such thing. He wished the volunteers to purchase their arms at once. If the gentleman from Connecticut could show, that the Government could loan arms, but could not sell them, his arguments would have some weight.

With respect to the bill passed this morning, it did not originally contemplate any loan of arms; but an amendment had been introduced into it, providing that in case of any emergency, and any of the arms shall remain unsold, they shall be loaned to such persons as may stand in need of them.

Supposing that 5,000 stand of arms were only to be lent to these volunteers, it would create a draft on the Treasury for $80,000, and he thought it would be much better to suffer individuals, who would generally be very able to do it, each of them to pay fourteen or sixteen dollars for their own.

Mr. DANA supposed, as a military man, the gentleman from Maryland, would admit the propriety of retaining a considerable quantity of arms in the arsenals of the United States. Would it not, then, be folly and madness to sell all the arms out of the arsenals of the United States? Ought we not to have sufficient for an army, in case of invasion? Admitting we have only this quantity at present, if we loan them, and take receipts for them from confidential officers, they might be at any time returned in better condition, probably, than they were lent, so that no expense would be incurred. And these arms cannot be purchased of a proper calibre any where else.

And what was the amount, Mr. D. asked, of the elegant harangue of the gentleman from North Carolina, on the odiousness of distinctions. Does he mean to say there ought to be no distinctions in the community? When men are distinguished by their burdens, ought they not to be distinguished also by their privileges?

The yeas and nays were called and taken. The question on the amendment was negatived—46 to 35, as follows:

YEAS—John Allen, Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Demsey Burges, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, John Dawson, John Fowler, Albert Gallatin, James Gillespie, Andrew Gregg, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, Samuel Smith, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Abram Trigg, John Trigg, Joseph B. Varnum, and Robert Williams.

NAYS—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, William Edmond, 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, William Matthews, Daniel Morgan, Isaac Parker, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, William Smith, George Thatcher, Richard Thomas, Mark Thomson, Thomas Tillinghast, John E. Van Alen, and Peleg Wadsworth.

The bill was then ordered to be read a third time to-morrow.

SATURDAY, June 16.

PROVISIONAL ARMY.

The bill supplementary to, and to amend the act authorizing the President of the United States to raise a provisional army, was read the third time, and passed—42 to 30, as follows:

YEAS—John Allen, 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, William Edmond, 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, Harrison G. Otis, Isaac Parker, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Samuel Sitgreaves, Nathaniel Smith, Samuel Smith, Richard Sprigg, jr., George Thatcher, Mark Thomson, Thomas Tillinghast, John E. Van Alen, and Peleg Wadsworth.

NAYS—Abraham Baldwin, Lemuel Benton, Thomas Blount, Demsey Burges, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, John Dawson, John Fowler, Albert Gallatin, Andrew Gregg, 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, William Smith, Richard Stanford, Thomas Sumter, Abram Trigg, John Trigg, Joseph B. Varnum, and Robert Williams.

SEDITIOUS PRACTICES.

On motion of Mr. SEWALL, the House went into a Committee of the Whole on the bill for the prevention and restraint of dangerous and seditious persons; when

Mr. GALLATIN rose and said, he did not mean, in objecting to the first section of this bill, to take into consideration the propriety or expediency of adopting the measures proposed, or the manner in which it is proposed to carry these measures

into effect. He rose merely at present to state the Constitutional objections which he conceived to lie against this section. The first section provides, "that any alien resident, or who shall come to reside within the United States, who hath, or shall have been convicted of any felony, or other infamous crime, or who shall be notoriously a fugitive from justice, upon any charge of treasonable or seditious practices, in any foreign State or country, or whose continuance within the United States shall be, in the opinion of the President of the United States, injurious to the public peace and safety, may be deemed and adjudged a dangerous person, and may be required to depart and may be apprehended and removed therefrom."

We have, said he, another bill on the table in relation to alien enemies; this bill, therefore, must be considered as applying to alien friends; and whatever power Congress may have in relation to alien enemies, as derived from its power over war and peace, that is not connected with the subject of alien friends; and the question upon which he meant to make some remarks is, whether the Government of the United States are vested with any power to order alien friends to depart from this country.

The three grounds taken by this bill, upon each of which aliens may be sent out of the country, are, first, aliens who may have been convicted of felonies in their own country; 2dly, aliens who have been charged with seditious practices in another; and, 3dly, aliens whose continuance in the United States may be dangerous to the peace and public safety of the country. The last is a kind of sweeping provision which includes the other two.

Mr. G. said, it must be agreed by all that every nation had a right to permit or exclude alien friends from entering within the bounds of their society. This is a right inherent in every independent nation; but that power is vested, according to the Constitutions of different countries, in one or other branch of the Government. In this country, he contended, that the power to admit, or to exclude alien friends, does solely belong to each individual State, and that the General Government has no power over them, and, therefore, that all the provisions in this bill are are perfectly unconstitutional.

By the 12th article of the amendments to the Constitution (which are now a part of the Constitution) it is provided, "That the powers, not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." And no power is given by the Constitution to Congress to banish or remove alien friends, nor is there any power there prohibiting the States from regulating or restraining the residence of alien friends, and therefore he concluded the power remained with them. If there is any clause in the Constitution which prohibits individual States from exercising this power, or which gives it to the General Government, he should be glad to have it pointed out, but so long as it is not shown, he should insist upon its being one of those powers which still remains with the State Governments. It is a fact well ascertained, that in the Constitution of the United States, certain specific powers are given to the General Government, and all the other powers are reserved to the State Governments; and the amendment to the Constitution above cited was positively introduced to prevent the General Government from assuming powers which were never intended to be given to it. The power of regulating alien friends, in every possible case, he believed, was understood to be reserved to the States at the time the Constitution was adopted.

Mr. G. said, he would notice one of the strongest cases, viz: alien felons. If the Government of the United States could be supposed to have power to prevent the admission of aliens of any description, it must be those of this odious caste, but even this power was never supposed to exist in the United States. Under the old Articles of Confederation (and the Constitution of the United States makes no change in this respect) this power over aliens was never claimed or exercised. On the contrary, he found on the 16th September, 1788, when the Constitution had been adopted by at least nine of the States, and when, of course, it was soon to come into operation, Congress, passed a resolve recommending it to the several States to take measures to prevent the introduction of transported malefactors into this country from foreign nations. If Congress had supposed they possessed the power of making the regulations which they recommended to the States to make, it is clear they would have made them, and not have called upon the States to make them.

According to the recommendation of the old Congress, which he had just mentioned, the States passed laws on the subject. He found that since the adoption of the present Constitution, and while the first Congress were in session, a law was passed by the State of Pennsylvania, founded upon that resolve, forbidding under severe penalties the introduction of and providing for the removal of convict felons. So that it is clear the State of Pennsylvania has acted upon this power since the adoption of the present Constitution; and that one of the objects of the present section is actually already provided for by the laws of the State.

Again, there are other clauses of the Constitution which have relation to this subject. One immediately, and the other more remotely. The latter are the clauses which say, "The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it." And "no person shall be deprived of life, liberty, or property, without due process of law." There can be no doubt that if this bill passes into a law, it will amount to a suspension of the habeas corpus; and to a violation of the last clause. This last clause speaks of persons, not of citizens; so far as relates to personal liberty, the Constitution and common law include aliens as well as citizens; and if Congress have the power to take it from one, they may also take it from the other. He said he did not, however, lay so much stress on those clauses as upon some others of the Constitution.

The next clause to which he should refer, was

the one immediately preceding the one he had just quoted. It is in these words:

"The emigration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress, prior to the year 1808; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person."

Here is a positive clause which says that the migration of persons shall not be prohibited. For it will be noticed the word *migration*, which must relate to free emigrants, is used, as well as the word importation, which relates exclusively to slaves. This provision would be defeated by this law, as it would give the President the power to remove any aliens who might thus migrate, although the States had thought proper to admit them.

Seeing, therefore, that this power is not only not given to the United States, but expressly prohibited, and that this bill must consequently be unconstitutional in every point of view, and having made these remarks in order to draw from the supporters of this bill the reasons upon which it is founded, he should move to strike out the first section.

Mr. SEWALL would not pretend to say that this question is clear from every kind of doubt, but he believed a candid examination of the subject, would convince all reasonable men that Congress has, and ought to have this power, and further, that this is the time that it ought to make use of it.

The gentleman from Pennsylvania advances three arguments, by which he attempts to prove that the power of making the proposed regulations with respect to aliens does not exist in Congress. Mr. S. here enumerated the three different arguments, and gave his reasons why he supposed Congress had the power of making the proposed regulation. And the first thing he referred to was the general nature of the Constitution itself, which he drew from the preamble, in the following words: "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain," &c. The Constitution, therefore, he said, in the outset, establishes the sovereignty of the United States, and that sovereignty must reside in the Government of the United States. Indeed, if we attend to the power given to the General Government to regulate commerce with foreign nations, it is an evidence of its sovereignty; and, being once admitted, it may be proved in a variety of details. Mr. S. said, he should therefore argue on the ground of the sovereignty of the nation being in the General Government, as it respects its intercourse with foreign nations. To prove this, it might seem to be sufficient to refer to the manner in which our foreign political intercourse is carried on; yet he believed it would be difficult to find an express declaration in the Constitution that this power is in the General Government. There was, indeed, something to be gathered by implication from the power of appointing foreign Ministers; but this does not determine that the intercourse shall be altogether maintained by a sovereignty placed in the Congress of the United States, yet Congress had always found themselves bound to make those regulations.

It being admitted that Congress has the power to regulate commerce with foreign nations, and foreigners who come here generally coming for commercial purposes, Congress has of course power to make regulations with respect to them, unless this power can be supposed to be taken away by the first article of the 9th section, which he could not believe.

Mr. S. read the article just mentioned, which, as it gave a power to impose a tax upon migration of emigrants, was a commercial regulation, and therefore came within the powers of Congress to regulate commerce.

Besides, the article itself, just quoted, implies that the Congress has the power to regulate this business respecting aliens, or why does the clause suspend the power till 1808? Those who formed this article of the Constitution, must believe that Congress had some power over aliens, or why did they prohibit the exercise of it? and if they had it, they must have derived it from the Constitution. Taking all these circumstances together, he must believe that Congress has the power of regulating this business.

As to the question respecting the writ of habeas corpus, the remarks on this point go to the detail of the bill; and are not applicable to the first section; but this regulation would by no means suspend the habeas corpus. To suspend the habeas corpus, is to commit a person to prison without law; but this bill does not propose any such thing. He took it, Congress has a right to describe certain crimes, or circumstances, which lead to the suspicion of crimes, in which case a commitment ought to take place; and Government has a right to suspend the liberty of persons in cases where they suppose there would be danger in their being at large; but the persons thus imprisoned would also have the power of demanding a trial.

As to the first article of the 9th section, it is clear from this article, that Congress has a right to lay a tax upon the migration of any foreigners which the State shall determine to admit, which is certainly a power of restricting their admission. But, if he understood the section rightly, it supposes that Congress have a right, from their power to provide for the general welfare and internal tranquillity, to take cognizance of everything which relates to aliens; and if the residence of any aliens in this country would be likely, in their opinion, to endanger the public peace and tranquillity, Congress have a right to take such measures respecting them as they shall think fit.

If Congress were to say, that no alien shall be admitted into this country, they would only exercise that power which exists in every country; but, this the Constitution has forbidden Congress from doing till the year 1808. It is clear, therefore, they may then do it, and in the meantime impose a tax of ten dollars on their migration. And it is certainly right that Congress should have this

power; for, if any individual State choose to admit felons, or notorious fugitives from justice on charge of treasonable or seditious practices, it would be in vain for those other States to make regulations on the subject.

It became matter for consideration, then, how far the mere right of admission goes. Because the individual States have a right to admit aliens, it did not, he conceived, follow that Congress cannot make regulations respecting their continuance here. Congress, in right of its sovereign power to preserve peace and tranquillity, might order such aliens to depart from any of the States, as they shall conceive to be dangerous, and the present law goes to consider persons of a certain description as dangerous to the peace of the United States.

By what power, Mr. S. asked, could Congress send away alien enemies (and no one doubted this power) if the States have full power over aliens? If we have power in one case, it struck him, we have it in the other, since in both their removal is necessary for the public safety; for transported felons, and persons notoriously seditious, are full as likely to become dangerous to the country as alien enemies. He believed the sovereign power of every country had exercised a right similar to this. He therefore hoped the power would not be objected to here; but, that it would be allowed that Congress had the power to authorize the President to take whatever measures are necessary with respect to aliens, which are not inhuman and improper in themselves.

Mr. OTIS said, that the objections made against this bill are not such as he had anticipated. He expected to have heard the most elaborate harangues in favor of the liberty of the press, and on the right which ought to be allowed to censure men and measures, and such popular topics; but he did not foresee any objection arising from the Constitution.

He did not think it required much time or ability, however, to answer the objections produced on this occasion by the gentleman from Pennsylvania. If Congress have not the power of restraining seditious persons, it is extremely clear they have not the power which the Constitution says they have, of providing for the common defence and general welfare of the Union.

It has been said, Congress was restricted from the use of this power by the 9th section of the first article of the Constitution, which provides that the migration or importation of such persons as the States should think proper to admit should not be prohibited prior to 1808. If this clause in its most rigid construction amounted to a prohibition to the National Government with respect to the banishment of aliens, in all cases where the separate States had thought proper to admit them, it should still be shown that individual States had ever thought proper to admit aliens of the description mentioned in this bill. He believed no State had passsed laws declaring it to be their intention to admit fugitives from justice and seditious persons into their territory. It is true, that some of the States may have tolerated the admission of such persons by forbearing to enact laws against them; but their silence on this subject can never be considered as evidence of their assent to the emigration of such characters.

The article of the Constitution alluded to, as he understood it, had an evident reference to a species of foreigners held as property in some of the States whose importation is sanctioned by their laws. He meant slaves. The object was to prevent any interference of the General Government with the State Governments in the admission of these persons before the year 1808. This construction appears very material, because in all those States where this property is held they have their own laws for regulating their admission and importation, but in no State did laws exist regulating the migration of any other aliens.

But the gentleman from Pennsylvania says, that after the Constitution had been adopted by nine of the States, the old Congress recommended to the several States to take measures against the introduction of malefactors from foreign countries, and from hence he infers that this right did not belong to the old Congress, and in their estimation was not delegated to the Federal Government. The fact is, that although the Constitution was adopted, yet as the Legislature had not then met, it was not in operation, and the old Congress, perceiving dangers arising from this source, might as well recommend to the States to provide against them, as against any other dangers. Suppose, before the Congress had met, money had been wanting, and the States had been applied to for it, would it afterwards have been said that the requisition of the old Congress after the Constitution had been ratified was evidence of their opinion, that the Legislature of the Union, under the new Government, had no authority to raise money? He presumed that it was foreseen by the old Congress that the attention of the Legislature under the new Government would of necessity be occupied upon subjects of a more momentous nature for some time, and the recommendation was wise in itself, and by no means conclusive against the authority now claimed by this bill.

But it was said, that to pass this bill would be to suspend the habeas corpus. He denied this. Every alien resident, when apprehended, would be at liberty to apply to a Judge for a writ of habeas corpus. The return of the warrant would show that he had been legally apprehended as a person dangerous to the peace of the United States and under their authority, and he would be, of course, recommitted. But it appeared to him an absurd supposition, that Congress has not the power to restrain and to banish persons who may have been sent into this country for the very purpose of spreading sedition and of dividing the people, whose intrigues and malpractices threaten the welfare and the very existence of the Government. If the Constitution prevented Congress from exercising these powers, would such a Constitution be worth a farthing? It certainly would not; since the power of sending off this description of persons is essential, not only to the promotion of the public welfare, by preserving peace, but to the efficient prosecution of a war.

But he wished to know why the section of the Constitution alluded to, according to the construction of gentlemen, might not as well restrain Congress from taking measures against the migration of a French army, as against the landing of other aliens; for he saw no power given to Congress by the Constitution to prevent the migration of a foreign army into this country. Yet, though there is no express authority to this effect, it is one of those things which is too evident to be doubted; and an army of soldiers would not be so dangerous to the country, as an army of spies and incendiaries scattered through the Continent.

He thought the whole question resolved itself into this inquiry: has Congress the power to provide for the common defence and welfare of the country? And, if so, do we deem it essential to this end, that the proposed power should be given to the President, or to some other Department of Government? He thought it was; and if there be anything in the letter of the Constitution which would appear to bear a different construction, which he denied, it ought to be reconciled to other clauses and powers which impose the sacred and superior duty of providing for the safety of the country, and without which all our efforts against our enemy will prove vain and futile. In this case there was not a shadow of difficulty. Aliens may come hither under the laws of the States, and when they become dangerous they may be expelled by the laws of the Union.

It remained for gentlemen to consider whether we have any danger to apprehend from this source, or not. Whether the French might not employ other persons than their own citizens to carry on their nefarious purposes in this country? In his humble opinion, there is greater danger from this source than from any other. He believed it had been owing to this cause that all the Republics in Europe have been laid prostrate in the dust; it is this system which has enabled the French to overleap all natural and artificial obstructions; to subjugate Holland and Italy, to destroy the Helvetic Confederacy, and force a passage through rocks and mountains, which have been for ages sacred to the defence of liberty; it is this system which has watered the tomb of William Tell with the blood of widows fighting over their slaughtered husbands, and with the tears of orphans who survive to swell the procession of the victors.

Mr. O., notwithstanding, believed that there are aliens in this country who would never be affected by this law, and that there were among us even natives of France, whose merit and misfortunes gave a claim to protection, and who would prove good citizens; and he was willing to make the most ample provision for the security of the property of both alien enemies and alien friends. But while he respected the rights of the individual, and disdained to retaliate upon private property, he could not, with the dreadful examples of other countries before his eyes, omit the most necessary precautions against the most instant danger. In the late situation of those countries and of his own country, he could trace some painful analogies. If we knew ourselves to be a chosen people, if the age of miracles should return, and Omnipotence should speak to us by the mouths of his holy prophets, neither miracles or prophecy would strike home to his mind a deeper conviction than he now felt, that in the fate of the European Republics we might read our own, unless all the prudence and energies of our country were summoned to avert it. They boasted of their patriotism and courage, they talked loudly of defence, and of resisting the invader; of their attachment to their Government, and of their preference of death to submission. Yet, when the hour of trial arrived, it appeared that secret corruption and foreign influence had completed their work; upon the slightest shock, those Republics crumbled into fragments, and the good and the honest citizens were left to stare, with stupid wonder, at the ease with which foreign agents and domestic traitors vaulted into place and power. It is needless to fatigue the committee with these recitals—not to see their application is to be blinded with a flood of light—not to believe in their moral was gross and fatal infidelity. He hoped the objection would be renounced, and that the bill would pass.

Mr. R. WILLIAMS said that, although there might, in his opinion, be many objections against the passing of a bill of this kind, and though he believed it would be consistent with the rules of the House to show that impolicy, to induce the committee to strike out the first section, he should confine himself to the Constitutional question.

If the principle which the gentlemen from Massachusetts have drawn from the preamble of the Constitution, of providing for the common defence and welfare of the Union, be correct, it appeared to him unnecessary to have any other provision in the Constitution besides the preamble, as it may be inferred from that, that Congress has all power whatever. If such a construction be allowed, what becomes of the powers of the State Governments? This preamble of the Constitution would swallow up the whole.

Mr. W. conceived gentlemen erred in the very commencement of their arguments, in not considering how the Genenral Government had grown out of the State Governments and from the people; for it is clear, if they had thus considered the matter, they must have seen that this Government can have no other power than what is given to it from the State Governments and by the people, in the Constitution.

Mr. W. would agree that, if the General Government were to be considered as possessing all power, and the State Governments and people as possessing none, then the arguments of gentlemen would apply; but, he believed, this was a ground that no gentleman could maintain. It must be acknowledged that the State Governments retain to themselves certain powers, and that the people also retain certain other powers, which they have neither delegated to the State nor General Government; and for the latter to attempt to exercise any power which has not been given to it by the Constitution, is, of course, a violation of the Constitution.

The gentleman from Massachusetts, who was

first up, (Mr. SEWALL,) grounded his arguments in support of this bill on two principles viz: on the preamble of the Constitution, and on the power of Congress to regulate commerce. The latter, he thought, a curious idea, that all emigrants coming to this country should be considered as articles of commerce. No such idea could certainly be drawn from the Constitution, and it was inconsistent with any exposition of the word "commerce," which he had ever heard of. But admitting these emigrants could be considered as articles of commerce, he would still ask, whether the principle would go to the extent of this bill? It would not. It only went to say, Congress should have the power of laying a tax of ten dollars upon their migration, as the migration cannot be prohibited till the year 1808.

Mr. W. could not see how gentlemen could contend, from this clause of the Constitution, that Congress has a right to prevent the migration of foreigners, or remove them after they arrive, which would be the same thing, to individual States; or whether, if Congress could send out one person, there be anything in the Constitution to prevent them from sending out all aliens from the country? And if this could be done, he would go so far as to say, that all that species of property, (slaves,) which may well be looked upon as an evil and dangerous to society, not only at present, but in the most peaceable times, may also be sent out of the country. And as ready as the Southern States are to grant slaves are a dangerous property and an evil in their country, they will not consent to Congress assuming the power of depriving their owners of them, contrary to their will. Yet they might as well exercise this power, as the one they are about to exercise.

Mr. W. did not think it was enough to say that evils exist, for Congress to proceed to remedy them. They ought first to inquire whether they have the Constitutional power to afford the remedy, or whether it is not placed elsewhere. But gentlemen exclaim, Shall we not punish persons who commit offences? He would answer, yes; but this bill does not propose a punishment for an offence, or that persons shall be convicted before they are punished, and sent away. Aliens are to be sent out of the country on suspicion, which is not to be ascertained by any known tribunal, but at the discretion of the President of the United States; and as it would be impossible for him personally to attend to cases which may happen in different parts of the United States, he must have correspondents in different parts of the United States, upon whose information he will have implicitly to rely. He must also delegate his power to persons within the different States; and, though he might not himself abuse it, no one could say that none of his agents would not do so. Besides, it is inconsistent with the provisions of our Constitution, and our modes of jurisprudence, to transfer power in this manner; and he conceived that it would be better to endure a temporary evil than to violate the Constitution.

The latter gentleman, from Massachusetts, asserted another curious principle—a principle which he never heard advanced before, viz: that if the States think this law a violation of their right, they might pass a law to contravence it. Could, then, the power exist in both the State Governments and the Government of the United States? If gentleman wished to produce a state of things which he was not desirous of seeing, this, in his opinion, was the way to effect it. The Constitution admitted of no such principle as this. If a law was passed, it was immediately presumed it was according to the Constitution; as it was supposed Congress understood their power too well to pass a law which the Constitution did not give them authority to pass. It would not do for them to say to the States, "You have been backward in your duty, and therefore we will do it for you." It is their power, and they have a right to use it, or let it alone.

It had been said, the 1st article of the 9th section of the Constitution relates only to slaves; but the term *migration* could not relate to slaves, since they were not imported according to their free will. It must apply to emigrants, not only from foreign countries, but from one State to another; and, as far as he ever understood the ground upon which that clause was adopted, it was, in order to accommodate those States who have large tracts of uncultivated country, by permitting them to have leave to admit of such migrations as they should judge proper, for a period which they deemed sufficient to insure them a sufficiency of population. Indeed, he believed the Constitution would never have been adopted without a clause of this kind, as those States who were in this situation, and who brought forward the clause, would never have agreed to it without such a provision.

But the gentleman from Massachusetts said it would be hard, indeed, if Congress had not the power of preventing people from scattering sedition though the country. He agreed with that gentleman, it would be hard if Congress had not that power. But is this bill merely for the purpose of punishing offences? No such thing; it is for the purpose of sending persons out of the country before they have committed any offence. If the bill merely provided punishment for offences, which were defined, he should not object to it; but it was of a much more arbitrary cast.

The same gentleman went on to say what a particular nation had done; but this bill does not relate to one nation, but to aliens from all countries; and because other nations have done mischievous and turbulent acts, are we to violate our Constitution merely to come at particular characters? He would not do it. If there were no other means of doing it, he would leave them at large; but he said there were other means of doing it. Our Constitution would be a very slender security to the people of this country, in the possession of those rights which he supposed they never meant willingly to part with, if, on the cry of there being danger here, or seditious persons there, violations were to be made in it, in order to meet the evil. If this were once admitted, there would not be wanting persons who would be ready to take advantage of these opportunities to bring

about a radical change in our Government. Vain and idle insinuations of this kind have already had too much weight in this country, and he hoped they would not be suffered to alarm the House into a violation of the Constitution, and, of course, their oath to support it.

The gentleman from Massachusetts last up, said he was surprised the bill had been attacked in this respect. He could readily believe the gentleman had been surprised, from the arguments he made use of; but he could assure him that it was not because he did not think other parts of the bill objectionable, that he did not at present notice them. If the unconstitutionality of the measure was sufficiently grounded, it would be unnecessary to go into those parts of the bill which the gentleman supposes are calculated to bring about a discussion on the liberty of the press. He hoped the section would be struck out, because he thought it impossible to make this bill any other than a violation of the Constitution.

Mr. BAYARD observed that the gentleman from Pennsylvania (Mr. GALLATIN) had objected to this bill on three different grounds, viz: in the first place, he states that Congress possesses no power which is not given to it by the Constitution, and that the power of making a law like the present is not given. In the next place he states that this bill militates against that clause of the Constitution which says the privilege of the writ of habeas corpus shall not be suspended, unless in cases of rebellion or invasion; and, in the third place, that it militates against that article of the Constitution which says that Congress shall not prohibit the migration of such persons as the States shall think proper to admit before a certain period.

With respect to the first objection, he agreed with the gentleman from Pennsylvania that Congress had no power but what was given them by the Constitution. He thought the twelfth article of the amendments conclusive on this point. He confessed, however, that he could not see why the gentleman should refer to any proceedings under the old Confederation to support his doctrine; because this Government had been substituted in place of that, and derives its powers and authority from the Constitution, and not from anything done under the old Government. But Mr. B. contended, that the power was expressly, if not specifically given to Congress, by the 1st article of the 8th section of the Constitution, which is in the following words. "Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States: but all duties, imposts, and excises, shall be uniform throughout the United States."

Thus, then, it is evident, that the power is expressly given to Congress to provide for the common defence and general welfare, and it is not necessary to be given specifically. The concluding article of the same section also provides, "that Congress shall make all laws which shall be necessary and proper for carrying into execution the foregoing powers." Hence, it is extremely clear that Congress has the power to do what is necessary for the common defence and general welfare; and the only question before the committee is, whether this law is necessary for these purposes? Because, if it is, it comes within the express letter of the Constitution. Therefore, instead of arguing against the Constitution, it became necessary for the gentleman from Pennsylvania to show that the provisions of this bill are not necessary for the common defence and general welfare of the United States. Mr. B. then read the provisions of the section. With respect to the first description of aliens here spoken of, viz: felons, Mr. B. supposed it must be the wish of the gentleman from Pennsylvania, and everybody else, to free our country from infamous characters of this kind. In order to prove that Congress have not the power to send out of the country persons of this description, the gentleman has had recourse, not to the Constitution, but to the laws of Pennsylvania. But when the law which he had adduced was considered, it confirmed the propriety of sending off from the country men who had been convicted of felony in another country; for that law says, persons of this description shall not be permitted to come into the country at all. And could there be any doubt of the propriety of this conduct? He was certain the gentleman from Pennsylvania could not say it would be for the welfare of this country to admit characters, who, having offended the laws of their own country, as well as every sense of morality, could not be expected to become good citizens here, or serve any purpose which the gentleman from Pennsylvania, or any other gentleman, could have in view.

The next description of persons against whom this bill is directed, includes aliens who are fugitives from justice on charges of treason or sedition. And can there be any more doubt as to the propriety of excluding from the United States this class of aliens? He believed not. It might easily be supposed, that persons who have been guilty of treason or sedition in their native country, who have been able to break all the ties of allegiance and affection for one Government, will not become very obedient or peaceable citizens here. It cannot be expected that these exotics will support this Government, when they have notoriously opposed that of the country which they have deserted. This provision would only extend to those aliens who had been in the country a less period than two years, and he thought such a provision would be very proper to operate upon this description of persons. For when he saw men among us, who had been in the country fifteen or twenty years, wanting in attachment to this country, and even some men who owe their birth to it, he supposed but little dependence could be placed upon the attachment of aliens to this Government, who have been here a shorter period than two years, and that it might be supposed they would be as likely to join the standard of an enemy, in case of an invasion, as that of this country.

The third description of persons included in this bill are those whose continuance in the United States the President shall deem injurious to the public peace and safety.

Upon this head, the gentleman from Pennsylvania might, perhaps, differ from him in opinion. He thought the consideration was, whether, if this power was given to the President, he would abuse it? He had no hesitation in saying that he had so much confidence in the President as to believe the power would not be abused. And if we had reliance that the power would not be abused, he did not think any other objection could be brought against it; because, if it was not abused, no person will ever be sent away whose residence is not judged dangerous to the public peace and safety of the United States, and such persons no one could wish to be retained.

Mr. B. concluded, therefore, that the power of Congress to act upon all the different cases contained in this section is strictly contained in the Constitution, by the two clauses which he had read to the committee.

With respect to the objections of the gentleman from Pennsylvania, that this clause will operate against that clause of the Constitution which says the writ of habeas corpus shall not be suspended, he certainly had not formed an accurate opinion upon that subject. In order to know whether this is a suspension of the writ of habeas corpus, it will be proper to inquire what is a suspension of it? This is a definite idea, established by precedent. In England, it is well known, there is the same provision, and we know it has been occasionally suspended. What, then, was to be done in that case? It is provided by law that the habeas corpus shall not issue at all. Before the gentleman from Pennsylvania can say, therefore, that the habeas corpus is suspended, he must show some act by which it is declared to be so. This bill provides only for the arrestation of persons in certain cases, and it will be competent for every person so arrested to obtain a writ of habeas corpus. It was now extremely clear, therefore, that this writ might still issue to the same extent as before.

The last objection made against the first section of this bill is founded on the article which relates to the prohibition of the migration and importation of persons into this country. Mr. B. asked whether, if this bill passed into a law, it would not be in the power of the several States to admit of the importation and migration of persons in the same way that they do at present? This bill provides only that if any improper or dangerous persons shall be admitted, in order to preserve the public peace and safety, the President shall have power to remove them out of the country.

If there was any solidity in this objection, the consequence would be, that the criminal laws of the United States which would subject any of these aliens to imprisonment, or other punishment, might be equally charged with being violations of the Constitution, which, according to the gentleman from Pennsylvania, has reserved all power over aliens in the hands of the State Governments.

Mr. BALDWIN said, whenever a bill was introduced into the Legislature of the Union, which ran counter to the Constitution, it was its duty to decline acting upon it. That part of the first article of the 8th section, which declares, "Congress shall have power to provide for the common defence and general welfare of the United States," had never been considered as a source of Legislative power, as it is only a member introduced to limit the other parts of the sentence, and not of itself a substantive power, as will be seen by recurring to the words of the first sentence of the 8th section. The first instance in which it had ever been attempted to be acted upon, and no question ever agitated the councils of the Union more, was on the application of the Abolition Societies to Congress for an abolition of slavery, the power of Congress to act upon which was said to be derived from these words; but after the subject was well considered, it was decided by a large majority that the words alluded to could not be relied upon as giving any separate power from that contained in the other part of the sentence.

A gentleman in his eye (Mr. DAYTON) reminded him of another instance in which this article had been resorted to for power, with the same want of success. It was in relation to the establishment of certain manufactories, in support of which the aid of Government was applied for. Indeed, if these words were to have the force which it was attempted to give them, all the rest of the Constitution would be surplusage. He could not have supposed that at this day there had been a doubt upon the subject. As to the other clause which had been cited, which was generally called the *sweeping clause*, "to pass laws to carry into effect the foregoing powers," &c., before it could have any force, some other clause must be found to which it is to give effect.

To adopt the sense which gentlemen wish to put upon the 1st article of the 8th section, would be to do away all ideas of this being a Federal Government, and that there are State Governments in existence who have their portion of power; for if all the power which is necessary to "provide for the common defence and general welfare," be possessed by the Federal Government, all the State Governments must fall prostrate before it, as there will be no power left for them to exercise. Indeed, the doctrine is so extravagant that he never expected to have heard it again advanced on this floor.

Mr. B. thought the 9th section, forbidding Congress to prohibit the migration, &c., was directly opposed to the principle of this bill. He recollected very well that when the 9th section of the Constitution was under consideration in the Convention, the delegates from some of the Southern States insisted that the prohibition of the introduction of slaves should be left to the State Governments; it was found expedient to make this provision in the Constitution; there was an objection to the use of the word slaves, as Congress by none of their acts had ever acknowledged the existence of such a condition. It was at length settled on the words as they now stand, "that the migration or importation of such persons as the several States shall think proper to admit, should not be prohibited till the year 1808." It was observed by some gentlemen present that this ex-

pression would extend to other persons besides slaves, which was not denied, but this did not produce any alteration of it. Mr. B. had no doubt that, if this bill passed into a law, Congress would again be appealed to by the advocates for an abolition of slavery, with requests that the President may be authorized to send these persons out of the country, and strong arguments will be used in favor of the measure. He recollected it was asked, on a former occasion, "Suppose a cargo of leprous persons were to be landed in the country, would not Congress have the power to send them out of the country? Slavery, said they, is an incurable leprosy; you surely, then, will eradicate it?" This reasoning, however, did not prevail. There are other mischiefs which might be done, against which the Federal Constitution makes no provision. Persons might burn our towns and slay our inhabitants. But our Constitution goes upon an idea that there are State Governments who divide the powers of Government with the Federal Government. But gentlemen, in speaking of the subject, seem to forget this, and to suppose that wisdom is to die with them. His opinion was, that this business of admitting or banishing aliens belonged to the State Governments, and not to the General Government, and he should therefore vote for striking out the first section of the bill.

Mr. DANA did not before know that the Society of Friends were so turbulent a set of people as to occasion all the uneasiness which the gentleman from Georgia had spoken of. He wondered so great a disorder had not been more particularly noticed. As it had not, he apprehended the gentleman's zeal had given somewhat too high a coloring to this transaction.

That part of the 1st article of the 8th section of the Constitution which speaks of the common defence and general welfare, is of a political nature, and does not refer to any internal regulation, but applies to what relates to the Union generally. As it respects aliens, could it be said that the individual States could make the present regulation? No; they could only make regulations bottomed upon their own policy. What relates to the Union generally, must be done by the Government of the United States. When power is reserved by the Constitution to the States, it is for reasons which are applicable to those States; and it might be easily seen what was the ground of the compromise made in the 1st article of the 9th section. It was certainly with a view of the States securing to themselves the property which they possessed. But that reason does not extend to the principles of this bill, which does not say the States shall not admit the migration of foreigners, but that where persons have not attained the right of citizenship they shall be removed, if their residence shall appear to the President to be dangerous.

There is one power, Mr. D. said, inherent and common in every form of Government, which is founded upon any rational principles of policy, which is the power of preserving itself, which implies the necessary power of making all laws which are proper for this purpose. The question then arises, whether it is not consistent with that power to pass a law for the purpose of removing from the country the descriptions of persons mentioned in the 1st section of this bill? Whether this is the best mode of carrying such a power into effect is not now the question.

Mr. D. thought the declamatory harangue which had been heard from the gentleman from North Carolina, on the sanctity of the Constitution, was foreign to the present subject, since no one will be found to say he is willing to violate the Constitution. The single question before the committee is, whether Congress have the Constitutional power to pass the present bill; if they have not that power, no one, he presumed, would wish to pass it.

Mr. ALLEN said, the object of this bill appeared to be to enable the President to remove aliens out of the United States whose residence he shall judge to be injurious to the public peace and safety. It appeared to him that there is no necessity for so many laws respecting aliens. He did not believe that a man's being born in England or Germany is any proof of his being an alien friend. He may still be an adopted citizen of another country, and come here for the worst of purposes. He thought the President ought to have power over aliens of every description, without distinction. He supposed this bill was to appertain only to alien friends, because there is another bill respecting alien enemies. He did not think Congress ought to legislate in this way. Provision ought to be made for the removal of all these persons.

The powers given to the Executive, Mr. A. said, are of an unlimited, confused nature, and such as he had never before seen. If he deems the residence of an alien dangerous to the public safety, the President is to order his removal. But the bill does not say whether any of the courts are to take cognizance of the business, and make the removal, or in what manner it is to be done. The bill speaks of aliens, having been felons, or notorious fugitives from justice in a foreign country. How are these things to be ascertained? Or how are the persons of these aliens to be identified? He could not understand how this bill was to operate. He understood the Constitution to give a right to all persons to be tried by a jury; but it appeared as if the judges were under this bill to act summarily.

Mr. A thought a law ought to pass authorizing the Executive of this country, as in all other countries, to remove all aliens, of whatever country, whom he deemed dangerous to the peace of the country. He thought it would be best to take up the bill from the Senate on this subject, and he moved the committee to rise for this purpose.

Mr. A. concluded with saying, that he wished a law to be passed for the punishment of seditious persons; but he would have it embrace other cases—cases of great importance, which every day come before our eyes. As to the provisions contained in this bill respecting seditious speaking and writing, he defied any person to know

what was intended by them. He hoped when Congress pass laws on this subject they would be such as would be understood.

Mr. SEWALL said, before the question was taken on the committee's rising, he wished to notice the charges which the gentleman from Connecticut had brought against the committee who reported this bill. That gentleman wished the committee to rise, because he thought the bill unworthy the attention of the Committee of the Whole. He wished to have no distinction made between alien friends and alien enemies. He, on the contrary, was of opinion, that to take up aliens, merely as such, would be an act unworthy of any civilized nation whatever. If they are thus dealt with, it must be because their residence among us would be dangerous to our own peace and safety. The select committee made a distinction between alien enemies and alien friends. Nor have they said that all alien enemies shall be sent out of the country; but that persons of that description who are not suspected of being inimical to the interests of this country, shall be protected. The committee have gone further and said, that aliens, not alien enemies, who are of such a description as that their residence among us would be likely to be injurious to the peace and safety of the country, may also be sent away. In the bill respecting alien enemies, discretion is left with the President to treat them according to existing circumstances. By the present bill, aliens render themselves liable to be sent away, who come here under such disadvantageous circumstances of character as to render their residence among us dangerous. As to the particular manner in which this is to be done, when the third section of the bill came under consideration, it might undergo any amendment which might be thought necessary.

In the third section, as it was not desirable that the President should be continually exercising the discretionary power lodged in him, cases are described where facts are only necessary for ordinary tribunals to send aliens out of the country. But where a discretionary power was necessary to be lodged, it is placed in the President alone; since, in the opinion of the committee, it would have been perfectly absurd to have lodged a discretionary power over these aliens in a number of different tribunals. For, in that case, an alien driven from Massachusetts or Pennsylvania, might take refuge in any of the other States; whereas if this power was exercised by one man, by one understanding, it would be always exercised in the same way. He thought, therefore, the bill stood very well in its present form.

The question on the committee's rising was put and carried, and leave was given to it to sit again.

MONDAY, June 18.

On motion, *Resolved*, That a committee be appointed to bring in a bill authorizing the Secretary of the Navy to receive and convey letters and packages, by post, free of postage.

Messrs. CRAIK, VARNUM, and THATCHER, were appointed a committee pursuant to the resolution.

ALIENS.

The House, on motion of Mr. ALLEN, postponed the consideration of the bill for the prevention and restraint of dangerous and seditious persons, and went into a Committee of the Whole on the bill from the Senate, entitled "An act concerning Aliens; but soon after Mr. GALLATIN had commenced observations against the first section of the bill, he was interrupted by the receipt of the following Message from the President of the United States.

RELATIONS WITH FRANCE.

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 14th of this month.

JOHN ADAMS.

UNITED STATES, *June* 18, 1798.

After the reading of the despatches was finished, a motion was made to print 1,200 copies of them for the use of the members.

Mr. THATCHER hoped at least two thousand copies would be printed. It was well known that the letter of Mr. Talleyrand had already been printed in the French paper of this city, and he believed by order of the Executive Directory. And he believed that the printer had printed an additional number of that letter for the supply of persons who are not his regular readers. When he saw, therefore, the Executive Directory, and its agents, taking extraordinary means to spread that letter, he wished to take equal means to publish the answer of our Commissioners to it, which he thought not only satisfactory, but incontrovertible. He should think himself deficient in duty, if he were to omit the opportunity of moving for an additional quantity of this reply to be printed.

Mr. T. CLAIBORNE did not understand what the gentleman meant in saying he believed certain persons are French agents.

Mr. THATCHER said, he considered the printer of the paper to which he had alluded as an agent of the French Directory, and he hoped soon to lay before the House satisfactory evidence of the fact.

Mr. HARPER wished not only 2,000, but a much larger number of this despatch might be printed. He hoped 5,000 at least. The truth of the positions mentioned by the gentleman from Massachusetts was too evident to be for a moment doubted. It had long been manifest to him that France had her secret agents in this country, and that every means had been made use of to excite resistance to the measures of our Government, and to raise a spirit of faction in the country favorable to the views of France, and the act of Saturday was only one of the ramifications of the scheme. A fact, Mr. H. said, had taken place within a few days, which, he apprehended, would lead to the discovery of a treasonable correspondence, carried on by persons in this country with France, of the most criminal nature. He was desirous, therefore,

of counteracting the effects of any of their machinations, by publishing the truth to the people; and he promised the House he would do all in his power to bring this matter to light.

Mr. HARRISON was in favor of 5,000, as he wished the people of the United States to receive the fullest information on this and every other subject. With respect to French agents being in this country, he cared but little about them. He did not fear anything they can do.

Mr. DAVIS hoped the gentleman from South Carolina would give such information to the House as would enable them to detect any plan that was on foot injurious to the interests of the country. If he would do so, it should have his hearty support.

Mr. HARPER pledged himself to the gentleman from Kentucky and to the House, not to be remiss in probing the business he had spoken of. He had got hold of some of the threads of it, and he hoped soon to be able to develope the whole of the mischievous proceeding. If so, he should not fail to bring it before the public, and rely upon the assistance of that gentleman and the House generally, to bring the authors, and those concerned in it. to condign punishment.

On suggestion of Mr. SITGREAVES, that it would be well to direct the Secretary of State to have a large number of all the despatches received from our Commissioners printed and distributed, the motion for printing them separately was withdrawn, and Mr. S. afterward made a proposition directing the Secretary of State to get printed and distributed —— copies of the whole of the despatches.

The Message and documents were then ordered to lie on the table, and 1,200 copies to be printed for the use of the House. (See *Appendix.*)

And then the House adjourned.

TUESDAY, June 19.

Mr. SITGREAVES called up his resolution, proposing to authorize the Secretary of State to print a certain number of copies of all the despatches from our Envoys; which was agreed to, after some discussion, and the blank filled with ten thousand.

A bill was received from the Senate for the more effectual protection of the commerce of the United States; which was twice read, and referred to the Committee for the Protection of Commerce and the Defence of the Country.

Mr. HARPER, from the Committee of Ways and Means, reported two bills, one making an appropriation for the expense of the new regiment of artillery for the year 1798; the other to enable the President of the United States to raise a loan of money for the service of Government; which were twice read and committed.

ALIENS.

The House again resolved itself into a Committee of the Whole, on the bill concerning aliens, when

Mr. GALLATIN rose, and repeated the remarks he was making yesterday, when twice interrupted. He said he could not discover the reason why the bill which was under discussion on Saturday, was postponed for the purpose of taking up this. Both contained the same principle. They differed only as to the mode of carrying it into effect. The first and third sections of the other bill were the same in substance as the first section of this. The discussion on this first section, therefore, must be the same as before; and the question is not whether the measure is expedient, but whether this Government has any power, under the Constitution, to remove alien friends out of the United States, or whether the power over aliens does not belong exclusively to the individual States. He was himself clearly and decidedly of opinion that no such authority was vested in the General Government, and that this bill, if passed, will be a gross violation of the Constitution. Mr. G. referred to arguments which he had used on the former bill. All the powers vested in the General Government are either positively specified by the Constitution, or they are such as are necessary and proper for carrying into effect some of those specific powers. For the Constitution provides that the powers not delegated by it to the United States are reserved to the States. It is not contended, in this instance, that a power over aliens is specifically and positively given to the Union; but an attempt is made, to show that it is given by implication. In order to establish this position, let gentlemen remember that it is necessary not only to assert in a vague manner that the authority contended for may be derived from some specific power, but to prove that, in the words of the Constitution, the present law is necessary and proper for carrying into effect some one specific power expressly given by the Constitution. Let the arguments of the supporters of this bill be examined by that test.

It has been declared by the gentleman from Massachusetts (Mr. SEWALL) that this power over aliens is included in the power given to Congress to regulate commerce; the gentleman from Delaware believes it to be contained in that clause of the Constitution which gives to Congress the power to lay and collect taxes, by which he argues power is also given to provide for the common defence and general welfare; but another gentleman from Massachusetts (Mr. OTIS) and a gentleman from Connecticut (Mr. DANA) drew this power from that which they say every Government must have to preserve itself.

Mr. G. said, he would offer a few remarks upon each of these reasons. In the first place, the power was said to be included in the power to regulate commerce. But this bill is not intended for any commercial purpose; it is wholly of a political nature, intended to effect political ends, and does not relate to aliens as merchants. It is a power to be given to the President to remove all aliens dangerous to the peace of the United States, and cannot by any one be considered as a commercial regulation. If Congress has any power which they can exercise on the persons of alien merchants it must relate to them as merchants—to their professions, not to their existence as men; if the power was derived from this source, it must

be confined in its operation to alien merchants, and could not be applied to aliens of other descriptions. But this general authority over aliens, not only is not now intended, but it is not necessary for carrying into effect the power given to regulate commerce. Will the regulations of this bill in any way determine how commerce shall be carried on with foreign countries, or from one State to another?

With respect to the clause of the eighth section, contended for by the gentleman from Delaware, it was in the following words: "Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States," and that no gentleman contended that its meaning was to give power to Congress, in the first place to lay taxes, and in the next place to provide for the common defence and general welfare of the United States. But the obvious and universally received meaning of the last words was not to give a general power altogether unconnected with the remaining part of the sentence, but to define the purpose for which taxes should be laid. Had the construction of the gentleman from Delaware been intended, the power would have been given in a distinct paragraph, in the same manner as all the other powers are given, instead of placing the words in this way in the middle of a paragraph relating to a quite different subject. If this new construction was adopted, there would have been no need to have enumerated the powers given to Congress in this and other sections, because such a broad power as that contended for, would have embraced every other.

Nor is this all. The twelfth amendment of the Constitution seems to have apprehended some improper use being made of the sweeping clause, by taking it as a ground for power never intended to be given, and, therefore, it declares that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people; but if the construction now spoken of were to prevail, this amendment could have no application; for if all the powers are delegated to Congress by that clause, how could it be said that the powers not delegated were reserved to the States?

To show that at the time the Constitution was adopted, no such opinion as this prevailed, Mr. G. referred to the debates had upon it in the Pennsylvania Convention. He particularly quoted the sentiments of Mr. Wilson, who spoke of this provision for raising taxes as being necessary for the common defence and general welfare. Mr. Wilson expressed himself as follows: "Certainly Congress should possess the power of raising revenue from their constituents for the purpose mentioned in the eighth section of the first article, that is, to pay the debts and provide for the common defence and general welfare of the United States;" and again, "I think it would be very unwise in this Convention to refuse to adopt this Constitution, because it grants Congress power to lay and collect taxes for the purpose of providing for the common defence and general welfare of the United States." Mr. G. also made the following quotation from the essay signed Publius, and called the Federalist, written by the members of the Federal Convention, in defence of the Constitution before its adoption:

"Some, who have not denied the necessity of the power of taxation, have grounded a very fierce attack against the Constitution on the language in which it is defined. It has been urged and echoed that the power 'to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare of the United States,' amounts to an unlimited commission to exercise every power which may be alleged to be necessary for the common defence or general welfare. No stronger proof could be given of the distress under which these writers labor for objections, than their stooping to such a misconstruction. Had no other enumeration or definition of the powers of Congress been found in the Constitution, than the general expressions just cited, the authors of the objection might have some color for it; though it would have been difficult to find a reason for so awkward a form of describing an authority to legislate in all possible cases. A power to destroy the freedom of the press, the trial by jury, or even to regulate the course of descents, or the forms of conveyance, must be very singularly expressed by the terms 'to raise money for the general welfare.' But what color can the objection have, when a specification of the objects alluded to by these general terms immediately follows, and is not even separated by a longer pause than a semicolon? If the different parts of the same instrument ought to be so expounded as to give meaning to every part which will bear it, shall one part of the same sentence be excluded altogether from a share in the meaning, and shall the more doubtful and indefinite terms be retained in their full extent, and the clear and precise expressions be denied any signification whatsoever? For what purpose could the enumeration of particular powers be inserted, if these and all others were meant to be included in the preceding general power? Nothing is more natural or common than first to use a general phrase, and then to explain and qualify it by a recital of particulars. But the idea of an enumeration of particulars, which neither explain nor qualify the general meaning, and can have no other effect than to confound and mislead, is an absurdity which, as we are reduced to the dilemma of charging either on the authors of the objection, or on the authors of the Constitution, we must take the liberty of supposing had not its origin with the latter."

Mr. G. said he was well informed that those words had originally been inserted in the Constitution as a limitation to the power of laying taxes. After the limitation had been agreed to, and the Constitution was completed, a member of the Convention, (he was one of the members who represented the State of Pennsylvania.) being one of a committee of revisal and arrangement, attempted to throw these words into a distinct paragraph, so as to create not a limitation, but a distinct power. The trick, however, was discovered by a member from Connecticut, now deceased, and the words restored as they now stand. So that, Mr. G. said, whether he referred to the Con-

stitution itself, to the most able defenders of it, or to the State Conventions, the only rational construction which could be given to that clause was, that it was a limitation, and not an extension of powers.

Another gentleman from Massachusetts (Mr. OTIS) has taken a kind of general ground, supposing that there must exist certain general powers in Congress which are equal to meet any possible case. He could not say that he rightly understood the meaning of that gentleman. If he meant that all power should be vested in Government, because it is possible that occurrences may arise which will call for the exercise of them, he would not hesitate to say that doctrine is contrary to the Constitution, for that has put limits to the powers of the Government, and has said certain things shall not be done by it. For instance, it might be thought necessary, though neither an invasion nor a rebellion had taken place, to suspend the Habeas Corpus Act, as had been the case in Great Britain some time ago. It was there represented that a dangerous conspiracy existed against the Government, and that, in order to meet it with effect, it was necessary to suspend the Habeas Corpus Act. Reasoning on the same ground, the gentleman from Massachusetts might say that a dangerous conspiracy now exists here, that he has got hold of the threads of that plot which the gentleman from South Carolina has pledged himself to this House a few days ago to pursue through all its ramifications, and move for a suspension of the Habeas Corpus Act. But the Constitution would be directly against such a motion, as it is there said "it shall not be suspended, but in cases of actual rebellion or invasion." So that this Government cannot do everything which the gentleman may suppose necessary to be done. Or did the gentleman mean that Congress ought to exercise all the powers that may be vested in Government in this country? Such a sentiment is also flatly contradicted by the Constitution, as it recognises a division of powers between the General and State Governments. Thus, in the instance before the committee, Congress has the power to declare war, and to punish any persons guilty of treasonable practices, but what relates to aliens as suspicious characters, the Government of the United States has no cognizance of. It is a matter which remains with the State Governments; and if there was any necessity for passing a law on the subject, there could be no doubt it would be done by the proper Constitutional authority—the State Governments. Or did gentlemen mean that the power for providing for the common defence should absorb all other powers, and that if this power was limited, the Constitution is not worth a farthing, or not worth having, as the gentleman has said. Did he wish, except the Constitution would authorize an act of this sort, it should be overset? Did he like the Constitution only for the powers it gave, and not for the restraints it put on power? Did he intend to declare himself an enemy to every part of the Constitution which restrains the power of the General Government? He could not suppose that this was his opinion; and if it was not, he did not understand what he meant.

As to the general declaration contained in the preamble of the Constitution, he would remark that the articles of Confederation under the old Congress, had several expressions of the same nature. The power was there said to be given for the general defence, showing that to have been the object of the Union. The same articles gave power to Congress to declare war, and several other powers of a general nature, in which such a power might equally be supposed to be included; and it was on this account that he stated that the old Congress never acted on this subject, merely because the general powers of both Governments being nearly similar, the opinion of the old Congress, in relation to their own authority, was applicable to the present instance.

In opposing this bill, it might not be supposed to be necessary to go further than to show that the power of passing a law like the present, had not been given to this Government. But it so happened that, supposing he was mistaken in that position, another clause expressly prohibited the exercise of that power for the present, even if it did exist at all. He would, therefore, proceed to notice some of the objections which had been urged against his observations on the 9th section of the 1st article of the Constitution, which says that Congress shall not prohibit the migration of such persons as the States choose to admit. It was insisted, by a new construction of the word *admit*, that it required a positive law of a State to show that a State exercised this power, and that so long as a State had not passed a law upon the subject, declaring that they do admit persons of the description mentioned in this bill, Congress have a right to pass a law upon it. By this doctrine a new kind of construction of the Constitution will result; for there must not only be a concurrent authority between the States and the United States, but also contradictory powers. So that, if Congress were to pass a law on the subject before the committee, the States might each of them pass a law to repeal it.

But Mr. G. took it for granted that, whatever is not prohibited is permitted; and, so long as no law of any State prohibits the admission of aliens, he supposed all are admitted. Indeed, the admission is recognised by laws in every State. Of that description were the laws in which some States allow aliens to possess lands; in other States declare that the estate of an alien dying in this country, and leaving no heirs here, will go to his nearest of kin in a foreign country, &c.

Again, it was said, that this clause relates solely to slaves, as an exception granted to the power of regulating commerce. He allowed this provision was chiefly intended to secure the importation of slaves. He believed the regulation of the migration of persons to the United States, was not included in the power regulating commerce, because the voluntary migration of free persons was not, like the importation of slaves, an object of trade, and, therefore, that it was unnecessary to have introduced this clause, in rela-

tion to the migration of free persons, as an exception to a power which did not exist. Indeed, the gentleman from Massachusetts mentioned this as an argument to show that the general power of regulating migration existed in the General Government. If not, why, he asked, was this article introduced? In answer to this argument, which supposes that this clause relates to free people, he would only refer the gentleman to the Constitution, which had expressly guarded against the danger of a similar construction, by declaring, in the eleventh amendment, that "the enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people."

But the only use he meant to make of this clause, in support of his opinion, was this: Whether it was necessary, in relation to free persons, or not; and, whatever might have been the intention of the framers of the Constitution, it must be taken as it now stands. The word *migration*, as contradistinguished from the word *importation*, could only apply to a free act of the will, and to the voluntary arrival of free persons coming to this country, in the same manner as the word *importation* could only apply to slaves brought into the United States without their consent; and the word *persons* was of the most general acceptation, and could by no means exclude free emigrants. That this even was well understood, at the time of the adoption of the Constitution, he would prove by the following quotation from Mr. Wilson's speech, in the debates of the Pennsylvania Convention: "The gentleman (Mr. Findley) says, that it is unfortunate in another point of view; it means to prohibit the introduction of white people from Europe, as this tax may deter them from coming amongst us; a little impartiality and attention will discover the care that the Convention took in selecting their language. The words are the *migration* or *importation* of such persons shall not be prohibited by Congress prior to the year 1808, but a tax or duty may be imposed on such *importation;* it is observable here, that the term *migration* is dropped, when a tax or duty is mentioned; so that Congress have power to impose the tax only on those imported."

The argument, therefore, stood thus: Either the general power of preventing the migration of aliens is included in the powers given by the Constitution to Congress, or it is not. If it is not included, and that was his decided opinion, the present bill is unconstitutional. But if, by implication, it may be derived from any of the specific powers given to Congress, whether that of regulating commerce, of declaring war, or of any other, or if it be included in a supposed general power of providing for the common defence and general welfare, even, in that case, its exercise is prohibited to Congress, by this clause, till the year 1808, and, on this ground, the present bill is also unconstitutional.

Mr. G. thought, when a constructive power of this kind was claimed, it was time that a stand should be made against it. He looked upon the provision not only as unconstitutional, but as of a most arbitrary nature, grounded upon a supposition which has not been proved, and upon another which does not exist. The supposition is not proved that the measure is necessary on account of danger to be apprehended, from there being aliens resident in the country dangerous to its peace. The persons from whom this danger is apprehended, are either alien friends or alien enemies. So far as relates to the latter, they are provided for in another bill. The whole of the arguments on this bill, therefore, are applicable only to alien friends. And here he must take notice that, although Congress has not the power to remove alien friends, it cannot be inferred, as had been objected, that it had not the power to remove alien enemies; this last authority resulted from the power to make all laws necessary to carry into effect one of the specific powers given by the Constitution. Among these powers is that of declaring war, which includes that of making prisoners of war, and of making regulations with respect to alien enemies, who are liable to be treated as prisoners of war. By virtue of that power, and in order to carry it into effect, Congress could dispose of the persons and property of alien enemies as it thinks fit, provided it be according to the laws of nations and to treaties.

No facts had appeared, with respect to alien friends, which require these arbitrary means to be employed against them. If there are gentlemen possessed of facts of this kind, it is their duty to lay them before the House. But whilst these proofs are held back, gentlemen have a right to say no necessity exists for such a measure. He supposed gentlemen who spoke with so much confidence on this subject, must be possessed of facts unknown to him, otherwise they would be unjustifiable in creating a groundless alarm; but the House had a right to inquire what the facts are, if they did exist, and whether they relate to alien friends or alien enemies.

He would not only say that this bill was founded on a supposition which was not proved, but, also, that it took for granted another position which did not exist. If there be any danger, it is certainly such as may be punished by the laws of our country, without adopting a measure of this kind. The laws of the United States will reach alien friends if guilty of seditious or treasonable practices, as well as citizens. And if the law is not at present sufficient to reach every case, it might be amended. He wished all crimes and punishments to be accurately defined; and he hoped gentlemen who profess to be warm supporters of this Government and Constitution, will not say that it is not in our power to reach the object. And if it be necessary to send certain persons out of the country, on account of their mal-practices, he trusted laws would be framed for the purpose of punishing them, and that they would not be left without trial, subject to the arbitrary control of one man only.

This bill not only was grounded upon a supposed necessity which did not exist, but it appeared to him that if it was passed, a bill of a similar nature may be brought in, in relation to citizens

of the United States. This bill is called a bill concerning aliens; but in its consequences it affects citizens as much as aliens; for he called upon the supporters of this bill to show him a single clause in the Constitution which has been referred to in support of this bill, which would not equally justify a similar measure against citizens of the United States. And, so far as relates to the necessity of the bill, the plea may be equally made against citizens as against aliens; for what is the ground upon which this power is claimed? It is by virtue of the power vested in Congress to regulate commerce. And what is this power? It is "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." Therefore, if by virtue of the power of Congress to regulate commerce with foreign nations, they can remove foreigners from the country by the same reasoning, (bad reasoning he knew it was,) they had a similar power of removing citizens of the several States. And when another gentleman tells us that the power is claimed under certain powers given to Congress to provide for the common defence and general welfare, will it not apply to citizens as well as aliens? It certainly would, since they might argue that seditious and turbulent citizens might be as dangerous to the peace of the country, as aliens of a similar description; and when gentlemen are disposed to treat the Constitution in this way to come at aliens, he had no doubt they would be equally ready to do it against citizens whenever they shall wish to do so.

Or will gentlemen say that the Constitution affords a security to citizens which it does not extend to aliens? He knew the rights of aliens are limited; but if we can dispense with the law towards them, we may also do it with respect to citizens. The trial by jury does not speak of citizens, but of persons. What security, said Mr. G., can citizens have, when they see a bill like the present pass into a law? What, said he, have we heard on this floor? The member from Connecticut (Mr. ALLEN) objected to the bill for preventing and restraining seditious persons. What were his objections? That the Constitution of the United States had, in all criminal cases, said the trial by jury should remain sacred. By that bill power was given to the Judges to determine certain facts; and, in order to remedy that objection, and to provide a better security for the persons amenable to that law, what did he propose? To take the power from the Judges, and give it entirely to the President of the United States.

Again, with respect to the writ of habeas corpus, what do gentlemen say? They say it is only to prevent any man from being imprisoned in an arbitrary manner; and that, as the present bill describes the cases in which a man is liable to arrestation and imprisonment, it cannot be a suspension of that law; that is to say, the writ of habeas corpus is designed to prevent arbitrary imprisonment, or what the gentleman calls illegal imprisonment; but, according to this doctrine, if you give, by law, the power to the President of arbitrary imprisonment, that power being thus given by law, is on that account no longer illegal nor arbitrary. That was the kind of security which citizens might expect to derive from the clause of the Constitution which related to the writ of habeas corpus. That privilege was to be done away by a legal distinction.

By the seventh amendment to our Constitution, it is provided that "no person shall be deprived of life, liberty, or property, without due process of law." According to the doctrine of the gentleman, Congress may give, by law, the power to the President, or any one else, to deprive a citizen of his liberty or property, and the act of giving that power by law, will be called the due process of law contemplated by the Constitution.

The gentleman from Massachusetts allowed that there exists in the State Governments a power to regulate the migration of aliens, and to admit the arrival of such as are described in this bill; but he said that, as they had forborne to exercise the power, the United States might, with propriety, pass a law on the subject; but that any one of the States might prevent its execution. He therefore allowed a power in the States to prevent the execution of the law, and the only reason why, in his opinion, if this bill passed, it would not be at once a dead letter, was grounded on the construction he put on the word "admit."

But Mr. G. would go further, and say that the States and the State Judiciary would, indeed they must, consider the law as a mere nullity, they must declare it to be unconstitutional; for no one, except the gentleman from Massachusetts, ever would suppose that aliens were not now admitted by the States, and, on his own ground, whenever they were thus admitted, the law was at an end.

A gentleman had said that States must claim only local powers, general ones being placed in the General Government. But the present bill was more of a local than of a general nature. Those States whose population is full, and to which few migrations take place, are little concerned in this question, unless, indeed, to check the population of other States, and to keep a preponderance in their hands, be an object with them. It was of consequence only to those States whose population is thin, and whose policy it has always been to encourage emigration. Amongst these, he placed the State of Pennsylvania. Indeed, he had always thought it was the general policy of this country; he believed it had only been the violence of party which had created any difference of opinion on the subject. It had been an established principle in Pennsylvania, from its first establishment to the present time, and every encouragement had been held out to emigrants of all nations. On this account, if this bill passes, there will be ten times the number of people under its operation, and the arbitrary power of the President in this State, than there will be in all the New England States put together. Emigration, he said, had been very useful to Pennsylvania. It is owing to it that its population had, within a little more than a century, reached its present extent. Nor had the mixture of emigration from

Great Britain and Germany produced any bad effect upon the policy of the State. He believed it could boast of civil establishments as wise and as good as any of her sister States.

A temporary sacrifice has already been made by that State, by the new naturalization law, which makes it necessary for a foreigner to reside fourteen years in the country before he can become a citizen. When that bill was under consideration, the friends of it said, they wished to give security to the persons and property of aliens, but they did not wish them to have any political influence in the country. That point was yielded without a struggle, although, from the establishment of the Province of Pennsylvania to this day, no more than two years' residence had ever been required by the Provincial or State laws, to naturalize a foreigner; and let it be remembered that the Declaration of Independence, in the enumeration of the complaints of America against the King of Great Britain, states that "he has endeavored to prevent the population of these States, for that purpose obstructing the laws for the naturalization of foreigners, refusing to pass others to encourage their migration hither," &c. The present bill related not to any political rights; it affected the civil rights, the personal liberty, the property of aliens. It subjects them to a removal, upon suspicion, and that at the will of one man. It was not only a refusal to encourage migrations, it was a bill to prevent migrations. And in such a bill, assuming a power belonging to herself and not to the United States, and affecting her population and prosperity to such an extent, Pennsylvania was immediately and deeply concerned.

Mr. G. admitted, there might be cases in which it might be proper to transport persons for crimes, but the punishment should in that case be inflicted upon conviction of crimes, and not as a measure of caution, to be effected on mere suspicion, by the arbitrary power of one individual.

Mr. G. concluded by saying, that he was at a loss for the cause of the introduction of this bill. No ground had been shown for it; if any reason could be adduced, he supposed the States, whose duty it is, would be as ready to guard against the dreaded evils, as the General Government, whose duty it is not; and he thought any evils which may exist would be better provided for in the usual way, than by placing so extraordinary a power in the hands of the President of the United States.

Mr. GORDON said, the United States had certainly the right to withdraw their protection to aliens, whenever they thought proper, notwithstanding all that had been said by the gentleman from Pennsylvania. He would endeavor, in a few words, to show that such a power does exist, and that the execution of it is only bounded by sound discretion. The question is, whether, under existing circumstances, the United States have not the power to order foreigners to depart from the country who have been guilty of treasonable or seditious practices abroad? He had no doubt on this subject; it is a question, in his mind, which includes the very existence of Government. The sovereign power of every nation possesses it; it is a power possessed by Government to protect itself; and, in his opinion, ought now to be exercised.

It has been said, that there is no specific power in the Constitution upon which this proposition can be supported; and he knew it had been said that it was necessary that all the acts of Congress should be founded upon express provisions of the Constitution; yet he believed that House had done a variety of acts for which it had no express power. He asked whether Congress had any authority in the Constitution to institute a Bank? They had not: yet they had done it. Another case: in the treaty between this country and Great Britain, it is stipulated that any murderer who shall take refuge in one country from the other shall be given up, though no clause in the Constitution authorizes such a power. This is a case somewhat analogous to the present; and if the States had the power to protect offenders of the kind mentioned in this bill, they might also protect murderers. But the right of Congress to regulate this business, arises from the power of making war, and providing for the general welfare; and the arguments of the gentleman from Pennsylvania in favor of passing a law in respect to alien enemies, would show it to be right also to pass a law of this kind. If the House make the express letter of the Constitution the rule of their power, he denied that they had any power to make the regulations proposed to be made with respect to alien enemies. But is it not absurd to say, at a time when the United States are about to enter upon a war, and the country is filled with the natives of the enemy-country, that we do not possess power to send them out of the country? That Congress may make war, but cannot do a less hostile act? If we possess this right, upon what is it founded, but upon the ground that the safety of the community must be provided for? And, pursuing this principle, it will equally apply to the aliens of other countries. For suppose, at some future time, there shall be as many aliens of various nations as citizens in the United States; and suppose the United States should be engaged in war with any one of the nations of Europe, might not such a band of men, if suffered to remain, prove the destruction of the country? They certainly might, and no nation would act so unwisely as to give them an opportunity of becoming so.

But the gentleman from Pennsylvania says, that this bill is a violation of the rights of aliens, as it takes from them the right of a trial by jury, secured by the Constitution. This, Mr. G. denied. This bill, he said, does not contemplate a crime, but directs that aliens shall be apprehended on suspicion, and sent out of the country. It is only when they refuse to obey the order, that a crime is committed, and then they are to be tried by a jury equally with citizens of this country.

The gentleman has informed the House, that the Constitutions of the United States and of the individual States have limited the powers of Government, beyond which they cannot go. But this limitation, it must be allowed, can only respect

those for whose use and benefit these Constitutions were formed. This bill does not affect any of these persons. It relates only to aliens.

But, it was said, Congress is expressly prohibited from making a law like the present, by the first paragraph of the ninth section of the Constitution, which provides that the migration of any persons whom the States choose to admit, shall not be prohibited previously to the year 1808. But, in order to make this article apply, it will be necessary either to bring this bill within the letter or the spirit of that clause of the Constitution. He denied that it was within either. It had been said, that this clause was intended to secure the importation of slaves to those States of the Union which are concerned in slaves, and the migration of foreigners to other States who wanted inhabitants. But as this bill proposes only to affect persons of a certain description, which he supposed it could not be the interest of any State to remain in it, he thought it could not be reasonably objected to. If any gentleman could suppose that there is a State in the Union which would desire to retain in their society persons who have been convicted of felony, or who are notorious fugitives from justice on charges of treason or sedition, he must have a strange idea of such a State, and it was what he himself could not credit. This bill, he said, was not intended to cut off migrations to this country, but merely to serve a temporary purpose, and therefore could not militate against the article of the Constitution which had been named.

It had been said, that this bill would be a violation of the habeas corpus act. It was a little extraordinary that any gentleman should have asserted this. There is nothing in this bill to prevent a person from being brought before a Judge. His right, in this respect, is no way impaired by this bill. The only difference which it makes, is, that persons in this situation would have to submit to a new law.

If no law of this kind was passed, it would be in the power of an individual State to introduce such a number of aliens into the country, as might not only be dangerous, but as might be sufficient to overturn the Government, and introduce the greatest confusion in the country. Suppose a State were to admit thousands of aliens from a nation with which we are likely soon to be at war, what would be the remedy? The President would have power to remove them as soon as war shall have been declared. But, suppose they shall come from a nation with whom we are at peace? They might settle all over the United States, they would be protected, and they might organize themselves against the Government. And, can the Government be so deficient in power, as not to be able to provide against such a mischief? To suppose this would be to suppose that the very existence of the Union is in the power of a single State.

The United States have guarantied to the individual States a Republican form of Government; but, if one State admit so many aliens into it as to produce a change in its system of Government, the United States would be obliged to use force to recover it, if no other remedy could be had. It was said, a law like this had never before been attempted; but, it might also be said, there never was a time when the United States were so accessible as at this time, and therefore uncommon measures were justifiable. Gentlemen say laws may be made for the punishment of these persons, without giving so strong a power to the President. But, can laws, said Mr. G., reach the hearts of men? Persons who come here with a view of overturning the Government, will not commit any overt act which shall bring them under the laws of the country. He trusted, therefore, the present bill would be passed.

Mr. OTIS said, the gentleman from Pennsylvania had noticed some things which he had said, and had attributed other things to him which he did not say. He should not attempt to vindicate arguments which he did not make use of; but he would trouble the committee with a few remarks to illustrate the principles on which he originally vindicated the bill, and upon which he still thought it might be easily defended.

It could not fairly be denied, that it was the design of the Federal Constitution to embrace all our exterior relations. The great objects of peace and war, negotiations with foreign countries, the general peace and welfare of the United States, must be provided for and maintained by the National Government; no other authority is competent to these great duties; no other can judge of the necessity of measures preparatory to the national defence, nor enforce such measures with general effect.

If Congress has the right to defend the Union, it has certainly a right to prepare for defence. And if any specific power had been claimed by the individual States which was inconsistent with this general power, it must vanish before the obligation of the General Government to provide for the common defence.

But he did not think the power of admitting foreigners, which it was contended for by the gentleman from Pennsylvania remained with the States, was inconsistent with the right of expelling dangerous persons, which he claimed for the General Government. That gentleman, Mr. O. said, had interrogated him in a very extraordinary manner. He has asked whether he wished to overturn the Constitution? He should certainly answer, No; he did not wish to overturn, but to preserve it against the attempts of insidious and dangerous aliens, and he thought this bill necessary for that purpose. He considered and followed the Constitution as a lamp to his path; whereas the gentleman from Pennsylvania would make it a mere *ignis fatuus*, calculated to bewilder and mislead.

Mr. O. agreed that the construction was just which the gentleman put upon the first article of the eighth section of the Constitution, and that to provide for the common defence and general welfare was the end of the powers recited in the first part of that section, and that the powers were merely the means. But this is equally the end of all the other powers given to Congress by all the

articles of this section, so that these words might, with propriety, be understood as if they were added to every clause in it, and thus, from the whole section, it appeared clear that Congress has a right to make war for the common defence and general welfare, and of course to do everything which is necessary to prepare for such a state. And shall we, said Mr. O., allow that the States have a right to defeat this power? If we find men in this country endeavoring to spread sedition and discord; who have assisted in laying other countries prostrate; whose hands are reeking with blood, and whose hearts rankle with hatred towards us—have we not the power to shake off these firebrands? Certainly we have. They were admitted here under the rights of hospitality, exercised by nations towards friendly strangers; but when they become dangerous and hostile, we certainly have a right to send them away. What will be our situation, if any one of the States may retain a number of men, whose residence shall be proveably dangerous to the safety of the United States? If such State should judge proper to make regulations on the subject, it could only banish a person from its territory. So that persons of this description, stamped with infamy in their own country, and plotting treasons against ours, may remain in some part of the territory of the United States, while Congress has not the power to get rid of them until all the States concur in the same object.

If this was the dilemma into which we are reduced by the Federal compact, it might as well have never been made, for a Government that is prevented from exercising an authority which may be necessary to its existence, is not better than no Government at all; and if the individual States have the means of frustrating the views of the General Government in the exercise of its powers, the present Constitution would have no advantage over the old Confederation. The simple ground on which the question stood was this, Can the right of expulsion be exercised by the United States, without infringing the right of admission, which is reserved to the individual States? And gentlemen, to demonstrate the collision of these powers, put an extreme case, and suppose that Congress may send out of the country all the aliens who should be admitted by any State, and thus render nugatory the right of importation reserved to the States. But this is the old-fashioned way of arguing from a presumed abuse of power. It is one thing to banish all aliens indiscriminately, and a very different thing to banish a few individuals of suspicious character. It is in the nature of a punishment for supposed offences, and there is no fear of involving innocence with guilt. Aliens do not claim an exemption from punishment for offences against the United States—when found guilty of crimes, the Courts can sentence them to be imprisoned, or to be punished with death. And yet the gentleman from Pennsylvania might as well say that such sentences are unconstitutional, because the Courts might imprison or hang up aliens as fast as they are admitted into any State.

Mr. O. contended that the limitation of the power of admitting aliens, which is reserved to the States till the year 1808, implied that Congress might prohibit the migration of foreigners after that time, so that this ninth section of the Constitution is only an exception from the general power, and must be construed strictly. If the United States have not this right, they cannot authorize the President to send away a public Minister who should threaten to convulse the nation, but a State might retain such a Minister contrary to the wishes and interests of the United States.

Mr. O. wished gentlemen to inquire whether or not it is now necessary to exercise this power. Gentlemen call for evidence of any alien's acting improperly in this country. If, he said, proof positive and direct could be adduced, the laws of the country might be sufficient to punish them; but is there not sufficient reason to be alarmed on this subject, not only from the fate of other countries, but from what has happened under our own eyes. Do we not know, said he, that the French nation have organized bands of aliens as well as of their own citizens, in other countries, to bring about their nefarious purposes. It is well known that their object is to divide and command; and they furnish the most dreadful commentaries upon this old maxim. By these means they have overrun all the republics in the world but our own. Do we not, said he, read the history of their dark manœuvres in the fate of Holland and Switzerland? And may we not expect the same means to be employed against this country? We certainly might.

Turn back, said Mr. O., to the year 1794, we find the Prince of Orange calling upon the different States of Holland, requiring them to contribute to the common defence. The States General, and the great body of the people, answer him with addresses and professions of loyalty; but some of the towns, and particular groups of the people, instigated by spies and foreign agents, remonstrate against these patriotic measures. It is time enough, say they, "the nation is not in danger of an invasion." The secret agents of the French taught some of the people to answer, "our own dykes will be a sufficient defence for the country, and the affection of the people is the best security for the Government." But behold, in a few months, the Prince of Orange was compelled to fly, the Government was overturned, and its offices taken possession of by domestic traitors—the Revolution was effected, the intrigues of emissaries were then developed, and the rest is well known. Let us look at Switzerland, and ruminate upon the Revolution of that fated country. Where is its Confederacy, which had withstood the storms of so many centuries? The aristocracies are melted down into democracies, and the democracies are moulded into abject colonies; contributions have been levied upon them, the officers of Government have been supplanted by men who riot upon its spoils, and who are supported in the possession of their newly acquired preferments, by foreign armies, and foreign agents. And of

all these disasters, the ground work had been laid by the industry and arts of the French apostles of sedition.

It might be said, the situation of this country is far different from that of Holland, and that the people of this country are too strongly attached to their Government and country to be operated upon by any of those means by which the Dutch and Swiss had lost their liberties. But he believed that both the Swiss and Dutch entertained a very sincere and ardent attachment to their country and institutions. This affection among the Swiss was proverbial. When obliged to quit their native country, they sickened to revisit it; and the great body of the people in Holland were attached in a high degree to the family of Orange. Besides, fear was a principle not less powerful than hope, in exciting men to action; and though the people of this country would not be allured into revolutionary projects by the desire of acquiring an increase of liberty; it was not easy to calculate to what extremities they might be forced by the apprehension of losing what they already enjoyed—a jealousy carefully fomented by the agents of France.

Mr. O. said, that this diplomatic agency had been in full motion in the United States; he might mention names; but it was well known to every gentlemen of this committee that a Frenchman of a literary and intriguing character, who was formerly a member of the Club Breton, and was doubtless in the confidence of the Directory, who has for a long time sojourned in Pennsylvania, who had explored the Indian country, and travelled through other States, had lately taken flight. It was also well known, that a citizen of Pennsylvania, conspicuous for his attachment to the French, had followed him. It was lately discovered that another Frenchman, who resided at New York, and who, he believed, was naturalized, is in the constant habit of corresponding with the Directory, a man, who, though holding no known agency under them at present, has heretofore agitated the Continent by his intrigues, and may be looked upon as in their employ. And the same kind of correspondence is traced up to our own citizens.

Mr. O. concluded by saying, the times are full of danger, and it would be the height of madness not to take every precaution in our power. The right contended for was of inestimable value to the United States, but to the individual States it would be of no importance. The provisions of the Constitution were plain and adequate to all the exigencies of the nation, and it was wrong to waste that time in nice and unnecessary arguments, which ought to be employed in the most active preparations and decisive measures. He hoped, therefore, the section would be retained.

Mr. HARPER said, it was not without difficulty that he could prevail upon himself to believe that the objections to this measure, on Constitutional grounds, were serious. He could not help being reminded, when he heard these objections urged, of the saying of a witty writer upon a book still more sacred than the Constitution, viz: "that it was a rich field into which all parties sent their troops to forage." Mr. H. said, it was curious to observe the conduct of gentlemen. When a measure cannot be opposed on the ground of expediency, when the necessity of it is so obvious as not to be questioned, then Constitutional objections are resorted to. If, on the other hand, it cannot possibly be objected to on Constitutional ground, gentlemen then endeavor to show it to be unnecessary. When additional armed forces are proposed to be raised, it is either said to be unnecessary, or that it will cost more than the protection is worth. And if it be wished to restrain a foreign enemy, or domestic traitors, and effectual means are proposed, the House is told, by a novel discovery, that we have not the power of self-defence; though we see the knife of the traitor held to our throats, we are to wait until the State Governments will come in and snatch it away. Strange would it be if the Government could thus exist; strange would it be if it had not the power of suppressing domestic traitors! And how does it appear that this Government has not the power? By arguments better calculated to excite risibility than conviction, and nothing but the serious manner in which they have been made for two or three days together, could have produced any answer to them from him. The committee are told that because Congress cannot prevent the States from admitting the migration of foreigners before the year 1808, they cannot authorize the President to send out of the country the description of characters mentioned in the first section of this bill.

Gentlemen have not said that Congress cannot pass a law to send persons out of the country, but they object to the exercise of the power in the cases referred to. If Congress shall direct the President to send persons out of the country who shall appear under certain circumstances, that would be one way of exerting their power; or if they shall be sent away for offences of which they have been convicted before a court of justice, that would be another way; but the power would be the same.

It was said that the State Governments only had cognisance over aliens; but have these Governments any knowledge of what relates to our foreign relations, or the common defence of the Union? Certainly not. By admitting the doctrine which these gentlemen advocate, what is the result? One State might expel persons as dangerous, but an adjoining State might be of opinion that the person ought not to be expelled; and, of course, such a person would remain at liberty to act against the Government and people of the United States; and if the safety of the Government of the Union is to depend upon the discordant wills of sixteen States, deplorable and debased indeed would be its situation.

But what, said Mr. H., has banishment to do with migration? The Constitution says that the migration of such persons as the States choose to admit shall not be prohibited; but does it follow, that because persons may come here, that they may not only stay here, but commit crimes which

cannot be restrained; for, if these persons cannot be sent out of the country in one way, they cannot be sent out in another. He allowed that the States have a right to admit such foreigners as they think proper till a certain period; but the General Government is, in the meantime, charged with the common defence and welfare of the United States, and, in pursuance of those objects, it certainly has a right to pass all necessary laws, and if any of these laws should require certain aliens to be sent out of the country, what has appeared to be necessary for the general welfare cannot be carried into effect if the States have a right to insist upon keeping their aliens. But the gentleman from Pennsylvania says, that, if this law were to pass, the courts of justice would declare it to be unconstitutional. If so, then, according to his own opinion, the law would become a dead letter. He did not know what the decision of the judicial power would be. Whatever it might be, he should submit to it; but he never could be persuaded that the judicial power would act so absurdly as to make no distinction between the admission of the migration of foreigners and their expulsion. Besides, notwithstanding what had fallen from the gentleman from Georgia, (Mr. BALDWIN,) whose opinions on Constitutional points, as he was a member of the Convention who formed the Constitution, he allowed to have weight—he, nevertheless, believed he was mistaken in the construction which he had given to the first paragraph of the ninth section. He believed his memory had failed him. It does not say Congress shall never have the power, but that it shall not exercise the power until the year 1808, which makes it pretty evident that the provision had only relation to slaves. If it had related to emigrants, it would have been without any limitation of time. If Africans, or slaves, had been inserted by name, the thing could not, in his opinion, have been more clear.

What, said Mr. H., will be the situation of things after the year 1808? All the fine-spun arguments of the gentleman from Pennsylvania will then fall to the ground. Congress may then admit foreigners or not. This will be a much larger power than is now contended for, which is only that such aliens as are obnoxious to the peace and happiness of the United States should be removed therefrom. With respect to citizens, we know they cannot be proceeded against in this way, and when the gentleman from Pennsylvania said, that if this power was granted to the President with respect to aliens, there was nothing to prevent a similar power from being exercised against citizens, he declared, in so many words, that the very instant Congress got the power, it would exercise it in the most atrocious and unwarranted manner, by perfidiously turning it against their fellow-citizens. To argue the abuse of power from its existence, was a common subterfuge of gentlemen, which, if not disregarded, would prevent the giving any power whatever, and he desired no better principle to completely stop the wheels of Government, and to lay it prostrate at the feet of its external and internal foes.

But it was said no necessity exists for this measure, and gentlemen call for proof of any danger to be apprehended from the description of persons mentioned in this bill. Are we to wait, then, said Mr. H., until a judicial process can be entered upon? To stay until the dagger is plunged into our bosoms, before we take any means of defence?—Until the thief breaks into our house, before we bar the door? He believed no one would say this would be good policy.

Suppose, said Mr. H., a person had good information that a set of thieves meant to break into his house on a certain night, what would be thought of the conduct of any individual who should say to him, "you need not prepare to defend yourself; there is no occasion to bar the doors—there are no thieves in the neighborhood?" Such a person certainly would be deemed a partner in the burglary. The allegory, Mr. H. said, was applicable to the fate of many nations whose Governments have been overturned by France. Mr. H. referred to the animating picture of French intrigue given by the gentleman from Massachusetts. He trusted the bill would be passed. He wished no traitors should be left in the country to paralyze all our efforts for its defence, and when the enemy appeared, give him possession of it.

As to the ramification of the plot which he had some days ago mentioned, and which the gentleman from Pennsylvania wishes to have developed, he wished he was able to see through it so clearly as to be able to lay a resolution upon the table on the subject; but though he was not able to do this, yet the ramification of that plot is so visible, that he should deem himself the worst of traitors and assassins to his country, if he did not resist those attempts which are made to bind us hand and foot, until our enemy comes upon us; and he supposed it was for this reason that this bill met with so much opposition, and that such means were used to excite prejudices against it. Because it puts a hook into the nose of persons who are leagued with the enemies of this country. The zeal shown in this House, and in other places, against this bill, evinces the deadly hatred of certain persons towards it. But it was well known that those European nations which have escaped being overcome by the domineering spirit of France, owe their safety to a bill like this; and, unless we follow their example, and crush the viper in our breast, we shall not, like them, escape the scourge which awaits us.

Mr. DAYTON (the Speaker) commenced his observations with declaring that he should not have risen on this occasion, if no allusion had been made to the proceedings in the Federal Convention which framed the Constitution of the United States, or if the representation which was given of what passed in that body, had been a perfectly correct and candid one. He expressed his surprise at what had fallen from the gentleman from Georgia (Mr. BALDWIN) relatively to that part of the Constitution, which had been selected as the text of opposition to the bill under consideration, viz: "The migration or importation of such per-

"sons as any of the States now existing shall "think proper to admit, shall not be prohibited by "Congress, prior to the year 1808." He could only ascribe either to absolute forgetfulness, or to wilful misrepresentation, the assertion of the member from Georgia, that it was understood and intended by the General Convention that the article in question should extend to the importation or introduction of citizens from foreign countries. As that gentleman and himself were the only two members of the House of Representatives who had the honor of a seat in that body, he deemed it his indispensable duty to correct the misstatement that had thus been made. He did not therefore, hesitate to say, in direct contradiction to this novel construction of the article (made as it would seem to suit the particular purposes of the opponents of the Alien bill) that the proposition itself was originally drawn up and moved in the Convention, by the deputies from South Carolina, for the express purpose of preventing Congress from interfering with the introduction of slaves into the United States, within the time specified. He recollected also, that in the discussion of its merits, no question arose, or was agitated respecting the admission of foreigners, but, on the contrary, that it was confined simply to slaves, and was first voted upon and carried with that word expressed in it, which was afterwards upon reconsideration changed for "*such persons*," as it now stands, upon the suggestion of one of the Deputies from Connecticut. The sole reason assigned for changing it was, that it would be better not to stain the Constitutional code with such a term, since it could be avoided by the introduction of other equally intelligible words, as had been done in the former part of the same instrument, where the same sense was conveyed by the circuitous expression of "three fifths of all other persons." Mr. DAYTON said that at that time he was far from believing, and that indeed until the present debate arose, he had never heard, that any one member supposed that the simple change of the term would enlarge the construction of this prohibitory provision, as it was now contended for. If it could have been conceived to be really liable to such interpretation, he was convinced that it would not have been adopted, for it would then carry with it a strong injunction upon Congress to prohibit the introduction of foreigners into newly erected States immediately, and into the then existing States after the year 1808, as it undoubtedly does, that of slaves after that period.

Having thus answered the gentleman upon this particular article, the real design of moving and adopting which in the Federal Convention, it was but charitable to say that member had forgotten, Mr. D. proceeded to take notice of the apparent inconsistency in the same gentleman's arguments in respect to the general Constitutional powers of Congress as applicable to the present question. They were now told that the General Legislature could not pass a law authorizing the removal of aliens whose residence in the country was dangerous to its peace and safety, because there was no particular and express delegation of such authority under the specification of the powers of Congress. But a few sessions ago, however, that member held a very different language, when he was pleading in behalf of his own constituents who had suffered from the fires at Savannah, and asking some relief for them, from the Treasury of the Union. He then most unequivocally reprobated the idea of Congress being confined to the strict letter of the Constitution, in the nature, extent, and exercise of the authority vested in it. He said that a construction so narrow would be absurd, and would go to deprive the Legislature of the power of making provisions upon the most common or most necessary cases, merely because they were not specified. He adduced instances to prove that they might legislate with a view to "the general welfare," and, particularly, that where a State, or part of a State, should be overwhelmed by the sea, or otherwise rendered uninhabitable from some extraordinary convulsion, a grant might be made to the people who were saved from the deluge, either of money from the National Treasury, or of a part of the vacant public lands. He cited many acts that had already been passed under that very general power of providing for the common defence and general welfare, and asserted that though the Constitution was very useful in giving general directions, yet it was not capable of being administered under so rigorous and mechanical a construction, as had been sometimes contended for. Such were the arguments, and such the opinion of the gentleman from Georgia, at the time and upon the occasion alluded to, and the House would judge how consistent they were with the language and doctrines uttered by him on Saturday.

As to the gentleman from Pennsylvania, Mr. D. said it would be as useless as it was impracticable, to follow him through all his windings. It was sufficient that he had told Congress on that day (a day which would be memorable for the tale) that they had no power "to provide for the common defence and general welfare," although it was declared in the introductory part of the Constitution to be the great object of forming it, and must be supposed to have been so, if it had not been thus declared. Those who concurred with that member in a position so extraordinary, would of course vote with him, but as his own views and opinions of the intent and extent of that intrument were perfectly variant from theirs, so Mr. D. said would his vote be also.

Mr. R. WILLIAMS said, notwithstanding all the insinuations of the gentleman from South Carolina, and the positiveness of the gentleman from New Jersey, he should not be prevented from giving his opinion upon the bill.

The gentleman last up is anxious to know, whether the Federal Government has not the power to provide for the general welfare? Within the limits of the Constitution, it certainly has the right; but it might require all power to do this; and then it would not, for if the General Government had all this power, nothing would be left for the State Governments to act upon. He wished gentlemen would mark the line of distinction, and

say whether the individual States do not possess some power to be employed for the general welfare, as well as the General Government, and whether the benefits thence arising are not equally as serviceable to the public as when exercised by the General Government?

The gentleman from South Carolina supposes States may admit foreigners into their society, but may not be inclined to punish them for breaches of their laws. Could so absurd an opinion ever exist? Besides, if States choose to act contrary to each other in their internal policy, surely Congress has not the power to make them uniform. One State may punish a man with death for stealing a horse, and another may inflict upon him imprisonment. Yet this they have a right to do, without the interference of Congress.

In supporting this bill against aliens, the gentleman from South Carolina has shown its operation upon citizens, which proves to him that the principle is intended to be carried further than it appears at present. If we look into the history of other countries, we shall find, that whenever Governments have wished to make inroads upon the liberties of the people, nothing has been more common than to institute an alarm of danger of some kind or other. No such manœuvre, however, should ever induce him to grant an arbitrary power to the President of the United States, or to any other man. None of the wild declamations which he had heard should draw him from that line of duty which the Constitution has marked out to him. Such arguments and such attempts go to declare this, "Your Constitution is only a dead letter; it may be warped any way: it forms no settled principle for your guide." Such declarations go to the destruction of the principles of the Constitution. It is not enough for gentlemen to say it is necessary to pass a law this or that way, without they can show Congress has the power to do it. It is not sufficient to say that the general welfare requires a thing to be done; because if it be a subject which belongs to the States, however necessary it may be to be done, Congress cannot do it.

With respect to an argument of the gentleman from New Hampshire (Mr. GORDON) that Congress might do acts when the country is in war, or is threatened with it, that it could not do when in perfect peace, he wished that gentleman to show from the Constitution that Congress had a right to do a thing at one time and not at another. Congress had always to act upon its discretion; the powers given to it are the same at all times. For, suppose a bill were to be brought in proposing to send certain persons out of the country, would it not be a strange argument for any gentleman to rise and say, "We might do this in time of war; but not now we are at peace?" It certainly would. But the gentleman says, the persons proposed to be sent out of the country are to have a trial. For what? For an offence how created? Merely because an officer of Government shall say he thinks them dangerous? Not because any tribunal has declared them so; and if they do not obey the mandate of the President, then they are to be tried. He never before knew that this was the way in which offences ought to be created and punished.

The same gentleman has also asked, whether, if any State were to admit persons dangerous to the peace of the Union, the United States would have the power of sending them off? Mr. W. said they had not. If they had, they might also be said to have the power to send all the slaves out of any State, as they are dangerous to the peace of the community. If because a State neglects to exercise a power, the United States may take it, they could soon become possessed of all power, not from the Constitution, but from the latches of particular States.

Mr. W. concluded by repeating some of his former arguments against this bill.

Mr. MILLEDGE hoped the committee would rise. The gentleman from New Jersey (Mr. DAYTON) having charged his colleague with misrepresentation, he hoped an opportunity would be given him of answering the charge, and he was not now in the House.

After some observations for and against this motion, it was negatived—49 to 27.

Mr. GALLATIN said, he did not rise with a view of giving an answer to any arguments which had been used. It was too late in the day to do it; and had the gentleman from South Carolina confined himself to a misrepresentation of the arguments used in support of this motion, or an attempt to answer them, he would not have troubled the committee again on this subject; but this is not the first time that that gentleman, and some others, had assumed a ground which did not belong to them. They (and particularly the gentleman from South Carolina) seem to suppose that they have an exclusive claim to purity of intention, and fancy they are at liberty to ascribe whatever motives they please to others.

Mr. G. wished to know for what purpose the gentleman from South Carolina had risen to-day, to give to the House that declamation which had so often made part of his speeches? Was it because that gentleman wished to send forth an insinuation to the public that there is a party in this House who wish to abandon their country to an invading country? He says, that the great opposition made to this bill in various quarters, arises from a wish to favor the residence of aliens in this country who are at this time plotting against our security, and from a desire to keep this country in a defenceless state.

And yet in what quarter has opposition to this bill appeared? In no other place besides the Senate and this House. It has not yet been a subject of discussion in any other quarter. What, then, does the gentleman mean? Does he mean that there are gentlemen in Congress, both on this floor and in the Senate, who are actuated by the worst of motives? I am not, said Mr. G., going to justify my motives. I know nothing so respectable in the character of the gentleman from South Carolina, either public or private, as to entitle him to that ground, he so boldly assumes. That gentleman has spoken of alarm in general, and has told

the House that a certain plot is in existence against the interests of this country. If he will bring forward facts upon which the House can judge, let him do so; until he can do so, it is extremely indecent and improper to throw out insinuations such as he had this day made. But, if he cannot, and Mr. G. knew he could not, bring any proof in support of these vague assertions, he would tell that gentleman that these insinuations deserved no other appellation but that of calumny. If those who were calumniated were inclined to retort, could they not do it? Is it, said he, because we have evinced so great a degree of moderation; that we have sat down, day after day, under this abuse, that we are doomed to hear this repetition of calumnies? When the gentleman from South Carolina tells the committee that another country has been preserved by a bill of this kind, might he not be answered, that its adoption in that country was the only reason why such a bill was introduced here; and that he, with perfect servility, knows only how to follow, step by step, all the measures adopted by the British Government? Or because, in my opinion, said Mr. G., the present bill is unconstitutional, might I not, if I chose to preserve as little regard to decency as that gentleman, charge him at once with a wilful intention to break the Constitution, and an actual violation of the oath he has taken to support it?

Mr. G. did not believe that insinuations of this kind, thrown out against members upon this floor, were calculated to produce the welfare of the country. If gentlemen desire unanimity in the councils of the nation, it could only be produced by an exercise of rational confidence in the motives of one another. Mr. G. did not mean to add anything to the arguments already urged in favor of the present motion, since he had no doubt the committee were perfectly ready to decide upon the question.

Mr. HARPER did not know how it was that some gentlemen on this floor should be so extremely sore upon everything which relates to motives. He had said nothing about the motives of any gentleman in this House. The gentleman from Pennsylvania, however, knew best whether his motives are pure or not; but when a gentleman who is generally so very cool, should all at once assume such a tone of passion, as to forget all decorum of language, it should seem as if the observation had been properly applied to that gentleman.

The question on striking out the section, was put and negatived—46 to 36.

WEDNESDAY, June 20.

The bill authorizing the defence of merchant vessels from French depredations, was received from the Senate with amendments; which were committed for to-morrow, and ordered to be printed.

The bill granting the Secretary of the Navy the privilege of franking letters and packets, was passed.

The House went into a Committee of the Whole on the bill making an appropriation for the new regiment of artillery for this year; 88,000 dollars were appropriated; and the bill was gone through with, and ordered to be read a third time to-morrow.

The House then went into a Committee of the Whole on the bill providing for the enumeration of the inhabitants of the United States; and, after filling the blanks, reported the bill to the House.

THURSDAY, June 21.

ALIENS.

The House again resolved itself into a Committee of the Whole on the bill from the Senate concerning aliens.

Mr. HARPER, after some observations showing the impropriety of treating persons confined for offences under this act as common felons, moved to strike out the words, "and confined to hard labor for and during life," and insert, in their place, "during the pleasure of the United States."

Mr. D. FOSTER was against this amendment, as the President had the power of remitting a part of the imprisonment, if he thought it right and proper to do so.

Mr. HARPER did not think the President had the power to dispense with this punishment. He did not think the President's pardoning power would extend to these cases.

Mr. D. FOSTER had no doubt of it.

Mr. GORDON said it would be imposing a very disagreeable duty upon the President, if he should consider it as necessary to confine a person under this act for life.

Mr. R. WILLIAMS was in favor of the principle of the amendment of the gentleman from South Carolina, but thought it would be better to leave the proposed discretionary power in the courts, as it had not been usual to place any discretion of this kind in the Executive. It was proper that this discretion should be lodged somewhere, because persons might be sent out of the country for different offences; some might have been guilty of treason or sedition against the United States, while others might have been removed on the ground of suspicion, though perfectly innocent, and no one could wish an innocent person to be imprisoned and kept to hard labor for life.

Mr. HARPER did not think it would answer to leave this discretion with the courts. The President of the United States alone, who only is possessed of all information which has reference to our foreign relations, would be the fittest to have the discretion. As to the objection of the gentleman from New Hampshire, (Mr. GORDON,) that this would impose a disagreeable duty on the President, he did not think it ought to have any weight, as the power itself of removing aliens out of the country at all, was of a much more obnoxious kind. The principal objection which he had to this provision was the keeping of prisoners under this act to hard labor. He then changed his motion, and confined it to striking out the words, "and confined to hard labor for life." The

President might, then, remit a part of the punishment, if the opinion of the gentleman is correct with respect to his pardoning power, which, on reflection, he believed it was.

Mr. DANA thought it would be sufficient to say, "during the continuance of this act," which he could only consider as temporary.

Mr. HARPER did not think such an alteration would be proper, because it might be necessary to continue the person in confinement beyond the time which Congress might think it necessary to keep the law in force.

Mr. T. CLAIBORNE was in favor of ameliorating the punishment. He did not wish to have the American code stained with the provision as it stood in the bill. It was fitter for the code of Algiers than of America. If the enemies of the country are either removed from it, or confined in it, he thought it would be sufficient.

Mr. S. SMITH said, as it was necessary that this bill should pass soon, he should wish it to pass without amendment, except it should appear to be essential. Gentlemen seemed desirous of shortening the period of imprisonment and to lessen its rigor. The present question is, whether persons confined ought to be kept to labor. For his own part he should wish the persons confined under this law, to be kept at labor as well as imprisonment, which was according to the general tenor of our laws, and by which means prisoners are made to earn something towards the expense of their punishment.

Mr. SITGREAVES said, as an amendment had already taken place, the adoption of others would be no hindrance to the passage of the bill. The gentleman from Connecticut was mistaken when he said that imprisonment and labor always go together. Before labor can be carried on in a prison, it is necessary to go to considerable expense in machinery and raw materials. No provision of this kind has been made for prisoners of the United States. It was not only a new idea, but he thought an improper one. If almost any other punishment had been proposed, he should have agreed to it, because he thought the offence a serious one against the Government, and that it is not easy to make the punishment too rigorous.

The question on the amendment was put and carried; there being 53 votes for it.

Mr. DAVIS moved to insert, after "return thereto," "without permission of the President of the United States." Agreed to.

Mr. OTIS moved a new section declaring it lawful for any alien, who shall be ordered out of the country, to take any part of his goods with him, and if he leaves any property behind him, that it shall be subject to his order as much as if he remained in the country.

Mr. GORDON thought it unnecessary to hold out an idea that, without a provision of this kind, the property would be taken.

Mr. OTIS believed that an alarm had gone forth, and that these persons had been led to believe that if the Government did not now seize the property of these aliens, they would hereafter do it. He had information from the President of the Bank of the United States, and from several merchants, that emigrants have withdrawn their money from that and other banks in this city, to a considerable amount. As he looked upon all laws which went to a seizure of the property of aliens, as barbarous, he wished to introduce a section into this bill which shall show to this class of men that it is not the intention of the Legislature of the Union to touch their property.

Mr. N. SMITH hoped not only this motion would be negatived, but that when they came into the House, all the amendments which had been agreed to would be negatived. He thought all of them unimportant. He did not wish them to lay the Government under any restraint with respect to the property of aliens. He did not think aliens had been particularly alarmed at this bill, but that their alarm had arisen from the general state of the country; and if aliens are withdrawing themselves and their property from our country, he had no objection to it; but he wished to reserve the right to Government of seizing the property of aliens, if they shall think proper to do so. Aliens can read the law for themselves, and they will see that there is nothing in this law which can affect their property, and if they chose to leave the country, he believed it would be a blessing to it. He believed we have persons and property enough without them.

Mr. HARPER thought this declaratory section proper. He believed there exists at present a painful apprehension in the minds of certain aliens in this country, without any reason. Driven from their own country to take refuge in this, when it is known they do feel this alarm, he could see no reason why such a declaration as this might not be passed; for he had no objection to tie the hands of Government in this respect. He was certain it never could be good policy for Government to lay its hands arbitrarily upon the property of individuals. Indeed, we have a compact with Great Britain on this subject, and he thought it would be wise and just to make the proposed declaration. Many aliens in this country, so far from being dangerous to our peace, are entitled to our commisseration; and, for the quiet of such unfortunate persons, he should always be glad to take all proper measures. He admitted these people would be equally safe without the declaration, but he believed they would be better satisfied with it, and he wished to satisfy them.

Mr. S. SMITH was in favor of the amendment. The gentleman from Connecticut seemed to think it would be necessary to send away all aliens. He believed it would be found necessary to send away very few, and shall we not quiet the minds of these people, when it can be so easily done? For, when power is given to the President to seize and send out of the country any alien whom he pleases, they may reasonably be afraid of their property, as well as their persons; for, if they are sent out of the country, without a moment's warning, they will have no time to look after their property. And there are men of this description who, if they were to take away their property from the country, would very much harass the banks. Indeed,

he knew men of this class, the withdrawing of whose property from the bank where it is lodged, would take every shilling of cash out of it, and they are men who have always conducted themselves with propriety—men who sought an asylum here, where they had been taught to believe they might live undisturbed from the evils and oppressions of other countries. Many of these men had already, he knew, withdrawn from the banks, eight, ten, and fifteen thousand dollars each, which they have thought more safe in their own chests, since the late measures against aliens have been taken, than in the public banks.

Mr. GORDON was certain that no person, on reading this law, could say it would affect the property of any alien; and if they have heretofore had any such idea, when they come to see this law, such an opinion must be done away.

Mr. N. SMITH said, this provision could not produce the effect which gentlemen intended; because the peaceable citizens alluded to, would doubtless remain in the country, and the Government might seize upon their property, anything in this law notwithstanding.

Mr. GALLATIN apprehended the alarm which had been spoken of was created by the provision in the bill respecting alien enemies, as originally reported. That bill provided for a retaliation of any severities which might be inflicted upon our citizens in France. These aliens knew, from their past sufferings, the severities practised by the French Government, and they saw by that bill that those severities, if inflicted upon American citizens in France were to be reciprocated upon them. They saw, therefore, the possibility and probability of a confiscation of their property. But this bill had been recommitted, and a new bill has since been reported, stripped of the most objectionable parts of the former bill, and which has doubtless, in a great measure, removed their apprehensions. Every person must be convinced, from our proceedings, that there exists no intention in Congress to take hold of the property of any alien removed out of the country. It is true, that marshals, in their zeal to execute their duty, may hurry persons off, who shall be ordered out of the country, with so much haste, as to prevent them from taking property away with them which they might wish to take; but no one could suspect the Government with interfering with their property.

Mr. RUTLEDGE hoped, since this provision had been brought forward, it would be adopted. He knew that these people had been led to believe that Government had an eye upon their property, and would take it for the purpose of carrying on the war. Many of them being ignorant of our language, are unable to undeceive themselves. Every letter he received contained complaints of this kind.

Mr. SITGREAVES said, his objections did not lie as much against the clause, because it was declaratory, as to the force of it. It would be an affirmative act, which might go as far as to alter the rights of these aliens. It was an affirmative proposition that they shall be permitted to take away such of their property as they please, and leave the rest at their disposal. The operation might be to prevent a process of attaching against their property, in favor of their creditors.

Mr. EDMOND was opposed to this amendment. It extended only to that class of aliens who shall be considered as dangerous to the peace and safety of the United States. It will give no advantage to the honest and upright alien. He believed the best way of preventing alarm was to let it be seen that our laws, respecting aliens, have reference only to those whose residence here would be looked upon as dangerous to our peace and safety.

Mr. BAYARD was in favor of this amendment. Nothing was more common than to pass declaratory laws. The provision could have no operation but to place the property of aliens on the same footing that it would have been upon, had not the law passed. And this was necessary, for what alien could say, however good his intentions may be, that the President may not be imposed upon, and that he may not be subject to the operations of this law, and sent out of the country?

The question was put and negatived—43 to 32.

The committee then rose, and the House took up the amendments. The one for striking out the provision for keeping prisoners to hard labor being under consideration,

Mr. ALLEN hoped it would not be agreed to. He thought the punishment without labor, too light. He was of opinion it could scarcely be too severe on persons who should return after being banished as dangerous to the country.

Mr. S. SMITH thought an imprisonment for life was no light punishment for a person who may have been guilty of no crime; a man who, perhaps, if he had been suffered to remain a few days longer in the country would have been entitled to his citizenship; who might have left his family behind him, and chose to risk his person in returning to see them, and if possible to get them away. Could gentlemen draw a comparison between such a man and the worst of felons? They surely could not. He trusted our laws would continue to partake of some degree of humanity.

Mr. GALLATIN said, the gentleman from Connecticut acknowledged himself to be an enemy to innovation. Yet he wished these persons to be confined to hard labor. He was surprised to hear a gentleman call imprisonment for life a light punishment. He should think it next to death. Hard labor has been substituted generally instead of death. In this country hard labor for life has never been introduced into the code of the United States. The punishment for a misprision of treason is seven years imprisonment, but no hard labor. Hard labor, he believed, was never made a part of punishment except for felony. The object of this bill is of a political nature; it is not to inflict punishment, but to restrain persons from doing mischief; and he wished to know whether imprisonment for life would not be a sufficient restraint? It certainly would, and he trusted our code would not be stained by a punishment like that proposed by the gentleman from Connecticut.

Mr. HARPER said, the object of this bill is re-

straint merely. If aliens commit crimes, they will be punished like other persons. Confinement for the purpose of restraint was never attended with labor.

The amendment of the Committee of the Whole was concurred in.

Mr. R. WILLIAMS renewed the motion of the gentleman from South Carolina to strike out the words "during life," for the purpose of inserting, "so long as, in the opinion of the President of the United States, the public safety shall require it."

Mr. BAYARD thought it right that all punishments should be definite. He was against leaving this discretion with the President. There might be no impropriety in leaving some discretion with the judges, but he thought there would be a palpable impropriety in leaving this discretion with the President.

Mr. S. SMITH believed the amendment unnecessary, as the President could, at any time, remit such part of the punishment as he thought proper.

Mr. R. WILLIAMS said, when penal laws were passed, the punishments were never made heavier than they ought to be, from the consideration that the President has the power of reprieval. The gentleman from Delaware complains of the impropriety of giving this discretion to the President, though the whole bill is a discretionary power given to the President.

The question was put and carried, there being 46 votes for it.

The question being on the bill's going to a third reading,

Mr. BALDWIN said, he felt it his duty to take this opportunity of saying, as he had before observed, on the question for striking out the first section, that the Constitution gave Congress no power on this subject. If aliens were to be sent off or banished, it must be by the State Governments where they lived. He said it not only gave no power, but, for the present, absolutely prohibited our interfering to prevent "the migration or importation of such persons as the several States might think proper to admit." He observed that he was yesterday obliged to leave the House a little before the adjournment, and he had understood that, in his absence, the remarks which he had made on that point, a few days ago, in Committee of the Whole, had been controverted, and that it had been done with some degree of harshness and personal disrespect. What he had before asserted was, that the clause respecting migration and importation was not considered at the time when it passed in the Convention as confined entirely to the subject of slaves. He spoke with the more confidence on this point, as there was scarcely one to which his attention had been so particularly called at the time. In making the Federal Constitution, when it was determined that it should be a Government possessing Legislative powers, the delegates from the two Southern States, of which he was one, were so fully persuaded that those powers would be used to the destruction of their property in slaves, that for some time they thought it would not be possible for them to be members of it: to that interesting state of the subject he had before alluded. In the progress of the business, other obstacles occurring, which he need not repeat, it was concluded to give to the delegates of those States the offer of preparing a clause to their own minds, to secure that species of property. He well remembered that when the clause was first prepared, it differed in two respects from the form in which it now stands. It used the word "slaves" instead of "migration," or "importation," of persons, and instead of "ten dollars," it was expressed "five per cent. ad valorem on their importation," which it was supposed would be about the average rate of duties under this Government. Several persons had objections to the use of the word "slaves," as Congress had hitherto avoided the use of it in their acts, and not acknowledged the existence of such a condition. It was expressly observed at the time, that making use of the form of expression as it now stands, instead of the word slaves, would make the meaning more general, and include what we now consider as included; this did not appear to be denied, but still it was preferred in its present form. He had more confidence than common in his recollection on this point, for the reasons which he had before stated. He gave it as the result of his very clear recollection. Any other member of that body was doubtless at liberty to say he did not recollect it. Still that would not diminish the confidence he felt on this occasion.

It was unpleasant to him to be informed that the gentleman had thought proper to use any harshness of manner or personal disrespect in controverting his assertions. The members of this House live in situations so remote from each other that there is scarcely a sufficient degree of mutual dependence to secure the usual deference and civility of social life towards each other, while they are together transacting public business; this had shown itself during the last Summer and this Winter session, in such a manner as the councils of the United States never before exhibited. He was sorry to be the cause of adding to so disgraceful a scene; he had endeavored to the utmost of his power to cultivate that respect and decorum in his deportment to each individual who has been thought by his country worthy of a seat there, which he thought indispensably necessary to secure proper respect and decorum to the House itself. If any member thought proper to withdraw himself from that respectful relation to him, he hoped it might be left to depend entirely on his own sense of propriety.

The SPEAKER rose from the Chair and said, that there was something so unmanly and improper in the opportunity which had been sought by the member from Georgia of replying to the observations he had made yesterday, that he felt himself irresistibly impelled to break through the rigid form, and to express, in a single word, his sense of it. It could not have escaped the general observation, that, although they had been for some time in Committee of the Whole, when the Speaker was on the floor, and had a right in com-

mon with the other members to join in any discussion, yet that member had thought proper in that situation to maintain a perfect silence, and to permit the committee to rise, that he might take advantage of the injunction imposed upon the Chair of never entering into the debate, not even to defend himself. This advantage had been eagerly seized, and the House were witnesses of the manner of his doing it. As to the matter contained in the reply, it was not of such importance, nor so worthy of notice, the Speaker said, as to justify his requesting the House to go again into a committee, merely to give him an opportunity of directly and positively contradicting the member from Georgia, as he should most assuredly and positively do, so far as respected the proceedings of the Federal Convention in 1787.

The bill was ordered to a third reading to-morrow, and the House adjourned.

THURSDAY, June 21.

The bill making appropriation for the new regiment of artillery for the year 1797, and the bill providing for an enumeration of the inhabitants of the United States, was read the third time and passed.

ALIENS.

The bill concerning aliens having been read the third time, the question was put. "Shall this bill pass?"

Mr. LIVINGSTON said, he esteemed it one of the most fortunate occurrences of his life, that, after an inevitable absence from his seat in that House, he had arrived in time to express his dissent to the passage of the bill. It would have been a source of eternal regret, and the keenest remorse, if any private affairs, any domestic concerns, however interesting, had deprived him of the opportunity he was then about to use, of stating his objections, and recording his vote against an act which he believed was in direct violation of the Constitution, and marked with every characteristic of the most odious despotism.

On my arrival, sir, Mr. L. said, I inquired what subject occupied the attention of the House, and being told it was the alien bill, I directed the printed copy to be brought to me, but to my great surprise, seven or eight copies of different acts on the same subject were put into my hands—among them it was difficult (so strongly were they marked by the same family features) to discover the individual bill then under discussion. This circumstance gave me a suspicion the principles of the measure were erroneous. Truth marches directly to its end by a single undeviating path. Error is either undetermined on its object, or pursues it through a thousand winding ways; the multiplicity of propositions, therefore, to attain the same general but doubtful end, led me to suspect that neither the object nor the means proposed to attain it, were proper and necessary. These surmises were confirmed by a more minute examination of the act. In the construction of statutes, it is a received rule to examine what was the state of things when they passed, and what were the evils they were intended to remedy; as these circumstances would be applied in the construction of the law, it might be well to examine them minutely in framing it. The state of things, if we are to judge from the complexion of the bill, must be, that a number of aliens, enjoying the protection of our Government, were plotting its destruction; that they are engaged in treasonable machinations against a people who have given them an asylum and support, and that there is no provision to provide for their expulsion and punishment. If these things are so, and no remedy exists for the evil, one ought speedily to be provided, but even then it must be a remedy that is consistent with the Constitution under which we act; for, as by that instrument all powers not expressly given by it to the Union are reserved to the States; it follows that, unless an express authority can be found, vesting us with the power, be the evil ever so great, it can only be remedied by the several States who have never delegated the authority to Congress. But this point will be presently examined, and it will not be a difficult task to show that the provisions of this bill are not only unauthorized by the Constitution, but are in direct violation of its fundamental principles, and contradictory to some of its most express prohibitions; at present, it is only necessary to ask whether the state of things contemplated by the bill have any existence.

We must legislate upon facts, not on surmises; we must have evidence, not vague suspicions, if we meant to legislate with prudence. What facts have been produced? What evidence had been submitted to the House? I have heard, sir, of none; but if evidence of facts could not be procured, at least it might have been expected that reasonable cause of suspicion should be shown. Here, again, gentlemen were at fault; they could not show even a suspicion why aliens ought to be suspected. We have, indeed, been told that the fate of Venice, Switzerland, and Batavia, was produced by the interference of foreigners. But the instances were unfortunate; because all those Powers have been overcome by foreign force, or divided by domestic faction, not by aliens who resided among them, and if any instruction was to be gained from those Republics, it would be, that we ought to banish not aliens, but all those who did not approve of the Executive acts. This, he believed, gentlemen were not ready to avow; but if this measure prevailed, he should not think the other remote; but if it had been proved that these Governments were destroyed by the conspiracies of aliens, it yet remains to show that we are in the same situation; or that any such plots have been detected, or are even reasonably suspected here. Nothing of this kind has been yet done. A modern Theseus, indeed, has told us he has procured a clue that will enable him to penetrate the labyrinth, and destroy this monster of sedition. Who the fair Ariadne is, who so kindly gave him the ball, he has not revealed; nor, though several days have elapsed since he undertook the adventure, has he yet told us where the monster lurks. No evidence, then, being produced, we have a right

to say that none exists, and yet we are about to sanction a most important act; and on what ground? Our individual suspicions, our private fears, our over-heated imaginations. Seeing nothing to excite those suspicions, and not feeling those fears, I could not give my assent to the bill, even if I did not feel a superior obligation to reject it on other grounds.

As far as my own observation goes, I have seen nothing like the state of things contemplated by the bill. Most of the aliens I have seen were either triumphant Englishmen or Frenchmen, with dejection in their countenances and grief at their hearts, preparing to quit the country and seek another asylum. But if these plots exist, if this treason is apparent, if there are aliens guilty of the crimes ascribed to them, an effectual remedy presents itself for the evil. We have already wise laws, we have upright judges and vigilant magistrates, and there is no necessity of arming the Executive with the destructive power proposed by the bill now on your table. The laws now in force are competent to punish every treasonable or seditious attempt. But grant, sir—what, however, has not been supported by fact—grant that these fears are not visionary, that the dangers are imminent, and that no existing law is sufficient to avert them, let us examine whether the provisions of the bill are conformable to the principles of the Constitution; if it should be found to contravene them, I trust it will lose many of its present supporters; but if not only contrary to the general spirit and the principles of the Constitution, it should also be found diametrically opposite to the most express prohibitions, I cannot doubt that it would be rejected with that indignant decision which our duty to our country and our sacred oath demands.

The first section provides, that it shall be lawful for the President "to order 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, to depart out of the United States, in such time as shall be expressed in such order."

Our Government, sir, is founded on the establishment of those principles which constitute the difference between a free Constitution and a despotic power; a distribution of the Legislative, Executive, and Judiciary powers, into several hands; a distribution strongly marked in the three first and great divisions of the Constitution; by the first, all Legislative power is given to Congress, the second vests all Legislative functions in the President, and the third declares that the Judiciary powers shall be exercised by the Supreme and Inferior Courts. Here then is a division of the Governmental powers strongly marked, decisively pronounced, and every act of one or all of the branches that tends to confound these powers, or alter this arrangement, must be destructive of the Constitution. Examine, then, sir, the bill on your table, and declare whether the few lines I have repeated from the first section, do not confound these fundamental powers of Government, vest them all in the more unqualified terms in one hand, and thus subvert the basis on which our liberties rest.

Legislative power prescribes the rule of action; the Judiciary applies that general rule to particular cases, and it is the province of the Executive to see that the laws are carried into full effect. In all free Governments, these powers are exercised by different men, and their union, in the same hand, is the peculiar characteristic of despotism. If the same power that makes the law can construct it to suit his interest, and apply it to gratify his vengeance; if he can go further, and execute, according to his own passions, the judgment which he himself has pronounced, upon his own construction of laws which he alone has made, what other features are wanted to complete the picture of tyranny? Yet all this, and more, is proposed to be done by this act; by it the President alone is empowered to make the law, to fix in his mind what acts, what words, what thoughts or looks, shall constitute the crime contemplated by the bill, that is, the crime of being "suspected to be dangerous to the peace and safety of the United States." He is not only authorized to make this law for his own conduct, but to vary it at pleasure, as every gust of passion, every cloud of suspicion, shall agitate or darken his mind. The same power that formed the law, then, applies it to the guilty or innocent victim, whom his own suspicions, or the secret whisper of a spy, have designated as its object. The President, then, having made the law, the President having construed and applied it, the same President is by the bill authorized to execute his sentence, in case of disobedience, by imprisonment during his pleasure. This, then, comes completely within the definition of despotism—an union of Legislative, Executive, and Judicial powers. But this bill, sir, does not stop here; its provisions are a refinement upon despotism, and present an image of the most fearful tyranny. Even in despotisms, though the monarch legislates, judges, and executes, yet he legislates openly; his laws, though oppressive, are known; they precede the offence, and every man who chooses may avoid the penalties of disobedience. Yet he judges and executes by proxy, and his private interests or passions do not inflame the mind of his deputy.

But here, the law is so closely concealed in the same mind that gave it birth—the crime is "exciting the suspicions of the President," but no man can tell what conduct will avoid that suspicion—a careless word, perhaps misrepresented, or never spoken, may be sufficient evidence; a look may destroy, an idle gesture may insure punishment; no innocence can protect, no circumspection can avoid the jealousy of suspicion; surrounded by spies, informers, and all that infamous herd which fatten under laws like this, the unfortunate stranger will never know either of the law, of the accusation, or of the judgment, until the moment it is put in execution; he will detest your tyranny, and fly from a land of desolators, inquisitions, and spies.

This, sir, is a refinement of the detestable con-

trivance of the Decemvirs; they hung the tables of their laws so high that few could read them. A tall man, however, might reach them, a short one might climb and learn their contents, but here the law is equally inaccessible to high and low. Safely concealed in the breast of its author, no industry or caution can penetrate this recess and obtain a knowledge of its provisions; nor, even if they could, as the rule is not permanent, would it at all avail.

Having shown that this act is at war with the fundamental principles of our Government, I might stop here in the certain hope of its rejection. But I can do no more; unless we are resolved to pervert the meaning of terms, I can show that the Constitution has endeavored to "make its surety doubly sure, and take a bond of fate," by several express prohibitions of measures like that you now contemplate. One of these is contained in the ninth section of the first article; it is at the head of the articles which restrict the powers of Congress, and declares "that the emigration or importation of such persons as any of the States shall think proper to admit, shall not be prohibited prior to the year 1808." Now, sir, where is the difference between a power to prevent the arrival of aliens and a power to send them away as soon as they shall arrive? To me they appear precisely the same. The Constitution expressly says, that Congress shall not do this, and yet Congress are about to delegate this prohibited power, and say that the President may exercise it as often as pleasure may direct.

I am informed that an answer has been attempted to this argument, by saying, that the article, though it speaks of "persons," only relates to slaves? But a conclusive reply to this answer may be drawn from the words of the section; it speaks of migration and importation. If it relates only to slaves, "importation" would have been sufficient; but how can the other word apply to slaves? Migration is a voluntary change of a country; but who ever heard of a migration of slaves? The truth is, both words have their appropriate meaning, and were intended to secure the interests of different quarters of the Union. The Middle States wished to secure themselves against any laws that might impede the emigration of settlers. The Southern States did not like to be prohibited in the importation of slaves; and so jealous were they of this provision, that the fifth article was introduced to declare that the Constitution should not be amended so as to do it away.

But even admit, said Mr. L., the absurdity, that the word "migration" has no meaning, or one foreign to its usual acceptation, and that the article relates only to slaves. Even this sacrifice of common sense will not help gentlemen out of their dilemma; slaves probably always, but certainly on their first importation, are aliens; many people think they are always "dangerous to the peace and safety of the United States!" If the President should be of this opinion, he not only can, but, by the terms of this law, is obliged to order them off; for the act creates an obligation on him to send away all such aliens as he may judge dangerous to the peace or safety of the United States. Thus, according to the most favorable construction, every proprietor of this species of property, hold at the will and pleasure of the President—and this, too, in defiance of the only article of the Constitution that is declared to be unalterable. But, let us, sir, for a moment, if it be possible, let us imagine that a Constitution, founded on a division of powers, into three hands, may be preserved, although these powers should be surrendered into one; let us imagine, if we can, that the States intended to restrict the General Government from preventing the arrival of persons whom they were yet willing to suffer that General Government to ship off as soon as they should arrive; grant all this, and they will be as far from establishing the Constitutionality of the bill as they were at the first moment it was proposed; for, in the third article it is provided, that all "Judicial power shall be vested in the Supreme and Inferior Courts, that the trial of all crimes shall be by jury," except in case of impeachment; and in the seventh and eighth amendments, this provision is repeated and enforced by others, which declare that, "no man shall be held to answer for a capital or otherwise infamous crime, unless on a presentment of a grand jury;" that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence." Now, sir, what minute article in these several provisions of the Constitution is there that is not violated by this bill? All the bulwarks which it opposed to encroachments, fall before personal liberty, fall before this engine of oppression.

Judiciary power is taken from courts, and given to the Executive, the previous safeguard of a presentment by a grand inquest is removed; the trial by jury is abolished; the "public trial" required by the Constitution is changed into a secret and worse than inquisitorial tribunal; instead of giving "information on the nature and cause of the accusation," the criminal, ignorant of his offence and the danger to which he is exposed, never hears of either until the judgment is passed and the sentence is executed; instead of being "confronted with his accusers," he is kept alike ignorant of their names and their existence; and even the forms of a trial being dispensed with, it would be a mockery to talk of "proofs for witnesses," or the "assistance of counsel for defence"—thus are all the barriers which the wisdom and humanity of our country had placed between accused innocence and oppressed power, at once forced and broken down. Not a vestige even of their form remains. No indictment; no jury; no trial; no public procedure; no statement of the accusation; no examination of the witnesses in its support; no coun-

sel for defence; all is darkness, silence, mystery, and suspicion. But, as if this were not enough, the unfortunate victims of this law are told in the next section, that if they can convince the President that his suspicions are unfounded, he may, if he pleases, give them a license to stay; but, how remove his suspicions, when they know not on what act they were founded? Miserable mockery of justice! appoint an arbitrary Judge armed with Legislative and Executive powers added to his own! let him condemn the unheard, the unaccused object of his suspicion; and, then, to cover the injustice of the scene, gravely tell him, you ought not to complain—you need only disprove facts that you have never heard—remove suspicions that have never been communicated to you; it will be easy to convince your Judge, whom you shall not approach, that he is tyrannical and unjust; and, having done this, we give him the power he had before, to pardon you, if he pleases.

So obviously do the Constitutional objections present themselves, that their existence cannot be denied, and two wretched subterfuges are resorted to, to remove them out of sight. First, it is said, the bill does not contemplate the punishment of any crime; and, therefore, the provisions in the Constitution relative to criminal proceedings and Judiciary powers do not apply. But, have the gentlemen who reason thus, read the bill; or is everything forgotten, in our zealous hurry to pass it? What are the offences upon which it is to operate? Not only the offence of being "suspected of being dangerous to the peace and safety of the United States," but also that of being "concerned in any treasonable or secret machinations against the Government thereof." And this, we are told, is no crime! a treasonable machination against the Government is not the subject of criminal jurisprudence! Good Heaven! to what absurdities does an over-zealous attachment to particular measures lead us! In order to punish a particular act we are forced to say, that treason is no crime, and plotting against our Government is no offence! And, to support this fine hypothesis, we are obliged to plunge deeper in absurdity, and say that, as the acts spoken of in the bill, are no crimes, so the penalty contained in it is no punishment, it is only a prevention; that is to say, we invite strangers to come among us; we declare solemnly that Government shall not prevent them; we entice them over by the delusive prospect of advantage; in many parts of the Union we permit them to hold lands, and give them other advantages, while they are waiting for the period at which we have promised a full participation of all our rights. An unfortunate stranger, disgusted with tyranny at home, thinks he shall find freedom here; he accepts our conditions; he puts faith in our promises; he vests his whole property in our hands; he has dissolved his former connexions, and made your country his own. But, while he is patiently waiting the expiration of the period that is to crown the work, and entitle him to all the rights of a citizen, the tale of a domestic spy, or the calumny of a secret enemy, draws on him the suspicions of the President, and, unheard, he is ordered to quit the spot which he selected for his retreat, the country which he had chosen for his own, perhaps the family which was his only consolation in life, he is ordered to retire to a country whose Government, irritated by his renunciation of its authority, will receive only to punish him; and all this, we are told, is no punishment.

Again, we are told that the Constitutional compact was made between citizens only, and that, therefore, its provisions were not intended to extend to aliens, and that this acting only on them, is, therefore, not forbidden by the Constitution. But, unfortunately, neither common law, common justice, nor the practice of any civilized nation, will permit this distinction. It is an acknowledged principle of the common law, the authority of which is established here, that alien friends, (and permit me to observe that they are such only who we contemplate in this bill, for we have another before us to send off alien enemies,) residing among us, are entitled to the protection of our laws, and that during their residence they owe a temporary allegiance to our Government. If they are accused of violating this allegiance, the same laws which interpose in the case of a citizen must determine the truth of the accusation, and if found guilty they are liable to the same punishment. This rule is consonant to the principles of common justice, for who would ever resort to another country, if he alone was marked out as the object of arbitrary power? It is equally unfortunate, too, for this argument that the Constitution expressly excludes any idea of this distinction; it speaks of all "judicial power," "all trials for crimes," all "criminal prosecutions," all "persons accused." No distinction between citizen and alien, between high or low, friends or opposers to the Executive power, republican and royalist. All are entitled to the same equal distribution of justice, to the same humane provision to protect their innocence; all are liable to the same punishment that awaits their guilt. How comes it, too, if these Constitutional provisions were intended for the safety of the citizen only, that our courts uniformly extend them all, and that we never hear it inquired whether the accused is a citizen, before we give him a public trial by jury?

So manifest do these violations of the Constitution appear to me, so futile the arguments in their defence, that they press seriously on my mind and sink it even to despondency. They have been so glaring to my understanding that I have felt it my duty to speak of them in a manner that may perhaps give offence to men whom I esteem, and who seem to think differently on that subject; none, however, I can assure them, is intended.

I have seen measures carried in this House which I thought militated against the spirit of the Constitution; but never before have I been witness to so open, so wanton, and undisguised an attack. I have now done, sir, with the act, and come to consider the consequences of its operation.

One of the most serious has been anticipated, when I described the blow it would give to the Constitution of our country. We should cau-

tiously beware of the first act of violation. Habituated to overleap its bounds, we become familiarized to the guilt, and disregard the danger of a second offence, until, proceeding from one authorized act to another, we at length throw off all restraint which our Constitution has imposed; and very soon not even the semblance of its form will remain.

But if, regardless of our duty as citizens, and our solemn obligation as representatives; regardless of the rights of our constituents; regardless of every sanction, human and divine; if we are ready to violate the Constitution we have sworn to defend—will the people submit to our unauthorized acts? Will the States sanction our usurped power? Sir, they ought not to submit; they would deserve the chains which these measures are forging for them, if they did not resist. For let no man vainly imagine that the evil is to stop here, that a few unprotected aliens only are to be affected by this inquisitorial power. The same arguments which enforce those provisions against aliens, apply with equal strength to enacting them in the case of citizens. The citizen has no other protection for his personal security, that I know, against laws like this, than the humane provisions I have cited from the Constitution. But all these apply in common to the citizen and the stranger; "all crimes" are to be tried by jury; "no person" shall be held to answer unless on presentment; in all "criminal prosecutions" the "accused" is to be informed of the nature of the charge; to be confronted with the witnesses against him; may have process to enforce the appearance of those in his favor; and is to be allowed counsel for his defence. Unless, therefore, we can believe that treasonable machinations, and the other offences described in the bill, are not "crimes;" that an alien is not a "person;" and that one charged with treasonable practices is not "accused;" unless we can believe all this, in contradiction to our understanding, to received opinions, and the uniform practice of our courts, we must allow that all these provisions extend equally to aliens and natives, and that the citizen has no other security for his personal safety than is extended to the stranger who is within his gates. If, therefore, this security is violated in one instance, what pledge have we that it will not in the other? The same plea of necessity will justify both. Either the offences described in the act are crimes, or they are not. If they are, then all the humane provisions of the Constitution forbid the mode of punishment, or preventing them, equally as relates to aliens and citizens. If they are not crimes, then the citizen has no more safety by the Constitution than the alien has; for all those provisions apply only to *crimes*. So that, in either event, the citizen has the same reason to expect a similar law to the one now before you; which subjects his person to the uncontrolled despotism of a single man. You have already been told of plots and conspiracies; and all the frightful images that were necessary to keep up the present system of terror and alarm were presented to you. But who were implicated by these dark hints—these mysterious allusions? They were our own citizens, sir, not aliens. If there is then any necessity for the system now proposed, it is more necessary to be enforced against our own citizens than against strangers; and I have no doubt, that either in this, or some other shape, this will be attempted. I now ask, sir, whether the people of America are prepared for this? Whether they are willing to part with all the means which the wisdom of their ancestors discovered, and their own caution so lately adopted, to secure their own persons? Whether they are ready to submit to imprisonment or exile whenever suspicion, calumny, or vengeance, shall mark them for ruin? Are they base enough to be prepared for this? No, sir; they will, I repeat it, they will resist this tyrannic system; the people will oppose it—the States will not submit to its operation. They ought not to acquiesce, and I pray to God they never may.

My opinions, sir, on this subject, are explicit, and I wish they may be known; they are, that whenever our laws manifestly infringe the Constitution under which they were made, the people ought not to hesitate which they should obey. If we exceed our powers, we become tyrants, and our acts have no effect. Thus, sir, one of the first effects of measures such as this, if they be not acquiesced in, will be disaffection among the States, and opposition among the people to your Government—tumults, violations, and a recurrence to first revolutionary principles. If they are submitted to, the consequences will be worse. After such manifest violation of the principles of our Constitution, the form will not long be sacred; presently, every vestige of it will be lost and swallowed up in the gulf of despotism. But, should the evil proceed no further than the execution of the present law, what a fearful picture will our country present! The system of *espionage* being thus established, the country will swarm with informers, spies, delators, and all that odious reptile tribe that breed in the sunshine of despotic power; that suck the blood of the unfortunate, and creep into the bosom of sleeping innocence, only to awake it with a burning wound. The hours of the most unsuspecting confidence, the intimacies of friendship, or the recesses of domestic retirement, afford no security. The companion whom you must trust, the friend in whom you must confide, the domestic who waits in your chamber, are all tempted to betray your imprudence or unguarded follies; to misrepresent your words; to convey them, distorted by calumny, to the secret tribunal where jealousy presides—where fear officiates as accuser, and suspicion is the only evidence that is heard.

These, bad as they are, are not the only ill consequences of these measures. Among them we may reckon the loss of wealth, of population, and of commerce. Gentlemen who support the bill seemed to be aware of this, when, yesterday, they introduced a clause to secure the property of those who might be ordered to go off. They should have foreseen the consequences of the step they have been taking. It is now too late to discover that large sums are drawn from the banks, and

that a great capital is taken from commerce. It is ridiculous, even, to observe the solicitude they show to retain the wealth of these dangerous men, whose persons they are so eager to get rid of. If they wish to retain it, it must be by giving them security to their persons, and assuring them, that while they respect the laws, the laws will protect them from arbitrary power. It must be, in short, by rejecting the bill on your table. I might mention many other inferior considerations; but I ought, sir, rather to entreat the pardon of the House for having touched on this topic, which, compared to the breach of our Constitution, and the establishment of arbitrary power, every other topic is trifling. Arguments of convenience sink into nothing; the preservation of wealth, the interest of commerce, however weighty on other occasions, here lose their importance. When the fundamental principles of freedom are in danger, we are tempted to borrow the impressive language of a foreign speaker, and exclaim, "Perish our commerce, let our Constitution live!" Perish our riches, let our freedom live!—this, sir, would be the sentiment of every American, were the alternative between submission and wealth. But here, sir, it is proposed to destroy our wealth in order to ruin our commerce—not in order to preserve our Constitution, but to break it—not to secure our freedom, but to abandon it.

I have now done, sir; but, before I sit down, let me entreat gentlemen seriously to reflect before they pronounce the decisive vote that gives the first open stab to the principles of our Government. Our mistaken zeal, like that of the patriarch of old, has bound one victim; it lies at the foot of the altar. A sacrifice of the first-born offspring of freedom is proposed by those who gave it birth. The hand is already raised to strike, and nothing, I fear, but the voice of Heaven, can arrest the impious blow.

Let not gentlemen flatter themselves that the fervor of the moment can make the people insensible to these aggressions. It is an honest, noble warmth, produced by an indignant sense of injury. It will never, I trust, be extinct, while there is a proper cause to excite. But the people of America, sir, though watchful against foreign aggression, are not careless of domestic encroachment; they are as jealous, sir, of their liberties at home as of the power and prosperity of their country abroad; they will awake to a sense of their danger. Do not let us flatter ourselves, then, that these measures will be unobserved or disregarded. Do not let us be told, sir, that we excite a fervor against foreign aggression only to establish tyranny at home; that, like the arch traitor, we cry "*Hail Columbia!*" at the moment we are betraying her to destruction; that we sing out "*Happy land!*" when we are plunging it in ruin or disgrace; and that we are absurd enough to call ourselves "*free and enlightened,*" while we advocate principles that would have disgraced the age of Gothic barbarity, and establish a code, compared to which, the ordeal is wise, and the trial by battle is merciful and just.

When Mr. LIVINGSTON had concluded,

Mr. KITTERA said he hoped that this bill would not only pass, but that it would be followed by a strong sedition bill; and that they would, together, preserve us from the dangers with which we are threatened from internal enemies. The Constitution, he said, in the hands of politicians, was like polemics in the hands of divines: it was made to prove everything or nothing. And he hoped gentlemen would believe him sincere, when he declared he never, in his opinion, heard a doctrine more fraught with heresy, and inconsistent with reason, than the doctrine opposed to this bill. Are we, said Mr. K., at one time to be told that this Government is so strong as to be dangerous to liberty, and at another, that we have no Constitutional power to prevent imminent danger to the Government from seditious persons? Mr. K. believed, if we had anything to apprehend on account of our liberty, the danger did not arise from Government having too much power, but from its want of power.

The power proposed to be exercised by this bill is exercised by every Government upon earth, whether despotic or democratic. France herself, *that land of liberty*, removes both alien friends and alien enemies. It is a right which every man exercises in his own house, by turning out of it, without ceremony, any person whom he thinks dangerous to the peace and welfare of his family. Indeed it was absurd, in the extreme, to be told that the States might exercise this power, but that the United States could not exercise it.

Gentlemen had said that, if the President had this power given to him, he might remove a murderer or felon from justice, by sending him out of the country. It might also be said, that he might pardon a criminal after he has been legally convicted; which he certainly might do, if he was disposed to abuse his power.

But the gentleman from New York calls upon the people to resist this law, because it is unconstitutional. This was a doctrine which Mr. K. could by no means accord with; it was a doctrine which he did not expect to have heard advanced on this floor. There is a Judicial power which will sit in judgment upon our acts; but to call upon the people to resist the law, was a doctrine big with mischief. If a law be unconstitutional, the Judges will refuse to execute it.

If this power was not given to the President, an enemy might even import an army, and Government might be told, they could not remove them until they had received a legal trial.

Mr. OTIS said, it could not be expected or thought necessary, in this stage of the bill, that he should attempt a full and methodical reply to a speech of such great and evident preparation as that of the gentleman from New York—certainly his observations, however, should not be permitted to pass without a few remarks.

Mr. O. congratulated the House upon the return of that gentleman after so long an absence from his duty, and on the advantages to be expected from his talents and eloquence. The pleasure which he derived from this circumstance, on the present occasion, would have been more sincere,

if the gentleman had taken the trouble to make himself acquainted with the proceedings of the House in the former stages of the bill; it would have saved himself the fatigue, and his hearers from the impatience of repeating and listening to arguments that had been previously exhausted. After so long an interval of repose, this skirmishing, upon old ground might be sport to him, but it was almost death to some of his hearers.

The gentleman had rallied his friend from South Carolina, in a very pleasant vein, on the subject of the clue to which, some days ago, his friend had alluded, and he had himself made a classical allusion to the fable of the Minotaur; to do justice to the gentleman, he disdained the assistance of a clue in his pursuit of the object which he meant to encounter; he valiantly seized the "bull by the horns," and endeavored, by one bold effort, to overturn a decision which had already been sanctioned by large majorities in both Houses. He did not believe that victory would declare for the gentleman, but thought he was lost in a labyrinth of errors.

The gentleman complains most piteously of the conduct of the House, in undertaking to legislate, without evidence, upon the question before them, and implores them not to make a breach in the Constitution upon mere surmises, and vociferates for the evidence of plots and conspiracies against the Government.

Mr. O. never understood that it was necessary to examine witnesses in the ordinary course of legislation, and the gentleman should recollect that, in these cases, the full evidence does not appear until the explosion; the proof consists in the catastrophe, and when the enemy is in possession of the citadel, it is too late to inquire by what means the mine was sprung. But, if the gentleman is still clamorous for evidence, let him look, said he, at the "Ruins of Empires;" let him recollect the literati and journalists, the agents, official and unofficial, that have been in this country. Who, said he, is the present Minister of Foreign Affairs in France? Has he not made the tour of this Continent; has he not been naturalized under our laws, received, cherished, and domesticated in our families? Have not the French, heretofore, pushed their intrigues into some of the first offices of our Government? Do not our bad citizens correspond with the agents of the Directory, and does not that Directory boast of its diplomatic means, and, of course, calculate on individuals here to give efficiency to those means? Are not, in short, he said, the victories of France, her influence, and facility in revolution-making, to be imputed to the system of espionage which she has so well digested, rather than to any other cause? Most undoubtedly they were, or history was unfaithful, and the concurrent testimony of thousands and the evidence of the senses were unworthy of trust.

Further than this, if the gentleman insisted upon evidence of seditious dispositions in our country, he would refer him to his own speech which he had just uttered. That gentleman had just preached up the duty of insurrection in his place; he had called upon the people to resist the laws. Never had he expected to hear this French doctrine enforced as orthodox upon that floor. He could hardly believe his own ears. Good God! exclaimed he, what society has that gentleman frequented? what books has he read? He could not believe that the gentleman was himself ready to resist the laws or join in an insurrection. These were not his own principles; they were, however, evidence of the contagion of the French mania. When a mind like that of the gentleman is so easily infected, no better evidence need be required of the necessity of purifying the country from the sources of pollution.

When the gentleman condescended to favor the House with something like argument, he endeavored to prove that the present bill, by accumulating the Legislative and Judicial powers into the hands of the Executive, militated against the Constitution, which has provided for the separation of those departments; that, by this bill, the President would be law-giver, judge, and jury, and that inoffensive men might be banished for crimes of which they were innocent, by laws or upon charges of which they were ignorant. In the whole scope of this argument the gentleman proceeds upon the very erroneous hypothesis, that aliens are parties to our Constitution, that it was made for their benefit as well as our own, and that they may claim equal rights and privileges with our own citizens. But, upon reading the Constitution, he found that "we, the people of the United States," were the only parties concerned in making that instrument. He found nothing in it which bound us to fraternize with the whole world. On the contrary, the power was expressly given to Congress to decide on what terms foreigners should become entitled to the immunities of citizens; until they are thus entitled they cannot complain of any breach of our Constitution, and surely none can complain, in their behalf, of what they cannot complain in their own right. It is by thus conforming the rights of the citizen with the privileges of the stranger, that the gentleman from New York, and those who preceded him on the same side, have made the most fallacious inferences. The difference between them consists in this, that the citizens have rights paramount to the Constitution and the laws; but foreigners enjoy no rights except those which are derived from the Constitution and the laws. The sovereign authority of a nation may, undoubtedly, forbid the entrance of foreigners, and, consequently, prescribe the conditions of admission, the duration of their residence, and even the part of the country where they shall be permitted to reside. This authority would have belonged to the National Government as incidental to the power of regulating commerce, and of making war and defending the country, in its full extent, but for the restriction imposed by the Constitution, until the year 1808; and so much of that authority as is consistent with that restriction, has been actually vested by the people in Congress.

But all these objections, founded on the right of a trial by jury, and on the despotic nature of the

power intended to be vested in the Executive, apply equally against the authority of the individual States in relation to aliens. It would be not less despotic for a State Legislature to exercise this power, or to delegate it to a Governor, than it is for Congress to do the like—to the alien it must be the same thing. These objections, therefore, prove too much. They divest, not only the United States, but individual States, of this control over aliens. They deprive them all of the weapons of retaliation: there is not a State in Europe which may not enforce these prohibitions and restrictions against our citizens, and we shall have no power to counteract them by similar regulations.

It had been earnestly contended that the right of trial by jury had been extended by the Constitution to all persons without distinction, to aliens as well as citizens. To this he might reply, that the persons contemplated in that instrument were those only who were concerned in making that compact—the people of the United States; and that it was through mere courtesy and humanity that this, as well as other advantages, were made common to aliens. But if this answer was not conclusive, he would venture to make another. Although the supreme authority of a nation may debar foreigners from gaining a footing on their territory, and compel them to quit it, when their stay becomes dangerous; yet, if they are permitted to come and to reside, they owe a temporary allegiance, which must be reciprocated by a temporary protection. Being amenable to the civil and criminal law, it would be cruel to deprive them of its benefits, and, in our time, the duties of humanity, the laws of hospitality, and the benefits and necessities of commerce, are so well understood, that no distinction is made in the ordinary administration of justice between men; and the advantages of trial and defence in cases of crimes actually committed, are common to all. This is not at all inconsistent with that preventive policy which sometimes renders it necessary to dismiss foreigners from a country; it ought not to be capriciously or wantonly abused; it could be nowhere safer than in the hands of the President.

Again, the gentleman from New York had urged the danger of a proposition and a law to authorize the President to export slaves, which might be justified on the principles advanced in favor of this bill. A gentleman from Georgia (Mr. BALDWIN) had suffered the same argument to escape; which, Mr. O. said, he did not remark upon at the time, as he thought it a mere flight of fancy, and, as the gentleman from Georgia usually confines himself to sober reasoning, he thought it unfair to notice this casual deviation from his accustomed path. He would, however, inform the gentleman from New York, that slaves were not citizens, nor aliens, they were property. Citizens, they most certainly were not—they were not free and equal, they could not elect or be elected to any office, and they paid no taxes; neither were they aliens—they owe no allegiance to any foreign country; they are protected by no foreign Prince; they are merely property, which it was the shame and misfortune of the country to possess, but which the Government could not touch or invade.

But it is also said, that we have given invitations to foreigners to come among us, and made stipulations which we are about to violate. Mr. O. contended, that no contract made with foreigners could outweigh, in point of obligation, the contract which we had made with each other to preserve our Government. He also denied the existence of such a contract. All our laws on the subject of naturalization required a probationary term of residence; this was with a view to ascertain their merits and qualifications, and if within that time they became dangerous to the public safety, they could not esteem it a hardship to be sent away.

Gentlemen contend that large capitals will vanish before the terrors of this bill, and that no saving clause can quiet the alarms of the rich foreigners who have brought their wealth into our country. Mr. O. believed that it was not the bill which created alarm, but the arguments of its opposers. They were the terrorists who create alarms, and who move all the engines of the passions to carry their purposes. Every man who could read the bill would see that his property was not affected.

Mr. O. said, he would finish his remarks, with noticing another objection of the gentleman from New York, who feared the effect of the proposed measure in raising and augmenting a host of spies, delators, and informers; he calculated on the very contrary effect, and that it would drive men of those professions from the country; but, if there must be spies, he should prefer the encouragement of citizen spies upon foreigners, to foreign spies upon citizens; the vigilance that was exerted to save the nation, to that which was awake for its destruction. It was a mean trade at best; but in the hands of strangers it was mean and dangerous.

He sat down, with observing, that the gentleman had made other observations, to which it was needless to reply, many of them having been repeated on former occasions, and others being equally applicable to almost any other question as to that before the House.

Mr. LIVINGSTON said, the gentleman from Massachusetts had said he had "taken the bull by the horns," if so, he was obliged to that furious animal for having done him so little injury.

Mr. L. said he would take notice of one of his remarks with respect to citizens. He (Mr. L.) had stated that the same provision which was made against aliens, might, if it was carried, be made against citizens also, and that there is no greater security for them than aliens. This observation was founded in good argument. What does the Constitution say? All crimes against the United States shall be tried by jury, without making any distinction between citizens and aliens. But gentlemen say this is no crime; and, if so, then the provision may be made against citizens as well as aliens. It is either a crime or no crime; if it be a crime, then the Constitution has said

that both aliens and citizens shall be tried by jury; but if an alien is to be sent out of the country for *no crime*, a citizen may be sent out in the same way, as there is no declaration in the Constitution, saying that citizens shall not be sent out of the country for sedition. But, it is said, the President will not abuse this power; that the King of Great Britain never sent more than three or four persons out of the country under the alien bill of that country, and that our President will not be likely to make more use of the power than the King has done. Away, said Mr. L., with that liberty which hangs upon chance! He would disdain to enjoy the liberty which depended upon the will of *one man*, and he should be ashamed of any man who would consent thus to hold it.

Mr. McDOWELL said, as he considered this bill as a violation of the Constitution, he must be permitted to make some remarks upon it. He had attended to all the arguments in support of the bill, but none, in his mind, had tended to prove that it is not an unconstitutional act.

Leaving the Constitutional ground, upon which he thought sufficient had been said, he would make a few remarks on the policy of the measure, if it were not a violation of the Constitution. Why will gentlemen put it in the power of the President to banish any man or set of men from the country, whom we have invited to come among us, and who have brought with them their families, under our laws, with the intention of becoming citizens of the country? From a strong aversion which at present exists against France and Frenchmen, men who would neither be guilty of treason or sedition, would probably be reported against, and the President, who will have to rely upon the information which he receives being correct, will banish them the country. Let gentlemen reflect how many men of this description have brought considerable wealth into the country, and whose abilities and industry might be of considerable service to it. It is well known that people are wanting in many parts of the United States; and under this impression, it had been that inducements had heretofore been held out to emigration; but we are now about to pass a law declaring that they shall not be protected equally with our own citizens, but, on bare suspicion, be banished from the country, from their families, and from everything they hold dear in life.

Mr. McD. said, he should be as willing as any gentleman on this floor, if any spies or foreign agents could be pointed out, to pass a law which should reach and punish them in proportion to their crimes, after defining the crime and the punishment. But this, it is said, would not be sufficient; they must be sent off, as if there would not be as much security from an imprisonment of them, as from banishment.

The gentlemen from South Carolina (Mr. HARPER) and from Massachusetts (Mr. THATCHER) had spoken of secret plots and conspiracies carrying on in this country, which they promised to trace and probe to the bottom. He was happy to hear this, and hoped they would not forget they had engaged to do so. The gentleman from Massachusetts said, there was a French press here, and that a dangerous correspondence was carried on between citizens of this country and France. He wished, if it were so, that it should be ascertained; but if it had been true, he believed we should have had further information on this subject. He believed the whole founded in that spirit of alarm which had been so long kept up, and that this story was trumped up for the purpose of assisting the passage of this bill. [The SPEAKER reminded Mr. McD. of the question.] The apprehension which the most innocent aliens must have upon their minds, that they may one day be sent off through the malevolence of some informer or malicious person, had been so well expressed by the gentleman from Delaware, when the subject was formerly under consideration, that he would add nothing to it.

As to the practice of other Governments, to which the gentleman from Massachusetts has called the attention of the House; if they have been unfortunate, and got themselves into difficulties, that is no rule why we should be in any other way influenced by them, than suffering them to caution us against pursuing the course which had produced those mischiefs.

Mr. CHAMPLIN began to notice something which had fallen from the gentleman from New York, by charging him with a derangement of intellect; but he was called to order, and sat down.

Mr. S. SMITH said, he meant to vote against this bill. He had the strongest possible reasons against it. He believed to vote for it, would be a breach of that oath which he had taken to support the Constitution of the United States, as he believed it to be in direct contradiction to the letter of the Constitution. His conscience was his guide on this occasion; the consciences of other gentlemen would direct them.

Let any man, said Mr. S., look into the Annual Register of Great Britain, and notice the proceedings of that country at the commencement of the French Revolution, and he will be astonished to see the similarity of our measures to those taken in that country at that period. Every day some new alarm was created, and by degrees the country was involved in war. Admitting this was wise conduct in Great Britain (which he was far from doing) what was wise in their situation would not apply to ours. The powers of our general Government are checked by State rights. The State Governments have reserved to themselves the power of regulating what relates to emigrants. The Legislature of his State (of which he was a member) gave every encouragement to emigration. Every man who has resided in that State one year, and taken the oath of allegiance, is entitled to all the rights and privileges of a native born citizen. Many laws in that State have been passed for the express encouragement of emigration. Indeed foreigners are allowed to own property in the city of Washington, if they are neither citizens of the United States, nor of any State. Owing to the encouragement held out to emigrants by the State of Maryland, that State contains a great number of

foreigners. Indeed, to do anything which should impede emigration, would be illy received by many of the States. It would be recollected that it was one of our complaints against Great Britain, in our Declaration of Independence, that she had taken pains to prevent emigration to some of the States; and those States, whose population is thin, got the article introduced into the Constitution to preserve the free emigration of foreigners, and in consequence of this, many of the inhabitants of the old European countries have sought an asylum from the oppressions of those Governments in this country, where they expected to enjoy perfect freedom. Many of them have come to different parts of the Union; but, in many instances, they have not thought it necessary to become citizens. Scarcely any of the emigrants in Maryland (who are mostly Germans) have become citizens; and he believed Pennsylvania was in a similar situation. They have been naturalized in the State, but have not known the necessity of becoming citizens of the United States, and these people would all of them be liable to the operation of this law, for this law is not against French emigrants, because he did not expect a month would pass, before they would become alien enemies, and fall within the operations of another bill. This law would fall upon German, English, and Irish emigrants. And shall we, said he, subject these persons who are come here with a view of becoming citizens of the United States, and who generally become very useful citizens, to be sent out of the country, without trial, on the information of any evil disposed person, though they may have been in the country for four years past?

In Venice, under the old Government, a man who spoke a single word against the Government, was taken up and never heard of again. He had himself been in a counting-house there, and observed that when a foreign Minister's footman came into the room, everybody left it, for fear of being thought to be connected with the Minister.

This bill was one step towards such a situation. How, exclaimed Mr. S., did we go through our Revolution? Not by passing such laws as these, but by the united and determined spirit of the people; and surely foreign influence was much more to be dreaded at that time than at present; at that time a great part of our people were in favor of the old government. We know that there were then traitors; but we also know, too, that they were more frequently found among native Americans than among foreigners. He believed no instance could be found in which an alien had disgraced himself in the situation in which he was employed. He thought, therefore, from past experience of the faithfulness of foreigners, we ought not now, all at once, pass laws which will bear so hard upon them.

Mr. HARPER was sensible that discussions either for or against a measure, which has already received the sanction of a public body, are not useful in determining or changing the opinion of the body who has given it this sanction. But when this measure is represented as mischievous, and attempts are made to excite discontent at, and produce resistance against it, he held it to be the duty of those who thought well of it, to state the reasons upon which it is founded.

He said produce resistance; because if he understood the observation of the gentleman from New York, he said the people and the individual States would resist, ought to resist, and he hoped they would resist this law, if it passed; and since gentlemen choose to speak of the similarity which exists between this country and another, he would say that the declaration of the gentleman from New York became the more alarming, since when opposition was vainly opposed to the passage of a law of this kind in the British Parliament, recourse was had by certain persons to stir up the people to resist it by force. Since this idea had been held forth, he deemed it to be his duty to take off, as far as he was able, the misconception which had been put upon this measure.

It had been said, in the course of the debate on this bill, that this measure and others bore a strong resemblance to, and are to be considered in no other light than as a servile imitation of certain measures taken by another country. And was there nothing, he asked, similar in the situation of the two countries? They were equally threatened by a formidable foe, professing to rely upon an internal support in each country. Was there anything extraordinary, then, that the measures taken in the two countries are in some degree alike? To his mind it only proves that the persons entrusted with the management of the Government in both countries have vigor and sense enough to discover the danger, and courage to resist it. He wished to imitate the conduct of that Government in this respect; and he could go further and say he wished the measures taken in this country might be really successful in effecting their object, and equally resist our external enemies and domestic traitors? If so, he should feel satisfied in having taken them.

An allusion had been made to some observations which fell from him some days ago; but the gentleman who made them had certainly misunderstood him. It was true that he had said, and he repeated it, that he believed there existed a domestic—what, said he, shall I call it?—a conspiracy, a faction leagued with a foreign Power to effect a revolution or a subjugation of this country, by the arms of that foreign Power. He believed, however, that these ill-disposed persons are few; and he believed that the great body of the people on whom they relied for support, when these persons and their views are made known, would abandon them with disgrace; but, until they are made known, they may deceive the people by their insidious designs. Having declared that he believed this, he added further, that some facts had lately occurred, which he trusted would furnish a clue by which the whole might be developed. These facts, he said, had given him certain threads which he should pursue with the hope of their leading him to some certain conclusion. If they should convince him that no such design exists, he should be glad of it; but while he did

believe that this design has existence, he must hope, for the good of his country, that it may be developed, and that the projectors, and those concerned in it, may be brought to punishment.

This bill, Mr. H. said, had been declared unconstitutional on a variety of grounds. It has been said to interfere with the rights of States, to admit of what emigration they thought proper. He did not think it necessary to answer this argument. It had been so completely scouted, that nothing but the gentleman from New York having been absent at the time, could have brought that objection again before the House. It had completely fled before the light thrown upon it. But a drowning man will catch at a straw, and there is no resource, however feeble, which gentlemen will not have recourse to, when they are extremely afraid of a measure.

The gentleman from New York has said that this bill will lay prostrate the rights of citizens, though he cannot say that it really applies to them at all. [Mr. LIVINGSTON said he did not say that this bill applied to citizens, but that the same principles which produced this bill would lead to the adoption of a similar one with respect to citizens, as all the provisions in the Constitution in relation to trial by jury, have reference to aliens as well as citizens.] Mr. H. said he had thus understood the gentleman. But what, he asked, would prevent a similar bill being brought in with respect to citizens? A sense of right—the Constitution and laws of the country. What, said he, prevents me from cutting the throat of the gentleman from New York? The laws of God and of my country. In the same way should I be prevented from bringing in a bill of this kind against citizens. He owned citizens might be more dangerous to the peace and safety of the country than aliens, because they cannot be so easily restricted. But these mischiefs are only to be guarded against by laws against seditious practices, which must be passed for the purpose. It would have been time enough for the gentleman from New York to have brought forward a great part of his speech, when it had been proposed to send citizens into banishment. Mr. H. knew there were gentlemen who wished to restrain citizens in their seditious practices, and he was one of them, not by sending them into banishment, but by enacting laws which shall bring them to legal punishment. It would be recollected, he said, that a bill of this kind had been before the House, and that it had been recommitted, because its provisions were not sufficiently definite. Is this an indication that we mean to proceed against citizens in the way now proposed against aliens? Certainly not, but the contrary.

But it was said that this bill is contrary to the spirit of this and every free Government. He should be glad to know what Government ever existed which has not claimed a power of this kind? What body politic, indeed, could exist without a power of this kind? The gentleman from Maryland has informed the House that many foreigners in his State have been made citizens of the State, but who are not citizens of the United States; but if they are citizens of the State, they cannot be operated upon by this bill; and whether they are, or are not citizens, will be determined by the Judiciary power.

Mr. S. SMITH understood that this law would operate upon the citizens of a State who are not citizens of the United States, as though they were aliens.

Mr. HARPER did not understand the distinction between citizens of a State and of the United States. He believed that all persons who are citizens of a State are also citizens of the United States, and of course exempt from the operation of this bill. Every man seized under this law, will have a right to sue out a writ of habeas corpus, and if it appear that he is a citizen, he must be discharged. With respect to persons who have given notice of their intention to become citizens, but have not been here a sufficient length of time to entitle them to citizenship, no provision can be made in favor of them, as they are as likely to be hostile to the Government of the United States as those aliens who have given no such notice.

This bill, said Mr. H., will not alarm good and well disposed aliens. Nothing is here said of confiscation. They will say, "we do not apprehend any law against persons for treasonable or seditious designs, because we have none such. These laws will affect only persons whom we have as much reason to fear as the Government." It will, therefore, only be your mischievous, designing persons, who are conscious of falling under this law, who will be alarmed, for they will be aware that their designs will be defeated, and that they will be driven from the country with disgrace.

Mr. HARPER was interrupted by a Message from the President of the United States, enclosing the last letter from Mr. Gerry, with the other papers brought by General Marshall; which having been read, were ordered to be printed.

The SPEAKER having called upon Mr. HARPER to proceed, he said he had finished what he meant to say.

Mr. GALLATIN said, when he objected, in Committee of the Whole, to the first section of this bill, he confined his observations to the Constitutional question. Believing the measure, as he did, to be clearly unconstitutional, he did not think it necessary to say anything with respect to its expediency.

Gentlemen, Mr. G. said, had altogether abandoned the two clauses of the Constitution which they had produced to show this bill to be Constitutional. New ground has been attempted, and new arguments have been drawn, either from other parts of the Constitution, or from the necessity of the case. The power of making war which had been resorted to, as implying that contended for by the bill, had as little connexion with removing of aliens, as it had with the removing of citizens; and this was a law that must be carried into effect in time of peace as well as war. As to any reasons drawn from the necessity of the case, they exclude all Constitutional provisions. This is the amount of the whole argument. It is

necessary for such a power to exist, and therefore it does exist.

With respect to the expediency of the measure, some gentlemen tell us that great danger exists; that there is a conspiracy in the country, which, if not suppressed, will overturn the Government, and involve the country in ruin and submission to a foreign yoke. We must believe that these are their sentiments; but until we know upon what ground they entertain this alarming opinion, we cannot make any objection to it. So far as he could learn, this fear arose more from what had taken place in other countries than from any existing danger at present in our own. But, in reasoning from analogy, it is not enough to say that because such events have happened in another country, they will also take place here. The relative situation of the different countries must also be attended to. What is, then, the real meaning of the frequent appeals of some gentlemen to the fate of Holland and Switzerland? In the first place, they are not connected with the present bill; for no one could be so ignorant, on this floor, as to assert that the Revolution in either of these two countries was produced by alien friends residing therein. In both it was carried partly by an invading enemy, and partly by their own citizens. The bill now under consideration did not apply to aliens as enemies; there was another bill before the House relative to alien enemies, to which, such as it had been now modelled, he had no objection. But gentlemen seemed to have forgotten altogether, that a similar revolution to the last Dutch one, to wit, the expulsion of the Stadtholder, had been effected by the people of Holland themselves several years ago, and that the Stadtholder had been forced back upon them by a foreign Power, Prussia; therefore, it was ascertained that a majority of the people of Holland were opposed to their former form of Government. And gentlemen seemed also to have forgotten, that Switzerland was under the dominion of four or five Patrician families, and the bulk of the people merely subjects. Did those gentlemen, when they spoke of the revolutions of those two countries, mean to insinuate that our Government was similar to the aristocracy of either of them, and liable, like them, to be overturned by the people themselves? Did they mean to insinuate that a majority of the American people were, like a majority of the people of Holland, disposed to overthrow their Constitution? Was it not evident that those gentlemen either suffered themselves to be led away by imaginary fears, or wished to improve the temporary alarm they had themselves created, for the purpose of assuming and exercising arbitrary power over a few obnoxious persons? Let it be remembered that this bill is avowedly to be followed by a strong sedition bill. Let it be remembered, that at no time were exhibited stronger symptoms of approbation of the measures of Administration than at present; and let these gentlemen draw, if they can, any argument from similar measures adopted in Great Britain some years ago, where at least some pretext might be drawn from the proceedings of societies and individuals, who declared themselves friends of a Parliamentary reform—that is to say, friends of a change in the Constitution—while here, no change in the Constitution was desired by any set of men, no symptoms of disaffection had appeared anywhere, and even the men in Administration, totally distinct as Administration and Constitution were, seemed on the whole to have gained ground.

Mr. G. said, that he this day rose principally to mention another objection to this bill in respect to the treaties which we have formed. In the alien enemy bill before the House, he found a clause providing that aliens resident within the United States shall be allowed a reasonable time for the disposal of their effects, &c., agreeably to treaty or the laws of nations. According to our treaty with Holland, in case of a war, it is stipulated that nine months shall be granted to a citizen to remove from the country; that there shall be no arrest of their persons, but passports and safe conduct shall be granted to them. We have also a similar provision in our treaty with Sweden, with this addition, that if anything shall be taken from a citizen of that country, in such case, entire satisfaction shall be made; but there is a still stronger case in our treaty with Great Britain, the 26th article of which says, "that if at any time a rupture should take place between the two countries, merchants and others shall have the privilege of remaining and continuing their trade so long as they behave peaceably and commit no offence against the laws; but in case their conduct shall render them suspected, and the respective Governments should think proper to order them to remove, twelve months shall be allowed to them, from the publication of the order." Yet the bill before the House, though it respects alien friends and not alien enemies, and comes precisely within the contingency contemplated by the latter part of that article of the British Treaty, allows no time for a preparation to remove, but a person is to be sent off instantly.

The question was put on the passage of the bill, and on the yeas and nays being taken, there were 46 votes for it and 40 against it, as follows:

YEAS—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, William 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, John Wilkes Kittera, Samuel Lyman, William Matthews, Lewis R. Morris, Harrison G. Otis, Isaac Parker, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, 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, Demsey Burges, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, Thomas T. Davis, John Dawson, George Dent, John Fowler, Albert Gallatin, James

Gillespie, Andrew Gregg, John A. Hanna, 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, Samuel Smith, William Smith, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Abram Trigg, John Trigg, Joseph B. Varnum, Abraham Venable, and Robert Williams.

RELATIONS WITH FRANCE.

In the course of the sitting, 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 loan, and therefore the negotiation may be considered as 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.

PARIS, *April* 16, 1798.

MY DEAR SIR: This, I expect, you will receive by my colleague, General Marshall, who carries with him the last letter of Mr. Talleyrand to the American Envoys, and their answer. On the day when we sent the answer, I received a letter from the Minister, a copy of which and my answer is enclosed. I have not sent these to the Secretary of State, because I have not time to prepare a letter to accompany them. Indeed, I expected my passport with my colleagues, but am informed the Directory will not consent to my leaving France; and to bring on an immediate rupture, by adopting this measure contrary to their wishes, would be, in my mind, unwarrantable.

The object of Mr. Talleyrand, you will perceive, was to resume our reciprocal communications, and again to discuss the subject of a loan. I thought it best, in my answer, not merely to object to this, but to every measure, that could have a tendency to draw me into a negotiation. I accepted of this mission, my dear sir, to support your Administration, and have brought myself into a predicament,* which you must assist me to extricate myself from, by appointing some others to supply the places of myself and colleagues, if a further progress in this business should be found practicable.

I have only a moment to add my best respects to your lady, and my assurance of the most sincere and respectful attachment. My dear sir, yours, sincerely,

E. GERRY.

The PRESIDENT OF THE UNITED STATES.

* I allude to my painful residence here, as a political cypher.

[TRANSLATION.]

PARIS, *the 4th Germinal, 6th year of the French Republic, one and indivisible, April* 3, 1798.

The Minister of Foreign Relations to Mr. Gerry, Envoy Extraordinary of the United States of America to the French Republic.

I suppose, sir, that Messrs. Pinckney and Marshall have thought it useful and proper, in consequence of the intimations given in the end of my note of the 28th Ventose last, and the obstacles which their known opinions have interposed to the desired reconciliation, to quit the territory of the Republic; on this supposition, I have the honor to point out to you the 5th or the 7th of this decade, to resume our reciprocal communications upon the interests of the French Republic and the United States of America.

Receive, I pray you, the assurances of my perfect consideration.

CH. MAU. TALLEYRAND.

PARIS, *April* 4, 1798, (*Germinal* 15, *an* 6.)

I had the honor, Citizen Minister, of receiving your letter of the 14th Germinal, (the 3d instant,) and Mr. Deutrement, who delivered it, informed me that it was intended to be shown to General Pinckney and General Marshall.

Whilst my colleagues and myself, to whom the Government of the United States have entrusted the affairs of the embassy, had a joint agency therein, I have carefully imparted to them all the propositions which you have requested, and the relative consequences, and to yourself our decisions thereon, regretting, at the same time, the unfortunate and embarrassing circumstances which imposed on me this disagreeable task. But as, by the tenor of your letter, it is now expected that they will quit the territory of the French Republic, it will be impossible for me to be the medium of, or to take, any measures which will be painful to my colleagues, or not to afford them all the assistance in my power, and it would be, moreover, inconsistent with the line of conduct, which you well know, Citizen Minister, I have uniformly observed for removing the unfavorable impressions which existed on the part of the Government against them; indeed, in our last letter, there is a conditional application for passports, which, as it appears to me, supersedes the necessity of a hint to them, on this subject; and General Marshall is waiting impatiently for an answer to that part of it which respects a letter of safe-conduct for the vessel in which he and his suite may take passage for the United States, to determine whether he shall embark from France or from Great Britain; but the unfortunate situation of General Pinckney, with respect to the critical state of his daughter's health, renders it utterly impossible for him to depart under existing circumstances.

You have proposed, Citizen Minister, the 5th or 7th of this decade for me to resume (*reprendre*) our reciprocal communications upon the interests of the French Republic and of the United States. The reciprocal communications which we had, were such only as I have alluded to in the beginning of this letter, unless your proposition, accompanied with an injunction of secrecy, for me to treat separately, is considered in this light, to resume this subject will be unavailing, because the measure, for the reasons which I then urged, is utterly impracticable; I can only then confer informally and unaccredited, on any subject respecting our mission, and communicate to the Government of the United

States the result of such conferences, being, in my individual capacity, unauthorized to give them an official stamp. Nevertheless, every measure in my power, and in conformity with the duty I owe my country, shall be zealously pursued to restore harmony and a cordial friendship between the two Republics. I had the honor of calling on you last evening for the purpose of making this communication verbally, but, as you were absent, to prevent misconceptions, I have thought it best to reduce it to writing.

Accept, Citizen Minister, the assurances of my perfect esteem and respect,

E. GERRY.

To the MINISTER OF FOREIGN AFFAIRS OF THE FRENCH REPUBLIC.

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To Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry, Esquires, Envoys Extraordinary and Ministers Plenipotentiary, from the United States of America, to the French Republic.

GENTLEMEN: On the 4th instant, came to hand your first despatches since you arrived at Paris; these were your numbers, 1, 4, and 5; and on the 6th instant your numbers 2 and 3 were received; on the 5th your number 5, dated the 8th of January, and a translation of the message of January the 4th from the Directory to the Council of Five Hundred, were laid before Congress. In this letter you repeat "that there exists no hope of your being officially received by that Government, or that the objects of your mission will be in any way accomplished." This opinion is sanctioned by the whole tenor of your communications; and we trust that, soon after the date of your number five, you closed your mission by demanding passports to leave the territories of the French Republic.

An official copy of your letters of credence having been delivered to the Minister of Foreign Affairs, and by him laid before the Directory, they were sufficiently informed of the great object of your mission, and, considering that you were an extraordinary delegation from an independent nation, you had a right to expect a prompt and respectful reception. The fair and honorable views of the American Government which dictated your appointment, and your powers, entitled you to expect the early appointment of a commission by the French Government, with equal powers to negotiate on all the matters in controversy between them. Had the French Government been influenced by similar views, the objects of your mission would long since have been accomplished, to the advantage and peace of both nations. But, instead of coming forward on such equal and proper ground, they have treated you, and through you your country, with extreme neglect. Under these circumstances, the President presumes that you have long since quitted Paris and the French dominions. Yet, actuated as you are with an ardent desire to preserve peace, which you know would be so grateful to your country, and having, for this object, manifested unexampled patience, and submitted to a series of mortifications—as you also proposed to make one more direct attempt, subsequent to the date of your last letter, to draw the French Government to an open negotiation—there is a bare possibility that this last effort may have succeeded: The President, therefore, thinks it proper to direct,

1. That if you are in treaty with persons duly authorized by the Directory, on the subjects of your mission, then you are to remain and expedite the completion of the treaty, if it should not have been concluded. Before this letter gets to hand, you will have ascertained whether the negotiation is or is not conducted with candor on the part of the French Government; and if you shall have discovered a clear design to procrastinate, you are to break off the negotiation, demand your passports, and return, for you will consider that suspense is ruinous to the interests of your country.

2. That if, on the receipt of this letter, you shall not have been received, or, whether received or not, if you shall not be in treaty with persons duly authorized by the Directory with full and equal powers, you are to demand your passports and return.

3. In no event is a treaty to be purchased with money, by loan or otherwise; there can be no safety in a treaty so obtained. A loan to the Republic would violate our neutrality; and a *douceur* to the men now in power, might, by their successors, be urged as a reason for annulling the treaty, or as a precedent for further and repeated demands.

It is proper to apprize you that a motion has been made in the Senate, and will doubtless be repeated in the House of Representatives, to desire the President to lay before them your communications; and he will probably be under the necessity of doing it: only withholding the two names which you promised should in no event be made public.

I have the honor to be, with great respect, gentlemen, your obedient servant,

TIMOTHY PICKERING.

DEPARTMENT OF STATE, PHILADELPHIA, *March* 23, 1798.

The Message and accompanying documents were read, and ordered to lie on the table, and then the House adjourned.

FRIDAY, June 22.

Mr. D. FOSTER believing that the 10,000 copies of the despatches from our Envoys, ordered the other day to be printed under the direction of the Secretary of State, and distributed in such parts of the United States as the information is most wanted, is too small a number, he moved to make the number 20,000, and to include the despatches since received. Ordered to lie on the table.

SUNDRY BILLS.

The House resolved itself into a Committee of the Whole on the amendments of the Senate to the bill to authorize the defence of the merchant vessels of the United States against French depredations; and, after some discussion, they were agreed to.

[The principal of these amendments was one which proposed certain allowances for salvage on vessels re-taken from French privateers, according to the time which the said vessels shall have been in the possession of the capturing vessel. This amendment was changed, on motion of Mr. S. SMITH, so as to make the salvage to be allowed to depend upon the circumstances attending the re-capture, according to the judgment of the court, so that it shall not be less than one-eighth of the value of the vessel and cargo, nor more than one-half.]

Mr. SEWALL reported a bill supplementary to the bill providing an additional armament for the protection of the trade of the United States; which was committed.

Mr. HARPER reported a bill for laying a direct tax on the United States; which was committed.

Mr. BALDWIN, from the committee appointed on that part of the President's Speech which relates to the regulating the intercourse with the Indian tribes, reported a bill for the preservation of peace with the Indian tribes; which was committed.

Mr. W. CLAIBORNE called up the report some days ago on the subject of adjournment; which was taken up and agreed to. And

Mr. HARRISON laid a resolution upon the table, proposing to adjourn on the 2d of July.

On motion of Mr. GALLATIN, the House went into Committee of the Whole on the bill to authorize the sale of land northwest of the river Ohio, and to give a pre-emption right to certain persons, and on the bill authorizing a grant of land to Stephen Monot and others, of Galliopolis. They were ordered to be read a third time tomorrow.

SATURDAY, June 23.

SUNDRY BILLS.

The bill authorizing a grant of land to Stephen Monot and others, of Galliopolis, was read the third time and passed.

The bill supplementary to the act for the sale of land northwest of the river Ohio, and to give the pre-emption to certain persons, was read the third time; but, on motion of Mr. VENABLE, after some debate, the consideration of the bill was postponed till next session.

A bill was received from the Senate for the punishment of frauds committed on the Bank of the United States; which was committed for Monday.

Mr. D. FOSTER called up his resolution proposing to print an additional 10,000 copies of all the despatches received from our Envoys; which was negatived, there being only 23 votes for it.

Mr. HARRISON called up his resolution proposing an adjournment on the 2d of July; which was amended by Mr. THATCHER to the 9th, and then agreed to—62 votes to 12.

Mr. GALLATIN reported a bill to grant a certain lot of ground to Ely Williams; which was committed for Monday.

ADDITIONAL ARMAMENT.

On motion of Mr. SEWALL, the House went into Committee of the Whole on the bill supplementary to the act providing for additional armament for the further protection of the trade of the United States, and for other purposes.

Mr. GALLATIN considered this bill as intended to authorize the Government to avail itself of the zeal of such of the people of the United States as shall be inclined to offer vessels on loan for the public service, in return for which the President is empowered to grant certificates of the public debt. In every bill which has passed heretofore to enable the President to borrow money, the terms of the loan have always been specified. This bill authorizes a loan, which is to be made in vessels instead of money, but a debt is to be created and certificates to be issued for it. It will, therefore, be proper to say what kind of stock this ought to be. At present the matter stands at large, without specifying whether it is to be redeemable or not, or in what manner the instalments are to be paid, or what is to be the rate of interest. He moved, therefore, to add the following words: "bearing an interest not exceeding six per cent. per annum, and redeemable at the pleasure of Congress." He knew certificates of debt bearing an interest of six per cent., would not sell for 20*s.* in the pound; but if the persons who offered these vessels were unwilling to make any sacrifice to the public, he would rather give more stock than create a large interest.

Mr. SEWALL had no objection to the intention of this provision; but the section supposes that these vessels may, in some cases, be hired to Government. He thought it would be best to introduce the amendment by way of proviso at the end of the bill.

Mr. GALLATIN agreed.

After some conversation on filling the blanks with the number of vessels to be received, the committee rose, and the bill was ordered to a third reading.

Mr. SEWALL said, the Secretary of the Navy had informed him that the limitation of men on board the frigates was too small; he believed it would be necessary, therefore, to give the President an authority as to the number of men to be employed generally. It would be convenient also to have a number of boys on board. He proposed a resolution to that effect which was agreed to.

On motion of Mr. SEWALL, the bill for the restraint and prevention of dangerous and seditious persons, was re-committed.

MONDAY, June 25.

The bill providing for the enumeration of the inhabitants of the United States; the bill supplementary to the act providing an additional armament for the protection of the trade of the United States, and for other purposes; and the bill in addition to the act for the more effectual protection of the commerce and coast of the United States, were read the third time and passed.

ALIEN ENEMIES.

On motion of Mr. S. SMITH, the House went into a Committee of the Whole on the bill respecting alien enemies. The Chairman stated, that when this bill was formerly under consideration, a motion was made to strike out the first section, which was negatived. He proceeded to read the second.

Mr. OTIS hoped the committee would rise. He made this motion with a view of moving, in the House, a postponement of the consideration of this bill until the next session of Congress. He did not know that there was any immediate necessity for it, the President having sufficient power over aliens by the bill already passed.

Mr. GALLATIN said, he did not expect a motion of this kind. If any bill respecting aliens was

necessary, it was certainly a bill of this kind against alien enemies; but a bill having been passed against aliens generally, the gentleman from Massachusetts appears now to be willing to pass by the bill against alien enemies. This gives a new coloring to the business, and it seems as if gentlemen were more desirous of guarding against alien friends than alien enemies. It is true, if this bill is not passed, the President of the United States will have the power of removing from the country all those aliens whom he may think it necessary and proper to be removed, whether they are alien enemies or alien friends. But, if alien enemies are really dangerous, it cannot be supposed that the President can remove them all. This bill, therefore, provides in what manner they may be laid under certain restraints by way of security.

Mr. OTIS interrupted Mr. G. to say he would withdraw his motion. He made it, because he expected the bill would have been objected to by the gentleman from Pennsylvania and his friends. Since they were agreeable to pass it, he had no objection to it.

The committee rose and reported the bill, and it was ordered to be read a third time to-morrow.

ABROGATION OF TREATIES.

The following bill was received from the Senate:

A bill to declare the Treaties between the United States and the Republic of France void and of no effect.

"Whereas the Treaty of Amity and Commerce between the United States and the French Government, concluded on the 6th of February, one thousand seven hundred and seventy-eight, is declared to "be founded upon reciprocal utility and the just rules of free intercourse:" And whereas the Treaty of Alliance between the same parties, and of the same date, was formed for the effectual end of maintaining effectually the liberty, sovereignty, and independence, absolute and unlimited, of the United States, as well in matters of *government* as of *commerce*: And whereas a regard to national interests requires (and the principles of the laws of nations justify the measure) that when one party to a solemn compact openly violates it, the other is released from all its obligations: And whereas the Republic of France, regardless of its engagements, has repeatedly infracted the most important articles of its treaties with the United States, to the great injury and annoyance of their citizens, as will be fully exemplified by a reference to the following state of facts, viz: Merchandise, the property of an enemy, found on board American vessels, is, by several decrees of the French Republic, exposed to capture, in violation of an article of the Treaty of Amity and Commerce, which stipulates that "free ships shall make free goods." In open defiance of a law which was enacted to enforce the observance of a strict and impartial neutrality, vessels, to cruise against their enemy, have been armed in the ports of the United States by the agents of the French Republic. Military commissions, under the authority of the Republic of France, have been distributed amongst the citizens, and an armed force, to be employed in its service, has been raised, and attempted to be raised, in various parts of the Union, for the evident and avowed purpose of involving the United States in a war with Great Britain, as a necessary consequence of permitting, within their jurisdiction, such a flagrant breach of neutrality. French Consular establishments within the United States have assumed the powers incident to Courts of Admiralty, and have proceeded to the trial and condemnation of enemies' vessels brought into the American ports—thereby violating the sovereignty, and compromitting the peace and neutrality of the nation. Similar institutions, with the same incompetent authorities, have taken cognizance of American vessels captured and carried into foreign ports, and have decreed their condemnation—thereby depriving the American claimants of all those safeguards which accompany the usual and regular administration of maritime jurisprudence. The regulations of the British Government in relation to the American commerce, however unauthorized and unjust, are made a pretext to justify the adoption of a similar system on the part of the French Republic; although it is evident that the United States, not having a control over the acts of that nation, cannot be responsible for their improper conduct. Merchandise, exported in American bottoms, which are not included in the list of contraband articles, are, by a decree of the agents of France, made liable to capture—thereby contravening the provisions of the treaty, to the great injury of the commerce and navigation of the United States. Sea-papers for merchant ships, not contemplated by the treaty, nor ever required in the commercial intercourse between the parties, were arbitrarily, and without any previous notice, exacted, and the want of them made a plea for capture and condemnation; by which insidious arrangement, the commerce of the United States became immediately exposed to molestation, and has, in consequence thereof, suffered immense depredations. A decree of the French Government stipulates that the character of American bottoms shall be determined by the quality of their respective cargoes. The manufactures or produce of the British possessions, found on board the same, render liable to seizure and confiscation both vessel and cargo. By establishing such an unprecedented and oppressive principle, with respect to the relationship of neutral nations, a deadly blow is aimed at the most essential and extensive branch of commerce pursued by the American people. American citizens found on board the vessels of the enemies of France, either as officers or seamen, are, by a decree of the French Republic, which outrages every feeling of humanity, made liable to suffer as pirates, "without being allowed, in any case, to allege that they were forced to it by violence, menaces, or otherwise:" And whereas, to obtain security against further grievances and aggressions, a compensation for injuries sustained, as well as to restore the ties of amity which formerly united the two nations, and which have been severed by the lawless and outrageous conduct of the French Government, the United States, in the spirit of peace and conciliation, had recourse to a friendly negotiation with the Republic of France: And whereas their endeavors, unremittingly pursued, have been entirely frustrated, and all their overtures scornfully rejected; and, instead of indemnity for the immense losses of their citizens by maritime spoliations and arbitrary detentions of their vessels, tribute, in the form of loans, and otherwise, has been insultingly demanded; and instead of an attention to their complaints, and a competent redress of them, an apologetic explanation of the firm and dignified language of the Executive Address to the Legislature has been required, as a necessary preliminary to negotiation: And whereas, thus circumstanced, it becomes expedient, in justification of their violated rights and insulted dignity, as well as to furnish the means of repelling the hostile acts of the Republic, and

the continuance of its lawless depredations, to annul and declare void the treaties that exist between the two nations:

"SEC. 1: *Be it therefore enacted*, &c., That the Treaty of Amity and Commerce, and the Treaty of Alliance, between the United States and the French Government, concluded on the sixth 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, ought of right 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."

Mr. GORDON moved that it be referred to the Committee for the Protection of Commerce and the Defence of the Country, which motion was negatived—40 to 35. It was then, on motion of Mr. HARPER, after a few observations on the subject, referred to the Committee of the Whole on the state of the Union.

FRAUDS ON BANK UNITED STATES.

The House went into a Committee of the Whole on the bill to punish frauds committed on the Bank of the United States, which was agreed to, and ordered to be read a third time to-morrow.

LOAN OF MONEY.

On motion of Mr. HARPER, the House went into a Committee of the Whole on the bill to enable the President of the United States to borrow money for the public service.

Mr. GALLATIN said, it had never been usual to pass a law in the present shape. He recollected no bill ever being introduced into this House, proposing to give the President power to borrow money without limitation. The last section of the bill pledges the money to be borrowed under the authority of this law to make up any deficiency in any appropriation heretofore made by law, or to be made during the present session of Congress; and to defray the expenses which may be incident to the calling into actual service any part of the militia of the United States, or to the raising, equipping, and calling into actual service any regular troops or volunteers, pursuant to authorities vested, or to be vested in the President of the United States, by law.

These being the objects of the law, it may be said it would be difficult to limit the sum; but the difficulty may be avoided by making the sum large enough. He would not object to any sum which gentlemen should think it possible may be wanted between the present time and the next session of Congress. Mr. G. proposed an amendment, therefore, to limit the sum to not exceeding the sum of —— dollars. When Congress met again, they would most probably be better able to judge of the actual sum which would be wanted, and also of the terms upon which a loan can be got, or whether a loan can be got at all.

Mr. HARPER said, the committee had been induced to introduce the bill in its present form, from the nature of the business being so extremely indefinite; so much so as to make it next to impossible to guess what sum will be wanted. The President of the United States has the power to call into service 80,000 militia; he may raise an army of 10,000 men, and bring them into actual service; and he may raise by way of volunteers, as great an army as he can enlist. It was to be hoped that none of these would be necessary. He supposed there could be no objection to fix the sum, except it was that it would be so large that it would be like no limitation at all. Suppose the President was authorized to borrow ten or fifteen million of dollars, he supposed the latter sum would take in any possible object which could be contemplated; but he thought the bill better as it is, though he had no particular objection to a sum being named, provided it was sufficiently large.

Mr. GALLATIN said, the reason why he wished the bill to have the shape he had mentioned was, that the last section of the bill declares what shall be the appropriation of the money, and the first is general, so that they stand in contradiction to each other. The first says, the money shall be appropriated for carrying into effect any law passed during the last, or the present session; but the last section confines it to the purposes above cited. The first section, therefore, covers more ground than the appropriation could do. He thought the appropriation section the best, and should afterward move to make the other sections conformable to it.

Mr. HARPER believed the contradiction spoken of by the gentleman from Pennsylvania, was so in appearance only, and not in substance, because he knew no law for which money would be wanted, besides the law for calling out the militia and for raising troops. He should have no objection to conform the two sections. Mr. H. moved to amend the motion of the gentleman from Pennsylvania, by inserting ten millions.

Mr. S. SMITH thought five millions would be sufficient, and more than could be expended in the recess of Congress. Many of the expenses are merely contemplated. The fortifications are not yet begun upon. To appropriate a larger sum than five millions, he thought, would be to create unnecessary alarm.

Mr. HARPER could not see how any alarm could be raised by giving the President power to borrow ten millions of dollars, as, though this power was given, it might not be necessary to borrow any part of it; but it was prudent to guard against any exigency which may happen. It is not known that the men required can be raised, until an absolute necessity shall call for the service of the people. He believed, indeed, that it would be best not to agree to the amendment at all, as the purposes for which the money was borrowed would be the best limitation of the sum. He owned, with the gentleman from Maryland, that if our other preparations for defence are not carried into effect with more promptness than the repairing of our fortifications, we should be a long time in accomplishing them; but, he supposed, when danger approaches nearer, that will be the case.

Mr. MCDOWELL hoped the amendment would take place. He thought the principle altogether

new, and very alarming, to give the President power to borrow money without limit. He hoped the sum would be limited to five millions; for, to give the President power to borrow money to any extent would be completely to give him the sword and the purse, unlimitedly. This would create an alarm among the people, and he thought justly. If the situation of the country is such as to require more than 80,000 militia, and the 10,000 troops to be raised in case of danger, Congress would doubtless be called; besides, he believed but little of the money appropriated for fortifications, &c., would be expended before the next session of Congress. The gentleman from South Carolina says that when the danger increases, the business will progress with greater expedition. Mr. McD. wished even danger might make our officers do their duty.

The question on filling the blank with five millions, was put and carried.

Mr. DAYTON (the Speaker) said he did not vote for filling the blank with five millions, because it was impossible to foretell what sums might be wanted for the public service, and it would consequently be unsafe, and might be injurious to the public weal to prescribe any other rule. If he were called upon to declare his opinion at that time of the amount of the loans which would probably be requisite before next session, he should fix upon a less sum than five millions, but it must be vague conjecture merely, for they could have no estimates to guide them. It was, on the other hand, possible, that the public service might require a still greater sum; and, if this should be the case, every gentleman would regret that more discretion, and greater latitude of power had not been given to the President. He trusted that the amendment offered by the member from Pennsylvania would not prevail, and he was pleased to find that the gentleman from South Carolina had not acquiesced in it, for the mover himself had acknowledged his ignorance of any rule of limitation, while he was undertaking arbitrarily to prescribe one.

Mr. GALLATIN said, though a correct estimate could not be made of the sum which it would be necessary for the President to borrow, yet a kind of estimate might be made. A Provisional Army has been authorized to a certain extent; a detachment of the militia has also been authorized; and putting things upon the worst footing, by supposing an invasion actually to take place, a calculation of the expense might be made. In the year 1794, from twelve to fifteen thousand men were called into actual service; for several months they were provided for, and we knew the first advance necessary for that purpose. It did not amount to $400,000 before the meeting of Congress, though they had to march 300 miles, and had been more than three months in service. He thought there would be no difficulty, therefore, in calculating the amount which might possibly be wanted in the recess of Congress; and he hoped it would be done, for he did not know that any nation which has preserved to itself any shadow of legislation, ever parted with the power now proposed to be given to the President. Taking legislation upon the loosest ground, Great Britain never did more than pass a general vote of credit for a sum of money; that is the least specific form in which he ever knew money granted. When specific loans were gone into in that country, not only the sum to be borrowed is named, but also the terms upon which it is to be had; and when a vote of credit is passed, the sum is always specified. He hoped a specification would be made in this case.

The limitation of the bill, as it now stands, Mr. G. said, is in direct contradiction to the doctrine of appropriation laid down in the Constitution. The President has been authorized to raise a Provisional Army for the term of three years. The limitation of the first section of the bill says, the President shall have power to raise money for any law passed during the present session, that is to say, that he shall have power to pay an army for three years, which is against the Constitutional provision, which says that no appropriation for the pay of the army shall be made for more than two years.

Mr. G. thought this improper. He had no objection to fill the blank with the sum which had been mentioned. He acknowledged the expenses would be great, and he wished to have sufficient money borrowed to pay either; but he hoped when Congress transferred their power of borrowing money, they would do it with a limitation to the sum.

Mr. HARTLEY thought his colleague was very liberal in voting money on this occasion, contrary to his usual practice. He believed it was the wish of every gentleman to be as cautious of expense as possible. We cannot, said he, foresee what sums of money will be necessary, and as we have trusted one discretionary power in the hands of the President, we must trust another. He believed the President would not borrow more money than was necessary. Perhaps one-half of the 80,000 militia might not be wanted. He had great reliance upon the volunteer corps, which would first be ready. If a landing was made by the enemy, and 20,000 men called out, he believed in a few weeks not many of them would be found alive; but as the exact expenditure could not be ascertained, he believed it would be best left with the President.

Mr. DANA said, the gentleman from Pennsylvania observed that the power proposed to be given to the President would be more general than any appropriation he ever knew; and much more so than a vote of credit under the British Government. Mr. D. said, there was a very material difference between the British Government and the United States. The King of England raises armies and navies at pleasure. Parliament does not fix the objects to which the money borrowed shall be applied. Congress, on the contrary, fixes the objects of expense, which serves as a limitation to it.

Mr. R. WILLIAMS could not see why gentlemen should be opposed to fixing the sum which it was proposed to authorize the President of the United

States to borrow. Unless the sum was fixed in this bill, he supposed it would never hereafter be fixed, as it is now said that the object of expense being fixed, the President cannot expend more than is necessary. If it was not intended to establish a principle of this kind, he could not tell what it was intended for. The President might be mistaken on this point, and borrow a much larger sum than is necessary. If gentlemen do not think five millions sufficient, let them fix the limitation at ten, which surely would be sufficient for the expenditure of a recess of a few months, and when Congress come together again they could do what was necessary on the subject. If a discretion of this kind was fitting to be placed in the President, he did not think it would be necessary for Congress to meet so often as at present. Authorize certain officers of the Government to borrow money to any amount, and let them do with it what they please, and there is an end of legislation. When he declared himself unwilling to place this power in the President, he had as much confidence in that officer as any other gentleman; but he was neither inclined, nor did he think he was authorized to make this extraordinary transfer of power. If gentlemen think five millions insufficient, let them show by their calculations that more is wanted.

Mr. S. SMITH was sorry to differ in opinion from the gentleman from New Jersey. The funding system, he said, was liable to great abuse. Our system has been adopted from that of the British Government; and yet, he believed, it could not be shown that the British Parliament ever gave power to the Minister to borrow an indefinite sum of money. In his mind, such a law would prevent any money from being borrowed at all. When men are about to lend money, they act with caution, and they look to see that the borrower does not go beyond his power; but when they saw a law of this kind, he believed they would not feel themselves so secure as if the sum to be borrowed was specified. It was of little consequence to him whether it was five or ten millions; but he had no idea that ten millions of dollars could be expended before the next meeting of Congress. Under these impressions, however, he was convinced it would be proper to authorize a definite sum to be borrowed; for, though gentlemen may have all possible confidence in the present Chief Magistrate, this law, if passed in its present form, may be adduced as a precedent at a time when we may have a President deserving of less confidence. He did not think that this bill was drawn with that degree of attention which bills of this kind ought to be drawn. The time for which a loan is to be made is generally defined; it is said when the debt shall be redeemable, what interest shall be paid, and what certificates issued for it. He hoped Congress would not place so high a responsibility upon the President as this bill proposed to lay upon him. Congress ought themselves to take the responsibility of the measures, and leave the President to execute the laws. If he thought the granting of this power to the President could add anything to our means of defence, he should be as ready to grant it as the gentleman from New Jersey; but believing the contrary, he should be in favor of the amendment.

The question was put, and the amendment was negatived—40 to 37.

Mr. GALLATIN moved an amendment to make the first and third sections conformable to each other, with respect to the objects for which this money was to be appropriated, which was agreed to.

The committe rose, and in the House

Mr. GALLATIN renewed his motion to limit the loan to a sum not exceeding five millions of dollars, which was negatived—38 to 37.

Mr. G. then moved a provision, that the rate of interest upon any sum which may be borrowed, shall not exceed ——— per cent., and that no engagement shall be entered into which shall prevent the United States from reimbursing such sums as shall be borrowed within ——— years after the loan shall have been made.

Mr. HARPER believed this limitation to be a great deal worse than the other; that might have prevented measures being taken to a proper extent for the defence of the country, and this from doing it at all. What rate of interest would the gentleman from Pennsylvania wish to fix? Will he say six or seven per cent? He supposed he would say six; but admitting that he would agree to fill the blank with seven or eight, even then the President of the United States might not be able to borrow a farthing. He supposed it possible money might be got at this interest, because he saw in the country a spirit of patriotism, determined to aid the Government in the defence of the country, such as has rarely been evinced heretofore; but that spirit may not continue, and circumstances may occur, which would render it impossible to procure money at this rate. In that case the country would be bound hand and foot, our enemy may march his troops into the country, and if no more money can be got, then neither regular army, volunteers, or militia, can be brought into the field to oppose them. All our means of defence will, therefore, be made to depend upon our being able to procure money at a certain interest. Gentlemen have said that the interest of money borrowed by the British Government is always fixed; but this is only in appearance. The Minister obtains from Parliament a vote of supply, and when he does this, he makes a bargain with moneyed men, and then he comes into Parliament and fixes the rate of interest. But here the power of borrowing is the contingency on which the carrying of a law into effect depends; and so far from being able to fix the rate of interest at which this money can be borrowed, it is impossible it can be said at this time at what rate money can be obtained. You must make it the interest of moneyed men to lend their money. If you fix a high rate of interest, they will not lend it for less, and if you fix it too low, they will not lend their money at all. So that, if the rate of interest be fixed at too low a rate, rather than leave the matter to the discretion of the President, the country might be involved in the greatest difficulty.

We have heretofore, said Mr. H., trusted the President to borrow twelve millions of dollars, and was the power abused? No. The money was borrowed on good terms. Why, then, is it now to be suspected that the President will give a higher rate of interest than money can be got for? There is no good ground for such a supposition. He, therefore, believed the motion fundamentally wrong and mischievous; for all the measures which had been taken for the defence of the country would be rendered useless, if money could not be got to carry them into effect. To agree to such a proposition as the one proposed, would be to tread back the steps we have taken, it would be to unnerve the arm of the country stretched out for its defence. After having rejected the last amendment, which was so much less mischievous than this, he trusted this would not be agreed to.

Mr. COIT said the principle advocated by the gentleman from Pennsylvania was a valuable one, and he should be in favor of it but for one difficulty. Suppose this country were to be invaded, and all our measures were at a stand for want of money, and money could not be borrowed at the rate fixed, he wished the gentleman from Pennsylvania to say what ought, in such a case, to be done.

Mr. OTIS wished the motion to be divided, which was accordingly done, and the question was upon the first part of it, respecting the rate of interest.

Mr. HARTLEY believed it would be best to leave this matter to be settled by the President, on the best terms upon which he is able to negotiate the business. He understood some of the States at present have authorized 7 per cent. for money; but if it could be had for less, he had no doubt it would be so obtained.

Mr. MACON did not believe there would be many money-lenders; and if no limitation was put to the interest to be paid, they might combine and make Government pay any price they pleased; he hoped therefore this motion would be carried, especially since it has been brought forward; otherwise, it will be said that Government intended to give more, or they would have agreed to the limitation.

With respect to what had been said by the gentleman from Connecticut (Mr. COIT) in respect to an invasion, if a loan of money was not made before that time, it could not be made then. When such an event shall take place, the people will rise *en masse*, and they must have provisions wherever they can be found. If an attack were to be made in an extreme part of the Union, the Governor of the State would not wait until he knew whether the President of the United States had been able to negotiate a loan, but would repel the attack with all the means he could procure. He had no doubt but the officers of the Treasury would be disposed to get money as cheap as they could. He did not fear that the department which has the business of collecting the money in its hands would be lavish in the expenditure of it, by paying a higher interest than could be avoided.

Mr. T. CLAIBORNE thought it would be improper to limit the interest of money, as money would never be got for less than the sum limited; and if it could not be got for that, a limitation would only produce an embarrasment.

Mr. GALLATIN read an extract from a letter from the Secretary of the Treasury, in which he says:

"I entertain no doubt that the President of the United States will be able to negotiate a loan to any amount which may be necessary, on reasonable terms, provided an efficient tax be laid as security. Assurances from wealthy and influential men have been received to this effect."

No objection, Mr. G. said, could be made to the security offered to money-lenders. What is it? He read the following passage from the 2d section of the bill:

"That so much as may be necessary of the surplus of the duties on imports and tonnage, beyond the permanent appropriations heretofore charged upon them by law, shall be and hereby is pledged and appropriated for paying the interest of all such money as may be borrowed, pursuant to this act, according to the terms and conditions on which the loan or loans, respectively, may be effected; and also for paying and discharging the principal sum or sums of any such loan or loans, according to the terms and conditions to be fixed as aforesaid. And the faith of the United States shall be and hereby is pledged to establish sufficient permanent revenues for making up any deficiency that may hereafter appear in the provisions for paying the said interest and principal sums, or any of them, in manner aforesaid."

What, said Mr. G., are the permanent appropriations heretofore charged upon the duties on imposts and tonnage? They are only for paying the interest of the public debt, and 2 per cent. on the public stock. The whole civil list, and all the appropriations for the Military Establishment, are payable out of that fund by annual, and not by permanent, appropriations. The surplus of these duties, therefore, are about three millions a year; and, supposing that there is any danger of considerable defalcation in these duties, the deficiency will not affect this fund, but will fall upon the civil list and military appropriations. Having, therefore, provided so competent a fund, he thought Congress had a right to expect, agreeably to the assurance of the Secretary of the Treasury, that loans would be obtained on reasonable terms, and he could not see any reason why those terms may not be fixed; for, if the interest is not limited, he feared the money-lenders would compel the Secretary of the Treasury to pay higher interest than they could do when the interest was fixed by law; and the regulation not only applies to money-lenders generally, but also to the Bank of the United States. If the interest is not fixed, it will be in the power of the Secretary of the Treasury to give the Bank of the United States a higher interest than 6 per cent.; and though he did not expect a permanent loan from the bank, he expected anticipations of the revenue, and he thought it ought to be provided that more than 6 per cent. should not be paid for any such anticipations; and he wished this matter to be fixed, because, heretofore, though we have in appearance paid no more

than 6 per cent. interest, we have really paid between 7 and 8. The Algerine loan was made to Government by the Bank of the United States in 6 per cent. stock, at par, and was sold by us for about 80 per cent., or 16*s.* in the pound. He saw no inconvenience, but much good, to be derived from this regulation; for he had no idea that we should wait for an invasion before we negotiated a loan, because he knew it could not then be done upon such good terms as at present.

For his own share, Mr. G. said, he had opposed a number of measures which had authorized expense in the course of the present session; but that expense having been authorized, and the situation of the country being more critical now than it was two months ago, he wished a loan to be immediately negotiated. He knew, if we were to be engaged in war, and the war was to be carried on principally by loans, a high price must be paid for money; but he would have that price regulated by the Legislature.

As to the idea of the gentleman from South Carolina, that it may be true in form, but not in substance, that the British Parliament regulate the interest to be paid for any loans which are negotiated by that Government; if it is not really so, it is owing to the Ministers having the power to set the Legislative authority at naught. At any rate, the form is preserved; but if Congress abandon the principle, and say they will have nothing to do with the terms upon which a loan is to be made, they will give up a power which the Parliament of Great Britain has always retained, but which they do not make effectual.

Mr. G. wished, however, if gentlemen thought a limitation of interest improper, that they would propose some other restriction, in order that the bill might not be permitted to go out in the unlimited state in which it appears at present.

Mr. HARPER said, if the gentleman from Pennsylvania had said with what sum he meant to fill the blank, the committee would have been better able to judge of the propriety of the amendment. If he meant to fill the blank with 6 per cent., he believed the restriction would be attended with many inconveniences and that it would be inexpedient to do anything on this subject. He could not think that this House were so capable of borrowing money as the Executive or the Secretary of the Treasury, who know who these wealthy men are; nor did he see any inconvenience which could arise from giving them this power.

But one argument of the gentleman was a little singular. He says, so far as relates to the Bank of the United States, at least, we ought not to give more than 6 per cent; for though the bank had heretofore appeared to lend the Government money at 6 per cent., it had really paid 7 or 8. The truth was, that the bank finding the 6 per cent. stock, which cost them 20*s.*, would not sell for more than 17*s.* or 18*s.* in the pound, they were obliged to sell it for that. The argument of the gentleman went to shew that the bank ought to borrow money at 8 per cent. and to loan it to the Government at 6. His own idea was, that money might be got for 6 per cent., but from other motives than those of interest.

Mr. LIVINGSTON said, the gentleman from South Carolina was mistaken when he said the 6 per cent. stock had cost the Bank of the United States 20*s.* in the pound. Of all the extraordinary arguments he had heard on this subject, one from the gentleman from South Carolina was the most so. It would go to a complete surrender of all the powers vested in this House, viz: that the Executive officers of Government are infinitely better calculated to do this business than this body can be, and that they had no right to suspect the integrity of those officers. There are many other things which it might be said the Executive officers are better able to do than this House. They might, perhaps, be better able to regulate the pay of the Army, or of the officers employed in the collection of the revenue. They could do all this on better terms than Congress could do it; and as no one ever could suspect them of abusing the power, we ought of course to surrender this power to them. These reasons, however would have no weight on his mind. He believed this House ought to attend to public expenditures with a watchful eye. Would the gentleman from South Carolina be willing to surrender his life and property to any man, because that man had no temptation to destroy them? But he denied that it was true that the President had no temptation to abuse the power placed in him with respect to money transactions. It was the first time he had heard it said, that such a power might not be abused. Could it be said that the power to borrow and apply untold millions, without any limitation whatever, might not be abused? He did not think it was becoming in the Representative of a free country to pin his faith to the sleeve of the Executive. He did not come here to make professions of his respect for the Executive. He hoped he should never have any reason to find fault with him; but he was not willing to yield to him that power which he himself was appointed to exercise.

It was said, it would be improper to fix the rate of interest, as, if the highest rate was fixed which should be given for the interest of money, none could be got for less. But was there not a probability, if the rate was not fixed, of giving a much higher rate? He believed there was. He believed moneyed men might so combine as to extort 10 or even 20 per cent. for money. The patriotism of the moneyed men had been spoken of: that patriotism, perhaps, might exist, but he should not wish to rely entirely upon that. If, however, that patriotism is real, instead of wishing more than common interest, the possessors of money ought to lend it to Government at 3 per cent. rather than the country should not be put into a complete posture of defence.

Mr. HARPER did not know but the patriotism which the gentleman from New York has spoken of might exist, but he did not wish wholly to rely upon that patriotism. He believed it would be necessary, in some degree, to consult the interests of moneyed men. If the gentleman from New York had given an answer to the question of the gen-

tleman from Connecticut, (Mr. COIT,) his observations would have been much more to the purpose than those which he had given to the committee, which was, what are we to do, provided necessity calls for the money, and it cannot be got on the terms specified? He had, however, wisely avoided giving an answer to a question, which, in his mind, is not very easy of solution. The gentleman from Pennsylvania has attempted to show that there can be no difficulty in getting the money, by reading an extract from a letter of the Secretary of the Treasury. That gentleman was not always so willing to rely upon the opinion of the Heads of Departments: he should be glad if he was, because he was sure they were deserving of confidence. But what is the opinion of the Secretary of the Treasury. It is that money may be obtained on reasonable terms; but he does not say that it can be obtained upon this, that, or the other, interest. He founds his opinion upon the permanency of the revenue of the United States, and upon the punctuality with which our former debts, and the interest upon them, have been paid; and hence he infers that the United States are entitled to credit, and therefore ought to obtain money on good terms. But the gentleman from Pennsylvania cites a fact, viz: that the Secretary of the Treasury has had offers of money from wealthy individuals. He had no doubt of this; but what are the *reasonable terms* spoken of by the Secretary of the Treasury? No one can say. Those terms depended upon the value of money at the time; and at present it would be impossible to say what that would precisely be, and therefore the interest ought not to be fixed. If it be, the question returns, what shall we do if money is not to be got at that price? We must go without defence, and be wholly unprepared to meet the attack of our enemy. The prescribing the terms of the loan, therefore, in his opinson, can do no possible good, but may do injury; and he had himself no fear, if the business at large was left with the President, that it would be improperly executed.

Mr. VARNUM thought the gentleman from South Carolina had put the business upon a wrong ground. If the money was to be borrowed abroad, there might be some doubt whether it could be got at the interest prescribed by law: but the United States have certainly a right to say to her own citizens what interest she will pay for money advanced for the public service. That interest ought to be a reasonable compensation, and not less than the current rate which is allowed by one individual to another. It was but the other day, when a bill was before the House authorizing the President of the United States to accept of certain ships on loan, that the interest of the money advanced in that form was limited to six per cent.; and he did not know why those citizens who lent assistance in the form of ships to Government, should not be entitled to the same interest with those who advanced money. Indeed, if one class of persons were to make their own terms with Government, he did not know why others might not do the same. Why may not the officer in the Army say he will not serve, unless you pay him at an extravagant rate? Or, why may not the militia prescribe their own terms? This would be subversive of the principle of Government itself. It would also give an unlimited rate to the interest of money; it would be giving to avaricious persons an advantage which they ought not to have. He believed the United States had power over the persons and property of the country for the public service, and all that could be expected in return was a competent compensation.

If no money could be got, and an army was on foot, Government would have a right to seize upon provisions wherever they found them; and the people who furnished supplies must wait for a reasonable compensation until money could be got. Besides, moneyed men ought the more readily to come forward to assist Government, since their money altogether escapes taxation. A very heavy tax is about to be laid on houses and land, which will not touch their property. This exemption from taxation he could scarcely believe men who had so recently offered their lives and fortunes to Government could wish, at the expense of their more indigent neighbors; nor could he believe they would expect a greater compensation for their money than the usual interest, especially under the present exigencies of the country.

In answer to the gentleman from Connecticut, who asked what must be done if money could not be got at the stated interest, he should suppose that, in that case, the citizens of the United States would be called into service without money, and provisions must be taken from those who had them to spare. The citizens of the United States would rather submit to this than pay 50 per cent. for money. He would, in his turn, ask gentlemen what they would do if money could not be got at all? Would they, in that case, be willing to submit to a foreign Power? He had no such idea.

The question on this amendment was taken by yeas and nays, and negatived—48 to 34, as follows:

YEAS—Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Richard Brent, Demsey Burges, William Charles Cole Claiborne, John Clopton, John Dawson, George Dent, John Fowler, Albert Gallatin, James Gillespie, Andrew Gregg, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, Edward Livingston, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, Samuel Smith, William Smith, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, John Trigg, Joseph B. Varnum, Abraham Venable, and Robert Wiiliams.

NAYS—John Allen, George Baer, jr., Bailey Bartlett, James A. Bayard, David Brooks, Stephen Bullock, Christopher G. Champlin, Thomas Claiborne, Joshua Coit, Wm. Craik, Samuel W. Dana, Thomas T. Davis, William Edmond, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, William Barry Grove, John A. Hanna, Robert Goodloe Harper, Thomas Hartley, William Hindman, David Holmes, Hezekiah L. Hosmer, James H. Imlay, Samuel Lyman, William Matthews, Lewis R. Morris, Harrison G. Otis, Isaac Parker, 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, and Peleg Wadsworth.

The other part of the amendment was then agreed to—47 votes being for it—and the bill was then ordered to be read a third time to-morrow.

TUESDAY, June 26.

The bill to punish frauds on the Bank of the United States, the bill respecting alien enemies; and the bill to authorize the President of the United States to borrow money for the public service, were severally read the third time and passed. The first and last without a division; that respecting alien enemies passed—52 votes being in favor of it.

The House went through the bill to grant a lot of land to Ely Williams, and it was ordered to be read a third time to-morrow.

DIRECT TAXES.

On motion of Mr. HARRISON, the House went into a Committee of the Whole on the bill to lay and collect a direct tax within the United States; when

Mr. S. SMITH moved to strike out of the second section the rates of taxes to be laid on houses of different value, with a view of introducing words to make the tax fall equally on houses and land, according to their respective values.

It might be said, Mr. S. observed, that he was influenced by the mode in which direct taxes are laid in the State of Maryland, which were always apportioned according to the real value of every man's property, which was thought honest and fair. It might be so, but it appeared to him that the plan proposed is of the most novel and exceptionable kind he had ever heard of. Persons are not to be taxed according to their property, but the tax increases not in arithmetical proportion, but in a very highly increased proportion. Indeed, if this tax be laid according to this bill, the title of the bill ought to be changed. It ought to be entitled "An act to prevent the further growth of cities, towns, and villages, in the United States of America," for this certainly must be the effect.

This plan, he understood, was predicated upon the idea that the house in which a man resides, is a fair indication of his personal property, and as that property is not taxed by this bill, it is proposed his house should not only be taxed according to its value, but also in consideration of the personal property of its occupant. In some countries, Mr. S. said, this might be a good criterion on which to estimate a man's personal property; but, in this country, he did not believe it would hold. A house in a city will be assessed at three or four times the amount that a house in the country will be taxed of equal size and quality, and which cost the same sum in building. For instance, a house valued at $3,000 in the country, will be much larger and better than one valued at $10,000 in the city. By this plan warehouses, which are the most productive buildings of any, (as they cost less, and often let for more than dwelling houses,) escape taxation. Nor would a mill, worth $10,000, pay anything; nor will distilleries, tanneries, or other manufactories, pay a shilling, except the tax on houses and slaves should fall short of producing the whole amount of the tax. Why this valuable description of property should be excused from tax, he could not tell; for it was his belief they would be wholly excused, as he was of opinion that the whole of the tax would be collected from houses and slaves, if the proposed scale is adopted. Nor is this all. No one could suppose that a tax of two millions of dollars would be sufficient to meet the expenses of the war in which we are about to be engaged. The tax will doubtless be increased from time to time, and it will be increased on the same scale on which it is begun, so that the people in the cities will not be able to pay so heavy a tax; for, agreeably to the scale proposed, taking houses of the value of $15,000 as the average, they will pay eleven and two-thirds per cent. on the rent paid for houses. [Mr. HARPER interrupted Mr. S. to say that, as he found many of his observations went to the quantum of tax to be raised, he wished to inform him that a gentleman had prepared a lower scale for the tax on houses, which he meant to propose. Perhaps if that was moved and adopted, the objections of the gentleman might be removed.] Mr. S. thought he had expressed himself clearly against the principle of the bill. He wished houses and other property to be taxed according to their value, whatever that value might be, which he thought was fair and equitable, and, without this, let the bill be modified as it may, it will be exceptionable on the ground of justice and right; for he had no idea of oppressing one description of citizens with taxation, to almost the exclusion of others. He himself represented about one-third citizens and two-thirds landholders, and it could be laid in no way in which it would affect his own property less than as it is now proposed.

By this plan, a tax of from one-fifth of one per cent. to one per cent. is laid upon dwelling houses. The scale will be as follows:

Houses of the value of from					
$100 to	$500, will pay	2-10	of 1	per cent.	or $1
500 to	1,000, "	3-10	"	"	3
1,000 to	3,000, "	4-10	"	"	12
3,000 to	6,000, "	5-10	"	"	30
6,000 to	10,000, "	6-10	"	"	60
10,000 to	15,000, "	7-10	"	"	105
15,000 to	20,000, "	8-10	"	"	160
20,000 to	30,000, "	9-10	"	"	270
Above 30,000, one per cent.					
And 30,500	- - - -				305

This, Mr. S. said, must be considered as a very heavy tax on houses. Those of the highest value, it would be seen by the estimate, would pay $305 a year; and though there may not be many houses of this highest value in the United States, yet there are many worth $20,000 in the large cities. There would be none in the country of this value; for if there should be any which have cost that sum in building, no one would say that an assessor would put down such a house, with a

two acre lot, at more than $3,000 as a cash price. It would never reach $5,000, though the same house in the city would be valued at the full sum of $20,000. Is there, said he, any justice in this? No man could say so. He believed, if this tax be laid as now proposed, that the State of Maryland will not pay one farthing upon land, and the improvements upon land other than houses. The city of Baltimore alone, in a tax of three-quarters per cent., or fifteen shillings in the hundred pounds, laid for the purpose of lighting and paving the city, had lately paid a sum equal to one-third of the whole sum laid upon the State of Maryland by this direct tax. But the tax is laid fairly and honorably, according to the real value of property, and the people do not complain. It is not so much the weight as the injustice of taxes of which the people complain.

He should not do any credit to his constituents in the country, to suppose that they wish this tax to be so laid as to oppress the inhabitants of the towns. As it now stood, he was confident it would be oppressive. The fairest way of judging of this business would be to take into consideration the rents which houses pay in towns. He believed, taking ten years together, no owner of houses received more than a clear six per cent. for his money. And, if this opinion is correct, a house which cost

$500	will rent for	$30,	and pay $3\frac{1}{3}$	per cent. tax.
1,000	"	60,	" 5	"
3,000	"	180,	" 6 5-10	"
6,000	"	360,	" $8\frac{1}{3}$	"
10,000	"	600,	" 10	"
15,000	"	900,	" $11\frac{2}{3}$	"
20,000	"	1,200,	" $12\frac{1}{3}$	"
30,000	"	1,800,	" 15	"
30,500	"	1,803,	" 18	"

So that a house worth $10,000 will pay ten per cent. on the rent, in a tax to the United States. This, he thought, might be called a tax on landlords; for what man would lay out his money in building, when he knew the General Government is to take one-tenth part of the rent for a tax? It may be said that this tax will be paid by the renter of a house, and not by the landlord. This, perhaps, may be done in time of war, when money is plentiful in towns; but, in time of peace, it will fall principally upon landlords, otherwise mechanics will be obliged to leave the cities, as they will not be able to pay the tax. Inhabitants of cities already lie under very heavy taxes. It is not uncommon for citizens to pay a city tax of from three to four hundred dollars a year, so that the proposed tax, with the others which they have to pay, will amount to one-fourth of the whole rent received by a landlord. Mr. S. knew that a great part of the members of that body did not personally know the extent of the impolicy and injustice of this tax, but he trusted and believed that when they reflected that this tax is to be paid by cities, towns, and villages, alone, that they would compassionate their fellow-citizens, and lay it according to the value of the property. As it stood at present, it would fall principally upon the merchants in large cities—a class of men who, it is well known, always evince a readiness to contribute their full share to the support of Government, and who are now spiritedly advancing their property to build ships for the public service. He trusted, therefore, gentlemen would not desire to lay all upon the *free horse;* for, if this was to be the plan adopted for carrying on the war, it will be insupportable by the inhabitants of the cities, especially when this tax came to be advanced to five millions more; and no one could contemplate a less tax than that another year, provided the war is carried on with effect. This tax would be the more severely felt by the cities, as two-thirds of the commerce, upon which they principally depend for support, will be lopped off by the war; so that they would not only be burdened with taxes, but deprived of their usual resources. Mr. S. complained that this injustice could not be remedied as the bill stood. It was true it might be modified, but could not be made wholly unobjectionable.

Mr. HARPER said, as he foresaw, from the first shape that the gentleman from Maryland gave his speech, it has happened. The committee has been entertained with an ingenious harangue which had no application to the question under consideration; for the question is not whether the tax is too high—he was inclined to think it was—but whether houses should be taxed separate from land. The gentleman from Maryland wishes them to be blended together; but he has given no reason for acting thus, except that high-priced houses pay too much, and land too little; but, if this was the case, an alteration might very well take place without blending the two kinds of property together. He would inform the gentleman from Maryland that this subject had been fully discussed, while he was absent from the House, and the result had been, that houses and land should be taxed separately, upon a plan like that which he saw adopted. The gentleman has shown how much houses of various values will pay in proportion to their rent, for which the committee are obliged. It is a matter of arithmetic, at which that gentleman is very expert; but he believed it would be the best to suffer the tax to be laid for this year in the way proposed; and if it should be laid another year, any alteration which shall be found to be necessary can then be made. One point, is, however, extremely clear, viz: that it will be necessary to keep houses and land separate, as a bill has already been passed for making a distinct valuation.

Mr. H. said, it had been represented to him by a number of gentlemen, that the tax as it now stands would fall too heavy upon a certain description of houses; and if the motion of the gentleman from Maryland should be rejected, another might be brought forward to effect that object; and he, for one, should be ready to listen to any arguments which might be offered, to show the propriety of reducing them.

Mr. GALLATIN differed from the gentleman from Maryland, very widely, as to the details which he has given to the committee, and as to what he supposes will be the effect of this tax. That gen-

tleman objects to it, because he concludes it will be unequal, and that it will bear particularly hard upon cities; he objected to it also as unequal, but as falling too heavily upon the country.

When this subject was first before Congress, not being possessed of any data on which to go, and every gentleman being left to make his own calculations upon it, every one calculated according to the information which he personally possessed; and the moment the principle of inequality was introduced, every one endeavored to prevent its falling too heavily upon his constituents, and naturally leaned to the side in which he was interested. Instead of this tax falling too heavily upon houses, he believed, according to the scale adopted, the tax paid upon the two lowest descriptions of houses, would be much less than that upon land. The tax upon land, he apprehended, would be about one-quarter of one per cent. upon its real value in Pennsylvania, and the scale fixed for houses puts two-tenths of one per cent. upon those of the lowest, and three-tenths upon the second class, which includes houses of the value of one thousand dollars. However he might disagree with the gentleman in the result of his calculations, he agreed with him that it is not right to introduce the present principle of inequality in the bill; but if it was the wish of the House to do away this, the section should altogether be struck out, and lay a tax of an equal per centum upon houses and land according to their value. This, he believed, would be the best, as the moment they are separated, Congress legislated in the dark. He was in favor of the principle which subjected houses of a higher value to an increased tax, according to their value, but he was against laying a definite tax upon houses, without knowing how much would fall upon land. He wished to connect them together.

Mr. G. went into a calculation to prove that the scale as it now stands will fall more heavily upon land in the State of Pennsylvania, than upon houses of the value of one thousand dollars and under; and this he wished to avoid. In order to do this, he proposed an amendment, that when land shall pay two-tenths of one per cent. upon its value, then the rate upon houses shall be the same as proposed in the bill; but that, if land shall pay more, then the tax on houses shall also be increased; or, if less than that, it be decreased accordingly.

Mr. LIVINGSTON did not wish to separate houses from land in this system of taxation; nor did he see any justice in making one description of houses pay more than another, except as in proportion to their value. He could not see upon what principle of justice a man in the city possessed of a good house should pay ten times the tax upon it that is paid by a person in the country possessing a house of equal goodness. He had no objection to the houses and land being valued separately, provided an equal tax was laid upon each. He wished to hear some reason assigned for this apportionment of the tax.

Mr. OTIS could give no other answer to the gentleman from New York than had been repeatedly given on this floor; and though the gentleman was unacquainted with the principle, it is nevertheless laid down by the best writers on the subject of taxation, and practised upon by those nations who have had the most experience in taxation, viz: that good houses are in general a better criterion of the wealth of their possessors than any other. This principle, there is no doubt, will throw a great part of this tax on cities; but though he was himself the Representative of one of these cities, and it would of course lay a heavier burden upon his constituents than if the tax was laid in the way proposed by the gentleman from New York, yet, believing, as he did, that it was a just and equitable mode of laying the tax, he was in favor of it. But he should not be willing to go to the extent proposed by this bill, as he believed it would lay too heavy a tax on large houses. He, therefore, wished to introduce a different scale, which should lower the tax on large houses, provided the present motion was not carried, which he hoped it would not. Mr. O. could not believe the position of the gentleman from Pennsylvania (Mr. GALLATIN) well founded, that the proposed tax would fall heavier on land than on houses. He believed it would fall heaviest on houses, and he thought it right that it should do so. He liked this mode of laying the tax, as it was founded upon a principle which had been well digested and adopted by the Treasury Department, and he thought it much safer to be guided by the result of the inquiries and determinations of that Department, than by the opinions of the gentleman from Pennsylvania, or of any committee of that House.

Mr. VENABLE said, it would be impossible gentlemen should agree on this subject, if they were to be referred always to the Departments. If that course was to be adopted, this House would become a mere registry of edicts. He hoped gentlemen would forbear to press these considerations upon the House, knowing that they alone are responsible, and that they will consent to take up whatever comes before them, and act upon it, without any reference to the opinions of the Heads of Departments. Mr. V. said, he had seconded the motion to strike out this part of the clause, and he did it with a view of bringing the business in the same situation in which it had before been agreed to, viz: that there should be no classification of houses, but that they should be merely valued separately from the land. This amendment does not go to blend the houses and lands in one valuation; for, though the gentleman from Maryland wished to have the matter so placed, it would be easy to fix one rate on houses and another on land, after this amendment shall have been agreed to. Mr. V. believed it would be best to tax all property according to its value; for, though houses might be a pretty correct criterion of the amount of a person's other property in some parts of the country, it was not the case in other parts where he was best acquainted.

Mr. S. SMITH spoke in explanation.

Mr. GALLATIN supposed, if any question could have occurred in which the doctrine of confidence

might have been kept out of view, it would have been a question of this kind, but the gentleman from Massachusetts has thought proper to introduce it, instead of examining the arguments which have been urged against this section. If, said Mr. G., we have not sufficient documents to act upon, is it to be concluded from thence that we must adopt the opinion of the Secretary of the Treasury? Certainly not. He had no more data than they had. He had, indeed, laid down a scale for a tax on houses; and if Congress are compelled to adopt a plan of this kind, he would rather adopt the one recommended by the Secretary of the Treasury, than that of the gentleman from Massachusetts. He was in favor of adopting a scale for a tax upon houses, provided that scale does not bear hard upon his constituents; if it be such a plan as he likes. The Committee of the Whole has no data by which to determine whether the assumption of the Secretary of the Treasury, that of the Committee of Ways and Means, that of the gentleman from Massachusetts, or the one which he proposed, is the most just. But he had already declared that he was in favor of connecting the tax on the two kinds of property together. Mr. G. concluded by making some observations upon what had fallen from the gentleman from Massachusetts, insisting that any variation to lower the tax on houses, would make it bear too heavily on land.

The question was put on Mr. SMITH'S amendment, and it was negatived—49 to 28.

Mr. GALLATIN made the motion which he had before suggested, of raising or lowering the tax on houses and land, when it should bear too hard upon one or the other.

After a few observations by Mr. GALLATIN and Mr. S. SMITH, in favor of it, and by Mr. HARPER and Mr. OTIS, against it, it was negatived—26 votes only being for it.

Mr. OTIS then moved his amendment, viz: to strike out the scale as it stood in the bill, and instead of raising the different classes of the tax on houses by ten cents, he proposed to raise them by five, so as to have reduced the highest tax of three hundred dollars on a house to one hundred and eighty dollars.

This motion was supported by Messrs. HARPER and OTIS, and opposed by Messrs. GALLATIN and SHEPARD.

The committee then rose, without taking a question, and the House adjourned.

WEDNESDAY, June 27.

The bill to authorize the sale of a tract of land in Galliopolis to Ely Williams, was read the third time, and passed.

DIRECT TAXES.

The House again resolved itself into a Committee of the Whole on the bill to lay and collect direct taxes within the United States; when Mr. OTIS'S motion for altering the scale of taxing houses being under consideration,

Mr. T. CLAIBORNE said, that the gentleman from Massachusetts, who seemed to lament so strongly that large houses should pay so heavy a proportion of this tax, seemed to have forgotten that the occupiers of them had generally their thousands and tens of thousands employed in trade, or otherwise, upon which no tax is laid by this bill. But the gentleman says this is the class of men from whom Government must look for loans of money, and therefore they ought not to be too hardly borne upon; but if they lent money, Mr. C. supposed they would have an equivalent interest paid for it. and no obligation would exist on that account. And when the gentleman speaks so feelingly with respect to houses in cities, he does not remember that houses in the country also pay a tax, and that the occupiers of them also pay for their houses and slaves in addition. If a man who occupies a large and valuable house be called upon for a tax of two hundred dollars, a person in the country who does not possess one-tenth part of the property, would be called upon for an equal sum. Mr. C. wished the tax to be laid equally; and he believed a man who had to pay but a small part of this tax, as his property will be consequently small, will feel it as heavily, or more so, as those who will have to pay a larger part of the tax, out of their larger property. He hoped the amendment would not, therefore, take place; for, if it be founded on justice, he had been blind from his infancy, and, if so, he wished gentlemen to take the beam from before his eyes, by showing him that he was mistaken.

Mr. SHEPARD spoke in explanation.

Mr. COIT said. it could not be expected that this tax would be laid in the best possible manner at present, for want of information; but, as it was only for one year, any error might easily be corrected another year, if it was found necessary to continue the tax.

Mr. GORDON was aware that no system could be devised for laying the present tax, which would be wholly unobjectionable. Congress must content themselves with such a one as shall appear to them best upon the whole. The present motion went to lower the tax on houses, from an idea that it would fall too heavily on towns, and too lightly upon lands. However this might be the case in some States, which contain a number of large towns, he was certain it would not be the case in some others, which are chiefly agricultural.

In the State from which he came, instead of operating too heavily upon houses, it will have a contrary effect, and fall oppressively upon landholders, exonerating the possessors of large and valuable houses, who had their property employed in trade, or otherwise, from their share of the tax. He should, therefore, be opposed to the present motion.

Mr. G. went into arguments to show the propriety of laying a heavier tax on large houses than on small, according to their value, and also than on land, from their being, generally, representative of personal property, which is not taxed by this bill.

Mr. N. SMITH hoped the committee would

agree to take this question. He believed sufficient discussion had already taken place upon it, and he trusted gentlemen would forbear making any further speeches.

Mr. OTIS felt the rebuke of his friend from Connecticut, though he trusted it was not particularly meant for him. But gentlemen who had not been present in the former part of this discussion, seem to have misunderstood him. Mr. O. repeated his former observations, and repeated his wish that this tax should fall much heavier on the occupiers of large houses than upon the occupiers of small ones.

Mr. O. then took a view of the amount of the tax which he supposed would be paid by the occupiers of houses of different sizes, showing the large proportion which would be paid by the possessors of valuable houses, and again enforced the propriety of his amendment.

Mr. GALLATIN went into an examination of the arguments of the gentleman from Massachusetts, observing that, if this amendment was agreed to, its effect would evidently be to lower the tax on houses, and to increase it on land; and, by an official statement of the taxes paid by the State of Massachusetts, asserted that the tax on houses, as it stands in the bill, will not be so high in that State as the tax on lands, and that, therefore, if any alteration ought to be made, the tax on houses ought to be increased, instead of lowered.

The question was put and negatived, there being only twenty-three votes for it.

The bill was further proceeded with, and the committee had leave to sit again.

Mr. ALLEN laid a resolution upon the table, proposing the appointment of a committee to bring in a bill to authorize the Supervisors of the Revenue to send and receive packets and letters free of postage.

This resolution was subsequently taken up, and passed.

A Message was received from the President of the United States, enclosing a letter from the Governor of Pennsylvania, on the subject of the arrival of a number of French inhabitants at Philadelphia from Port-au-Prince; which was committed to the Committee for the Protection of Commerce and the Defence of the Country.

THURSDAY, June 28.

Mr. SITGREAVES read the copy of a letter from Major Tousard, to the Secretary of War, at Fort Mifflin, dated this morning, stating that a dangerous mutiny was last night discovered amongst the vessels in quarantine, now lying at the fort. He did not, however, mean to excite unnecessary alarm in the House, as he believed the Executive of the State and of the United States had taken measures to prevent any serious mischief taking place, but to show that immediate attention is necessary to be paid to the subject.

DIRECT TAXES.

The House again resolved itself into a Committee of the Whole on the bill to lay and collect direct taxes within the United States; and, after making a number of amendments of little importance, the committee rose, and had leave to sit again.

Mr. SEWALL reported a bill on the subject of the emigrants arrived from Port-au-Prince; and a bill for the further protection of the commerce of the United States, which were committed.

FRIDAY, June 29.

Mr. HARPER presented a memorial from certain merchants of this city, stating that they are owners of certain vessels, now lying at the fort from St. Domingo, on board of which are a number of passengers which they are informed the masters of their vessels will not be permitted to land, owing to the present critical state of the country. They state this as a heavy loss to them, as their vessels are generally richly laden, and they are desirous of having them speedily unladen. As the masters of their vessels never met with any difficulty of this kind heretofore, but had considered this country as an asylum for all who chose to come to it, the memorialists trust Congress will grant them such relief as the justice of their case shall deserve, and they shall think right and proper to afford. Referred to the Committee of the Whole to whom has been referred the bill supplementary to the act concerning aliens.

DIRECT TAXES.

The House again resolved itself into a Committee of the Whole on the bill for laying and collecting a direct tax; when

Mr. HARPER moved to fill the blank to contain the amount of the tax on slaves, from the age of twelve to fifty, with fifty cents. This tax, he said, would fall unequally on the different States holding slaves. He believed in the State which he represented, the owners of slaves might, with propriety, be called upon for a higher tax, as their employment is very productive, and most of the taxes of that State are collected from slaves. At present they pay a dollar a head, large and small; but in other States, where the slaves are not so productive, this tax would be sufficiently large.

Mr. VENABLE said, the large slaveholders, as they generally occupied the largest houses, are already taxed for their slaves, on account of that description of houses being taxed as the representatives of other property, so that they would have to pay a double tax; and if the tax was laid so heavily on houses and slaves, there would be nothing left for land to pay. And, if this should be the case, certain districts of the State of Virginia will pay almost the whole of the tax, and others scarcely any. At present the slaveholding parts of the State are burdened with the heaviest part of the State taxes; and if so heavy a tax as fifty cents a slave be added, it will produce a very unequal tax. He thought half the sum mentioned would be sufficient.

Mr. S. SMITH said, the gentleman's arguments went more against the nature of the tax than against the amount of it. That part of the State

in which he lived, and westward, would pay but a small portion of this tax. He thought it would be better to strike out this part of the bill altogether; but if slaves were to be taxed at all, half a dollar a head could not be too much, as that is only the sum which a house of the value of one thousand dollars will pay.

Mr. VENABLE spoke in explanation.

Mr. GALLATIN went into an extensive view of the subject, in order to show that fifty cents would be too low a tax upon slaves, in proportion to the tax laid upon houses and land. The result of his calculations was, that sixty-five cents would come the nearest to the due proportion which slaves ought to bear of the tax, and he moved to fill the blank with that sum.

After a few observations, in which Messrs. N. SMITH, T. CLAIBORNE, HARRISON, HARPER, and McDOWELL, were opposed to the motion, and Mr. GALLATIN, only, in favor of it—it was negatived without a division.

The question on fifty cents was then put, and carried.

The committee rose, when Mr. S. SMITH renewed his motion to make the tax equal on houses and on land, and all other improvements. It was negatived by the yeas and nays being taken—46 to 32, as follows:

YEAS—George Baer, jr., Abraham Baldwin, David Bard, Lemuel Benton, Stephen Bullock, John Chapman, John Clopton, John Dawson, Thomas Evans, John Fowler, Jonathan Freeman, Albert Gallatin, William Gordon, Carter B. Harrison, Jonathan N. Havens, David Holmes, Walter Jones, Edward Livingston, Matthew Lyon, Nathaniel Macon, William Matthews, Anthony New, Samuel Smith, Peleg Sprague, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Thomas Tillinghast, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, and Abraham Venable,

NAYS—John Allen, Bailey Bartlett, Thomas Blount Demsey Burges, Christopher G. Champlin, Thomas Claiborne, William Charles Cole Claiborne, James Cochran, Joshua Coit, Wm. Craik, Samuel W. Dana, George Dent, William Edmond, Abiel Foster, Dwight Foster, James Gillespie, Henry Glen, Chauncey Goodrich, Andrew Gregg, Roger Griswold, Wm. Barry Grove, Robert Goodloe Harper, Thomas Hartley, William Hindman, James H. Imlay, John Wilkes Kittera, Matthew Locke, Samuel Lyman, Joseph McDowell, John Milledge, Lewis R. Morris, Harrison G. Otis, Isaac Parker, John Reed, James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, William Smith, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, and Peleg Wadsworth.

Mr. T. CLAIBORNE also called the yeas and nays upon filling the blank with fifty cents, which was negatived—54 to 24, as follows:

YEAS—John Allen, George Baer, jr., Bailey Bartlett, Stephen Bullock, Demsey Burges, Christopher G. Champlin, John Chapman, James Cochran, Joshua Coit, Samuel W. Dana, Thomas T. Davis, John Dawson, William Edmond, Thomas Evans, Abiel Foster, Dwight Foster, John Fowler, Jonathan Freeman, Albert Gallatin, Henry Glen, Chauncey Goodrich, Roger Griswold, William Barry Grove, Robert Goodloe Harper, Thomas Hartley, Jonathan N. Havens, David Holmes, James H. Imlay, John Wilkes Kittera, Edward Livingston, Samuel Lyman, Nathaniel Macon, William Matthews, Lewis R. Morris, Harrison G. Otis, Isaac Parker, John Reed, James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, Samuel Smith, Wm. Smith, Peleg Sprague, Richard Stanford, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, Philip Van Cortlandt, Joseph B. Varnum, and Peleg Wadsworth.

NAYS—Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, William Craik, George Dent, James Gillespie, William Gordon, Andrew Gregg, Carter B. Harrison, William Hindman, Walter Jones, Matthew Locke, Matthew Lyon, John Milledge, Anthony New, Richard Sprigg, jun., Thomas Sumter, Thomas Tillinghast, John Trigg, and Abraham Venable.

Mr. GALLATIN renewed his amendment, to make the tax on houses and land bear a proportion to each other, and to provide that land should not be taxed higher than the rate per cent. laid upon houses of the lowest value. The yeas and nays were taken, and it was negatived—39 to 38, as follows:

YEAS—Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Stephen Bullock, Demsey Burges, John Chapman, Thomas Claiborne, Wm. C. C. Claiborne, John Clopton, John Dawson, George Dent, Thomas Evans, Jonathan Freeman, Albert Gallatin, James Gillespie, William Gordon, Andrew Gregg, Carter B. Harrison, Thomas Hartley, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Edward Livingston, Matthew Lyon, William Matthews, Joseph McDowell, Anthony New, Wm. Smith, Peleg Sprague, Richard Sprigg, Jr., Thomas Sumter, Thomas Tillinghast, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, and Abraham Venable.

NAYS—John Allen, George Baer, Jr., Bailey Bartlett, Christopher G. Champlin, James Cochran, Joshua Coit, Samuel W. Dana, Thomas T. Davis, William Edmond, Abiel Foster, Dwight Foster, John Fowler, Henry Glen, Chauncey Goodrich, Roger Griswold, Robert Goodloe Harper, William Hindman, James H. Imlay, John Wilkes Kittera, Matthew Locke, Samuel Lyman, Nathaniel Macon, Lewis R. Morris, Harrison G. Otis, Isaac Parker, John Reed, James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, Samuel Smith, Richard Stanford, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, and Peleg Wadsworth.

Mr. HOLMES, previous to the question being put on the above motion, said he should make no observations as to the manner in which this tax would operate, though, from the knowledge he had of his own district and the one adjoining, consisting of the counties of Berkely and Frederick, he thought the discrimination would have an injurious effect in that part of Virginia, from its being more thickly settled and more improved than any other part of the State.

He rose to observe, that an idea had struck him that a part of this law does not altogether accord with that part of the Constitution which says: "No capitation or direct tax shall be laid, unless

in proportion to the census or enumeration of the inhabitants of the United States," as it supposes that the proposed tax on houses and slaves may exceed the whole of the tax apportioned to a State, in which case the surplus is to be paid into the Treasury of the United States, and placed to the credit of such State; and though a provision is made for crediting the said State with the surplus money, he did not believe that would be strictly conformable to the Constitution; since it would have the operation of a forced loan upon a State which should be so circumstanced, which would not be warranted by the Constitution.

Mr. H. said, the matter had struck him in this light; if he was mistaken, he should thank any gentleman to clear away his doubts on the subject.

After the decision on Mr. GALLATIN'S motion had taken place,

Mr. HARPER, in order to remove the Constitutional objection pointed out by the gentleman from Virginia, (Mr. HOLMES,) moved to strike out that part of the bill which had been objected to, and to insert in its place, words to the following effect:

"If, in making the assessment of any State, it shall appear that the amount to be collected from houses and slaves, will exceed the sum apportioned to such State, then the Supervisor shall be authorized to deduct from the tax on houses such rate as to confine it within the limits of the said apportionment."

The motion was carried, and the bill was ordered to be engrossed for a third reading.

The House then adjourned.

SATURDAY, June 30.

Mr. HARPER reported a bill for further suspending the duty on snuff; which was committed.

Mr. LIVINGSTON, from the Committee of Commerce and Manufactures, reported a bill for erecting a light-house and placing buoys at places therein mentioned; which was committed for Monday.

PROTECTION OF TRADE.

On motion of Mr. SEWALL, the House went into a Committee of the Whole on the bill further to protect the commerce of the United States; when, the first section being under consideration,

Mr. SPRAGUE moved to strike out the word *armed*, before French, or pretended French, vessel, so as to give authority for the capturing of *all* French vessels.

The question was put, and negatived—41 to 32.

Mr. THATCHER did not see the use of the words "or pretended French," and moved to strike them out.

Mr. SEWALL said, the reason why these words were introduced was, that many vessels sailed from the West Indies as French vessels, which are not really so, but mere pirates.

Mr. THATCHER withdrew his motion.

Mr. S. SMITH renewed it, and it was negatived, 35 to 32.

Mr. SPRAGUE moved to strike out the words "when he (the President) shall judge it expedient." Carried.

Mr. KITTERA moved to strike out the words "may be" before "condemned as forfeited." Carried.

Mr. VENABLE wished to know whether by these words, "or of any person resident in France, or its dependencies," it was the intention of the committee who reported the bill to forfeit the property of any neutral residing in France.

Mr. SEWALL knew of no distinction which could be made between persons who resided in and shipped goods from France. Even if an American citizen chose to reside in France, and ship goods from thence, he would be subject to the operations of this law equally with French citizens.

Mr. S. SMITH supposed, that if a Danish merchant were to reside at Bordeaux, and were to ship a cargo of wines for Denmark, it would be contrary to the laws of nations, for one of our vessels to make capture of a neutral vessel thus employed.

Mr. VENABLE moved to strike out the words which he had before quoted. A citizen of any neutral nation may reside in France, and carry on commerce from thence in the same way as if no war existed. He knew that if an American citizen were to reside in France in time of war, for the purpose of carrying on commerce, his property would, of course, be condemned, if taken; but we have no right to condemn the property of citizens of a neutral nation on board of a neutral ship.

Mr. DANA thought the object of the gentleman from Virginia might be accomplished by adding the words, "being French property."

Mr. SITGREAVES preferred the phraseology proposed by the gentleman from Connecticut. He believed we ought to take all that the laws of nations would authorize; but not more.

Mr. GORDON supposed there could have been no doubt that when a neutral merchant resided in an enemy's country, that his vessel and property would be liable to the capture and condemnation of the country with whom that Power is at war. He had never seen anything which controverted this opinion. If neutrals might carry on a trade from countries at war without being liable to capture, all the commerce of the nation at war might be carried on through these means, and that in their own vessels. Nor did he believe the proposed amendment would prevent the commerce of the enemy being carried on through these means.

Mr. DAYTON (the Speaker) said, this embarrassment had been introduced by having too suddenly agreed to strike out the words "may be." He should be for retaining these words, and leaving the matter to the decision of the courts. Mr. D., thinking the House had gone prematurely into this subject, moved that the committee rise, report progress, and ask leave to sit again.

The motion was put and carried—34 to 32.

The committee rose accordingly, and had leave to sit again.

ABROGATION OF TREATIES.

On motion of Mr. SITGREAVES, the House went into a Committee of the Whole on the bill to declare our treaties with France void and of no effect.

Mr. OTIS moved to postpone the consideration of the preamble, until the section of the bill was gone through.

Mr. S. SMITH inquired whether, if that was the case, the whole would be open to amendment?

The CHAIRMAN answered in the affirmative.

Mr. S. SMITH wished gentlemen to say whether, in the course of their reading, they had ever met with an act of this kind. If ever such an act was passed, they will, of course, inform the committee what produced it; and if no such ever did take place in any country, they will assign reasons why the present bill should pass. For his own part, he saw difficulties which might arise from adopting it, but none from declining to pass it. The rescinding of the article which provides for the safe residence, for a certain time, of the merchants of either country in case of war, until they can remove, with their effects, out of the country, will be attended with inconvenience. Mr. S. was proceeding to enumerate other inconveniences which would attend such a measure, when he was interrupted by a message from the Senate. After the delivery of which, a motion was made for the committee to rise, which was carried, and leave obtained to sit again—38 to 33.

FRENCH PASSENGERS.

On motion, the House went into a Committee of the Whole on the bill from the Senate to authorize the President to prevent or regulate the landing of French passengers, and other persons, who may arrive within the United States from foreign ports.

Mr. SITGREAVES obsered, that the authority given to the President by the first section of this bill is confined to white French passengers. He did not know that there was any reason for thus limiting the authority. He should think it best to extend it to aliens generally. The particular case which has occurred, and which has excited much alarm in the public mind, has doubtless been the immediate cause of this bill; but it is possible that other cases may arise in which it will be equally improper to admit foreigners to be landed, and he could see no objection to the lodging of a general power in the President to prevent the landing of such foreigners as he shall deem dangerous to the peace of the United States. He would move the amendment; but he thought it would be better to let the bill lie over until Monday. He, therefore, moved that the committee rise, that the bill might be printed, and that the two bills might be compared together.

After a few observations upon it, the question on the committee's rising, was put and negatived.

Mr. MCDOWELL doubted whether the expression "French passengers" would include the persons on board the vessels at the fort; they may, perhaps, be more properly considered as British subjects. They were compelled to come here by the British, and he did not think they could be properly deemed French passengers.

Mr. SEWALL was against the second section of the bill, which proposes to inflict a penalty of five hundred dollars on any person transgressing the provisions of this law. He thought a more appropriate and effectual remedy was proposed by the fourth section, which was by imprisonment. He therefore moved to strike it out.

Mr. HARTLEY said, Congress had passed a law to send seditious foreigners out of the country; here are persons coming from the West Indies, of a dangerous description, and it would certainly be very improper to suffer them to land. It would appear extraordinary to the people, that on one day a law should be passed to send off foreigners, and, on the next, no objection made to the landing of a crowd of aliens. He knew nothing of the characters of these men; they may be attached to Great Britain, and may become good citizens of this country; but he trusted no time would be lost in passing this bill, and that therefore this motion would not be agreed to.

Mr. S. SMITH said, the striking out of this section would by no means have the effect which the gentleman from Massachusetts supposed; because the first section prevents these persons from landing without the permission of the President of the United States. Mr. S. did not believe that gentlemen had a right idea of the description of persons on board of the vessels lately arrived here. He was informed that many of them are men who came to this country five years ago, and who had been to get possession of the property which they had left behind them in St. Domingo, when they came here. Some of them left behind them, in our banks, property to the amount of forty or fifty thousand dollars. He knew some of them, also, who own real estate in Pennsylvania and New Jersey; and as the President is authorized by the first section of this bill to permit such persons to land, as he thinks proper, he had no doubt most if not all of these will be permitted to land, without hesitation.

Mr. GORDON spoke against the forfeiture. If persons were proper to be admitted into this country, he would admit them; and, if not proper, no money ought to protect them.

The question was put and carried, 43 votes being in favor of it.

Mr. VARNUM expressed his doubts whether the terms used in this bill would apply to the persons on board these vessels. Instead of being French passengers, he believed they would prove British subjects—persons who have taken arms against the French Government, and who had of course alienated themselves from it. Nor did he believe that the appellation of "Frenchman" would apply to persons born in the West Indies, though born of French parents.

Mr. OTIS said, a Frenchman is a Frenchman everywhere.

Mr. GALLATIN did not believe that any of these passengers could with propriety be called Frenchmen.

Mr. OTIS repeated that, after all that could be

said, a Frenchman is a Frenchman; for though he take his naturalization oath in this country, it does not alter his character; he is still called, and known to be a Frenchman.

Mr. GALLATIN was not sensible of the danger which seemed to be apprehended by some gentlemen from these foreigners. It must be recollected that Congress has passed a law suspending all intercourse with France and her possessions; no danger can be apprehended, therefore, from that quarter. This bill goes one step further, viz: to say that no French passenger shall come to this country in any other vessel than a French vessel, notwithstanding those who come will come here from their disaffection to their own Government; but if gentlemen had apprehensions on this head, he had no objection to the measure. He would remark that, our vessels coming from Cape Nichola Mole or Port-au-Prince, have probably been compelled to bring off the persons on board of them, and are, therefore, no way blameable. He did not know what would be the best to be done. The owners of the vessels have valuable cargoes on board; and if these persons are not to be permitted to land, he wished some gentleman would propose an amendment, providing that the removal of them shall be at the expense of the United States, and not of the merchants.

Mr. HARPER said, if it was in order to prepare an amendment of this kind, that he wished the committee to rise. To oblige the merchants to remove these persons would be injustice in the extreme, as many of them had been compelled to take them on board, and others had received them from motives of humanity, not knowing that there would be any objection made to their landing here. If, indeed, after this, merchant vessels should offend in this way, it might be well to subject them to some inconvenience; but no one could think of doing it in this case. Whether the present alarm is well or ill-founded, he could not pretend to say; for himself he was not afraid of any mischief from these persons. He was desirous, however, that the bill should pass; but he wished it to pass with amendments, and that it should be postponed until Monday, in order to prepare these amendments.

Mr. S. SMITH was opposed to the committee's rising, because he wished to show the situation of these people; for the more it was known, he was confident the less alarm there would be. This bill will only apply to the vessels which have arrived and may arrive at this port. Have none arrived at any other port? Yes: before he left Baltimore, four had arrived there, and others, he believed, had arrived at other ports, without any objection being made to the landing of the passengers. He believed there had been some misrepresentation with respect to this business. He could have wished the Governor of the State had sent some person on board to have inquired into the facts stated. The blacks are body servants of the passengers, who, though they had their choice, determined to abide by their masters. There are no armed persons on board; there may be a few arms put on board to defend themselves against any brigand privateer which might attack them. There would be a degree of cruelty in separating these faithful slaves from their masters, who had preferred this state with them, to freedom without them. And to oblige the owners of these vessels, who had paid from 20 to 33 per cent. insurance on their vessels and cargoes, to carry off these persons to some distant port, and not only subject them to a further insurance, but to keep back their cargoes from them, would be a cruelty never before heard of.

Mr. SEWALL was of opinion that there had been a great degree of unnecessary alarm in this business; but this alarm had occasioned great distress to these persons, and he wished to shorten its extent. He wished to examine the subject, and to see if there be any reasonable ground for preventing the landing of these persons; but if the House continued to debate on the propriety of placing the matter on a general ground, according to the bill of this House, or to confine it to French passengers, agreeable to the bill from the Senate, that relief would not be afforded. As to the merchants being obliged to remove these persons, no such idea is contained in the bill. He supposed the President might remove them, under the authority placed in him for removing aliens. But to prevent any doubt on that subject, he had prepared an amendment for the purpose of making the matter explicit, which, if the motion for the committee's rising was negatived, he would move.

Mr. MCDOWELL hoped the committee would rise, that gentlemen might agree a little more in opinion when this subject was again taken up; not for the purpose of forming any amendment which will saddle the Government with the expense of removing these persons. These merchants either brought them from their own free will, or to oblige the agents of the British Government, or they were forced upon them by these agents. If they brought these men on their own accord, they ought to remove them at their own expense; and if they were forced upon them by the British Government, the British Minister ought to send them off to some of the British possessions. He did not believe, by the account Congress had received of them, that they are calculated to produce any good to this country.

The question on the committee's rising was put and carried.

MONDAY, July 2.

The bill to lay and collect a direct tax throughout the United States was read the third time; and, after some objections to the bill, as it related to the State of Kentucky, by Mr. DAVIS, the bill passed, 62 votes to 18, as follows:

YEAS—John Allen, George Baer, jun., David Bard, Bailey Bartlett, James A. Bayard, Thomas Blount, Stephen Bullock, Christopher G. Champlin, John Chapman, John Clopton, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, John Dawson, George Dent, William Edmond, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Andrew Gregg, Roger

Griswold, William Barry Grove, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison, Thomas Hartley, William Hindman, David Holmes, James H. Imlay, Walter Jones, John Wilkes Kittera, Edward Livingston, Samuel Lyman, William Matthews, Joseph McDowell, John Milledge, Lewis R. Morris, Anthony New, John Nicholas, Harrison G. Otis, Isaac Parker, John Reed, James Schureman, Samuel Sewall, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, Samuel Smith, Peleg Sprague, Richard Sprigg, jr., George Thatcher, Mark Thomson, John Trigg, John E. Van Alen, Abraham Venable, Peleg Wadsworth, and Robert Williams.

NAYS—Abraham Baldwin, Lemuel Benton, William Charles Cole Claiborne, Thomas T. Davis, John Fowler, Albert Gallatin, Jonathan N. Havens, Joseph Heister, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, William Smith, Richard Stanford, Thomas Sumter, Thomas Tillinghast, Philip Van Cortlandt, and Joseph B. Varnum.

FRENCH PASSENGERS.

The order of the day being called for on the bill from the Senate, relative to the French passengers lately arrived in this country from Port au Prince,

Mr. SEWALL moved to discharge the Committee of the Whole from a further consideration of this bill, in order to postpone it till the next session of Congress. He was induced to make this motion from a belief that the reports respecting the passengers on board the vessels at the fort have been greatly exaggerated; and that these persons might be as safely permitted to land as any other passengers. The President being already empowered to send out of the country all persons whom he conceives to be dangerous to the United States, Mr. S. did not think it necessary to pass a law on the subject, as, if these aliens are found to be dangerous to the peace of the United States, they can hereafter be removed.

After some observations on the subject, the motion was carried, there being 45 votes for it. The farther consideration was then postponed till next session.

The other bill, relative to the same subject, reported by a committee of the House, was also postponed.

PROTECTION OF COMMERCE.

The House then went into a Committee of the Whole on the bill farther to protect the commerce of the United States.

The CHAIRMAN stated the question to be, when the bill was last under discussion, on inserting the words "being French property."

Mr. SEWALL said, when this motion was before under consideration, he had some doubts as to the propriety of it; but as all property coming from France, if condemned at all, must be condemned as French property, he believed the amendment perfectly proper, and hoped it would be agreed to.

Mr. S. SMITH moved to strike out the second section, which authorized the fitting out of privateers to cruise against French vessels in every part of the ocean. This, he said, is a war measure, and we had better make an open declaration of war itself than adopt a measure like this. Letters of marque and reprisal are not absolute war; but to authorize the fitting out of privateers against any Power is war direct. He should vote against it, because he did not wish to go to war at present. He wished to go into every defensive operation; he had gone with gentlemen hand in hand in every measure of this kind. He had been of opinion merchant vessels should be authorized to resist all attacks, when carrying on a fair trade; but he was not prepared to go to war. It was a very easy thing to get into a war; but it would not be so easy a matter to get out of it. We were authorized, he said, in taking the measures which had been taken. We might have gone farther and declared war. The injuries we have received would have warranted such a measure; but he wished to know what object we could have in going to war? Can we strike any blow which will injure France, or its dependencies? Has she any trade which we can annoy? If not, in God's name, exclaimed he, what good can result to this country from a war? You make war upon shells of privateers, and when you have brought them in they will not pay for the equipment of the vessel which made the capture. We cannot have a single object, that he knew of, in going to war, while France can cut up all our valuable commerce.

Mr. S. said, he knew gentlemen frequently say, France takes everything at present, and they can do no more in a state of war. He knew the contrary; because he frequently saw vessels come in here which had been boarded, but not taken, by French privateers; so that some vessels they took, and some they did not take. We are, said he, about to enter into war, when all other nations are getting out of it. One nation alone is at present at war with France, and she is abandoning one place after another to her enemy. Port-au-Prince and l'Archahaye are given up, and he had seen a letter mentioning that a flag of truce had been sent to offer a surrender of another port. Jeremie is also offered to be given up. Now, therefore, when the only nation at war with France is thus endeavoring to creep out of it, shall we, without a navy, with an extensive trade floating unprotected on the ocean, rush into a war, from which, when once entered upon, we can see no possible way of extricating ourselves?

What are our means of war? We have, said he, means sufficient for defence, but we have none of offence. Have you a sufficiency of arms? I know you have not. Have you cannon? No; you have been obliged to dismantle your fortifications to supply your ships of war. Have you a fort that is able to repel the attack of an enemy? No; the only one which has any pretension to it is the fort at the port of Philadelphia. In what situation are the other ports? New York is without guns. At Baltimore there is not a single carriage for a gun, nor the smallest possible defence; and this is pretty much the case with all the other fortifications. In short, said Mr. S., you are devoid of every means of aggression. You may protect yourselves, but you cannot hurt your ene-

my—you may get into war, but you can do no essential injury to France, while she will have it in her power to destroy your commerce.

Mr. DAYTON (the Speaker) rose immediately after Mr. SMITH, and said, that if there had ever been uttered within those walls a speech calculated to damp the ardor and slacken the exertions of the people of this country in their preparations for defence, and even to invite the attack of an enemy, it was that which came from the mouth of his friend from Maryland, and was still echoing in their ears. He had represented the situation of his own country to be much more feeble, defenceless, and unprepared, and that of the enemy to be far more formidable, than facts warranted or experience would justify. The United States were not vulnerable at all points, nor France, her dependencies and allies invulnerable in all parts, as had been suggested. Our fellow-citizens were again proving themselves to be worthy to enjoy, and determined to maintain their independence, by exhibiting a spirit of opposition and resistance to unreasonable exactions which slaves only could submit to. This spirit ought not to be disregarded, and permitted to evaporate, nor to be checked and repressed by the language of distrust and of despondency. Had the gentleman from Maryland been contented with advocating the motion he had made for striking out the most essential feature of the bill, by arguments applying to its merits only, then, Mr. D. said, he should not have troubled the committee with any remarks, but left it to the fate it merited. His object in rising was to contest the pretensions which had been urged by the mover, of his having hitherto gone hand in hand with all those gentlemen who had been uniformly the favorers of the most efficacious measures for protection and defence. Some of the speeches of that member upon general propositions had, it was true, breathed that spirit, but it could not be forgotten how industriously he had labored (and sometimes but too successfully) to pare down and fritter away almost to nothing, the various bills which had been introduced for providing both military and naval armaments. Mr. D. particularly instanced four bills, viz: relating to convoys, to the additional naval armament, the provisional army, and the supplementary bill, which would not have labored in the House as they had done, if they had obtained the able and hearty support of that gentleman. The motion, therefore, was entitled to no support but that which could be derived immediately from its merits, for the pretensions of the mover were not warranted by his votes in favor of the most energetic provisions for resistance and defence.

The declaration made by that gentleman and others, that to negative the motion and retain the words, was actually to make war, had no weight, Mr. D. said, with him, for they had declared the very same thing for some weeks past, upon the passing of three different bills. If they prophesied truly then, nothing was more certain than that we were now in a state of war; but if their predictions so often renewed, had as frequently proved to be untrue, then they ought to be disregarded in the repetition of them. That France was making war upon this country could not be denied, and the only question therefore was how much more we are willing to bear, and how much longer to forbear, before we should be provoked to give back the blow, and manfully to defend ourselves and resent our injuries. In this acknowledged state of things, it was not necessary to draw a very accurate line between peace and war measures, since the other party had long since overstepped the boundary, and were annoying and plundering the citizens of the United States at sea, and in foreign countries, much more effectually than they could do in the event of an open rupture. He trusted, therefore, that every amendment tending to weaken and neutralize the bill would readily be rejected.

Mr. S. SMITH said, it was of little consequence in what light the gentleman considered him; but he would say he had not adduced a single reason to show that he had not gone hand in hand with him in providing means of defence for the country. With respect to the provisional army, he did go with him; but when he found gentlemen unwilling to pay the expense of that army, he stopped and would go no further. The gentleman and he had certainly differed in opinion; he (Mr. DAYTON) seemed to think war desirable, whilst he (Mr. S.) thought it a great and serious evil. He himself did not think the present a state of war, since it had not been so declared. But he would say that he had gone further in measures of defence than that gentleman, or any other; for he was for raising an army immediately, and not for making it a half measure, giving the people reason to believe they are prepared for defence, when they are not prepared. Whenever danger shall arrive, he did not doubt the people of this country would show that they had a spirit equal to the defence of their liberty and independence; and he would tell that gentleman that whenever that period shall arrive, he will not be more ready to defend his country than he (Mr. S.) should be; but he wished to avoid war as long as he was able to do it; when it does come, he should bear his part in it as willingly as that gentleman, or any other. He was convinced the people of this country believe peace to be their true interest. He believed they would do as much as any people in the world for the defence of their country; but they know, also, that we are not in a situation to wage a maritime war. If, however, he had erred in any part of his conduct, it was the part of a friend, to have ascribed it to an error of judgment, rather than to a design of frustrating measures necessary for the defence of the country.

Mr. NICHOLAS supposed the situation in which we are at present, must be peace, and that gentlemen do not mean to declare war. If they did, he should expect they would make the declaration at once. Taking this to be our situation, he begged gentlemen to consider the effect of the measure under consideration. To him it appeared one of the last steps which ought to be taken, if we hold the good of the country in view.

Mr. N. heard it said, and he believed it to be true, that the French have no commerce; and if this is the case, is it likely that our merchants will fit out vessels for the purpose of cruising against armed French vessels? Certainly not. If they fit out vessels on purpose to cruise, when they find no French merchant ships, they will attack and plunder the merchant vessels of neutral countries; therefore, unless gentlemen can show that the French have trade that vessels of this kind would be able to annoy, they ought rather to forbid than to encourage the fitting out of privateers, since he could not see how the commission could be exercised in any other way than that he had noticed; and except gentlemen could show some way by which merchants could repay the great expense attendant upon fitting out vessels of this kind, without having recourse to those he had mentioned, he hoped no such commission would be granted.

Mr. HARPER said, the gentleman from Virginia seemed to have got an erroneous idea of this bill. The object of it is not to capture merchantmen. If he understood it, merchantmen could not be captured under it. It had not been the object of any bill before the House, to capture any unarmed merchantman. The measure proposed is not aggression; it is not hostility, or war; it is defence. The object is not to enable armed merchantmen to capture merchantmen; but that our armed merchantmen shall capture the armed French vessels which capture our unarmed merchantmen. At present, though our merchant vessels have authority to arm for the protection of their trade, and to take the armed vessels of France, our merchants find a difficulty in obtaining crews, not because they are afraid to meet the armed vessels of France, but because, if taken, instead of being treated as prisoners of war, they will be hung as pirates, for cruising without commissions.

Mr. H. said, he did not know but this measure might lead to war. He did not know whether the measures already taken might not lead to an open and declared war. This was no argument with him against them. He did not think war the greatest evil that could befall a country. He thought to be subjected to tribute and plunder, greater. To have our Envoys one after another kicked out of a country; to be obliged to surrender our rights and independence at the feet of a proud and oppressive nation, are greater evils than war; and, to avoid these calamities, he declared himself ready to go to war. He wished to avoid it so long as it could be done with honor; but when the question is whether our national rights shall be preserved, and the respectability of our Government be maintained in the eyes of foreign nations, or we shall go to war, he should not be for abiding by an insecure and inglorious peace. He should feel himself everlastingly disgraced by such conduct; and not only himself, but the people of this country. Mr. H. did not believe that the honor of a country was to be supported by speeches such as they had this day heard, or by calling war the greatest calamity that can befall a country; but it is by acknowledging that there are greater calamities than war, and that to avoid them, war ought to be made.

The gentleman from Maryland, Mr. H. said, had talked as if it was in our power to say whether we will have war or not. We know, indeed, that we may be suffered to remain at peace, if we will consent to pay a tribute; a tribute equal to the rapacity of our taskmasters; but, for one, he would spurn peace from him on those terms, and he trusted the American people would also spurn it from them, among whom, he doubted not, the gentleman from Maryland's constituents would be the first. Unless we choose to get into a similar situation with Holland and the Cisalpines, we have no choice. War is made upon us, and our Envoys are told that no cessation of it shall take place until we consent to pay a tribute, and a suspension of this war is refused, even until they should apply for instructions to their Government; and notwithstanding this, gentlemen talk of the evils of war! Whence such conduct? Where is the spirit which animated gentlemen in the year 1776? He would not dive into the motives of gentlemen. God forbid; but the expression of such sentiments, at this time, can have no other effect than to prepare the people for a base surrender of their rights, and unlimited submission.

The gentleman from Maryland asks, What are our means for war? He would answer, our courage is our means. When assailed by an enemy in 1775, our courage enabled us to triumph over a nation which had lately humbled the Power which now threatens to overwhelm us; at a time when we were not half our present numbers, when we had no Government, or knowledge of each other, when our courage was all that we had to rely upon. For three years we maintained our struggle, and captured an invading army, and then an insidious hand was held out to us by France, which might have the appearance of aiding us, when our difficulties were about to come to a close.

This, said Mr. H., ought to be our conduct now; and instead of inquiring what are our means for defence, we ought to inquire into the necessity for resistance? And if gentlemen asked this question, he would refer them to the papers on the table; he would refer them to what has taken place, and is taking place every day on the ocean, and to all the scenes on the other side of the Atlantic. But we are told that we are the only Power, except Great Britain, (who will, in the opinion of the gentleman from Maryland, soon be overcome,) who resist the boundless ambition of France. This, in his opinion, was honorable to America; that she should singly disdain to lay her neck upon the block of her imperious enemy. This gave him additional pride in the name of American, and it would add to the glory of the American character.

The resolution having been taken—and he had no doubt the people of America had taken it—to resist the demands of France, he trusted our means would be called forth to meet the crisis as we ought; those means, he believed, would be found

ample, if the courage of the people was not damped by such language as had this day been heard.

If, Mr. H. said, our preparations for defence should bring war upon us, it will not be our fault. The world would testify in our behalf. Indeed, that war has already commenced. It is in vain to disguise the truth. We are now in war. It has been frequently said that it was unavoidable, by gentlemen who now are continually preaching about preserving peace. If this law were not to pass, we should still be in war—a war of the most calamitous kind—a war in which we are unable to defend ourselves. He trusted, therefore, since war we must have, that the most vigorous means would be pursued to enable us to meet it with effect.

The gentleman from Maryland is of opinion we ought to have immediately raised an army. He would soon give him an opportunity of doing so. He held a resolution in his hand which would require active measures to carry into effect, and he would soon propose it to the House. An agreement to the measures which he should suggest, would not only call for our most active exertions, but would bring upon us all the vengeance of the Power with whom we are at war. It will be in vain, therefore, for us to take any middle course; we must either resist effectually or submit.

Mr. W. CLAIBORNE said, the gentleman from South Carolina had gone into a field of declamation, which shows the liveliness of the gentleman's fancy; but he had declined the use of any arguments in reply to those of the gentleman from Massachusetts. For himself, he was at a loss to know what part of the speech of his friend from Maryland could have excited so much displeasure or resentment in the mind of the gentleman from South Carolina. He had heard that gentleman say, that war was the greatest calamity which could befall this country, and that this was the opinion of his constituents. The gentleman from South Carolina has asserted the contrary; but he believed the gentleman from Maryland could speak with greater certainty as to the opinion of his constituents than the gentleman from South Carolina could possibly do; and what was more, Mr. C. believed this was the opinion of the people from one end of the Union to the other. But the gentleman from Maryland added, that whilst his constituents were lovers of peace, and desirous of preserving it, they would not submit to the aggressions of any nation. He also added, (and he was pleased to hear the declaration,) that in case of danger, he should again be ready to fight under the banners of his country.

Where, said Mr. C., is the dishonor of such sentiments as these? If they are dishonorable, he partook of the dishonor, for he approved of them most cordially. He was perfectly regardless of all the insinuations of the gentleman from South Carolina against those who differed from him in opinion. He knew of no good which war could produce to this country, however it might benefit certain individuals.

Mr. C. did not know the precise effects which this bill would produce; but all agreed it was a war measure. That we have a right to go into such a measure no one will deny. The wrongs which France has done us, he was ready to allow would warrant it; but the question is, does political expediency require it? This is a question of the greatest magnitude. Our country is placed upon a dangerous precipice, and one false step may ruin us forever.

War, Mr. C. said, is too great a calamity eagerly to be entered upon; and that nation will display the greatest dignity which avoids war as long as she can do it with honor. It is not the blood which may flow in consequence of war, which excites the greatest repugnance to war; but it is the consequences which flow from it. Those who lose their lives in war, lose less than those who suffer the burdens which it lays, not only upon the present, but future generations. A large national debt, and consequent heavy taxes, are sure effects of war.

Mr. C. did not think the measures proposed to be taken to be measures of absolute necessity. He had not heard that France refused to treat upon any other terms than those of tribute. We had seen that it was their wish to obtain a large loan of money from us; but it is not true that they held out this as the only ground upon which they would treat. He confessed his hopes of peace were small; but whilst he could entertain hope at all, he would withhold his vote from any measure which would go to deprive him of it. He believed this section was of that description, and therefore he would vote against it. It had been asked what could be expected from this measure, since France has no commerce? This question has not been answered. The gentleman from South Carolina had thought proper to pass it over without notice.

As this is an indirect way of getting at war, Mr. C. believed it had been introduced for the purpose of trying the sense of the House on that question; and he would ask gentlemen whether it was proper at this period to go into direct war? He believed it was not. He believed the American people thought so. The committee had heard an eulogium on the spirit of America; that eulogium was a just one. He did not think there was an American who would not fly to the defence of his country, whenever it shall be attacked; and whilst he was convinced of this, he was not afraid of France, or any other nation.

The gentleman from South Carolina said, it was this spirit which heretofore saved the country, and asked whether it was now fled? It is here yet, said Mr. C., and it will always save America. If that nation whom the gentleman from South Carolina called our insidious friend in our struggle with Great Britain, (though the timely assistance received from that nation had heretofore been differently spoken of,) shall attack us, she will meet with the same fate which she saw our former enemy meet. But when gentlemen speak of insidious friends, he wished them to beware of another insidious friend. He hoped if this country must go to war, that we should fight our own

battles, without any foreign connexions; and if it did come, he would assure the gentleman from South Carolina, that he himself would not meet it more cheerfully, nor join in it more heartily than he (Mr. C.) would enter the embattled ranks. But if it were possible to avert the evil of war from the country, it was still his earnest wish to do so.

Mr. DANA adverted to what was said by the gentleman from Tennessee respecting his being a lover of peace and tranquillity. If his manner, however, was to be considered as particularly evincive of his moderation and love of peace, the most extravagant fancy could not easily imagine what must be the manifestation of his zeal when in favor of war.

The gentleman from Tennessee has called the measure under consideration an indirect mode of getting at war, and the gentleman from Maryland has called it a subterfuge. Why is such language employed against it? By the law of nations, we are justifiable in saying that all the public and private armed vessels of the United States, under certain conditions, may be employed to sweep from the ocean the French corsairs that plunder our commerce. The scope of the bill is, to authorize our armed vessels to subdue and bring into port these corsairs, wherever found upon the high seas, without waiting until they attack our merchant vessels. This is the direct intention of the bill. And is it not perfectly intelligible to any gentleman who understands the force of language? Gentlemen may call the measure "war direct," or whatever they may think proper. He was not solicitous about the name. The object of the bill, was too plain to countenance any idea of its being concealed or mistaken in that House, and it was clearly vindicable. An act of Congress has already provided that our public vessels may be instructed to capture French corsairs, wherever they are found hovering on our coast for the purpose of depredating on our commerce. The first section of this bill goes further; it authorizes our public vessels to capture such corsairs wherever they can be found, without any restriction as to our coasts. To that section the gentlemen have not objected; yet the present section is objected against, because it proposes to give the same authority to our private armed vessels when duly commissioned. And will any gentleman say that it is proper to allow this power to the one, and that it is not proper to allow it to the other? Can the gentlemen be ignorant that both depend on the same principles? Both descriptions of vessels are to act for the same general purpose, under the same national authority, and in virtue of commissions from the same Government.

The gentleman from Maryland has said that the measure proposed in this section would be making war, and yet he admits that granting letters of marque and reprisal would be consistent with a state of peace. It must, however, be evident that the present is a measure less offensive than the granting letters of marque and reprisal indiscriminately against French vessels; for it is restricted to capturing armed vesssels, such as may be rationally considered as employed for committing depredations on our commerce. Indeed, it is of the nature of limited reprisal; for what is a letter of reprisal, as understood by writers on national law? It is a written authority, under the seal of the Government, for seizing property belonging to a foreign nation, and issued in consequence of previous injury committed or sanctioned on the part of that nation against the Government granting the authority, or against individuals entitled to its protection. The property so seized is for securing indemnification for such injury; and, where there is no rational hope of otherwise obtaining satisfaction from the foreign Power, it may be lawfully condemned and disposed of. This, in relation to the Government and to individuals, is now our situation as it respects France. This section is intended as a provision toward protecting our commerce against future depredations, and may possibly tend, in some very inconsiderable degree, to compensate a part of the enormous injuries already suffered. He hoped it would be adopted.

Mr. R. WILLIAMS believed this measure to be a branch of that stock, which had long since been set out upon, and which had in view a war with France; therefore, it appeared to him as if all argument were unnecessary, as he believed gentlemen fixed their measures pretty certainly before they brought them before the House. Debate, therefore, is useless, except as it serves to enlighten the public mind on subjects which come before Congress.

Mr. W. believed that a majority in Congress were determined upon war. They had, doubtless, good reasons for having thus determined, though he could not see them; and that being the case, he thought it perfectly useless, if not ridiculous, to be arguing a point which a majority have among themselves long since determined. He hoped, therefore, this question would be taken without further debate. It was his opinion that gentlemen will be much mistaken, if they think their constituents will be as ready to go to war as they seem to be. If they were got into war, he believed they would not be for carrying on a war of extermination; they would not lose sight of the happy state of peace which they had lately enjoyed.

Gentlemen must suppose, Mr. W. said, that the committee did not comprehend the difference between offence and defence, when they called this measure a measure of defence. What! said he, can it be a defensive measure to fit out vessels for the express purpose of sailing all over the ocean in search of the vessels of France, in order to attack and capture them? If he understood the term offensive, this is offensive war; and though he believed the people of this country will always be ready, with their persons and property, to support a defensive war, he could not believe that they would so readily engage in an offensive war.

Gentlemen have said, that those who have been opposed to certain measures, have called them war measures, and said if they were carried into effect,

they would certainly produce war; and yet they now say we are not at war, but wish still to avoid it. Mr. W. said, this was all perfectly consistent. The measures which had been proposed, they apprehended, would produce war; but they have not yet had time to produce their effect; and though it was the possible, it may not be the certain effect. But there could be no doubt, that a measure which goes to direct our vessels to hunt up, wherever they can be found, French vessels, for the purpose of attacking and taking them, must be direct war.

Why were gentlemen asked if they were ready to become tributary to France? Was this involved in the question before the committee? Certainly not. Could we not say positively to France we will not pay you tribute; and, if you attempt to enforce it, we are ready to defend ourselves? These sort of questions could only be calculated to deceive the public mind, and to lead persons unacquainted with their characters, to believe that there are certain persons in Congress who wish to pay a tribute to France.

Mr. W. supposed, from what the gentleman from South Carolina had said, that he held in his hand a declaration of war. If he does, let him bring it forward, and then not only the members of that House, but the country at large, would understand what was meant to be done. Hitherto the grand object of gentlemen had been to induce the House to do one thing, which would oblige them to do another, until matters were brought to the present awful crisis.

Mr. EDMOND said, the reproach which the gentleman last up, had cast upon certain members, as wishing to involve the country in war, did not fall upon him. He could say, with truth, that he was as great a friend of peace, and loved his ease as much as any man, and deprecated as much the evils consequent on a state of war; at the same time, he must acknowledge that he loved the honor, the interest, and, above all things, the independence of his country; and whenever an attempt was made to deprive us of these, were he to be indifferent as to the event, the blood he shed in gaining that independence would rise up against him. He did not wish, however, to be hurried on with passion in so serious a concern, though, he must own, he found some difficulty in repressing it. He knew it was proper to exercise candor in considering so important a question, and to take into view the whole train of events which had led to our present dispute with France. It would take up too much of the time of the committee to go into an enumeration of all these circumstances. They are in the memory of every man, and must make a strong impression upon it. Nor need he recapitulate the measures which have been taken by Congress, relative to this subject. Gentlemen had been charged with insidiously leading matters from one stage to another until they had brought the country to the precipice of war. He knew of no measure which had been taken that had not been strictly defensive. Mr. E. enumerated the different measures which had been authorized; all which, he said, were strictly warrantable for defence. And, does this bill go any further? No. The first section proposed something further; but it is not yet law. If you take that section, you must take the following one, now under consideration; and the question is, whether you will authorize private-armed vessels to the same extent that you have authorized our public-armed vessels to go. This power is not proposed to be given indiscriminately to all merchant vessels; but the owner and master are to be bound in a heavy penalty that the vessel so armed and instructed shall not do any act which shall involve the country in war with any other nation. Is this, he asked, a declaration of war against France? No such thing. The right to put arms on board our vessels, with which to defend themselves, is founded on reason and the principles of self-defence; and to deny this, would be to deny the justice of the principles upon which the Government itself is founded; for, if Government declined protecting its citizens, and prohibited them from protecting themselves, it would operate an injury instead of a benefit to the people; but, having authorized our public-armed vessels to act in the manner proposed in this bill, it was pursuing the same line only, to give the authority to private-armed vessels also.

But, it was said by the gentleman from Maryland on this subject, (and he was hurt at a repetition of the words,) that the country was in a deplorable situation for war. This, he did not acknowledge to be true; but if it were true, was that any reason why this section of the bill ought not to be agreed to? If we have neither arms nor ships, and Philadelphia and our other large cities are liable at any time to be laid under contribution, is that any argument against arming such vessels as we have, against the enemy? Certainly not. In proportion as we are weak, we ought to call out every means which we have in our power to resist the attack of a powerful enemy. He hoped, therefore, the section would be retained.

Mr. S. SMITH entertained a high respect for the gentleman last up. The part he took in our Revolutionary war was honorable to him; and he did not think any enmity ought to exist between them on account of their present difference of opinion. It ought to be attributed, perhaps, to their different educations or employments, or some other cause, but certainly ought not to be ill-thought of. He believed the gentleman from Connecticut perfectly sincere in his opinion; and it would be no more than candid were that gentleman to believe the same with respect to himself.

Mr. S. said, the manner in which the business of defence is conducted, is somewhat remarkable. Two months ago, a new regiment of artillery was ordered to be raised, yet not one man is engaged. About the same time, a very considerable appropriation was made for the erection, completion, and repair, of fortifications; but a shovel full of earth has not been dug in pursuance of that grant. When he saw this dilatoriness of conduct, was it not a good reason for putting off war to as great a

distance as possible? He wished to be considered as acting from these motives.

He was inclined to believe that the gentlemen from South Carolina and Connecticut both considered this section as merely giving a power to arm and commission our merchant vessels, whereas it goes to authorize the fitting out of privateers, a description of armed vessels he never wished to see in this country, as they are no better than legal pirates.

Gentlemen need not be surprised that they are charged with bringing measures forward, step by step, as that must be evident to the world. A few days ago it was proposed that merchant vessels should have a right to attack and capture French vessels, which was rejected. If that had been carried, there would have been no occasion for this.

Mr. S. said, he had very frequently attended to the speeches of the gentleman from South Carolina with respect to the present situation of the country; and, he must own, he considered them all as mere declamation, and the same thing over and over again. He speaks in general terms of the aggressions of France, which nobody denies, and concludes with asking whether gentlemen are prepared to surrender their liberty and independence? The gentleman will find that no one will answer in the affirmative. He then asks, whether gentlemen are prepared to pay a tribute? Nobody ever thought of such a thing. But, he says, there is no way of preserving our liberty and independence but by paying a tribute, or going to war. If Mr. S. thought so, he would have taken stronger measures than had been taken. He would have declared war at once, but, so long as he entertained a different opinion, he would oppose every measure like the present. He did not think the assertion of gentlemen on this head could be supported by a recurrence to the despatches on the table, to which they appeal. He thought the last of those despatches discovered that there existed in the Directory a willingness to treat with us. What he said on this subject, it was true, was a mere matter of opinion; but he believed that a treaty would be offered to Mr. Gerry, which this country might with honor accept; and, believing this, he would vote for no measure which would tend to widen the breach between the two countries.

Mr. S. said, if we were going to war with a Power, against whom we could strike an effectual blow, so as to disable him, in some measure, during the remainder of the war, he might have been in favor of a declaration of war long since; but as this is not the case, he was against getting the country into a war, from which it could not easily recede; for however acceptable this Congress might be for getting the country into war, he believed the next would be more so, if it shall be able to reinstate the country in peace.

Mr. GALLATIN said, it was true that this debate had lasted a long time; it had continued, with little intermission, for two months. If gentlemen who are in favor of the second section of this bill, had brought forward their whole system at once, it would have been affirmed or negatived under one debate, and there would have been an end of it; but they have chosen to divide the question of war into a number of sections, and each section into a number of smaller parcels. Of course most of those gentlemen who would have been against the whole together, have been against all the parts. Why the whole had not been brought forward together he did not know.

What, said Mr. G., is this section? It is an authority to private armed vessels to take every armed vessel of France they meet with. Had the committee forgotten, he asked, that a few days ago, the House had a bill before them authorizing the arming of merchant vessels against French depredations? By that bill it was provided that our vessels should resist and capture any French vessel that should make an attack upon them, and recapture such of our vessels as shall have been taken by French armed vessels. An amendment was then proposed to authorize our vessels to attack and destroy any such vessel as may have made capture of our vessels. This proposition was less extensive than the present; but it was rejected—47 to 28. Five of the Committee for the Protection of Commerce and the Defence of the Country voted against it. The gentleman from Connecticut himself, though in favor of this measure, voted against it. Why did they not at that time bring the subject under consideration, and why vote to reject a measure which did not go so far as the present? Or why had there been a majority in favor of striking out the word *armed* in the first section of this bill? He could not tell why, if the thing be right now, it was not right then.

The section of itself, Mr. G. said, was of no real use; it could only serve as a link in the chain of war; as it could not be believed that any merchant vessel of the United States would go on privateering. There could be no temptation for them to hunt up privateers for the purpose of fighting them. He did not know, therefore, why it was brought before the committee; or, if it was to have been decided, why was it not brought before, when the subject was under discussion?

Mr. G. said, he did not mean to have said anything in opposition to this bill, but to have voted against it, as he should vote against everything else of a like tendency until he knew the termination of our negotiation by Mr. Gerry.

Mr. EDMOND said, gentlemen complain that measures have been brought forward step by step. They might have found a reason for this in candor. Gentlemen have said, if you mean to go to war, why not come forward, and declare it at once; and if that had been done, what then? They would have voted against it. Which was the same thing as if they had said, we will prevent you from doing anything for the defence of the country if we can. It was then left for others to determine what measures were necessary to be taken for our defence; and, in order to get anything, they had been obliged to bring forward such measures as they thought most likely to pass, and this will account for our means of defence having been proposed by degrees. Add to this,

that almost every day has brought us new accounts of insults and injuries committed against us. So that he was himself ready to take steps now that he should have taken with great reluctance three months ago.

As to the hopes which gentlemen say they entertain of a treaty being accomplished, he entertained none such. He had no confidence in, or expectation from, the French Government.

Mr. SEWALL was so sensible that the patience of the committee was exhausted from a long debate on this subject, that he should avoid any general observations upon it; but the gentleman from Pennsylvania had made such a representation of the course of this business, that he felt himself called upon to make some reply. This, he says, is only a repetition of the question tried the other day, though the gentleman cannot but recollect that the question was not then on commissioning merchant vessels; and that the power to attack is here confined to commissioned vessels. This matter was settled by treaty; in one of our treaties even the sum for which sureties was to be provided, and the number of sureties, was determined. These commissions, issued by the President of the United States, are no more than powers for private vessels to do all that the public armed vessels are authorized to do; and certainly the power given one could be no more a war measure than when given to the other. Indeed, he believed both might be considered as war, if France chose so to consider them. It was true the committee had brought measures gradually forward, but he denied that any of them could be construed into offensive war. The vessels of France have attacked and taken vessels of the United States on the high seas; we therefore only met her on her own ground, by ordering our vessels to take the vessels of France. An attack is neither authorized upon her shores, nor upon her merchant vessels; and so far, according to the laws of nations and common sense, must be deemed defensive war. War it is, but it was first made upon us by France; and the moment France ceases to make hostility upon us, our hostility against her will cease also; but if we were to declare war, Congress must meet again before war could cease. He thought, therefore, this measure ought to be agreed to.

The question on striking out the section was put and negatived—41 to 38.

Mr. S. SMITH moved to amend the section, so as that the authority should only extend to merchant vessels, and not to privateers, as gentlemen seemed to suppose that was the intention of the section.

Mr. SEWALL hoped this motion would not prevail. The gentleman from Maryland misunderstood him if he understood him to say that this section only related to armed merchantmen. It applied certainly not only to armed merchantmen, but to armed vessels fitted out for the purposes of attack.

Mr. SMITH'S motion was put, and negatived, there being only 33 votes for it.

Mr. D. FOSTER moved an additional section, allowing a bounty of so much per gun, according to their size, on all guns taken on board French privateers, brought into the ports of the United States.

After a few observations for and against this measure, it was negatived—43 to 37.

The committee then rose, and General SMITH called the yeas and nays upon his motion to strike out the second section. They were taken, and stood—39 yeas, 43 nays, as follows:

YEAS—Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Demsey Burges, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, Thomas T. Davis, John Dawson, John Fowler, Albert Gallatin, James Gillespie, Andrew Gregg, John A. Hanna, 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, Saml. Smith, William Smith, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

NAYS—John Allen, George Baer, jr., Bailey Bartlett, James A. Bayard, Stephen Bullock, Christopher G. Champlin, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, George Dent, William Edmond, 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, James H. Imlay, John Wilkes Kittera, Samuel Lyman, William Matthews, Harrison G. Otis, Isaac Parker, John Reed, Jas. Schureman, Samuel Sewall, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, Peleg Sprague, George Thatcher, Richard Thomas, Mark Thomson, Thomas Tillinghast, John E. Van Alen, and Peleg Wadsworth.

Mr. SPRAGUE renewed his motion to strike out the word "amend," in the first section, before "French vessel," the effect of which was to authorize the taking of all French vessels. The vote stood—yeas 31, nays 52, as follows:

YEAS—John Allen, David Bard, Bailey Bartlett, James A. Bayard, Christopher G. Champlin, James Cochran, William Craik, William Edmond, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, Robert Goodloe Harper, Thos. Hartley, William Hindman, John Wilkes Kittera, Samuel Lyman, Lewis R. Morris, Harrison G. Otis, Isaac Parker, Samuel Sitgreaves, Peleg Sprague, Geo. Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, and Peleg Wadsworth.

NAYS—George Baer, jr, Abraham Baldwin, Lemuel Benton, Thomas Blount, Stephen Bullock, Demsey Burges, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, Joshua Coit, Samuel W. Dana, Thomas T. Davis, John Dawson, George Dent, John Fowler, Albert Gallatin, James Gillespie, Andrew Gregg, William Barry Grove, John A. Hanna, Carter B. Harison, Jonathan N. Havens, Joseph Heister, David Holmes, James H. Imlay, Walter Jones, Edward Livingston, Matthew Locke, Matthew Lyon, Nathaniel Macon, William Matthews, Blair McClenachan, Joseph McDowell, John Milledge, Anthony New, John Nicho-

las, John Reed, James Schureman, Samuel Sewall, Thomas Sinnickson, Nathaniel Smith, Samuel Smith, William Smith, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Thomas Tillinghast, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

Mr. LIVINGSTON said, at the date of our last despatches, the House had seen that Mr. Gerry, our only remaining Commissioner at Paris, had received an invitation from the Minister of Foreign Affairs of the French Republic, to open a negotiation on the subject of our dispute with that country. They had also seen a letter from that gentleman to the President, and another to the French Minister, by which, it appears, that he declines entering into any negotiation, from a supposition that his authority does not authorize him to undertake it. Nor do the House learn from the Message of the President, that he has given any further authority to Mr. Gerry. On the contrary, from the tenor of the Message, the return of our Commissioner could only be expected, without making any attempt at a negotiation. Believing, as he did, that a negotiation might be opened, and that it was probable a treaty might be completed which it would be honorable to the United States to accept, he did not wish to frustrate so happy an event by any punctilio, because they had refused to treat with *three* Envoys, but are willing to treat with *one*. He thought it would be proper for this House to express a wish of this kind, and he would lay a proposition on the table to this effect. Those who are of opinion that we ought not to accept of any treaty from France, however equitable, because that Republic has refused to treat with our *three* Commissioners, will, of course, vote against it; but those who will be willing to preserve the country in peace by an honorable treaty, though it be made by *one* Envoy only, will, of course, vote for it. The proposition was to the following effect:

"*Resolved*, That a respectful address be presented to the President of the United States, requesting him to instruct our remaining Envoy Extraordinary at Paris, to proceed in the negotiation offered to be opened with him by the Minister of Foreign Relations of the French Republic, and to conclude such a treaty with him as he may be enabled to negotiate, consistent with the tenor of the instructions of the President, communicated to this House on the 23d of March last."

Though the mover wished this resolution to lie till to-morrow, an immediate decision was called for, and a good deal of heat was shown upon the occasion. Mr. DENT moved the previous question upon it; but Mr. LIVINGSTON complaining of this mode of proceeding, that motion was withdrawn, and the immediate question called for; but to prevent an immediate decision, Mr. L. withdrew his motion, with a view he said of bringing it forward another day.

Adjourned.

TUESDAY, July 3.

The bill further to protect the commerce of the United States, was read the third time and passed.

Mr. HARPER said, he held in his hand certain resolutions with respect to the defence of the country, which he thought it would be important to adopt; because he considered Congress as having resolved upon repelling and resisting the pretensions of a Power which he had no idea, and which he could not suppose any gentleman had reason to expect would recede from the terms of tribute which they had offered. Having, therefore, a knowledge of the force, the pride, and the perseverance of our enemy, whilst we are not dismayed by their power and their spirit, we ought to view it in all its magnitude, to prepare for a vigorous struggle in meeting it, and to resist the extravagant pretensions of that nation. That we may be thus prepared, he offered the following resolutions for the consideration of the House:

Resolved, That it is expedient to augment the Provisional Army of the United States to fifty thousand men.

Resolved, That it is expedient to enable the President of the United States to proceed, whenever he shall judge it conducive to the public welfare, to the appointment of all the officers of the said army, and the organization of its staff: such officers not to be on pay till called into actual service.

Resolved, That it is expedient to enable the President of the United States to raise immediately, and bring into actual service, one division of the said army, to consist of not more than twelve thousand five hundred men.

Resolved, That it is expedient to enable the President of the United States to raise and bring into actual service, all or any part of the remaining divisions of the said army, in case of invasion of any part of the territory of the United States, or of imminent danger of such invasion, in his opinion conceived to exist.

Resolved, That it is expedient to enable the President of the United States to raise immediately, and bring into actual service, a corps of non-commissioned officers for those divisions of the said army which may not be immediately raised; the said corps not to exceed the number of twelve hundred, and to do duty as a separate corps of the army, until their services in all or any of said divisions shall be required.

Resolved, That it is expedient to enable the President of the United States to obtain by purchase, loan, or other contract, for the use of the United States, any number of vessels of war, not exceeding ten, in addition to those heretofore authorized by law, and of such force, not less than thirty-two guns each, as he may judge advantageous for the public service, and to man and equip the same.

Resolved, That it is expedient to enable the President of the United States to establish one or more dock-yards for the use of the United States, with suitable buildings for marine stores, arsenals, and magazines.

Ordered to lie on the table till to-morrow.

MR. GERRY'S MISSION.

Mr. LIVINGSTON again laid the resolution upon the table, which he offered and withdrew yesterday, proposing an address to the President. He said he should not himself call it up at present; but if any other gentleman chose to do so, he should not object to it.

The SPEAKER said, that the gentleman must know that when a proposition is offered to the House, it is offered for decision.

The question being loudly called for,

Mr. KITTERA wished to propose an amendment to this resolution, in the following words, viz: "and in case the said Envoy shall have been ordered out of the French Republic, or taken into custody, then with such other person or persons as the French Directory may select."

Mr. THATCHER seconded the motion.

Mr. HARRISON hoped the yeas and nays would be taken upon this amendment. Agreed to.

Mr. N. SMITH was sorry this motion was made. He thought it trifling with treason. He wished not to be called to give a vote on so infamous a resolution as he considered this to be. [A call to order.]

Mr. OTIS hoped the mover of this amendment would withdraw it. It could only have been intended to cast a censure upon the resolution—a censure much milder than he should himself have been inclined to cast upon it, which, having been done, he trusted the gentleman would not place his friends in so disagreeable a situation as to be obliged to vote upon it.

Mr. KITTERA said, the House must have seen his object in making this motion. The resolution which had been laid upon the table by the gentleman from New York, was so abhorrent to all his ideas of propriety, that he had taken this mode of showing his disapprobation of it, in the strongest manner in which he could do it. We have, said he, sent three Envoys to the French Republic in order to terminate our differences with that nation; but the Directory have not chosen to treat with these three Commissioners, but have insultingly selected *one* from among them, with whom they say they are ready to treat, but upon the terms offered to all the three. If this one Envoy should be sent off, or imprisoned, therefore, before the fresh instructions which the gentleman from New York wishes to be sent off should be received, it would be proper that the Directory should make choice of some other person with whom they will be willing to treat. Having, however, shown his pointed dislike to the proposition before the House, by the present motion, he would withdraw it.

Mr. LIVINGSTON said, he would not have troubled the House with any further observations on this motion, if not forced to do it by certain expressions which had been used respecting it. One gentleman has called it an *infamous* resolution; another had said that the motion which had been made and withdrawn, was too mild a censure upon it; another gentleman looked upon it with abhorrence. If this resolution is so extremely abhorrent, he should have been glad if gentlemen would have condescended to have shown wherein its abhorrence lies. What is this resolution? Does it tend to dishonor this country, by proposing to agree with any degrading terms offered by the Directory? No such thing. What is it, but to request the President of the United States to instruct the Envoy, whom he himself appointed, to make such a treaty with France as shall be consistent with our honor and interest? Yet this resolution is called *infamous*. If this term was applicable to his motion, he was ignorant of the meaning of words.

The SPEAKER said, as the gentleman from Connecticut, who made use of this expression, had been called to order, any remarks upon it were equally out of order.

Mr. LIVINGSTON said, he would make no comments upon it, but confine his remarks to the resolution itself. It was his desire, if possible, to prevent a war with France, which must involve this country in great distress—which may, perhaps, destroy it, all for the sake of a punctilio. He was not ashamed of this opinion anywhere. It would be for the interest, for the dignity of this country, to conclude an honorable peace with France—more so than any war which we could possibly wage. The fate of war must be doubtful—the honor of it extremely so. For his part, he saw none that could be derived from war. He wished to avoid it, if it could be avoided with honor. He was far from proposing to preserve peace at the expense of our honor. All he wished was that the Envoy at present in Paris should, if possible, make a treaty founded upon the instructions originally given. Is there, exclaimed he, anything so extremely bad in this? On the contrary, he knew it was the wish of a majority of the people of this country that a treaty should, if possible, be made, and by that means prevent the necessity of a war.

But it should seem as if gentlemen were ready to say, that it is better to go to war than that one of our Envoys should make a treaty for us, as if they were ready to draw the sword, because three seals cannot be put to a treaty instead of one. He was not for doing this, nor were his constituents; nor did he believe that either he or they should ever be ashamed of this resolution. It would always be a consolation to him that he had endeavored to preserve the peace of the country, so long as it could consistently be done.

It was altogether a misrepresentation, Mr. L. said, to insinuate that the person whom he wished to be instructed to treat was appointed by the Directory; he was chosen by the President of the United States, and commissioned by him with separate powers. And yet this man, thus appointed, is spoken of as a man chosen by the Executive Directory of France! He wished gentlemen to reconcile this to themselves; he could not do it.

Mr. MATTHEWS thought this resolution ought to be explained before gentlemen were called to vote upon it. He, therefore, moved the following amendment: "Whereas this House has lost all confidence in the President of the United States, and his desire of plunging this country in all the horrors of war with our good friends, is so evident, therefore resolved," &c.

This motion not being seconded, the yeas and nays were taken upon Mr. LIVINGSTON'S proposition, and decided in the negative, 51 to 30, as follow:

YEAS—Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Demsey Burges, Thomas Claiborne, John Clopton, Thomas T. Davis, John Dawson, John Fowler, Albert Gallatin, James Gillespie, Andrew Gregg, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, Walter Jones, Edward Livingston, Mat-

thew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, Anthony New, John Nicholas, William Smith, Richard Stanford, Thomas Sumter, John Trigg, and Robert Williams.

NAYS—John Allen, George Baer, jr., Bailey Bartlett, James A. Bayard, David Brooks, Stephen Bullock, Christopher G. Champlin, John Chapman, William Charles Cole Claiborne, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, George Dent, William Edmond, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, William Barry Grove, John A. Hanna, Robert Goodloe Harper, Thomas Hartley, William Hindman, David Holmes, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, William Matthews, Harrison G. Otis, Isaac Parker, John Reed, James Schureman, Samuel Sewall, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, Peleg Sprague, Richard Sprigg, jun., George Thatcher, Richard Thomas, Thomas Tillinghast, John E. Van Alen, Joseph B. Varnum, Abraham Venable, and Peleg Wadsworth.

STATE BALANCES.

Mr. HARPER laid a resolution upon the table, proposing that, if any State indebted to the United States in the balance of accounts at the close of the late war, shall expend any money in erecting or enlarging their fortifications, upon plans approved by the President of the United States, such sums shall be considered as in part payment of the said balance.

SUNDRY BILLS.

Mr. LIVINGSTON reported a bill relative to the compensation of certain officers employed in the collection of imposts and tonnage; which was committed.

Mr. MACON reported a bill respecting a light-house and beacons; and

Mr. SEWALL a bill making further appropriations for the additional naval armament; both of which were committed.

A message was received from the Senate, informing the House that they had passed the bill, entitled "An act to provide for the valuation of lands and dwelling houses, and the enumeration of slaves within the United States," with several amendments, to which they desire the concurrence of this House.

Mr. W. C. C. CLAIBORNE, from the managers appointed the nineteenth ultimo, on the part of this House, to attend a conference with the Senate, on the subject-matter of the amendments depending between the two Houses to the bill, entitled "An act providing for the more effectual collection of certain internal revenues of the United States," made a report; which was read and considered. Whereupon,

Resolved, That this House doth adhere to their amendments to the second amendment of the Senate to the said bill.

The House proceeded to reconsider the last amendment of the Senate, disagreed to by this House, and insisted on by the Senate, to the bill, entitled "An act to alter the time of making entry of stills, and for other purposes." Whereupon,

Resolved, That this House doth insist on their disagreement to the said amendment.

Resolved, That this House doth agree to the conference desired by the Senate, on the subject-matter thereof; and that Mr. WILLIAM C. C. CLAIBORNE, Mr. KITTERA, and Mr. CHAMPLIN, be appointed managers at the said conference, on the part of this House.

The House proceeded to consider the amendments proposed by 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." Whereupon,

Ordered, That the said amendments be committed to a Committee of the Whole House immediately.

The House, accordingly, resolved itself into the said committee; and, after some time spent therein, Mr. SPEAKER resumed the Chair, and Mr. DENT reported that the committee had, according to order, had the said amendments under consideration, and directed him to report to the House their disagreement to so much of the amendment of the Senate as proposes to strike out a part of the last line of the proviso at the end of the eighth section; and their agreement to all the other amendments to the said bill.

On the question that the House do agree to the report of the Committee of the Whole House,

It was resolved in the affirmative.

A message was received from the Senate, informing the House that they have passed the bill, entitled "An act respecting alien enemies," with several amendments to the last mentioned bill, to which they desire the concurrence of this House.

The House proceeded to consider the said amendments; and, the same being twice read, were, on the question severally put thereupon, agreed to by the House. Adjourned.

WEDNESDAY, July 4.

The House of Representatives met agreeably to adjournment at ten o'clock; but, on the Speaker's taking the Chair, a few minutes after ten, and a quorum of members not being present—

Mr. DAWSON said, as it was not usual to attend to business on this day, he hoped the House would adjourn.

The House adjourned accordingly.

THURSDAY, July 5.

The bill for erecting a light-house and beacon and for placing buoys in the situations therein mentioned, was read the third time and passed.

Mr. HARPER made a report on the organization of the Executive Departments, and a bill to alter and amend several acts relative to the establishment of the Treasury, War, and Naval Departments; which was committed for to-morrow.

INCREASE OF MILITARY ESTABLISHMENT

On motion of Mr. S. SMITH the House went into a Committee of the Whole on the state of the Union; when he proposed the following resolutions:

"*Resolved*, As the opinion of this committee, that the four regiments of infantry of the present Establishment be increased to ten companies each, each company to consist of sixty privates.

"*Resolved*, As the opinion of this committee, that the President of the United States be authorized to raise, in addition to the present Military Establishment, eight companies of infantry, and six troops of light dragoons, to be enlisted for three years, or during the war with France."

The first resolution being under consideration,

Mr. S. SMITH said, it would be recollected that the regiments of infantry on the present Establishment had been reduced to eight companies each. He wished to have them increased to ten, which would give an increase of 880 men, with only six additional officers. And, if the second resolution was agreed to, it would give us a standing army, with the troops now in service, of upwards of 11,000 men altogether.

Mr. DAYTON seconded this motion, because he approved of increasing the regiments from eight to ten companies; but he had rather the mover had proposed twelve additional regiments than eight.

Mr. MCDOWELL believed the first resolution could not be very well considered, without having reference to the second. He could see no reason for increasing our Army at present. He had no particular objection to the first resolution; but finding gentlemen are not prepared to come to a declaration of war, he did not think it would be prudent to increase our standing army. A provisional army, he said, had already been provided, which the President was authorized to raise whenever he shall judge our situation to be sufficiently alarming to warrant the measure; and he was also authorized to accept the service of volunteers to an amount which no one can ascertain. He, therefore, thought it too early to enter into a resolution of this kind, unless gentlemen are determined upon war at all events.

Mr. ALLEN did not know how it had happened that so few men had been assigned to a company in our Military Establishment. In England, he believed, there are 100 men to a company; in Austria 200, and in France 80 or 100. Mr. A. thought the companies ought to be organized with 100 men each, in order to allow for men who are sick, &c. He believed the army would be more effectual for having more men and fewer officers. He therefore moved to strike out 60 and insert 100.

Mr. HARTLEY was against this motion. It was necessary that the proportion of officers should be greater in new regiments than in old ones. He thought the proportion as reported just and proper.

The first resolution was agreed to without a division.

The second resolution being under consideration—

Mr. GALLATIN observed, that he did not think the expression "during the war" was correct at present. Congress has made the raising of a provisional army to depend on the contingency of our being at war. The Constitution says, Congress only shall declare war, and they have not done it; neither has it been done by France. He thought the provision for three years would be sufficient, without the words which he had mentioned.

Mr. OTIS thought it might be altered to read, "during the war which may take place with the French Republic."

Mr. VENABLE would be glad to be informed whether gentlemen meant, if the war with France continued longer than three years, soldiers were to be compelled to serve longer; or whether, if it did not continue so long as three years, they should be sooner discharged. Besides, he thought the words improper, at present, as he did not consider this country in war with France. He thought it an indirect way of saying this nation is at war with France; whether it was so intended, he could not say. It would also be a question with him, whether persons so enlisted would be obliged to serve, since they would be enlisted to serve during a war which did not exist.

Mr. DAYTON (the Speaker) said, that he could never consent to admitting the proposed alternative in the term of enlistment. He remembered too well the unhappy and disgraceful scenes which were exhibited in some lines of the Army during the Revolutionary war, in consequence of their taking the engagements of the soldiers to continue in service "for three years or during the war." As he wished never to see them repeated, he should move to strike out the words "for three years," and leave the engagement of the troops to be raised to be limited only by the cause of the augmentation of the Army, viz: the existence of our differences with the French Republic. This would answer every purpose, especially as the President would also be authorized sooner to discharge them, if, in his opinion, it could be done consistently with the public safety.

The resolution was modified so as to read, "for and during the continuance of the existing differences between the United States and the French Republic."

Mr. DAYTON moved to strike out eight regiments and insert twelve.

After some objections from Mr. MACON, who thought it would be better to increase the number of cavalry than infantry, the motion was negatived—41 to 30.

Mr. MACON then moved to strike out eight regiments and insert seven, and to strike out six troops of light dragoons, for the purpose of inserting eight. The expense of two troops of dragoons would, he said, be about the same as a regiment of infantry, and he thought more useful.

The motion was negatived without a division.

The question recurring on the resolution—

Mr. ALLEN wished to postpone this resolution, to take up another. He had no idea that men could be got at the present pay. He wished gentlemen to look at the men which the United States get for four dollars a month. The world does not exhibit so miserable a looking set of men as are now in the Army of the United States. He wished to give such a pay to our soldiers as should bring into the field the sons of the substantial yeomanry of the country and the sons of mechanics—

men who will not only fight for money, but from a love of country; at the present pay these could not be got. He expected the Committee of Defence would have brought forward a resolution of this kind before this time.

The CHAIRMAN said the motion of the gentleman from Connecticut could not be received.

Mr. ALLEN said, he should vote for no increase of the Army until their pay was increased.

Mr. DAYTON expressed his astonishment at the language of the gentleman from Connecticut, who was determined to vote against a proposition which he liked, merely because another, which it seems he likes rather better, had not been first moved and carried. The gentleman indulged his very warm temper in making a furious charge upon all the members of the committee, because they had not brought forward earlier a motion for increasing the pay of the soldiers, without seeming to recollect that it was as much his own business as that of any other member, and that if there had been any improper neglect or delay, he was as much chargeable with it as any one. The truth was, however, that it would probably be found upon experiment, immediately after the present question is decided, that the House were disposed to raise the pay of the Army, and were consequently undeserving of the censures which that gentleman had liberally heaped upon them.

Mr. D. trusted, nevertheless, that no bargain or contract would be made with the member from Connecticut on the occasion, in order to gain his vote, for the result of the question was not so doubtful as to make it advisable to resort to such an expedient to carry the point. He commended the zeal with which the gentleman advocated the increase of the soldiers' pay at the present crisis, and should cheerfully support the motion for that purpose as soon as it was in order to bring it forward for the consideration of the House.

Mr. ALLEN said, he did not wish to make any bargain on the subject; but he had proposed this resolution because nothing had been said on the subject. If the pay of the men had been raised at the time the additional regiment of artillery had been ordered, the men by this time would have been raised; but this not having been done, all that we have towards that regiment are the officers.

Mr. HARPER was sorry the gentleman from Connecticut had adopted so inadmissible a mode of bringing forward his proposition. He himself was in favor of the proposition, and if no other person had proposed it, he would himself have done it; but he did not believe that it had any connexion with the present motion. The gentleman from Connecticut had said he wished those men to enter the service who would do it from other considerations than those of pay. He had no doubt such would be got; and though we have not succeeded in recruiting in peaceable times, we have no reason to conclude that when the time shall come when we must fight for our independence, that multitudes of soldiers will not be got for six dollars a month, who will be ready immediately to march, whenever they shall be told by Executive authority that their service is necessary to repel invasion. With respect to the new regiment of artillery, it is true that no men are enlisted; but it is also true that no attempts have been made to get them. He did not know why this had been the case. He supposed there was good reason for it. When proper arrangements are made, he had no doubt the men would soon be enlisted.

Mr. S. SMITH said, the Committee of Defence had not had this subject under consideration. The bill for raising the additional regiment of artillery was passed on the 7th April, when the House entertained very different opinions with respect to their foreign relations from what are held at present, and that was the only time at which the question could properly have been brought forward.

As to the men already in service, he believed they are very good men. Did the gentleman from Connecticut (who is remarkably tall) think no man was good for anything who was less by the head than him? [Order called.] It was said no men had been raised for the new regiment of artillery. There was a very good reason for this—no money was appropriated to pay them till within these few days. However, when the gentleman from Connecticut comes to expense, he ought to tread very lightly. Our soldiers are allowed a number of things not allowed to the soldiers of other countries. They are on a better establishment than any other troops in the world; and if we allow too high a pay, our finances will be exhausted too soon.

The question was put on the second of Mr. S. SMITH'S resolutions, and carried, there being 49 votes in favor of it.

Mr. ALLEN then proposed a resolution for augmenting the pay of non commissioned officers and privates to ——— dollars per month.

This motion was agreed to without opposition.

The committee then rose, and Mr. HARPER renewed the motion for striking out eight regiments, and inserting twelve, and called the yeas and nays upon it. There were for it 40 yeas, and against it 40 nays, as follows:

YEAS—Jonathan Dayton, John Allen, George Baer, jr., Bailey Bartlett, James A. Bayard, David Brooks, Demsey Burges, Christopher G. Champlin, Jas. Cochran, William Craik, Samuel W. Dana, George Dent, William Edmond, 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, Edward Livingston, Samuel Lyman, Harrison G. Otis, Isaac Parker, John Rutledge, jr., Samuel Sewall, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, Peleg Sprague, George Thatcher, Richard Thomas, and John E. Van Alen.

NAYS—Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Stephen Bullock, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, Joshua Coit, John Dawson, Albert Gallatin, James Gillespie, Andrew Gregg, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David

Holmes, Walter Jones, Matthew Locke, Matthew Lyon, Nathaniel Macon, William Matthews, Blair McClenachan, Joseph McDowell, Anthony New, John Nicholas, John Reed, James Schureman, William Shepard, Samuel Smith, William Smith, Richard Stanford, Thomas Sumter, Thomas Tillinghast, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

The SPEAKER declaring himself in the affirmative, the question was carried for twelve. The resolutions were referred to a select committee to report a bill accordingly.

PUNISHMENT OF CRIME.

A bill was received from the Senate in addition to the act for the punishment of certain crimes against the United States, which was read the first time.

[This bill provides, that if any persons shall unlawfully combine or conspire together, with intent to oppose any measure of the Government of the United States, or to impede the operation of any law, or to intimidate or prevent any person holding an office under the Government from exercising his trust. And if any person shall, by writing, printing, or speaking, threaten such officer with any damage to his character, person, or estate, or shall counsel, advise, or attempt to procure any insurrection, riot, &c., whether such attempt shall have the desired effect, or not, he shall be deemed guilty of a high misdemeanor, and punished by a fine, on conviction, not exceeding $5,000, and by imprisonment not less than six months, nor exceeding five years. And 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 persons so offending, being convicted, shall be punished by a fine not exceeding $2,000, and by imprisonment not exceeding two years.]

Mr. OTIS moved that it be read a second time.

Mr. HARRISON called for the reading of the amendments to the Constitution.

The SPEAKER said, the only motion in order, if objections were made to the second reading of the bill, would be to reject the bill.

Mr. LIVINGSTON made that motion.

Mr. ALLEN.—I hope this bill will not be rejected. If ever there was a nation which required a law of this kind, it is this. Let gentlemen look at certain papers printed in this city and elsewhere, and ask themselves whether an unwarrantable and dangerous combination does not exist to overturn and ruin the Government by publishing the most shameless falsehoods against the Representatives of the people of all denominations, that they are hostile to free Governments and genuine liberty, and of course to the welfare of this country; that they ought, therefore, to be displaced, and that the people ought to raise an *insurrection* against the Government.

In the *Aurora*, of the 28th of June last, we see this paragraph: "It is a curious fact, America is making war with France for *not* treating, at the very moment the Minister for Foreign Affairs fixes upon the very day for opening a negotiation with Mr. Gerry. What think you of this, Americans!"

Such paragraphs need but little comment. The public agents are charged with crimes, for which, if true, they ought to be hung. The intention here is to persuade the people that peace with France is in our power; nay, that she is sincerely desirous of it, on proper terms, but that we reject her offers, and proceed to plunge our country into a destructive war.

This combination against our peace is extensive; it embraces characters whose stations demand a different course. Is this House free from it? Recollect what a few days ago fell from the very gentleman (Mr. LIVINGSTON,) who now so boldly and violently calls on us to reject this bill at the instant of its coming before us, without suffering it to be read a second time. The gentleman proposed a resolution requesting the President to instruct Mr. Gerry to conclude a treaty with the French Government; and declared that "he believed a negotiation might be opened, and that it was probable a treaty might be concluded which it would be honorable to the United States to accept. He did not wish to frustrate so happy an event by any punctilio, because they had refused to treat with three Envoys, but were willing to treat with one." This is in the very spirit of the malicious paragraph I just now read. It is pursuing the same systematic course of operations. The gentleman also said (what has not been published, however,) that "the commission of the Envoys being joint and several, Mr. Gerry had unquestionably ample powers to treat alone." Here are circumstances of what I call *a combination against the Government*, in attempts to persuade the people of certain facts, which a majority of this House, at least, and of the people at large, I believe, know to be unfounded. Who can say that Mr. Gerry has power to treat alone, or that the French Government is willing to treat with him on fair and honorable terms? Gentlemen do not believe either, let them say what they will. Does such a commission empower one to exercise the functions of the whole in opposition to the opinions of his colleagues? It would produce the most inextricable confusion. The severalty of the powers is well known always to be a provision against such accidents as may prevent or disable a part of the Commissioners from acting. I mention these things to show what false ideas gentlemen endeavor to impress the public mind with on this subject.

I will take the liberty of reading to the House another paragraph from the same paper; and it comes from high authority. It is published as the

speech of the same gentleman, (Mr. LIVINGSTON,) when we were discussing the Alien bill a few days since, and I presume is correct. It is a precious disclosure of the principles of certain gentlemen. I will read but a part of it: "If there is, then, any necessity for the system now proposed, it is more necessary to be enforced against our own citizens than against strangers; and I have no doubt, that either in this, or some other shape, this will be attempted. I now ask, sir, whether the people of America are prepared for this? Whether they are willing to part with all the means which the wisdom of their ancestors discovered, and their own caution so lately adopted to secure their own persons? Whether they are ready to submit to imprisonment, or exile, whenever suspicion, calumny, or vengeance, shall mark them for ruin? Are they base enough to be prepared for this? No, sir, they will, I repeat it, they will resist this tyrannic system! The people will oppose, the States will not submit to its operation. They ought not to acquiesce, and I pray to God they never may. My opinions, sir, on this subject are explicit, and I wish they may be known; they are, that whenever our laws manifestly infringe the Constitution under which they were made, the people ought not to hesitate which they should obey. If we exceed our powers we become tyrants, and our acts have no effect. Thus, sir, one of the first effects of measures such as this, if they be not acquiesced in, will be disaffection among the States, and opposition among the people to your Government; tumults, violations, and a recurrence to first revolutionary principles. If they are submitted to, the consequences will be worse. After such manifest violation of the principles of our Constitution, the form will not long be sacred. Presently every vestage of it will be lost and swallowed up in the gulf of despotism; *but should the evil proceed no further than the execution of the present law*, what a fearful picture will our country present. The system of *espionage* thus established, the country will swarm with informers, spies, delators, and all that odious reptile tribe that breed in the sunshine of despotic power; that suck the blood of the unfortunate, and creep into the bosom of sleeping innocence, only to wake it with a burning wound. The hours of the most unsuspecting confidence, the intimacies of friendship, or the recesses of domestic retirement, afford no security. The companion whom you must trust, the friend in whom you must confide, the domestic who waits in your chamber, are all tempted to betray your imprudence or guardless follies, to misrepresent your words, to convey them, distorted by calumny, to the secret tribunal where jealousy presides, where fear officiates as accuser, and suspicion is the only evidence that is heard."

Sir, is this a just picture? The gentleman attempted, in this instance, to persuade the people, the acknowledged *citizens* and *natives* of this country, that the same principles which governed us in passing a law for sending away aliens of dangerous and suspicious character, would lead us to adopt the same measures with them, and he declares it to be more necessary. This, sir, was a foul calumny on the good people of the United States, or the gentleman has a more intimate acquaintance with treason and traitors than I had been ever in the habit of ascribing to him. The gentleman assumes the fact, and though it is expressly admitted on all hands, that a *citizen* cannot be sent away in that summary manner, he declares "he has no doubt we shall attempt it;" and then goes on to alarm the people with a portrait of that dreadful state of things that his fancy has conjured up; although I will boldly say he has, in truth, no such apprehension. "But (says he) should the evil proceed no further than the execution of the present law (against dangerous aliens) what a fearful picture will our country present;" and going on with a "fearful picture," indeed, he concludes with representing the poor inoffensive alien ("of dangerous and suspicious character," however) as being adjudged in "the secret tribunal where *jealousy presides*," but where the law says, "*the President* shall determine."

But, sir, in the same speech the people are instructed that opposition to the laws, that insurrection is a duty, whenever they think we exceed our Constitutional powers; but, I ask the gentleman, who shall determine that point? I thought the Constitution had assigned the cognizance of that question to the Courts, and so it has. But the attempt here is to evince, and the doctrine we know is openly avowed by members of this House, that each man has the right of deciding for himself, and that as many as are of opinion that the law is unconstitutional, have a right to combine and oppose it by force. The people I venerate; they are truly sovereign; but a section, a part of the citizens, a town, a city, or a mob, I know them not; if they oppose the laws, they are insurgents and rebels; they are not the people. The people act in their elections by displacing obnoxious Representatives, and by the irresistible force of their opinions; when the people wills, the Government is convinced and obeys. It is too manifest to admit of doubt or denial that the intention and tendency of such principles, are to produce divisions, tumults, violence, insurrection, and blood; all which are intended by the fashionable doctrine of modern times, which the gentlemen terms "a recurrence to first revolutionary principles," from which may God preserve us. Do we want another revolution in this country? But, sir, that a revolution is intended, I hope to convince you before I sit down. In the Aurora, of last Friday, we read the following:

"The period is now at hand when it will be a question difficult to determine, whether there is more safety and liberty to be enjoyed at Constantinople or Philadelphia?"

This, sir, is faithfully pursuing the system of the gentleman in announcing to the poor deluded readers of the factious prints, the rapid approach of Turkish slavery in this country. Who can doubt the existence of a combination against the real liberty, the real safety of the United States? I say, sir, a combination, a conspiracy against the Constitution, the Government, the peace and safe-

ty of this country, is formed, and is in full operation. It embraces members of all classes; the Representative of the people on this floor, the wild and visionary theorist in the bloody philosophy of the day, the learned and ignorant. And the paper from which I have so often read, with three or four others, furnish demonstrations without number of the truth of the accusation. Each acts its part: but all are in perfect unison. Permit me to read a paragraph from "The Time-Piece," a paper printed in New York:

"When such a character attempts by antiquated and exploded sophistry, by Jesuitical arguments, to extinguish the sentiment of liberty, 'tis fit the mask should be torn off from this meaner species of aristocracy than history has condescended to record; where a person without patriotism, without philosophy, without a taste for the fine arts, building his pretensions on a gross and indigested compilation of statutes and precedents, is jostled into the Chief Magistracy by the ominous combination of old Tories with old opinions, and old Whigs with new, 'tis fit this mock Monarch, with his Court, composed of Tories and speculators, should pass in review before the good sense of the world. Monarchies are seen only with indignation and concern; at sight of these terrible establishments, fears accompany the execrations of mankind; but when the champion of the well-born, with his serene Court, is seen soliciting and answering Addresses, and pronouncing anathemas against France, it shall be my fault if other emotions be not excited; if to tears and execrations be not added derision and contempt."

Gentlemen contend for the liberty of opinions and of the press. Let me ask them whether they seriously think the liberty of the press authorizes such publications? The President of the United States is here called "a person without patriotism, without philosophy, and a mock monarch," and the free election of the people is pronounced "a jostling him into the Chief Magistracy by the ominous combination of old Tories with old opinions, and old Whigs with new."

If this be not a conspiracy against Government and people, I know not what to understand from the "threat of tears, execrations, derision, and contempt." Because the Constitution guaranties the right of expressing our opinions, and the freedom of the press, am I at liberty to falsely call you a thief, a murderer, an atheist? Because I have the liberty of locomotion, of going where I please, have I a right to ride over the footman in the path? The freedom of the press and opinions was never understood to give the right of publishing falsehoods and slanders, nor of exciting sedition, insurrection, and slaughter, with impunity. A man was always answerable for the malicious publication of falsehood; and what more does this bill require?

In the Aurora, of last Tuesday, is this paragraph:

"Where a law shall have been passed in violation of the Constitution, making it criminal to expose the crimes, the official vices or abuses, or the attempts of men in power to usurp a despotic authority, is there any alternative between an abandonment of the Constitution and resistance?"

The gentleman (Mr. LIVINGSTON) makes his proclamation of war on the Government in the House on Monday, and this infamous printer (Bache) follows it up with the tocsin of insurrection on Tuesday. While this bill was under consideration in the Senate, an attempt is made to render it odious among the people. "Is there any alternative," says this printer, "between an abandonment of the Constitution and resistance?" He declares what is unconstitutional, and then invites the people to "resistance." This is an awful, horrible example of "the liberty of opinion and freedom of the press." Can gentlemen hear these things and lie quietly on their pillows? Are we to see all these acts practised against the repose of our country, and remain passive? Are we bound hand and foot that we must be witnesses of these deadly thrusts at our liberty? Are we to be the unresisting spectators of these exertions to destroy all that we hold dear? Are these approaches to revolution and Jacobinic domination, to be observed with the eye of meek submission? No, sir, they are indeed terrible; they are calculated to freeze the very blood in our veins. Such liberty of the press and of opinion is calculated to destroy all confidence between man and man; it leads to a dissolution of every bond of union; it cuts asunder every ligament that unites man to his family, man to his neighbor, man to society, and to Government. God deliver us from such liberty, the liberty of vomiting on the public floods of falsehood and hatred to everything sacred, human and divine! If any gentleman doubts the effects of such a liberty, let me direct his attention across the water; it has there made slaves of thirty millions of men.

At the commencement of the Revolution in France those loud and enthusiastic advocates for liberty and equality took special care to occupy and command all the presses in the nation; they well knew the powerful influence to be obtained on the public mind by that engine; its operations are on the poor, the ignorant, the passionate, and the vicious; over all these classes of men the freedom of the press shed its baneful effects, and they all became the tools of faction and ambition, and the virtuous, the pacific, and the rich, were their victims. The Jacobins of our country, too, sir, are determined to preserve in their hands, the same weapon; it is our business to wrest it from them. Hence this motion so suddenly made, and so violently supported by the mover, to reject this bill without even suffering it to have a second reading; hence this alarm for the safety of "the freedom of speech and of the press."

There is in this country a description of persons—a vast number of emigrants from a nation, of an open, frank, and generous temper, high-spirited and brave, containing, perhaps, some of the noblest characters of the human race. Coming, as these people do, from a country where they believe, at least, that a great degree of tyranny, individual as well as Governmental, exists, and where the passions of men are violently agitated; and coming to a country where virtue, morality, and good government, with great humanity exist,

to seek an asylum for themselves and their posterity, hear how these vile assassins of our country's peace address them. It is directed, "to Irish emigrants, and particularly to that class denominated aliens."

"An alien bill is on its passage. The provisions of this bill are apparently general, but they will bear particularly hard on you. By this law the President of the United States is vested with a discretionary power of seizing on, confining or transporting your persons beyond the territories of the United States, and, if I mistake not, if your purses will admit of it, you will be obliged to defray all the expenses of your seizure and transportation. This is a new species of smart-money. By this law your personal liberty is subject to the caprice of an individual, and this, in turn, will very much depend on the system of espionage which will be unremittingly pursued by those heroes of despotism, the old Tories. As many of you are not acquainted with the meaning of the word "alien," I will give you a definition of it, together with an enumeration of the disabilities to which an alien is subject. An alien, then, is one that is born out of the dominion of the United States. His property is taxed towards the support of Government, although he is not entitled to vote for the Representative who is to tax him, consequently his money is taken from him without his consent. During your residence in the United States you are subject to the laws, although, by the alien bill, you are expressly deprived of the benefits of them. Is not this bill an infraction of the treaty between England and this country? A bill has passed the House of Representatives for raising a provisional army of ten thousand men. It is generally understood that aliens will be most graciously permitted to enlist and shed their blood in the defence of the rights and property of others. What! fight in defence of others, in defence of the very men who have disabled you from becoming even political hewers of wood and drawers of water! If the drill-serjeants should apply to you to enlist and to become Alexanders, at a few dollars per month, remind them of your situation, and refer them to those who have an interest in the soil, who have rights and property to defend. Let those compose the army of defence. Ask the recruiting officer, if it be reasonable to expect that you should fight in defence of a country which has so unjustly and ungratefully proscribed you?"

Thus, sir, under the hypocritical pretence of warning these honest men of a supposed danger, professing, in their benevolence, (excellent creatures!) to instruct the ignorant and to guide the blind, they mislead them, and inflame their passions against our Government and against our country. Taking advantage of their belief that the French are seeking the relief of their countrymen in Ireland, they endeavor to persuade them that they ought not to defend this country against invasion. The intention is to prepare them, these honest Irishmen, not only not to defend this country, but to join our enemy: nothing is more true, in such a case, than the Scripture declaration: "he that is not with us is against us." The intention is to swell the ranks of our foes with these brave fellows, the moment they make their appearance. We are represented as hostile to them, of course they will become hostile to us; and can we make no laws to prevent such effects? The idea is ridiculous. If we have not this power, away with such a Government, it is not worth preserving; it cannot stand; it contains the seeds of a swift and sudden dissolution. This paper (the Aurora) is the great engine of all these treasonable combinations, and must be strongly supported, or it would have fallen long ago.

Mr. W. CLAIBORNE interrupted Mr. A., and asked him whether he did not subscribe for it, and so become one of its supporters?

I do, said Mr. A. I take it under the rule of this House at the public expense; I take it for the purpose of seeing what abominable things can issue from a genuine Jacobinic press; but this is not supporting it with my name and influence; this is not giving it the authority of my opinions; I do not walk the streets arm-in-arm, I hold no midnight conference, I am not daily and nightly closeted with its editor. I say, sir, this paper must necessarily, in the nature of things, be supported by a powerful party; I do not say of whom that party is composed. The anonymous pieces and paragraphs it contains, evince the talents and industry employed to give it currency; and it is perfectly well understood, by all parties and persons, to contain the opinions of certain great men, and certain gentlemen in this House. This inflammatory address to the Irishmen, is, therefore, understood by them to come clothed with high authority. This is the work of a party; this paper is devoted to party; it is assiduously disseminated through the country by a party; to that party is all the credit due; to that party it owes its existence; if they loved the peace of our Zion, if they sought the repose of our country, it would cease to emit its filth; it has flourished by their smiles; it would perish at their frowns.

I wish there were no other species of writings which aim at the overthrow of this Government, and calculated to excite the deeds of death. But, sir, members of this body are in the habit of writing to their constituents things which they cannot justify; or there are men wicked enough to forge such letters, and send them in their names, either of which I contend, is highly evidential of those treasonable combinations and calumnies which this law is intended to prevent or punish; but I hope, for the honor of human nature and of our country, they are foreigners. The committee will pardon me for reading a part of one which appeared in the Aurora a few days ago. It is entitled,

"Interesting letter from a Member of Congress from Virginia to his constituents."

After many comparisons of our Government with that of England, the learned writer says:

"Nor are we left altogether to conjectural events, arising out of a comparison of the general structure of the Government of England with that of the United States; there are special facts in our own affairs that evidently imply a tendency to similar abuses in the conduct of our Government.

"The public debt has been studiously augmented and funded, according to the mystery and intricacy of English finances; we have been annually familiarized to the system of loans and funds; and we have a bank connected with Government in its being and in its trans-

actions. The nature of these institutions, and their political effects, already discernable in this country, and brought to full form and maturity in England, plainly prove their great fitness and agency in producing a dangerous preponderance of Executive power; the Executive is regularly supported by a party in both Houses of Congress on every questionable case respecting its powers or its projects for expense," &c.

A Representative of the people has committed to him a trust of the highest nature; his obligations are of the most solemn kind; an awful responsibility rests upon him to deal with his constituents in the sincerity of his heart. How could a member of this House seriously inform his constituents that "the public debt has been studiously augmented?" He knew the reverse to be true; how he could say anything else this letter contains I cannot imagine. His object must be to inflame his constituents against the Government, though at the expense of all truth. But, sir, we do know that very many of such letters have been sent into a particular quarter of the Union; and we cannot be surprised at the opinions there entertained of the Government and its administration. Gentlemen, by such measures, are planting thorns under their dying pillows. If this country is brought into a civil war, of which there is too much danger, let gentlemen lay it well to heart; I beseech them now to inquire with themselves, what they have done by such letters to contribute to that calamitous event?

If these things are true; if we have so betrayed the interests of our constituents; if we are so seeking to bring a despotism on this country, we ought to be hurled from our seats, and give place to better men; we ought to be hurled to that punishment which would most justly await us. No gentleman believes them, however; no gentleman believes that every sense of moral obligation is set at naught in this House, and that we forget all that we owe to our constituents. Such representations are outrages on the national authority, which ought not to be suffered; and I have no doubt that Congress have power to remedy the evil. If it be determined that we have not this power, the people will certainly vest it in the Congress, for no Government can exist without it; it is inherent in every Government, because it is necessary to its preservation.

As to the *details* of the bill, the forms of the House do not admit of discussing them; I will not pledge myself to vote for them as they stand; I am inclined to think they require amendments; but the gentleman (Mr. LIVINGSTON) and his friends seem disposed to prevent our going further with this bill; they are not willing we should look into the details, correct them, and render them unobjectionable; no, they say, reject it at once without discussion. Sir, I hope we shall go into a Committee of the Whole, and sincerely set ourselves at work to make it what it *ought to be*, if, it is not so now.

Mr. HARPER said, if, in voting against the rejection of this bill, his vote should be considered as giving his assent to all its provisions, it would be misunderstood. He thought it right and necessary to make a law on the subject; but not exactly such a law as the present, his particular objections to which he should make known when the subject was fully before him. He should vote against a rejection of the bill, because to vote for it, would be to declare that no law ought to be passed to restrict seditious writing and speaking, which was not his opinion.

He had often heard in this place, and elsewhere, harangues on the liberty of the press, as if it were to swallow up all other liberties; as if all law and reason, and every right, human and divine, was to fall prostrate before the liberty of the Press; whereas, the true meaning of it is no more than that a man shall be at liberty to print what he pleases, provided he does not offend against the laws, and not that no law shall be passed to regulate this liberty of the press. He admitted that a law which should say a man shall not slander his neighbor would be unnecessary; but it is perfectly within the Constitution to say, that a man shall not do this, or the other, which shall be injurious to the well being of society; in the same way that Congress had a right to make laws to restrain the personal liberty of man, when that liberty is abused by acts of violence on his neighbor.

He remembered a very respectable authority in this country (Dr. FRANKLIN) had said, in an essay of his, called "the Court of the Press," that the liberty of the press could never be suffered to exist without the liberty of the cudgel; meaning no doubt to say, that as the use of the latter must be restrained, so must also the former, or else human life would be deplorable. Nor would the rational liberty of the press be restricted by a well defined law, provided persons have a fair trial by jury; but that liberty of the press which those who desire, who wish to overturn society, and trample upon everything not their own, ought not to be allowed, either in speaking or writing, in any country.

Mr. H. knew the liberty of the press had been carried to a very considerable extent in this country. He had frequently seen private character vilely calumniated; he had himself come in for a share of abuse, but he had always despised the base calumniators, believing that a man's propriety of conduct would always be sufficient to shield him against these slanders. When he saw the President of the United States and the Government of the Union defamed, he still despised them, and he believed also that the people were not affected by them, because he saw they did not rise in insurrection against the Government; and if they had not believed that all the things which were said respecting the Government were vile falsehoods, he should have thought the people the most wretched fools, had they not risen against it.

Whilst this abuse was confined to certain newspapers in the United States, it excited in him, therefore, no alarm; but, when he heard a gentleman on the floor of this House, whose character and connexions gave him weight with the people, pronouncing an invective against the Government, and calling upon the people to rise

against the law, the business put on a very serious appearance; he thought so, not because he should wish to have that gentleman muzzled (for he knew he had the liberty of uttering as much treason as he pleased, and that if his own sense of propriety and decorum was not sufficient to check him, there was no other check upon him,) but because this speech may have a very different effect from the filthy streams of certain newspapers; it may gain a credit with the community, and produce consequences which all former abuse has failed to do. It is time, therefore, for the Government to take alarm; the long forbearance which it has shown ought to come to an end, since all its acts are represented in the vilest and foulest colors; and now they are sanctioned by the assertions of a person high in respectability, (he meant as to his situation in life,) and a law ought to pass to prevent such invitations as had been given to the people from producing their intended effects. It was for this reason that he wished a law to pass to punish treasonable and seditious writings.

But the evil was not confined to speeches in this House. He had once before called the attention of the House to a letter of a member of this House, and calculated to excite those insurrections, which had heretofore been excited by other means. He had lately seen another, under a signature which he knew. In this letter the most vile coloring is given to measures, and the most abominable motives are imputed to members, contrary to what the writer knew to be the truth at the time. When the signatures of members are thus affixed to the most abominable falsehoods, what effect may they not produce? It was well known that other countries had been turned upside down by such vile practices. Governments had been compelled to become tyrannical, in order to prevent the most deplorable calamities. And why? Because the seditious spirit which appeared in respectable quarters, was too long disregarded. If energetic laws had been passed in time, those deplorable effects would not have followed. He trusted they would not take place here. He hoped the most daring attempts to sow discontent among the people will now prove as ineffectual as they have heretofore done. He trusted the good sense and patriotism of the people would be their shield. He believed this, but he did not know it would be the case, and lest it should not, he wished a bill of this kind to pass.

Mr. NICHOLAS was sorry this motion had been made, because it prevents members from going into the modification of the bill, which he was convinced would completely exemplify the folly of the principle; but until gentlemen saw what form the bill was finally to take, it was impossible to speak with precision on its merits; because if the declarations of the gentlemen from Connecticut and South Carolina were attended to, it would be found they are most afraid of the speeches and letters of gentlemen in this House. They acknowledge, however, they cannot prevent members from speaking what they please here. What, then, is their aim? Do they mean to prevent the publication of their sentiments to their constituents and to the world? If this was not their intention he could not tell what it was?

There was one general view of this subject, which Mr. N. took to be the most momentous that this country ever saw. He was ready to go with gentlemen into measures for affording a liberal support to the war, which it appears must be gone into; but he was not ready to create a *domestic tyranny*. The people of this country are competent judges of their own interests, and he was desirous that the press should remain perfectly free to give them every information relative to them; and to restrict it, would be to create a suspicion that there is something in our measures which ought to be kept from the light. It was striking at the root of free republican Government, to restrict the use of speaking and writing. He wished, however, to see the bill put into such a shape as the friends of it themselves might approve.

Mr. LIVINGSTON said, after receiving the chastisement of the gentleman from Connecticut on one cheek, he, like a good Christian, had turned the other to the gentleman from South Carolina, and received the stripes of both. He expressed his acknowledgments to these gentlemen, however, if not for their chastisement, for the insight which they have given the House into this bill. They have said, its design is not only to restrict the liberty of the press, which is secured by the Constitution, but the liberty of speech on this floor. The gentleman from South Carolina did not say explicitly that he wished this; but he said he was regardless of what was said in the public papers, either of private or personal slander, or of a slander on the Government, until he heard a certain speech delivered in this House; and though he said he did not intend to restrict the liberty of speech in this House, he must have had something of the kind in view. [Mr. HARPER said it was not his intention to restrict the freedom of speech on that floor, but the consequences of it out of doors.] Then, said Mr. L., he will either restrict the members from speaking, or, in some way, prevent the people from knowing what has been said. How is this to be done? By shackling newspapers, and preventing that free communication of sentiment which has heretofore been expressed on public topics.

The gentleman from Connecticut had been pleased to read a quotation from some observations which he had made on a former occasion, which that gentleman thought highly blameable. Mr. L. said what he had read, he avowed to be his sentiments. He avowed them with pride, and he trusted he should always avow them with pride. Nor could he see how acts made contrary to the Constitution could be binding upon the people; unless gentlemen say Congress may act in contravention to the Constitution. [Mr. OTIS asked who were to be the judges?] Mr. L. answered, the people of the United States. We, said he, are their servants, when we exceed our powers, we become their *tyrants!*

This is one object of complaint; the other is

against newspaper publications. The gentleman from South Carolina has said, that provided the law is clear and well defined, and the trial by jury is preserved, he knew of no law which could infringe the liberty of the press. If this be true, Congress might restrict all printing at once. We have, said he, nothing to do but to make the law precise, and then we may forbid a newspaper to be printed, and make it death for any man to attempt it!

If this be the extent to which this bill goes, it is not only an abridgment of the liberty of the press, which the Constitution has said shall not be abridged; but it is a total annihilation of the press. Were he then to withdraw his motion, he should consider himself guilty of treason; by his consent, so unconstitutional a measure should not progress an inch. However unsuccessful he might be, he would oppose it in every stage.

Mr. OTIS supposed the opposition to this bill arose chiefly from prejudice, as gentlemen could not be so well acquainted with the bill from hearing it once read, as to say there are no parts of it which ought to become law. He had not nicely examined the merits of this bill, but he heard that it contained several important provisions, and he should certainly be opposed to a rejection of it without a perusal. To vote for such a motion, would be to say, we will not examine the bill; and yet he believed there was nothing in it contrary to the common law of the several States of the Union.

Mr. MACON had no doubt on his mind that this bill was in direct opposition to the Constitution; and that if a law like this was passed, to abridge the liberty of the press, Congress would have the same right to pass a law making an establishment of religion, or to prohibit its free exercise, as all are contained in the same clause of the Constitution; and, if it be violated in one respect, it may as well be violated in others. Several laws had been passed which he thought violated the spirit, but none before this which directly violated the letter of the Constitution; and, if this bill was passed, he should hardly think it worth while in future to allege against any measure that it is in direct contradiction to the Constitution.

Laws of restraint, like this, Mr. M. said, always operate in a contrary direction from that which they were intended to take. The people suspect something is not right, when free discussion is feared by Government. They know that truth is not afraid of investigation.

If, said Mr. M., the people are so dissatisfied with Government as some gentlemen would have it believed, but which he did not credit, by passing a law like the present you will force them to combine together; they will establish corresponding societies throughout the Union, and communications will be made in secret, instead of publicly, as had been the case in other countries. He believed the people might be as safely trusted with free discussion, as they whom they have chosen to do their business.

It was a most extraordinary thing, Mr M. said, that, at a time like this, when some gentlemen say we are at war, and when all believe we must have war, that Congress are about to pass a law which will produce more uneasiness, more irritation, than any act which ever passed the Legislature of the Union.

No gentleman, in support of the bill, has gone into the Constitutional question; no one has shown what part of the Constitution will authorize the passage of a law like this. He believed none such could be adduced.

The gentleman from Massachusets (Mr. OTIS) has said, this bill is conformable to the common law. He knew persons might be prosecuted for a libel under the State Governments; but if this power exist in full force at present, what necessity can there be for this bill?

The gentleman from Connecticut had read from a newspaper a paragraph which said, "that the Federalists are seeking to destroy the liberty of the press;" but if this bill pass, he would venture to say, that where that is heard once now, it will be heard a hundred times then. The idea of abridging the liberty of the press would be so abhorrent to the feelings of the people of this country, that he could not say what would be the effect of it. This subject had been so well handled by our Envoys in their reply to Mr. Talleyrand, that he wondered an attempt of this kind should have been made. Nothing which he could say would be half so well said as were their observations on this subject. They met with his entire approbation.

Much had been said about a certain paper printed in this city. He believed if anything appeared which was unfounded in that paper, it would always be contradicted in another. It is well known there are papers on both sides the question, and if you say you have read one; you are generally asked if you have seen the other? Without saying anything in praise of any paper, he thought there were at least as many *lies* in two other papers, as there ever were in the one which had been alluded to.

Mr. M. regretted that when Congress is about to rise, they should have had a subject of this kind brought before them. When we are about to change our state from peace to war, a discussion which was calculated to excite the irritation which this could not fail to produce, would add nothing to our strength, and he could himself see no necessity for it, provided there was no objection against it on Constitutional ground.

Whenever we went over the water for precedents, Mr. M. said, we reason from a people in a very different situation from that of Americans. The people of this country, almost to a man, understand the nature both of the State and Federal Governments, which could not be said of the great bulk of the people in Europe, who do not trouble themselves about the concerns of Government. The people here will, therefore, much sooner discern and repel any encroachments upon their liberty, of which they, as freemen, ought to be extremely jealous.

Mr. MCDOWELL was in hopes that when the third article of the amendments to the Constitution had been read, that the unconstitutionality of

this bill would have been so evident, that it would have been rejected without debate.

Mr. McD. was sorry that the gentleman from Connecticut should have thought it necessary to have taken up so much of the time of the House by reading paragraphs from newspapapers, which everybody had seen; but it might have been expected after the gentleman had taken so much pains to villify and abuse the printer of one of the papers of this city, a citizen of respectable character and connexions, that he should have taken at least some notice of another, called the British printer, who boasts of being a subject of King George, and who is generally supposed to be in the pay of the British Minister—whose paper contains more libels and lies than any other in the United States, and who notwithstanding is countenanced by characters whom he was sorry to see have any connexion with such a man; whose constant daily business it is to abuse, and render ridiculous, every member of our Government who does not in everything fall in with British views.

As to what had been said with respect to the circular and other letters of members which have been published, he had seen some of them and heard of others. It was not anything which the gentleman from South Carolina could say, which would prevent him from speaking and writing his sentiments freely. The gentleman from South Carolina said he had seen a letter in the papers the signature of which he knew. He should be glad to know where he saw the signature to know it? He had seen a letter in Fenno's paper, signed *McDowell*, followed by some violent strictures on the letter, and on the author. The letter he owned to be his, but the insinuations contained in the observations upon it were as false as they were malicious.

Mr. HARPER said, he knew the gentleman wrote the letter in question; but he would assure him he did not see it under seal, nor did he break the seal, or write the strictures upon it.

Mr. GALLATIN wished that the bill had been committed before any debate had taken place, as, in its present stage, any observations on details susceptible of amendment would be out of order; and he must now confine himself to the general question "Does the situation of the country, at this time, require that any law of this kind should pass? Do there exist such new and alarming symptoms of sedition, as render it necessary to adopt, in addition to the existing laws, any extraordinary measure for the purpose of suppressing unlawful combinations, and of restricting the freedom of speech and of the press? For such were the objects of the bill, whatever modifications it might hereafter receive.

The manner in which the principle of the bill had been supported, was perhaps more extraordinary still than the bill itself. The gentleman from Connecticut, (Mr. ALLEN,) in order to prove the existence of a combination against the Constitution and Government, had communicated to the House—what? a number of newspaper paragraphs; and even most of those were such as would not be punishable by the bill as it now stands. The object of that gentleman in wishing a bill of this nature to pass, extended far beyond the intention of the Senate who had sent down this bill; far beyond, he would venture to say, the idea of any other member upon this floor, besides himself. His idea was to punish men for stating facts which he happened to disbelieve, or for enacting and avowing opinions, not criminal, but perhaps erroneous. Thus one of the paragraphs most obnoxious to the gentleman from Connecticut, was that in which the writer expresses his belief that Mr. Gerry may yet make a treaty with the French Government, his powers being sufficient for that purpose. [Mr. ALLEN said, his charge was against persons making this assertion, when they knew it to be unfounded.] Mr. G. said, he did not understand the gentleman's explanation. He now says that the act he condemns is the assertion of a fact, which may be true, but which the writer himself disbelieves: and thus he wished to punish such men as, according to his caprice, he may suppose guilty of expressing opinions not consonant with their own sentiments. For by what rule of evidence could he discover and know what was really the writer's belief; But, to return, was there any thing criminal in that paragraph: It asserted that Mr. Gerry had powers sufficient to treat. The gentleman from Connecticut denies this to be true. Mr. G. would aver that it was an undeniable fact, as appears evidently from the documents now on the table. They showed that the powers given to the Envoys were joint and several. And, if Mr. Gerry had powers to treat, how could it be criminal to say that he might treat? Or supposing the writer of the paragraph to have said, that he believed Mr. Gerry would treat, could the opinion be charged with anything but being erroneous? When a paragraph of this nature was held out as criminal, what writings, what opinions, could escape the severity of the intended law, which did not coincide with the opinions, and which might counteract the secret views of a prevailing party?

The gentleman from Connecticut had also quoted an extract of a letter said to be written by a member of Congress from Virginia, and published in last Saturday's Aurora. The style and composition of that letter did the highest honor to its writer. It contained more information and more sense, and gave more proofs of a sound understanding and strong mind, than ever the gentleman from Connecticut had displayed, or could display on this floor. So far he would venture to say, although he had given but a cursory reading to the letter, and he was altogether at a loss to know what was criminal in it, though he might easily see why it was obnoxious. Was it erroneous or criminal to say that debts and taxes were the ruinous consequences of war? Or that some members in both Houses of Congress uniformly voted in favor of an extension of the powers of the Executive, and of every proposed expenditure of money? Was it not true? Gentlemen of that description avow that, in their opinion, the Executive is the weakest branch of Government; and they act upon the ostensible principle that, on that account, its influence and powers must be increased. Look at

the laws passed during this session. Look at the alien bill, at the provisional army bill, look at the prodigious influence acquired by so many new offices, and then deny that the powers of the Executive have not been greatly increased. As to the increased rate of expenditure, and the propensity of these gentlemen to vote money, they would not themselves deny it. Was it criminal to say that the Executive is supported by a party? when gentlemen declared that it must be supported by a party. When the doctrine had been avowed on this floor that men of a certain political opinion, alone ought to be appointed to offices; and when the Executive had now adopted and carried into practice that doctrine in its fullest extent?

Mr. G. acknowledged that some of the newspaper paragraphs quoted by Mr. ALLEN were of a very different nature from that letter. One of them, taken from the *Timepiece*, was extremely exceptionable; most of them contained sentiments different from his own, and expressed in a style he never would adopt. Yet in almost every one of them there was a mixture of truth and error; and what was the remedy proposed by the gentleman from Connecticut, in order to rectify and correct error? Coercion: a law inflicting fine and imprisonment for the publication of erroneous opinions.

Was the gentleman afraid, or rather was Administration afraid, that in this instance error could not be successfully opposed by truth? The American Government had heretofore subsisted, it had acquired strength, it had grown on the affection of the people, it had been fully supported without the assistance of laws similar to the bill now on the table. It had been able to repel opposition by the single weapon of argument. And at present, when out of ten presses in the country nine were employed on the side of Administration, such is their want of confidence in the purity of their own views and motives, that they even fear the unequal contest, and require the help of force in order to suppress the limited circulation of the opinions of those who did not approve all their measures. One of the paragraphs says, that it will soon become a question whether there will be more liberty at Philadelphia or Constantinople. The gentleman from Connecticut bitterly complains of this, as insinuating that some persons in Government intend to establish a despotic power; and in order to convince the writer of his error, that gentleman not only supports the bill, but avows principles perfectly calculated to justify the assertions contained in the paragraph. [Mr. ALLEN said, he stated all these things to show the temper of certain seditious persons in the United States.] Mr. G. remarked that if the gentleman from Connecticut, by that explanation, meant to say that the paragraphs he had quoted were not criminal, but only evidences of a general seditious temper, it was extraordinary that in order to prove the existence of certain criminal combinations, which, in his opinion, it was necessary to punish, he had brought in evidence only writings which he now acknowledged ought not to be punished. But, at all events, that gentleman supposed the existence of a certain seditious spirit, which in his opinion ought to be crushed.

And how has that seditious spirit been exhibited? The only evidences brought by the supporters of this bill consist of writings expressing an opinion that certain measures of Government have been dictated by an unwise policy, or by improper motives, and that some of them were unconstitutional. This bill and its supporters supppose, in fact, that whoever dislikes the measures of Administration and of a temporary majority in Congress, and shall, either by speaking or writing, express his disapprobation and his want of confidence in the men now in power, is seditious, is an enemy, not of Administration, but of the Constitution, and is liable to punishment. That principle, Mr. G. said, was subversive of the principles of the Constitution itself. If you put the press under any restraint in respect to the measures of members of Government; if you thus deprive the people of the means of obtaining information of their conduct, you in fact render their right of electing nugatory; and this bill must be considered only as a weapon used by a party now in power, in order to perpetuate their authority and preserve their present places.

The gentleman from Connecticut had concluded his observations by stating that he could not conceive how gentlemen could day after day hear or read such abusive and seditious pieces and rest quietly on their pillows. He would give to that gentleman a piece of information that would diminish his astonishment. He had himself heard day after day the illiberal abuse poured from several quarters of this House against himself and his friends; he had heard the grossest and most abusive language from the lips of that gentleman; nay, he had heard the most seditious expressions falling from him; he had heard him say, that if gentlemen on this floor did not adopt certain measures, he knew that the people would soon come and compel them to act. And yet, he could assure that gentleman, that torrent of sedition and personal abuse had never deprived him of an hour's sleep.

The gentleman from South Carolina (Mr. HARPER) had taken a different ground. He had stated that he did not apprehend any serious mischief from the present licentiousness of the press until he had heard the speech of a member from New York (Mr. LIVINGSTON) inviting the people to resist a law of Congress. That gentleman had forgotten that the bill which he now meant to support, could suppress and punish only that licentiousness of which he declared he was not afraid, and could not reach speeches of members of Congress, which, by the Constitution, could not be noticed out of these walls. This was the first attack made upon a speech delivered in this House, but what, from the gentleman from South Carolina, he had, for some time expected; for, in his career, after having grossly attacked members first for writing circular letters, and then on account of their private correspondence, the next step must be to make their speeches the foundation of a sedition law. As to the speech itself, so far as he had heard the expressions alluded to, it was not

an invitation to the people, or an opinion that the people should oppose the alien bill itself as unconstitutional; but merely a general position that they had a right to resist, and would resist unconstitutional and oppressive laws. He believed that doctrine to be strictly correct, and neither seditious or treasonable. The opposite doctrines of passive obedience and non-resistance had long been exploded. America had never received them. America had asserted the right of resisting unconstitutional laws, and the day we were celebrating yesterday (4th of July) is a monument of that right. When and how such a right should be exercised, was a different and delicate question. It is a question to be decided by motives of prudence and by principles of morality. It is a question which America had once decided in the affirmative. It is a right to which they may, perhaps, in the course of events be again obliged to resort. God forbid that we should ever see that day! But it is above all in the power of Government to avert such an evil by refraining from unconstitutional and arbitrary laws. Mr. G. added that he was one of those who had the most sincere and strong conviction impressed on his mind that the alien bill was unconstitutional. [The SPEAKER said, that was not the question.] Mr. G. said, that he was not going to make any remarks on that law, or any that could by any one be supposed to be out of order. He meant only to state that, notwithstanding that conviction, his opinion was that an appeal must be made to another tribunal, to the Judiciary in the first instance, on the subject of a supposed unconstitutional law; and that even where no redress could be obtained, he did not think that law alone, and in itself, sufficient to justify resistance and opposition even in those who thought it unconstitutional.

Mr. G. concluded by observing, that he had considered only the general object of the bill on the table, on a supposition that it might be modified so as to be rendered consonant with the Constitution. The object of the first section was to punish unlawful combinations, resistance to laws, and other crimes and misdemeanors, all of which were already punishable, and had in some instances actually been punished by the Courts of the United States. That section, therefore, is altogether useless. In order to prove the necessity of the second section, which went to impose restraints on the liberty of speech and of the press, it was at least necessary to prove the existence of a seditious disposition amongst the people. The supporters of the bill had been unable to bring a single fact before this House, in support of that position. So long as they were compelled to resort only to newspaper paragraphs and speeches on this floor, in order to show the absolute necessity of passing sedition laws, he thought it useless to investigate more deeply the principles of this bill, and he trusted the weakness of their arguments would afford a sufficient proof to this House of the weakness of their cause, and was sufficient to insure a rejection of the bill.

Mr. DANA did not propose to enter into any controversy respecting the honor which some gentlemen seemed disposed to arrogate to themselves, on account of certain sentiments which they have avowed. If any members of that House were ambitious of being distinguished as heralds of calumny and apostles of insurrection, it might serve to show how incorrect were their ideas of what is truly honorable.

Neither was it his intention to answer all the remarks of gentlemen in opposition to the bill, or to go into a critical examination of its details. In his opinion, such a discussion would be improper on the question then under debate; which was, whether the bill should be rejected without a second reading. Whatever objections might be made to its details, these would be liable to amendments after it should again be read and referred to the Committee of the Whole. The leading principles of the bill, therefore, were what he intended to notice.

The bill has two objects in view—it proposed to punish conspiracies and calumnies against the Government. Against this bill, the freedom of speech and of the press has been insisted on; and the bill has been condemned as violating one of the articles adopted as amendments to the Constitution. Why is the gentleman from Pennsylvania so very anxious on the subject? Or is it abridged by a law to restrain lying? Could the framers of the Constitution intend to guarantee, as a sacred principle, the liberty of lying against the Government? What do gentlemen understand by "the freedom of speech and of the press?" Is it a license to injure others or the Government, by calumnies, with impunity?

Let it be remembered, that the uttering of malicious falsehoods, to the injury of the Government, is the offence which it is now intended to restrain; for, if what is uttered can be proved true, it will not, according to this bill, be punished as libellous. What, then, is the rational, the honest, the Constitutional idea of freedom of language or of conduct? Can it be anything more than the right of uttering and doing what is not injurious to others? This limitation of doing no injury to the rights of others, undoubtedly belongs to the true character of real liberty. Indeed, can it, in the nature of things, be one of the rights of freemen to do injury? Let gentlemen consult any writer of established reputation on this subject; let them examine the Constitution of their own favorite "terrible" Republic! they will not find the ideas of liberty extended to that indefinite latitude which they advocate on this floor.

However, if there are gentlemen who seriously and conscientiously believe that it would be violating the Constitution to restrain abuses of the press, by punishing the guilty; if there are gentlemen who believe that malicious calumnies against the Government ought to be uttered and published with impunity, such gentlemen ought certainly not consent to act further upon this subject. Mr. D. was of a different opinion. He believed that the editor of a newspaper, like the writer of a public history, in the execution of his office, should dare to utter what is true, and dread to utter anything that is false. Con-

sidering, therefore, that the liberty of lying, the privilege of vice, is what is truly intended to be corrected by this bill, how is it possible that gentlemen should appear so anxious to excite clamor against it? For himself, Mr. D. wanted not the liberty of calumny or of conspiracy, and was in favor of the principle of the bill.

Mr. NICHOLAS said, the determining a political question, true or false, would rest upon a variety of considerations; and the doctrine, in its extent, would have the effect to suppress useful truths. As to falsehood, he believed the opposers of this bill are as incapable of it, or of supporting it, as the gentleman from Connecticut, or any other.

Mr. HARPER explained.

Mr. CRAIK said, he should vote against the rejection of this bill, because he wished to see it and examine it, and not because he meant to vote for it at all events. If he thought it went to prevent the freedom of debate, or to hinder members from communicating freely with their constituents, or to restrain the publication of the debates, he would be for rejecting it; but, not believing it went to restrain any of these things, he wished to have an opportunity of seeing the bill, and of hearing its merits discussed.

Mr. KITTERA said, gentlemen's arguments were at war with each other. On one side it is said, this bill is a violation of the Constitution; on the other, it is said to be founded on common law principles. If the latter is true, it may be wise and proper to pass this bill. It was wise in all Governments to have the people well informed with respect to crimes on common law principles. It was desirable on another account: It had lately been advanced as an opinion by law gentlemen in the Federal Courts, that those Courts have not a common law jurisdiction in criminal cases. If so, it is important to pass a bill on the subject.

The question on rejecting the bill, was taken by yeas and nays—yeas 36, nays 47, as follows:

YEAS—David Bard, Lemuel Benton, Thos. Blount, Demsey Burges, Thomas Claiborne, William C. C. Claiborne, John Clopton, John Dawson, John Fowler, Albert Gallatin, James Gillespie, Andrew Gregg, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Edward Livingston, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, Anthony New, John Nicholas, Samuel Smith, William Smith, Richard Sprigg, jun., Richard Stanford, Thomas Sumter, John Trigg, Philip Van Cortlandt, 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, Jas. Cochran, Joshua Coit, William Craik, Samuel W. Dana, George Dent, William 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, John Wilkes Kittera, Samuel Lyman, William Matthews, Harrison G. Otis, Isaac Parker, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, Peleg Sprague, Geo. Thatcher, Richard Thomas, Mark Thomson, Thomas Tillinghast, John E. Van Alen, and Peleg Wadsworth.

Mr. ALLEN laid a resolution upon the table to the following effect:

"*Resolved*, That a committee be appointed to consider upon the expediency of declaring, by Legislative act, the state and relation subsisting between the United States and the French Republic."

FRIDAY, July 6.

A bill was received from the Senate to amend the act for the sale of land of the United States in the territory northwest of the river Ohio; which, on motion of Mr. HARPER, was postponed till next session of Congress.

Mr. S. SMITH, from the committee appointed on the subject, reported a bill to augment the Army of the United States; which was twice read, and committed to a Committee of the Whole.

PUNISHMENT OF CRIME.

Mr. HARPER said, that when the bill from the Senate, in addition to the act for punishing certain crimes against the United States, was yesterday under consideration, he had given it as his opinion that, before he could agree to it, he should wish it to undergo considerable alteration. He did not believe these alterations could be so well made in a Committee of the Whole as in a select committee; he, therefore, moved to discharge the Committee of the Whole from the further consideration of the bill, in order to refer it to a select committee.

Mr. MCDOWELL did not think this bill ought to pass in any form that could be given to it. He hoped no further time would be lost with it; but that the House would immediately go into a committee upon it.

Mr. THATCHER liked the bill very much, and hoped it would pass with very little amendment; he thought it good in all its parts. If any amendment was wished, however, it might be made in the Committee of the Whole as well as in the select committee.

Mr. ISAAC PARKER saw no necessity for sending the bill to a select committee.

Mr. GALLATIN wished to know whether the committee, to whom had been re-committed a bill of this nature, entitled a bill for the restraint and prevention of seditious persons, had considered that subject, or whether they meant to make any report? Perhaps it would be proper to recommit this bill, and have a report on both together.

Mr. SEWALL said, the committee had generally considered the subject; but, as that bill is pretty much the same as this, the committee, he presumed, would not think it necessary, if this bill was agreed to, to recommend the passage of that bill at all.

The motion was negatived—15 votes only for it.

ADDITIONAL NAVAL ARMAMENT.

Mr. SEWALL called the order of the day on the bill making further appropriation for the additional naval armament.

The House went into a committee on the sub-

ject, and the blank for the appropriation was filled with $600,000. It was ordered to be read a third time to-morrow.

STATE BALANCES.

Mr. HARPER called up the resolution which he laid upon the table some days ago, in the following words:

"*Resolved*, That when any State, against which a balance was reported by the Commissioners appointed to settle the accounts between the United States and the individual States, shall have expended, in money, or in stock of the United States at par, the amount assumed for such State by the United States, in erecting, enlarging, or completing the fortifications which such State, according to plans to be approved by the President of the United States, such expenditure shall be received and accepted by the United States, as a full acquittance for all demands against such State, on account of the balance so reported."

This resolution was referred to Messrs. HARPER, GALLATIN, and LIVINGSTON, to report thereon.

SEDITIOUS WRITERS.

Mr. HARPER proposed the following resolutions, which he moved to be referred to a Committee of the Whole on the state of the Union:

Resolved, That it is expedient to provide for the punishment, upon conviction in due form of law, of persons who shall write, print, utter, or publish, or shall cause or procure to be written, printed, uttered, or published, or who shall knowingly and willingly assist or aid in writing, printing, uttering, or publishing, any false, scandalous, and malicious writing or writings against the Government of the United States, or either House of the Congress of the United States, or the President of the United States; with intent to defame the said Government, or either House of the said Congress, or the said President; or to 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; or to stir up sedition within the United States; or to excite any unlawful combinations therein for opposing or resisting any law of the United States, or any act of the President of the United States done in pursuance of any such law, or of the powers in him vested by the Constitution of the United States; or to resist, oppose, or defeat any such law or act; or to aid, encourage, or abet any hostile designs of any foreign nation against the United States, their people, or Government.

Resolved, That it is expedient to provide for the punishment, or conviction as aforesaid, of persons who, by public and advised speaking or discourse, except in cases wherein freedom of speech is expressly allowed by the Constitution of the United States or of any State, shall knowingly utter or publish any false, scandalous, and malicious words or expressions against the Government of the United States, or either House of the Congress of the United States, or the President of the United States, with intent to defame the said Government, or the said President, or either of the said Houses; or to bring them, or either or any 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; or to stir up sedition within the United States; or to excite any unlawful combination therein, for opposing or resisting any law of the United States, or any act of the President of the United States, done in pursuance of any such law, or of the powers vested in him by the Constitution of the United States; or to oppose, resist, or defeat any such law or act; or to aid, encourage, or abet any hostile designs of any foreign nation against the United States, their people, or Government.

Resolved, That it is expedient to provide for the punishment on conviction as aforesaid of persons who shall assemble or convene, or shall cause or procure to be assembled or convened, or shall knowingly and willingly aid or assist in assembling or convening, any public or secret meeting, society, assembly, or convention, to the number of ——— persons, or more; or shall knowingly and willingly attend at, or join in, any such meeting, society, assembly, or convention, with intent to form, devise or contrive, or to assist in forming, devising or contriving any plot, conspiracy, or combination against the peace of the United States, or against the execution of any law thereof, or of any act of the President of the United States, done in pursuance of any such law, or of the powers vested in him by the Constitution of the United States; or with intent to aid, encourage, or abet any hostile designs of any foreign nation against the United States, their people, or Government; or with intent to establish, hold, or carry on any correspondence with any foreign nation, its agents or people, for any of the purposes aforesaid.

Resolved, That it is expedient to provide for the punishment on conviction as aforesaid of persons who, not attending or joining in any such meeting, society, assembly, or convention as aforesaid, shall individually, or in conjunction with some other person or persons, engage in, carry on, or cause to be carried on, any correspondence with any person or persons whatsoever, with intent to form, promote, or aid any plot, conspiracy or combination against the peace of the United States, or to aid, encourage, or abet any hostile designs of any foreign nation against the said States, their people, or Government.

Resolved, That the Circuit Courts of the United States ought to have cognizance of all or any of the said offences committed within their districts respectively; and that all marshals, deputy marshals, and jailers of the United States, and all officers thereof, civil and military, ought to be, when duly thereunto required, aiding and assisting in the due execution of all and every sentence or judgment to be pronounced by any of the said Courts, pursuant to the aforesaid provisions, or any of them.

Resolved, That nothing in the said provisions, or any of them, ought to extend "to abridge the freedom of speech and the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances," as established by the Constitution of the United States.

Resolved, That the said provisions ought to continue and be in force for one year, and no longer.

These resolutions were referred to the Committee of the Whole to whom is committed the bill for the punishment of certain crimes against the United States.

ABROGATION OF TREATY WITH FRANCE.

Mr. SEWALL called up the bill from the Senate, declaring the treaty between France and the United States void and of no effect.

Mr. ALLEN wished the resolution that he laid upon the table yesterday, respecting the condition and relation of this country with respect to France, first to be taken up.

Mr. SITGREAVES thought it would be proper first to go into a consideration of this resolution. We are, said he, now in a state of war. The House know that, by the distribution of powers under this Government, it is only competent for Congress to declare the country in war; therefore, until that declaration is made by this department, the Executive and Judiciary cannot act in the same way as if the country was at war. In other countries, the Executive Department can create war; but here it cannot. If it shall be considered expedient to declare war in consequence of the repeated aggressions and injuries we have received from the French Republic, and the hostility urged against us, and the necessity there exists of making defence against them, there can be no occasion for declaring the treaties void; because, if war is declared, it is the major proposition, and, of course, includes all the minor propositions. If discussed at all, therefore, it would be proper to discuss the major proposition first. He supposed it was a subject on which the minds of members were made up. Whether, therefore, the vote is affirmative or negative, it would be best to declare, in the first instance, the state of the country.

Mr. NICHOLAS hoped, if we are to come to this question of war at all, it might be so taken up as to occupy the least time of the Legislature. The question of setting aside the treaties is evidently included in the other; he hoped, therefore, the proposition of the gentleman from Connecticut, if to be taken up at all, would have a preference.

Mr. SEWALL said, if the question of annulling the treaties with France was included in the resolution of the gentleman from Connecticut, he should think it ought first to be taken up; but he did not think this was the case. The gentleman from Connecticut wishes a committee to state what is our relation with respect to the French Republic. How could we say what our relation is, except we determine what is our relation with respect to the treaties subsisting between the two countries? He took the two things to be perfectly distinct. The gentleman from Pennsylvania (Mr. SITGREAVES) seems to conceive that the question whether it will be proper to make a declaration of war against France, is included in this resolution, as he could not be so anxious for the declaration of an historical fact, which, in his opinion, the report on this resolution could only be; for gentlemen could not consider that the Constitutional power, placed in Congress to declare war, meant no more than a mere report whether or not the country is in war. A number of acts have been done, which are indicative of war, and if a report was made as to our situation with the French Republic, it must be reckoned at least a state of hostility. But this would be doing nothing. If it was the intention of any gentleman to propose a declaration of war, such a motion would supersede the necessity of taking up the bill from the Senate; but, as the resolution of the gentleman from Connecticut did by no means go to this, he hoped the bill he had mentioned would be first considered. If he were to give an opinion on the subject, it would be clearly against declaring war at present. As to the Judicial Courts, they would find no difficulty in acting according to the situation of things, without troubling themselves with the nice distinctions which gentlemen seemed inclined to make between a state of war, and a state of hostility.

Mr. GALLATIN wished to know, if the House were to go into a Committee of the Whole on the bill from the Senate, whether a declaration of war might not be moved as an amendment to the bill. To his mind, there seemed to be but little difference between saying the treaties are at an end, and declaring war. If such a motion could be received, it would be desirable to know the will of the House upon it. The shortest way of coming at this question would be the best. He wished the Speaker to say whether he thought such a motion would be in order.

[No answer was given to the inquiry.]

Mr. ALLEN considered it best to act always with frankness. He wished, by his resolution, that a committee should inquire into, and declare to the House, and to the country, the true state of our situation with respect to France; and if they should report any measures which should supersede the bill from the Senate, it would be the most fair and open way of getting at the business.

The question on taking up the bill from the Senate was put, and negatived—41 to 35.

Mr. ALLEN then called up his resolution. It had been said that our negotiation with France is yet carrying on, which he denied, and he wished this resolution to go to a numerous committee to report as to that fact, and as to our situation generally with respect to France.

Mr. HARRISON hoped the House would go into a Committee of the Whole on the state of the Union, in order to inquire into what is the state of the country? Those gentlemen who wish war, and are determined to have it, ought to speak out. The world should understand them, and the people ought not to be deceived. He hoped gentlemen would bring forward their declaration of war at once. He had always been, and should now be, opposed to war, but he wanted to put his negative upon it.

Mr. HARPER had no objection to go into a Committee of the Whole on the state of the Union, if the gentleman from Virginia had any motion to make, when the House got into that situation.

Mr. HARTLEY hoped the resolution before the House would be referred to a select committee, that the House might have a report upon it. He wondered that gentlemen who were against going to war, should wish to press the question of a declaration of it upon the House.

Mr. DANA observed that, from what had been now said upon the resolution, he saw no necessity for voting upon it at all.

Mr. OTIS spoke in favor of referring the resolution to a select committee, and saw no reason why the House should go into a Committee of the Whole on the state of the Union.

Mr. HARRISON said, every one would know he had no proposition to bring forward with respect to war; he wished to remain at peace; but he wished his constituents and the country at large to be informed as to what was to be the state of the country. Seeing, however, that no member is ready to make the declaration which had been so often spoken of, he should withdraw his motion for going into a Committee of the Whole.

Mr. SITGREAVES observed, with respect to the allusions of the gentleman last up, as to being prepared for a declaration of war, he confessed he felt no hesitation in saying, that he thought this declaration ought to be made in some form or other. He believed it was the duty of the Legislature to make it. He had thought so for some time; but certain considerations with respect to our Envoys had prevented its being proposed. Such, he said, was his individual opinion; but he owned he had some scruples about bringing it forward, unless he should be assured, from a comparison of the opinions of gentlemen, such a proposition would receive a respectable and firm support. If he supposed this would be the case, he would make the motion at this moment; and it was because the motion of the gentleman from Connecticut looked towards a declaration, that he was in favor of it.

Mr. S. said he had heard it said for months past, by gentlemen of different opinions, that the aggressions of France against this country were lawful cause of war, and all have admitted that it has become a single question of expediency whether we shall declare war, or not. It was said no consideration but that of interest would prevent its being done, and he did not believe there was any such. We have, said he, for a long time suffered all the mischiefs that can be inflicted upon us in a state of war, and, therefore, the single question is now, whether we will avail ourselves of the advantages which might be derived from declaring war; for, however trifling gentlemen may deem the distinction which he made between a state of hostility and war, he looked upon that distinction as real and material. In case of an invasion taking place before a declaration of war has been made, certain limited authorities are placed in the President, and in the Executives of the several States, with respect to the armed force; but, if a declaration of war has previously taken place, the direction of that force is placed wholly in the hands of the President of the United States. If this declaration should be made, he should still deem it a war of defence on our part. Mr. S. said he rose to declare his opinion on this point, and to say he was in favor of the motion of the gentleman from Connecticut.

Mr. NICHOLAS supposed there could have been no doubt as to the intention of the gentleman from Connecticut in bringing forward this resolution, though he expected it would have been found necessary to have made it more explicit. If the object was, as he had no doubt it was, to procure a proposition for a declaration of war, he hoped the resolution would be so amended as to embrace that object. At present, it was quite an unmeaning thing.

Mr. GALLATIN said, if he understood the resolution, it proposed the appointment of a committee, to declare what is the state of things between this country and France. He could not see with what propriety Congress could declare a statement of facts by a legislative act. It would be a little curious to pass a law to declare Mr. Gerry has no authority to treat with the French Government; or to declare that this room is sixty feet long, or any other fact. If the committee were to report what was necessary to be done, he could see the use of such a report.

Mr. LYON observed, that though this resolution was not so explicit as gentlemen might wish, yet such as it was, he was desirous it should pass. He wished to know the state of the country. Some say we are at war; others that we are in a state of hostility; others at peace. He wished to see a report on the subject. He had considered the country as in war for some time; if he was mistaken, he was desirous his mistake should be rectified. If we are at war, it would be well to request the President to get us peace as soon as he can.

The question on the resolution was put and negatived, without a division.

On motion of Mr. OTIS, the House went into a Committee of the Whole on the state of the Union, to take into consideration the bill from the Senate declaring our treaties with France void and of no effect. The committee being formed, and the bill having been read,

Mr. LIVINGSTON called for the reading of the treaties.

Mr. GALLATIN thought it would be sufficient to have certain parts of the treaties, which he mentioned, read. Mr. LIVINGSTON consented; but Mr. LYON persisted in the motion for reading the whole. On the question being taken, he only rose in favor of it. The parts of the treaties called for by Mr. G. were read.

Mr. SEWALL said some doubts might be entertained, perhaps, as to the propriety of this measure. It is certainly a novel doctrine to pass a law declaring a treaty void; but the necessity arose from the peculiar situation of this country. In most countries it is in the power of the Chief Magistrate to suspend a treaty whenever he thinks proper; here Congress only has that power. We have, said he, during this session, in a variety of cases, suspended the treaties in question, by authorizing measures of hostility against France, contrary to the stipulations contained therein. He believed it would be proper, therefore, to set aside these treaties by legal authority. But he confessed to do this, in the manner proposed by the Senate, would, at least, be inconvenient. He could not conceive that the Senate meant to go so far as this bill goes. We ought not to say the treaties are void and of no effect. They must have effect as historical facts; they must have effect, in our appeal to the world, on the ground of their having been violated, and in our claim upon France on account of those violations. There are also other articles which must have effect in case of war. He alluded to the articles which respect the situa-

tion of French citizens in this country, or American citizens in France, after war shall have been declared by either Power. Mr. S., therefore, proposed a new form of a bill, more simple and with a much shorter preface, viz: "that, whereas the treaties have been in numerous instances violated, they are no longer to be considered as law within the United States," &c. It also proposed that any claim or restraint, stipulated by the said treaties, shall be abrogated and annulled.

The CHAIRMAN said this motion was not in order, and could not be received.

Mr. NICHOLAS saw no difference between the substitute proposed and the original bill. The gentleman from Massachusetts wished to retain the provision relative to the residence of the citizens of either country, after declaration of war shall have taken place; but could that gentleman for a moment suppose that he could annul one part of a treaty and preserve other parts? The idea appeared to him a very extraordinary one.

Mr. RUTLEDGE hoped the committee would rise, and that the bill would be referred to a select committee. He believed it would be better to declare a part of the treaties void than the whole, which he thought might with propriety be done.

Mr. NICHOLAS had no objection to the committee's rising; but he could not believe we could take such parts of a treaty as we liked, and declare the rest void.

Mr. DANA believed that the gentleman from Virginia did not rightly apprehend what had been said by the gentleman from Massachusetts. Mr. D. admitted the impropriety of declaring void and of no effect a legal instrument which was originally valid. In his opinion this impropriety might be avoided, and the object of the bill attained, by a different phraseology. He believed a proper mode of acting upon this business would be, to declare the stipulations of the French treaties no longer obligatory on the United States. This we may justly do in consequence of their being disregarded by France.

As to the effect of such a declaration, he acknowledged that it must be regarded as abrogating all those articles of the treaties which are executory, such as stipulate for the future conduct of the parties. Agreeing thus far with the gentleman from Virginia, he would consent most cheerfully that all such articles should be set aside, as they respect both countries. But the declaration would not have any effect on articles which are executed, such as contain cessions or renunciations of territorial claims, and where a corresponding possession has taken place. The operation of these articles is completed, and cannot be reversed by the declaration now proposed.

Mr. D. then moved to amend the enacting clause, by expunging all the words after "That," and substituting "the United States are, of right, freed and exonerated from the stipulations of the treaties heretofore concluded between the United States and France, and that the same shall not henceforth be regarded as legally obligatory on the Government or citizens of the United States."

Mr. OTIS approved of this motion, and, after a few observations by him in favor of it, the question was put and carried upon it without a division.

Mr. O. then moved to strike out the whole of this preamble; which motion being carried,

Mr. DANA proposed that the reasons for passing this bill should be condensed in the preamble, to read as follows: "Whereas, the treaties concluded between the United States and France have been repeatedly violated on the part of the French Government, and the just claims of the United States for reparation of the injuries so committed have been refused; and their attempts to negotiate an amicable adjustment of all complaints between the two nations have been repelled with indignity; and whereas, under the authority of the French Government, there is yet pursued against the United States a system of predatory violence infracting the said treaties, and hostile to the rights of a free and independent nation, therefore," &c.

The question on the preamble was put and carried—41 to 38.

The committee then rose, and the House took up the amendments. On the question being put on agreeing to the new preamble,

Mr. BAYARD said he thought it more in detail than was necessary. He thought it more like a State paper than the preamble of a law. He thought the preamble ought to go no further than to state sufficient ground for the act, which was about to be done; and he took it for granted that whenever a nation violates an essential article of a treaty, it is competent for the other party to declare the treaty no longer binding upon them. He, therefore, moved to strike out all the preamble after saying the treaties have been frequently violated. As to the French having committed depredations upon our commerce, and refused to negotiate with our Commissioners, though these circumstances may be a just cause of war, he did not know whether they were sufficient ground upon which to declare a treaty void.

Mr. KITTERA was against striking out. He could not agree that there could be causes for a declaration of war, which are not also causes for setting aside a treaty. The reverse of this position appeared to him to be true, viz: that there might be causes for declaring a treaty void, which would not be causes of war.

Mr. CRAIK was in favor of the preamble as it stood.

Mr. GORDON hoped the amendment would not prevail. It ought to be considered that if this bill passed into a law, it would be considered as a novel thing. It will be tantamount to a State declaration to annul a treaty, and there ought to be the grounds annexed to it which had led to the measure; and though the gentleman from Delaware is desirous of stating a sufficient cause, he did not think his motion went far enough. The practice of nations is, that when injuries are done, reparation is demanded; and it was necessary, in his opinion, to state that this demand had been made in vain, and that the injuries complained of are still continued.

Mr. S. SMITH hoped the amendment would be adopted. He disliked preambles very much. The

reasons given by the gentleman from Delaware in favor of his motion he thought well founded. It would be much better to give one good reason for declaring the treaties no longer binding, than several doubtful ones. In his opinion there were some of this description as the preamble stands at present. He did not know that a reparation for injuries had been refused by France. He had seen nothing like an absolute demand made upon the French Government. The Envoys were empowered to make the demand; but, from their not having been duly received, the demand was never made. If it were made, it is clear it has not been complied with; but we have no evidence of of its having been refused to be complied with. On the contrary, we see that on the 3d of April, Talleyrand had fixed a day on which he proposed to treat with Mr. Gerry on the subject of the disputes between the two countries. We have not heard the result of the conference; but it may have happened that Mr. Talleyrand has offered to make complete reparation for the injuries committed on our commerce, and this intelligence may arrive here a fortnight hence, and then a declaration of this sort would not have a good appearance. He thought, therefore, it would be better to strike these words out than to retain them.

Mr. S. presumed it was not yet *sedition* for him to say that he believed proposals to treat would be made to our Commisioners, independent of any tribute, and such as this country might with honor accept. He hoped, therefore, no difficulty would be placed in the way, by passing the preamble as it now stands.

Mr. DANA was not generally in favor of affixing preambles to laws. Whenever the subject is such that it is obviously competent for the Legislature to act upon it; whenever the act proposed is, from its nature, completely within the usual Legislative powers, and, without any explanation, appears perfectly consistent with national honor and propriety, a preamble is unnecessary. But ought this to be said of the subject under consideration? Whence is it that the United States may abrogate the treaties with France? Is it because the Legislature may, at pleasure, set aside a treaty? If it is proper to do this, without any external cause, a preamble is needless in the present instance. According to his view of the subject, the act was founded on a different principle. France has violated the faith pledged by her treaties with America: this, by the law of nations, puts it within the option of the Legislature to decide, as a question of expediency, whether the United States shall any longer continue to observe their stipulations. It is owing to the perfidy of the French Government that the abrogation of our treaties with that nation has become justifiable and necessary. As an American, he hoped the United States would always regard the faith due to treaties, and that all their acts would, on the face of them, appear consistent with it. In this respect, he wished the conduct of the American Government to exhibit a marked contrast to French perfidy. It is of importance to the fairness of our national character. Therefore it is that the facts should be stated which have led to this measure.

The gentleman from Delaware, in support of the amendment which he has moved, supposes it sufficient to state one cause for setting aside the treaties. He is understood to admit that a sufficient cause should be stated. In this principle, said Mr. D., we are agreed. But the question arises, whether a violation of the treaties on the part of France is, of itself, sufficient for setting them aside? The idea of Mr. D. was, that it would not be sufficient, according to the liberal principles which should be cherished in the United States. A treaty might be violated by the imprudence of some person in authority, or by persons acting without authority; and yet the foreign Government, on proper representations, might be willing to redress the injury. In such case, it would ill become the Government of the injured party immediately to dissolve friendly connexions. Why is it now deemed requisite to abrogate the treaties by which this country has been connected with France? It is because France has not only violated them, but has also refused that attention which was due to our representations on the subject, and persists in the violation. On this account, and in order to show that the United States were completely justifiable in taking the measure, he was against the amendment of the gentleman from Delaware, and in favor of retaining the several clauses of the preamble.

A gentleman from Maryland (Mr. SMITH) has declared himself in favor of this amendment, because, in his view, there is no proof that our claim for the injuries committed on our rights, as a neutral nation, have been refused to be adjusted by France. The reason assigned for this opinion is so extraordinary that it may astonish every man acquainted with subjects of this nature. It is, that the French would not receive the Envoys charged with this business, or permit their speaking to them, although they waited for months at the palace-gate of Directorial Arrogance, supplicating in vain for an audience. Were the gentleman from Maryland to go himself, or send one of his clerks, to present a demand for a sum justly due to him, if his debtor, instead of discharging or attending to the account, would not consent even to hear him on the subject, but should kick him from the door, or order a servant to do it, would not the gentleman consider such conduct as a refusal to satisfy the demand. He who knows that claims of justice merit the respect of Governments, as well as of individuals, and ought never to be neglected without reasonable cause, must know that evasions, intentional procrastination, and affected delays, are equivalent to a refusal of satisfaction. This is the doctrine of reason, of common sense, of municipal law, and of the law of nations. The facts stated in the preamble, therefore, are strictly true; they are established by the very statement which the gentleman has made to disprove them. And since he has made a question on the subject, it is of additional importance for the Legislature to declare its conviction of their truth.

Mr. CRAIK believed, with the gentleman from Connecticut, last up, that, from the declaration of his colleague, this question was of consequence. He believed gentlemen were now called upon to testify to the truth of this statement, since it had been doubted. The people ought not to be left in doubt on this subject.

Mr. OTIS said, exactly the same effect which had been produced upon the mind of the gentleman last up, was also produced upon his. Before he had heard the arguments of the gentleman from Maryland in its favor, he intended to vote for the motion of the gentleman from Delaware, as being more concise, and, as he thought, stating sufficient ground for the act about to be passed; but, when that gentleman says we have no evidence of reparation for the injuries committed upon our commerce being refused to be made, the abhorrence he felt at the idea of being ranked among members of this opinion would lead him to vote against it. He believed the facts stated in the preamble unquestionably true, and he did not think there could have been a man in the United States who had a doubt on the subject. He believed there could be no doubt that when a sum of money is neglected to be paid, when due, though the debtor may refuse to see any person authorized to make the demand, that it is legally refused to be paid.

If the documents on the table were examined, Mr. O. said it would be found, that so far from Mr. Talleyrand having listened to the claims of our Commissioners, he had expressed his surprise that they should have been made, alleging that the priority of claim was on the part of the French Government. Mr. O. made several other observations, when he concluded by saying, that if any offers of pacification were made by men of the description of those at present in power in the French Directory, he should have no confidence in them: he should think them insidious, and that they originated in their fears, and were intended to effect our ruin.

Mr. HARPER said he would say only a few words in justification of his vote in favor of the present motion. He disliked preambles altogether. He voted against the one from the Senate, and he should be in favor of reducing this; for, if we must have a preamble, he thought the less the better. It is the business of the Legislature, Mr. H. said, to pass laws; if a manifesto is proper to be published on this occasion, it would more properly fall under the Executive department. It is his business to issue State papers, and he could do it much better than it could be done in this House. He was sorry it should be thought necessary to have any preface at all to the law, as it was departing from a good old rule laid down by Congress.

Mr. S. SMITH was not convinced, by anything that had been said against this motion, that what he had before stated was ill founded. It had been asked whether, if he sent three persons to demand a debt, and the debtor ordered them away without seeing them, he should not consider the act as a refusal to pay. He answered, he should. But he would put a case, which he thought more in point. Were he to send three persons to settle an account with a debtor, and he were to send two of them home again, but keep one, and promise to adjust the business with him, he should naturally expect he would do so, and should not think of proceeding to any rigorous measures with him, until he heard the result.

The gentleman from Massachusetts has said that he can never consent to accept of any terms from the present Executive Directory, as he shall consider them insidious, and not to be relied upon. After a two-years war, perhaps, he may be of a different opinion. Mr. S. said he should be as unwilling as any man to accept of any terms from the French Government which would be derogatory to the United States; but if the Directory will engage that all the depredations upon our commerce shall cease, and will offer to treat with us on equitable terms, (which he did not think improbable,) he should be for acceding, most cheerfully, to the proposal.

Mr. GALLATIN said he should vote against the motion to strike out a part of the preamble agreed to in the Committee of the Whole. He was of opinion with gentlemen that it was better to pass laws, in general, without preambles; but this proceeding is altogether of a novel nature. He knew of no precedent of a Legislature repealing a treaty. It is therefore an act of a peculiar kind, and it appeared to him necessary that Congress should justify it by a declaration of their reasons. Nor could he understand the argument of the gentleman from South Carolina, when he said the Executive department was better calculated for the publishing of a manifesto than the Legislature, or, in other words, could assign the reasons that influenced Congress, better than Congress themselves. If, then, a preamble is to be adopted, it ought to contain those reasons which operated in producing the law. He thought this would be more correctly stated by leaving the preamble as it is, than by adopting the amendment.

There was also another reason for preserving the preamble as at present. The French have violated the Treaty of Commerce made with this country; but it would be rather difficult for any gentleman to show that repeated violations have taken place of our Treaty of Alliance with France. The ground of complaint is, that France has violated the Treaty of Commerce between the two countries, and the laws of nations, and not the Treaty of Alliance; and, therefore, a breach of that treaty is not the reason why it is set aside. Besides, if repeated violations of a treaty are sufficient reasons for setting it aside, it could not be forgotten that certain orders had been issued by another country, which are not conformable to our treaty with that Power. So, that it is not sufficient to say, that because a treaty has been violated, we will repeal it; but we ought to show to the world that repeated attempts have been made, in vain, to obtain redress.

But the gentleman from Maryland is apprehensive that the statement of the French Government having refused to make reparation for the injuries committed upon our commerce could not be cor-

rect, from the possibility of Mr. Gerry having succeeded in making a treaty since the date of our last despatches. He acknowledged there was a bare possibility of the fact being so; but this ought to operate as a reason against passing the bill at all, and not against the preamble.

Mr. EDMOND said, he voted for rejecting the Senate's preamble. It appeared to him that no preamble was necessary. For, if it were necessary to state the reasons which induced the passing of this act, it would be proper to state all the reasons; and to do that would be a work of considerable time; and, upon the facts stated, there might probably be a considerable difference of opinion. If reasons were stated for passing this law, and, at a future day, when an adjustment of differences should take place, the negotiatior on the part of the United States were to adduce other reasons for passing this act than are stated in this preamble, it might be said by the negotiator, on the part of France, why do you muster up complaints now, which you did not think of when the law passed? He therefore thought it would be best to pass the law without a preamble at all.

No question in the laws of nations, Mr. E. said, was more clear, than that, when a treaty is violalated by one nation, the other party, who has maintained good faith, may either discharge themselves from the obligations of it, or, if friendly disposed, they may set on foot a negotiation, or they may declare war, without doing either of the other two. He laid it down as a further principle, that where there are several treaties in existence between two countries, and one of them is violated, the injured party may demand satisfaction; and if it be not given, they may declare the whole of the treaties void. He therefore was of opinion that France having violated our treaty with her, we have a right, without assigning any reason for it, to set it aside; and as we have repeatedly applied to them for redress, and they have refused to grant it, we have a right to reject the whole. or to declare war, without assigning any reason whatever. However, if we wish to appear fair in the eyes of the world, we may, if we please, assign a reason for our act; but, in this case, he would either give all the reasons which exist, or make them as precise as possible. He should, therefore, vote in favor of striking out the words in question.

The question to strike out was negatived; and the question being taken on the preamble, it was carried—there being 53 votes for it.

The bill was ordered for a third reading this day. It afterwards received its third reading, and was passed—yeas 47, nays 37, as follows:

YEAS—John Allen, 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, George Dent, William Edmond, 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, Jas. H. Imlay, John Wilkes Kittera, Samuel Lyman, William Matthews, Harrison G. Otis, Isaac 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, Thos. Blount, Demsey Burges, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, John Dawson, Thomas Evans, John Fowler, Albert Gallatin, James Gillespie, Andrew Gregg, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Edward Livingston, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, Anthony New, John Nicholas, Samuel Smith, William Smith, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

PROVISIONAL ARMY.

Mr. HARPER said, the addition which had been made to the Standing Army of the United States, since he brought forward some resolutions on the subject of defence, rendered a part of those resolutions unnecessary. He yet wished, however, the two last of those resolutions, relative to procuring additional vessels of war and establishing dock yards, to be entered into, together with the two following:

"*Resolved*, That it is expedient to add to the Provisional Army of the United States such number of non-commissioned officers and privates, with a suitable number of commisioned officers, as will augment the said Army to thirty thousand non-commissioned officers and privates; the said additional number to be raised on the like contingencies, and the commissioned officers to be appointed and paid in like manner, as is provided respecting the said Army by existing laws.

"*Resolved*, That it is expedient to enable the President of the United States to raise, immediately, and bring into effectual service, such number of non-commisioned officers for the said Army, not exceeding —— hundred, as he may judge advantageous to the same; the said non-commissioned officers to be organized and trained in such manner as he shall prescribe, and to do duty as a separate corps, or, otherwise, till their services in the said Army shall be required."

These resolutions were referred to a Committee of the whole House.

A bill was received from the Senate for establishing an office of Accountant of the Navy, &c., which was committed.

The House went into a Committee of the Whole on the bill relative to the compensation of certain officers employed in the collection of imposts and tonnage; when the first section, which related to offices at Tappahannock and Georgetown, was stricken out, and the bill ordered to be engrossed for a third reading.

SATURDAY, July 7.

Mr. HARPER, from the committee to whom was referred the resolution respecting the belances due from certain States, made a report, recommending some alterations in the form of it; which, having been twice read,

Mr. COIT moved a postponement of the consid-

eration of this report till next session. The question was negatived, 33 to 29—and the report was committed.

The bill making further appropriation for the additional naval armament, and the bill establishing an annual salary for the Surveyor of the port of Gloucester, were read the third time and passed.

INCREASE OF THE ARMY.

Mr. S. SMITH called the order of the day on the bill to augment the Army of the United States. The House accordingly went into a Committee of the Whole on that subject, when several amendments were agreed to. The bill proposed that non-commissioned officers and privates should not be less than 18, nor more than 45 years of age, nor less than five feet three inches in height, musicians excepted. These words were moved to be struck out, for the purpose of inserting words which should leave this matter to the discretion of the President of the United States, on the ground that there might be youths of a less age than 18, and of a less size than five feet three inches, who would make good soldiers. The motion was carried—41 to 23.

Mr. ALLEN moved to increase the pay of the private soldiers to six dollars a month.

Mr. MACON wished it to be six dollars and sixty-seven cents.

Mr. GORDON was in favor of six dollars and fifty cents.

Mr. S. SMITH thought five dollars would be sufficient.

After some debate, the highest sum was negatived without a division. The sense of the committee was then taken on six dollars and fifty cents, and negatived, there being only 21 votes for it; and six dollars was carried—41 to 36.

Mr. KITTERA moved to strike out the words *French Republic*, and to insert in their place "France and her possessions."

Mr. S. SMITH could see no difference between the two expressions. He wished the gentleman to show wherein the difference consisted.

Mr. KITTERA said, at present the men were to be engaged during the continuance of the dispute between this country and the French Republic. If this were to be settled, though we might yet have a dispute with some of her possessions, from the prosecution of this war, the men would be discharged. And it could not be forgotten that a report had been in existence, which he thought likely enough to be true, respecting a secret article in the treaty between France and Spain, by which a cession of the Floridas and Louisiana was made to France. There was also another consideration which he thought ought to be attended to. France, at the time we may have to negotiate with her, may have changed her form of Government, and have become a monarchy, a military despotism, an aristocracy, or some other form of Government, which might produce some inconvenience, if the present words stood.

Mr. LIVINGSTON said, two objections were made to the words proposed to be struck out, viz: that France may change her Government, or that her colonies may become independent. As to the first, he never before heard a doubt expressed that, when one nation entered into a contract with another, the contract continued, notwithstanding any change of Government in either party, until it was abrogated. He instanced our present treaties with France which were made under the monarchy of France. As to the other event, the gentleman seems to look with a piercing eye into futurity, when he sees the independence of the present colonies of France. But this case is so remote, that the gentleman might as well provide for keeping the Army on foot in case of a war with the Emperor of Germany. If such an event took place, it would be time enough to provide for it when it happened; except, indeed, the gentleman may have some secret information on this subject. If he has he should be glad to see it.

Mr. DANA thought it right to make our laws to refer to nations, and not to Governments. He, therefore, thought the expression proposed would be better than that now used. For if gentlemen were disposed to give the French Government a title which would be gratifying to them, French Republic is not the proper term, since they call themselves the Grand Nation! He thought they had disgraced the name of Republic, and, as he esteemed it, he did not wish to apply it to that nation.

Mr. KITTERA said this proposition related to a contract to be made with our own soldiers, and it ought to be made so intelligible as not to be misunderstood. It was well known that during our Revolutionary war, very disagreeable circumstances were produced by the condition of enlisting men for three years, or until the end of the war. He wished this law to be well understood.

Mr. GALLATIN thought if his colleague had intended to make this law understood, he should have proposed a different amendment from that which he had proposed, for he did not think he could himself understand the motion he had made. Does the gentleman mean that it is possible, that after we have made a peace with France, we can be at war with her possessions? Or did he mean that some of her present possessions may have become independent, and that, if we should be at war with them, these men should be kept in service until we have peace with them? As to the probability of our being at war with Louisiana and Florida, because they may have become independent, he could see none such. He thought it would be a favorable circumstance for the United States if those countries were to become a distinct republic. Mr. G. hoped, therefore, if his colleague wished to make the law intelligible to soldiers, he would take some other way of doing it.

Mr. KITTERA altered his motion, and made it to strike out "French Republic," and insert *France*.

Mr. THATCHER said the French Government had a right, if they thought proper to exercise it, to call their Government a Republic, in the same way that people in this country were in the habit of naming certain black creatures, Cato, Cæsar, &c., who certainly bore no resemblance to those heroes;

and though France, under the name of a Republic, exercises all the arbitrary power of a despotism, yet, as she chooses to be thus styled, he did not see that we had anything to do with it.

Mr. T. CLAIBORNE said it mattered not to us whether France discredited the title she had taken or not. It was enough for us that she had taken it, and that many mighty nations had been obliged to yield it to her. Even Great Britain herself, was, at length, obliged to do it. When France spoke of this country, she would do so by the name of the United States. How, said he, did we acquire that name? By fighting for it; and she has obtained her title in the same way. But does the gentleman who moved this amendment mean, in case, after we are at peace with France, we should go to war with Spain, the Dey of Algiers, or any other Power, that we should still retain these men? He hoped not No men would be found to enlist for so indefinite a term.

Mr. W. CLAIBORNE thought the amendment wholly unnecessary. We were, he said, the first nation to recognise the title of France to a Republican Government, and we claim a merit from the act, and were we now to decline the use of it, it might appear as if we expected the King of England was about to enforce his title of King of France. When we speak of that nation, we ought certainly to call them by the same name that all other nations call them. Even his British Majesty, whose hatred of that country must be full as great as that of the Government of the United States, does not refuse them this title.

The motion was put and negatived—46 to 26.

Mr. HARPER made a motion to increase the pay of the officers of the Army; but it was negatived, there being only four votes for it.

Mr. ALLEN proposed that the Government of every State should be obliged to furnish its quota of the men to be raised. The motion was not seconded.

Mr. NICHOLAS moved that the twelve regiments should be struck out and eight inserted, as it originally stood. The motion was negatived—yeas 29, nays 43, as follows:

YEAS—David Bard, Lemuel Benton, Thomas Blount, Stephen Bullock, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, John Dawson, Albert Gallatin, James Gillespie, Jonathan N. Havens, David Holmes, Walter Jones, Matthew Lyon, Nathaniel Macon, William Matthews, Joseph McDowell, Anthony New, John Nicholas, James Schureman, Samuel Smith, Richard Stanford, Thomas Sumter, Thomas Tillinghast, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

NAYS—John Allen, George Baer, jr., Bailey Bartlett, James A. Bayard, David Brooks, Demsey Burges, Christopher G. Champlin, John Chapman, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, George Dent, William Edmond, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, William Gordon, Andrew Gregg, Roger Griswold, William Barry Grove, John A. Hanna, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, John Wilkes Kittera, Samuel Lyman, Harrison G. Otis, Isaac Parker, John Reed, John Rutledge jr., Samuel Sewall, William Shepard, Nathaniel Smith, Peleg Sprague, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, and Peleg Wadsworth.

The Senate informed the House they had agreed to the amendments of the House of Representatives to the bill declaring the treaties heretofore concluded with France no longer obligatory on the United States.

MONDAY, July 9.

INCREASE OF THE ARMY.

The bill to augment the Army of the United States, and for other purposes, was read the third time, when, on the question being put, "Shall this bill pass?"

Mr. S. SMITH called the yeas and nays upon the question, which being agreed to be taken, he hoped those gentlemen who had voted against having twelve additional regiments instead of eight, would not now refuse to vote for the passing of this bill, though the twelve regiments had been agreed to.

The yeas and nays were taken accordingly, and the question was carried—60 votes to 11, as follows:

YEAS—John Allen, George Baer, jr., Abraham Baldwin, Bailey Bartlett, David Brooks, Stephen Bullock, Demsey Burges, Christopher G. Champlin, Thomas Claiborne, William Charles Cole Claiborne, James Cochran, Joshua Coit, William Craik, Samuel W. Dana, George Dent, William Edmond, Thomas Evans, Abiel Foster, Dwight Foster, Jonathan Freeman, Albert Gallatin, James Gillespie, Henry Glen, Chauncey Goodrich, William Gordon, Andrew Gregg, Roger Griswold, William Barry Grove, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison, Thomas Hartley, Jonathan N. Havens, Joseph Heister, William Hindman, David Holmes, Hezekiah L. Hosmer, Walter Jones, John Wilkes Kittera, Edward Livingston, Samuel Lyman, William Matthews, John Nicholas, Harrison G. Otis, Isaac Parker, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, Nathaniel Smith, Samuel Smith, Peleg Sprague, Richard Stanford, George Thatcher, Richard Thomas, Thomas Tillinghast, John Trigg, John E. Van Alen, Philip Van Cortlandt, and Joseph B. Varnum.

NAYS—Lemuel Benton, Thomas Blount, John Clopton, John Dawson, Matthew Locke, Nathaniel Macon, Blair McClenachan, Joseph McDowell, Anthony New, William Smith, and Thomas Sumter.

MARINE CORPS.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act for the establishing and organizing a battalion of infantry, to be called the Marine Corps," which lay on the table; whereupon,

Resolved, That this House doth agree to the said amendments.

AMENDMENTS TO THE CONSTITUTION.

Mr. D. FOSTER said, the Representatives from the State of Massachusetts had received from the Legislature of that State certain propositions of amendment to the Constitution of the United States, which he begged leave to lay before the

House. He did so. The amendment proposes that, in addition to the qualifications already required, no person shall be elected President or Vice President of the United States, or a Senator or Representative in Congress, except a natural-born citizen, or a resident in the United States at and since the Declaration of Independence, except he may have been in the employment of the United States during that time. Or, if this proposition should not be agreeable, they propose to exclude all persons not naturalized at the passing of the amendment, and all such as shall not have resided fourteen years in the United States previous to their election. Mr. F. grounded a resolution upon them, which, with the amendment, was ordered to lie upon the table.

COMPENSATION OF REVENUE OFFICERS.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act to regulate and fix the compensations of officers employed in the collection of the internal revenues of the United States, and to insure more effectually the settlement of their accounts;" whereupon,

Resolved, That this House doth agree to the said amendments, with amendments to the fourth amendment.

PUNISHMENT OF CRIMES.

The House, on motion, went into a Committee of the Whole on the bill in addition to the act for the punishment of certain crimes against the United States; when

Mr. S. SMITH moved to strike out the words "by any writing, printing, or speaking, shall threaten such officer or person in public trust, with any damage to his character, person, or estate, or shall," as he conceived them to be in direct contradiction to the third amendment of the Constitution, and as he had not forgotten the oath which he had taken to maintain the Constitution, he could never consent to vote for these words.

Mr. DANA called for the reading of that part of the Constitution.

Mr. THATCHER asked, whether if a Judge was to pronounce judgment in a case, and the person upon whom it was passed were to come to him and threaten to shoot him, or to burn his house, if he suffered the sentence to be executed, would it be a breach of the Constitution to pass a law to punish him?

Mr. T. CLAIBORNE viewed the principle of this bill as radically wrong, and as being fraught with the most serious mischiefs, from its creating crimes which were never before thought of in this country. As to what the gentleman from Massachusetts had said with respect to a person's threatening the life, &c., of a Judge, this law is certainly not necessary to punish such a person. He might be imprisoned until security was given for his better behavior. There is law enough, he said, in all the States, to provide for this. Any justice of the peace could exercise that power. Why, then, raise an imaginary giant for the purpose of slaying him? He had no fear himself of any evil arising from disaffection to the Government. He believed the people would do what is right if they are not oppressed. He hoped the House would put its veto upon this bill, and thereby show to the people that they want their willing aid, and not the service of slaves. Suppose, said he, abusive paragraphs are published against the President, if they are calumnies, they will have no weight; and if they are truth, they ought to be published. Mr. C. concluded by moving to strike out the first section of the bill.

Mr. S. SMITH said, he should vote against striking out the first section of the bill, with the hope that his amendment would be adopted; but if it should not be adopted, he should hold himself at liberty to vote for striking out the whole section.

The motion on striking out the whole section was put and negatived—48 to 28.

The question was then taken on Mr. S. SMITH'S motion; which was negatived—40 to 38.

Mr. HARPER said, he had strong objections to more parts of this bill than one; but they lay principally against the second section. He should not go into a detail as to the particular objections which he had to it, but would move to strike out all the words after the enacting clause, for the purpose of inserting a new section, (which was in the substance of his resolution offered to the House a few days before.)

After some debate on this amendment, in the course of which much was said for and against the Courts of the United States having common law jurisdiction, it was carried—35 to 34.

Mr. BAYARD moved to strike out the 3d section, which he thought unnecessary; and Mr. OTIS moved also to strike out the 4th section; both of which motions were carried.

Mr. HARPER moved to amend the bill by inserting a new section, which he believed must result from the construction of the bill itself, but which he believed it would be better nevertheless to have inserted, viz: "Provided, that nothing in this law shall be construed to extend to abridge the freedom of speech and of the press, as secured by the Constitution of the United States."

After some observations on the subject, Mr. HARPER withdrew his motion.

Mr. BAYARD moved to amend the bill by a new section to the following effect, viz: "And if any person shall be prosecuted under this act for writing or printing any libel, he shall be at liberty, in his defence, to give in justification evidence of the truth of the matter contained in the said libel." Agreed to.

Mr. HARPER moved to limit the duration of the law for two years.

Mr. SPRIGG moved to strike out two years, and to insert one year.

The motion thus to amend the section was carried, 45 votes being for it, and then the section itself was agreed to.

The committee rose, and the House took up the amendments. On agreeing to the new section of Mr. HARPER, in place of the second, the votes were 40 affirmatives, and 40 negatives. The SPEAKER voting in the affirmative, the question was carried.

Mr. W. CLAIBORNE said it would be recollected that in Great Britain, it had heretofore been the practice for the jury, in cases of libel, to find the fact of the publication, and the court was left to judge with respect to the law; but as it had been found that this practice did not afford sufficient security to the subject, it had lately been declared, that juries, in such cases, should be judges of the law as well as of the fact. He hoped the House would agree to put this law upon the same footing; for that purpose, he proposed an amendment to the following effect: "And in all cases arising under this act, the jury who shall try the cause, shall be judges of the law as well as the fact."

Mr. HARPER said, there could be no need of such an amendment. It was well known that, in this country, the jury were always judges of the law as well as the fact, in libels, as well as in every other case.

Mr. W. CLAIBORNE believed the doctrine of libels was very unsettled in this country. Prosecutions of this kind have very rarely happened; in some of the States, a cause of this kind had never been tried. The age, however, seems now to be at hand, when they may be expected to increase, and he believed such a provision proper to prevent any misunderstanding on the subject. It is a fact well known, that Lord Mansfield supported the doctrine, "that a libel is not less a libel for being true, and that the law respecting libels could only be judged of by the courts;" and who could say, without some provision of this kind, that some of the courts of this country might not adopt a similar opinion. The House had already agreed, that the truth of an alleged libel should be pleaded in justification, and he hoped that the power of the jury to give a general verdict would also be recognized.

Mr. OTIS hoped this amendment would not be agreed to, as he conceived it to be unnecessary. The jury had always a power of returning a verdict of guilty, or not guilty; but if they chose to find a verdict in a special way, he did not think they ought to be obliged to find it general.

Mr. LIVINGSTON considered this as a precious provision, and that it is not only valuable in itself, but extremely necessary at this period. We are now, as has justly been observed, entering upon the doctrine of libels, and a decision ought to be come to in this respect, which should bind the courts hereafter. If this is not done, where will our courts look for guides? Will they look to the common law or to the statute law of England? They can only refer to the common law, and they will there find decisions where the jury have been declared, not to be judges of the common law, in all cases, till of late. The provision ought, therefore, to be made, since all allow it is a proper one, in order to prevent any doubt upon it; for if the courts were allowed to determine the law, to say whether libel or no libel, as well as to declare the punishment to be inflicted, juries would have nothing to do, since the fact of publishing always appears. He hoped, therefore, the amendment would be adopted.

Mr. N. SMITH said, if this amendment was intended only to give the jury power to declare guilty, or not guilty, upon every case of this sort, the only objection against it would be, that it was wholly unnecessary, as there can be no doubt but juries have already that power; but this amendment proposes to give the juries a strange power indeed, viz: to be complete judges of law and of fact, so that in case of any doubt as to legality of testimony, it would seem as if the jury were to be judges of the matter in dispute.

Mr. HARPER differed in opinion from gentlemen when they say the practice with respect to libels is unsettled. He had himself been witness to four or five trials of this kind in the State from which he came, and could not believe there could remain a doubt as to the power of the jury in such cases.

Mr. BAYARD considered this amendment as most hostile to our system of jurisprudence; as it is amongst its soundest principles, that Judges are to determine the law, and juries the fact. It was utterly impossible, he said, that unlettered men can be competent to decide justly as to questions of law. He knew of no criminal case in which the jury exercised this power. Indeed, he thought such a power would frequently operate against the defendant; for if a jury determined erroneously, a man would have no appeal; whereas, when Judges decide wrong, appeal can be had by writ of error, or by an appeal to a superior court. And surely it would be allowed that a power of this kind is much more safely lodged in the hands of learned and upright Judges, than it could possibly be in those of an unlettered and perhaps prejudiced jury. The jury are no way responsible. After they have come to a decision, they are dispersed to their several homes, and few persons know who they were. The education of a Judge enables him to decide the true meaning of a law, which a jury may not be competent to form a correct opinion of, from the want of those opportunities of education which the Judge has received. Mr. B. said, the House had heard of a great deal about the liberty of speech and of the press, and much had been said about the Constitutionality of this law; and he believed the effect of this amendment would be, to put it into the power of a jury to declare that this is an unconstitutional law, instead of leaving this to be determined, where it ought to be determined, by the Judiciary.

Mr. GALLATIN said, that the amendment of the gentleman from Tennessee had been objected to on the ground of its being useless, as it was supposed that the doctrine formerly supported in Great Britain, that the question of "libel, or no libel" exclusively belonged to the Judges, had never been recognised in the United States. But from what had fallen from the gentleman of Delaware, it must appear evident to the committee that the question was not settled in all the States, and that the amendment was necessary.

It was a principle, indeed, of common law, that a jury in criminal cases were judges not only of the fact, but also of the criminality of that fact. Thus, in a trial for murder, a jury, in their ver-

dict, had a right not only to declare the bare fact, to wit: that A had killed B, but also to decide whether the act of killing was criminal or not, and if criminal to what degree; and it had, therefore, never been disputed, that in that case a jury might bring in their verdict of self-defence, manslaughter, or murder. Upon the same principle, it was evident that in case of libel, a jury should have a right not only to decide the bare fact, to wit, whether the accused person was the author or publisher of a certain writing, but also to decide whether that writing was criminal or not, whether it was libel or no libel. Yet, in Great Britain, through what might be called a corruption of the principles of common law, an alteration had been attempted, and actually prevailed in the case of libels. Judges had there usurped a power in that case, which they claimed in no other criminal case, and the interference of Parliament had become necessary in order to restore to juries their Constitutional power.

How far a similar doctrine might have prevailed in the United States, it was difficult to ascertain; but if it was questionable in any one of the States, it was proper to settle it in this law. There is not, Mr. G. said, any such thing as a common law of the United States. The common law of Great Britain received in each colony, had in every one received modifications arising from their situation; those modifications differed in the several States; and now each State had a common law, in its general principles the same, but in many particulars differing from each other. The Courts of the Union had no common law jurisdiction, and the object of the second section of this bill was to give them that jurisdiction in the case of libels against Government. If, therefore, there be in that very case any principle not perfectly settled by the common law of Great Britain, or not uniformly recognised by the common law of the respective States, it becomes necessary to settle the point in the same law which gives this new jurisdiction.

The objection that the amendment would give to the juries, not only a right to return a general verdict, but even of deciding every incidental law question that might occur during the trial, might easily be removed, by introducing words showing clearly that its intention was only to declare that juries should have the same power to decide on the criminality of the act, which they had in other criminal cases. Mr. G. suggested the words which had been introduced, in the Constitution of Pennsylvania, with that very intention, viz: "that the jury should have a right to determine the law and the fact, under the direction of the Court, as in other cases."

After undergoing some slight alterations, the motion was carried by yeas and nays—yeas 67, nays 15, as follows:

YEAS—John Allen, George Baer, jr., Abraham Baldwin, David Bard, Bailey Bartlett, Lemuel Benton, Thomas Blount, Richard Brent, David Brooks, Stephen Bullock, Demsey Burges, Christopher G. Champlin, John Chapman, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, William Craik, Samuel W. Dana, John Dawson, William Edmond, Thomas Evans, John Fowler, Jonathan Freeman, Albert Gallatin, Jas. Gillespie, Henry Glen, Chauncey Goodrich, William Gordon, Andrew Gregg, William Barry Grove, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison, Jonathan N. Havens, Jos. Heister, William Hindman, David Holmes, Hezekiah L. Hosmer, Walter Jones, Edward Livingston, Matthew Locke, Samuel Lyman, Matthew Lyon, Nathaniel Macon, William Matthews, Blair McClenachan, Joseph McDowell, Anthony New, John Nicholas, Harrison G. Otis, John Reed, Samuel Sewall, William Shepard, Samuel Smith, William Smith, Peleg Sprague, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Richard Thomas, Mark Thomson, Thomas Tillinghast, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

NAYS—James Cochran, Joshua Coit, Abiel Foster, Dwight Foster, Roger Griswold, Thomas Hartley, Jas. H. Imlay, John Wilkes Kittera, Isaac Parker, John Rutledge, jr., Jas. Schureman, Nathaniel Smith, Geo. Thatcher, John E. Van Alen, and Peleg Wadsworth.

Mr. S. SMITH renewed his motion for striking out the words which he had moved to be struck out in Committee of the Whole, and called the yeas and nays upon it. It was again negatived—43 to 29, as follows:

YEAS—Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Richard Brent, Demsey Burges, Thomas Claiborne, John Clopton, John Dawson, George Dent, Thomas Evans, John Fowler, Albert Gallatin, James Gillespie, William Gordon, Andrew Gregg, Wm. Barry Grove, John A. Hanna, Robert Goodloe Harper, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Edward Livingston, Matthew Locke, Matthew Lyon, Nathaniel Macon, William Matthews, Blair McClenachan, Joseph McDowell, Anthony New, John Nicholas, Samuel Smith, William Smith, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

NAYS—John Allen, George Baer, jr., Bailey Bartlett, Jas. A. Bayard, David Brooks, Stephen Bullock, Christopher G. Champlin, John Chapman, James Cochran, Joshua Coit, Samuel W. Dana, William Edmond, Abiel Foster, Dwight Foster, Jonathan Freeman, Henry Glen, Chauncey Goodrich, Roger Griswold, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, Harrison G. Otis, Isaac Parker, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, William Shepard, Nathaniel Smith, Peleg Sprague, George Thatcher, Richard Thomas, Mark Thomson, Thomas Tillinghast, John E. Van Alen, and Peleg Wadsworth.

On the motion to concur in the limitation clause agreed to in the Committee of the Whole, there were 40 yeas and 39 nays; when the SPEAKER declaring himself in the negative, the question was not carried.

Mr. DENT moved a new clause limiting the law to the 3d of March, 1801, which was carried, 48 votes being for it.

Mr. ALLEN proposed an additional section for the publishing of this law in all the papers of the United States, in order to prevent its being mis-

represented. After a few observations had been made upon it, he withdrew it.

The bill was ordered to be read a third time to-morrow, and carried, 44 votes being for it.

A message from the Senate informed the House that they had passed the bill, entitled "An act to lay and collect a direct tax within the United States," with several amendments; to which they desire the concurrence of this House. The Senate have disagreed to the bill, entitled "An act for the relief of Thomas Lewis." They have agreed to the amendments proposed by this House to the fourth amendment 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;" also, to the resolution of this House, of the twenty-third ultimo, for an adjournment of the two Houses of Congress on this day, with amendments; to which they desire the concurrence of this House.

TUESDAY, July 10.

The amendment of the Senate to the resolution fixing the time of adjournment for Monday next, was taken up and agreed to.

PUNISHMENT OF CRIMES.

The bill, in addition to the act for punishing crimes against the United States, and for other purposes, was read the third time; when

Mr. SITGREAVES wished the bill to be recommitted. It had been suggested to him that great inconvenience arises in the Federal Courts, from its having been conceived that they have not the power to bind to good behaviour, and he was desirous of removing this defect, by adding a section to this bill for the purpose.

Mr. BAYARD thought the gentleman from Pennsylvania had better bring this subject forward by itself, than have this bill recommitted, as it was no way connected with it.

Mr. SITGREAVES consented.

The question was now on the passing of the bill.

Mr. McDOWELL called for the yeas and nays upon it.

Mr. NICHOLAS rose, he said, to ask an explanation of the principles upon which this bill is founded. He confessed it was strongly impressed upon his mind, that it was not within the powers of the House to act upon this subject. He looked in vain amongst the enumerated powers given to Congress in the Constitution, for an authority to pass a law like the present; but he found what he considered as an express prohibition against passing it. He found that, in order to quiet the alarms of the people of the United States with respect to the silence of the Constitution as to the liberty of the press, not being perfectly satisfied that the powers not vested in Congress remained with the people, that one of the first acts of this Government was to propose certain amendments to the Constitution, to put this matter beyond doubt, which amendments are now become a part of the Constitution. It is now expressly declared by that instrument, "that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;" and, also, "that Congress shall make no law abridging the freedom of speech, or of the press."

Mr. N. asked whether this bill did not go to the abridgment of the freedom of speech and of the press? If it did not, he would be glad if gentlemen would define wherein the freedom of speech and of the press consists.

Gentlemen have said that this bill is not to restrict the liberty of the press but its licentiousness. He wished gentlemen to inform him where they drew the line between this liberty and licentiousness of which they speak; he wished to know where the one commenced and the other ended? Will they say the one is truth, and the other falsehood! Gentlemen cannot believe for a moment that such a definition will satisfy the inquiry. The great difficulty which has existed in all free Governments, would, long since, have been done away, if it could have been effected by a simple declaration of this kind. It has been the object of all regulations with respect to the press, to destroy the only means by which the people can examine and become acquainted with the conduct of persons employed in their Government. If there could be safety in adopting the principle, that no man should publish what is false, there certainly could be no objection to it. But it was not the intention of the people of this country to place any power of this kind in the hands of the General Government—for this plain reason, the persons who would have to preside in trials of this sort, would themselves be parties, or at least they would be so far interested in the issue, that the trial of the truth or falsehood of a matter would not be safe in their hands. On this account, the General Government has been forbidden to touch the press. Gentlemen exclaim, what! can anyone be found to advocate the publication of lies and calumny? He would make no answer to inquiries of this sort, because he did not believe he could be suspected of being an advocate for either. But, in his opinion, this was a most serious subject; it is not lying that will be suppressed, but the truth. If this bill be passed into a law, the people will be deprived of that information on public measures, which they have a right to receive, and which is the life and support of a free Government; for, if printers are to be subject to prosecution for every paragraph which appears in their papers, that the eye of a jealous Government can torture into an offence against this law, and to the heavy penalties here provided, it cannot be expected that they will exercise that freedom and spirit which it is desirable should actuate them; especially when they would have to be tried by judges appointed by the President, and by juries selected by the Marshal, who also receives his appointment from the President, all whose feelings would, of course, be inclined to commit the offender if possible. Under such circumstances,

it must be seen that the printers of papers would be deterred from printing anything which should be in the least offensive to a power which might so greatly harass them. They would not only refrain from publishing anything of the least questionable nature, but they would be afraid of publishing the truth, as, though true, it might not always be in their power to establish the truth to the satisfaction of a court of justice. This bill would, therefore, go to the suppression of every printing press in the country, which is not obsequious to the will of Government.

Mr. N. again asked, what are the bounds which gentlemen would draw between the liberty and licentiousness of the press? The Senate had sent them the project of one law which made it criminal to attribute bad motives to Government, even where the facts were not questionable; the House had now another project, which describes a number of other offences, all restricting the use of the press. The Constitution has not defined the bounds here spoken of. He had heard something said out of doors on the subject of common law; that the offences created by this bill are offences under it; but two gentlemen who advocate the bill, had denied that the common law made any offences against the United States.

Mr. HARPER said, if any expression of his was alluded to, he never said that no common law offence could be committed against the United States. He had said that there was no common-law jurisdiction in the Courts of the United States; but he believed the common-law doctrine of libels as applicable to the Government of the United States as any other Government.

Mr. NICHOLAS believed the opinion which the gentleman from South Carolina had now delivered, came nearly to what he had stated. However, the opinion of the gentleman from Delaware went to the full extent of it; for it was given in correction of an opinion delivered by his colleague, (Mr. EVANS,) who had supposed it was a mere want of cognizance in the Courts of the United States of such offences.

Mr. N. hoped there was no necessity for examining the opinions of the gentleman from South Carolina as to the common law being part of the law of the United States. He should like to know how the United States had adopted the common law. He should be glad to know where gentlemen found an account of their having so adopted it. Do gentlemen suppose that, in adopting the Constitution, the United States adopted the common law of all the States, which is so various, that he would venture to say no man perfectly knew it at the time, nor did he believe that any one gentleman who seems in this House to entertain that opinion, is acquainted with the common law of all the States. The common law of England has undergone various improvements and modificatious in the several States, which it could not be supposed would be rejected by the Convention who formed the Constitution, in silence. Indeed, it was to him one of the most absurd ideas imaginable. If the common law was not adopted by the Constitution, and does not form a part of it, where is the rule by which to ascertain where the liberty of the press ends, and its licentiousness begins? If gentlemen say it is adopted by the Constitution, it must remain unchangeable, and there could be no authority for passing this law.

Mr. N. said, he had also heard another rumor out of doors—for gentlemen, in pursuing their favorite objects, are naturally forced to seek a justification. He had heard it said that all the States take cognizance of offences of this sort. But does this give the power to the General Government? Because the States declare certain things offences, have the General Government power over the like offences? If so, it would have a concurrent power with all the State Governments, which, he believed, would be a novel idea. Indeed, he was utterly at a loss to find any ground upon which to found a law of this kind. He was confident there was none.

That the House might not think this opinion originated with the present time, or from that disposition with which himself and others are sometimes charged of opposing everything, he would read an extract from the ratification of the Constitution in Virginia, which is as follows:

"The delegates of the people of Virginia, met in Convention, do, in the name and in behalf of the people of Virginia, declare and make known, that the powers granted under the Constitution, being derived from the people of the United States, may be resumed by them, whensoever the same shall be perverted to their injury or oppression, and that every power not granted thereby, remains with them, at their will; that, therefore, no right of any denomination can be cancelled, abridged, restrained, or modified by Congress, by the Senate, or House of Representatives, acting in any capacity, by the President, or any Department, or officer of the United States, except in those instances in which power is given by the Constitution for those purposes; and that, among other essential rights, the liberty of conscience and of the press cannot be cancelled, abridged, restrained, or modified, by any authority of the United States."

Here, then, when the Constitution had not an express provision on the subject of the liberty of the press, the understanding of the members of the convention was complete on the subject. In pursuance of the same idea, the Congress of the United States, and the State Governments, proceeded to declare the meaning of the Constitution, in this respect, in the most express terms.

And yet, in direct opposition to the clause of the Constitution, which says, "Congress shall pass no law to abridge the freedom of the press," Congress is now about to pass such a law. For it is vain to talk about the licentiousness of the press, the prohibition is express, "shall pass no law to abridge," &c. And as to what gentlemen called the licentiousness of the press, it was so indefinite a thing, that what was deemed licentiousness today by one set of men, might, by another set, tomorrow, be enlarged, and thus the propriety of the information to be given to the public would be arbitrarily controlled. If this bill passed into a law, there could be no doubt it would produce the

effect which he had already mentioned; no man would continue to print a newspaper, who could not bring himself to be, at least, silent as to any impropriety in the conduct of the General Government, which would deprive the people of a great part of its present usefulness.

Mr. N. said, he was authorized in this supposition, from the declaration of the gentleman from Connecticut, (Mr. ALLEN,) who was very loud in his condemnation of certain printers in the United States, and read a number of what he deemed seditious paragraphs from their newspapers, in order to show the necessity of restricting their publications in future.

Mr. N. said, he was as sensible as that gentleman, or any other, that some of our printers have abused the liberty of the press, but, notwithstanding, he saw this, he was far from being convinced of either the propriety or necessity of Legislative interference in the matter. He believed himself to be incapable of promoting or encouraging falsehood; but he was not, because the press may have transgressed in this respect, for taking measures to suppress it. Nor did he think this by any means necessary; because falsehoods issued from a press, are not calculated to do any lasting mischief. Falsehoods will always depreciate the press from whence they proceed. He was persuaded that the publication of one falsehood in a paper would do it more mischief than the abuse of its enemies; and he always regretted to see, at any time, a falsehood issue from a press which is generally the organ of truth. He believed, on this account, it would be unnecessary for Government to interfere in this matter, if they had a right to do it, which he denied, since every publisher of a newspaper, who consults his own interest and respectability, will, as far as he is able to do it, make it a vehicle of correct information.

The gentleman from Connecticut, when he read the extracts from the newspapers alone alluded to, insinuated that these papers met with the support of some of the members of this House. He would tell that gentleman how far he was a supporter of one of the papers alluded to. He was a subscriber to it, and meant to be so. He thought it justifiable and proper. He said he knew but of three or four papers of any consequence in the United States, which are open to any animadversions on Government, written with ever so much decorum. He knew that most of the editors of public papers are so firmly persuaded that Government, or rather the Executive branch of it, can do no wrong, that they reject everything which does not approve of Governmental measures. Therefore, though he sometimes saw things in the papers which the gentleman from Connecticut so unqualifiedly condemns, which he did not approve, he nevertheless believed it was desirable to have papers printed in which, if there be necessity for it, strictures may be inserted on the measures of Government. It was on this account that he subscribed for the *Aurora* of this city, the only paper printed in it in which any animadversion on public measures can find admission. He would continue to subscribe for it, and if the gentleman from Connecticut chose to calumniate him for it, he was at liberty to do so.

Though it is said the bill on the table is only intended to suppress the publication of falsehood, yet its effect must be general, and, from the present agitated state of the public mind and from the other causes which he had named, with respect to the court and jury before whom the offences committed under this law will, of course, be tried, its effect must be a very powerful restriction of the press, with respect to the publication of important truths.

Mr. N. wished gentlemen, before they give a final vote on this bill, to consider its effects; and, if they do this, he thought they would consent to stop here. He desired them to reflect on the nature of our Government; that all its officers are elective, and that the people have no other means of examining their conduct but by means of the press, and an unrestrained investigation through them of the conduct of the Government. Indeed, the heart and life of a free Government, is a free press; take away this, and you take away its main support. You might as well say to the people, we, your Representatives, are faithful servants, you need not look into our conduct; we will keep our seats for a little longer time than that for which you have given them to us. To restrict the press, would be to destroy the elective principle, by taking away the information necessary to election, and there would be no difference between it and a total denial of the right of election, but in the degree of usurpation.

Mr. N. said, he had seen many measures carried into effect in this House which he did not approve; he had often been in minorities, and frequently disappointed in what he thought important questions; but he could solemnly say that he never yet saw the time when he would not again have voted for this Constitution, relying upon the operations which complete information, with respect to the transactions of Government, would have upon the minds of the people. If he was right, he was confident, though he had been disappointed in carrying the measures which he advocated here, the people would finally see and approve the right which he had supported; and, if wrong, he should profit by the benefit his country would have received; but his feelings would be very different on the passage of this bill. If he found a power existing which trammelled the press, and prevented a free communication of whatever took place in the Government, to the people at large, he should no longer see a possibility of abuses in the Government being corrected by the influence of the people; there would no longer be reason to expect that uncontrolled Government would consult the public good, and the Government which he had always flattered himself would have no other object, would lose the value he had been accustomed to attach to it.

It would be recollected, Mr. N. said, that two years ago, there was a great alarm in England, very similar to the one raised at present in this country. If gentlemen will turn their attention to the sedition law which passed there at that

time, it will be found that that Government, imperfect as we look upon it, stopped infinitely short of what is proposed by the present bill. In speaking of sedition in this country, an idea is never entertained that it would be seditious to censure the conduct of a responsible agent of the Government. The King, it is well known, is not considered as a responsible agent in the Government. It is his property, so far as he is concerned in it, and the sedition law of that country went barely to prohibit any imputation upon him; but every responsible agent they suffered to be brought to the tribunal of opinion. In order to show the difference between the two laws, Mr. N. read the provisions of each. Seeing, therefore, that the elective principle is respected in England, when the Parliament enacts sedition laws, he hoped it would also be respected here. Our President and Congress stand on the same elective ground with the British House of Commons, and yet we frequently see in the public prints of that country, charges against that body of the most atrocious nature, such as their being in pay, of their being bought by, and under the control of the Minister. Yet we do not find that the printers in that country are prosecuted for exercising this freedom of the press. Nothing of the kind takes place. The great check upon any calumny of this sort, is the sound understanding of the people. If members of the Legislature are charged falsely, they are in as good situations as they could wish to be, to refute the charge; and it is better, according to their understanding of the matter, (and he owned he concurred with them in opinion,) that fifty slanderers should escape punishment, than that a single oppression, with respect to the liberty of the press, should take place. More mischief would be done to the press by a single act of this kind, than any possible amount of slander could do harm. Mr. N. concluded by saying, that it having been seen, that in England, when in the greatest possible state of alarm, there was no disposition to protect their representative characters against examination in the public prints, he trusted the Representatives of this free country would not consent to pass laws by which the free public examination of their own conduct will be prohibited.

Mr. OTIS said the professions of attachment to the Constitution, made by the gentleman from Virginia, are certainly honorable to him; and he could not believe that an attachment so deeply engrafted, as he states his to be, would be shaken by this bill. The gentleman had caught an alarm on the first suggestion of a sedition bill, which had not yet subsided; and though the present bill is perfectly harmless, and contains no provision which is not practised upon under the laws of the several States in which gentlemen had been educated, and from which they had drawn most of their ideas of jurisprudence, yet the gentleman continues to be dissatisfied with it.

The objections of the gentleman from Virginia, he believed, might be reduced to two inquiries. In the first place, had the Constitution given Congress cognizance over the offences described in this bill prior to the adoption of the amendments to the Constitution? and, if Congress had that cognizance before that time, have those amendments taken it away? With respect to the first question, it must be allowed that every independent Government has a right to preserve and defend itself against injuries and outrages which endanger its existence; for, unless it has this power, it is unworthy the name of a free Government, and must either fall or be subordinate to some other protection. Now some of the offences delineated in the bill are of this description. Unlawful combinations to oppose the measures of Government, to intimidate its officers, and to excite insurrections, are acts which tend directly to the destruction of the Constitution, and there could be no doubt that the guardians of that Constitution are bound to provide against them. And if gentlemen would agree that these were acts of a criminal nature, it follows that all means calculated to produce these effects, whether by speaking, writing, or printing, were also criminal. From the nature of things, therefore, the National Government is invested with a power to protect itself against outrages of this kind, or it must be indebted to and dependent on an individul State for its protection, which is absurd. This essential right resulting from the spirit of the Constitution, was still more evident in the language of that instrument. The people of the individual States brought with them as a birthright into this country the common law of England, upon which all of them have founded their statute law. If it were not for this common law, many crimes which are committed in the United States would go unpunished. No State has enacted statutes for the punishment of all crimes which may be committed; yet in every State he presumed there was a Superior Court which claimed cognizance of all offences against good morals, and which restrained misdemeanors and opposition to the constituted authorities, under the sanction merely of the common law. When the people of the United States convened for the purpose of framing a federal compact, they were all habituated to this common law, to its usages, its maxims, and its definitions. It had been more or less explicitly recognised in the Constitution of every State, and in that of Maryland it was declared to be the law of the land. If, then, we find in an instrument digested by men who were all familiarized to the common law, not only that the distribution of power, and the great objects to be provided for, are congenial to that law, but that the terms and definitions by which those powers are described, have an evident allusion to it, and must otherwise be quite inexplicable, or at best of a very uncertain meaning, it will be natural to conclude that, in forming the Constitution, they kept in view the model of the common law, and that a safe recourse may be had to it in all cases that would otherwise be doubtful. Thus we shall find that one great end of this compact, as appears in the preamble, is the establishment of justice, and for this purpose a Judicial department is erected, whose powers are declared "to extend to all cases in law and equity, arising under the Constitution, the laws of the United States," &c. Justice, if

the common law ideas of it are rejected, is susceptible of various constructions, but agreeably to the principles of that law, it affords redress for every injury, and provides a punishment for every crime that threatens to disturb the lawful operations of Government. Again, what is intended by "cases at law and equity arising under the Constitution," as distinguished from cases "arising under the laws of the United States?" What other law can be contemplated but common law; what sort of equity but that legal discretion which has been exercised in England from time immemorial, and is to be learnt from the books and reports of that country? If it be answered that these words comprise civil controversies only, though no reason appears for this distinction, yet what is to be done with other terms, with trial, jury, impeachment, &c., for an explanation of all which, the common law alone can furnish a standard? It has been said by the gentleman that the Constitution has specified the only crimes that are cognizable under it; but other crimes had been made penal at an early period of the Government, by express statute, to which no exception had been taken. For example, stealing public records, perjury, obstructing the officers of justice, bribery in a Judge, and even a contract to give a bribe, (which last was a restraint upon the liberty of writing and speaking,) were all punishable, and why? Not because they are described in the Constitution, but because they are crimes against the United States—because laws against them are necessary to carry other laws into effect; because they tend to subvert the Constitution. The same reasons applied to the offences mentioned in the bill.

Mr. OTIS contended that this construction of the Constitution was abundantly supported by the act for establishing the Judicial Courts. That act, in describing certain powers of the District Court, contains this remarkable expression: "saving to suitors in all cases the right of a common law remedy, where the common law was competent to give it." He could not tell whence this competency was derived, unless from the Constitution; nor did he perceive how this competency applied to civil and not to criminal cases.

It was, therefore, most evident to his mind, that the Constitution of the United States, prior to the amendments that have been been added to it, secured to the National Government the cognizance of all the crimes enumerated in the bill, and it only remained to be considered whether those amendments divested it of this power. The amendment quoted by the gentleman from Virginia is in these words: "Congress shall make no law abridging the freedom of speech and of the press." The terms "freedom of speech and of the press," he supposed, were a phraseology perfectly familiar in the jurisprudence of every State, and of a certain and technical meaning. It was a mode of expression which we had borrowed from the only country in which it had been tolerated, and he pledged himself to prove that the construction which he should give to those terms, should be consonant not only to the laws of that country, but to the laws and judicial decisions of many of the States composing the Union. This freedom, said Mr. O., is nothing more than the liberty of writing, publishing, and speaking, one's thoughts, under the condition of being answerable to the injured party, whether it be the Government or an individual, for false, malicious, and seditious expressions, whether spoken or written; and the liberty of the press is merely an exemption from all previous restraints. In support of this doctrine, he quoted *Blackstone's Commentaries*, under the head of libels, and read an extract to prove that in England, formerly, the press was subject to a licenser; and that this restraint was afterward removed, by which means the freedom of the press was established. He would not, however, dwell upon the law of England, the authority of which it might suit the convenience of gentlemen to question; but he would demonstrate that although in several of the State constitutions, the liberty of speech and of the press were guarded by the most express and unequivocal language, the Legislatures and Judicial departments of those States had adopted the definitions of the English law, and provided for the punishment of defamatory and seditious libels. To begin with New Hampshire: In the Bill of Rights of that State, it is declared, "That the liberty of the press is essential to the security of freedom in a State; it ought, therefore, to be inviolably preserved." By an act passed in February, 1791, subsequent to the adoption of that Constitution "any person of the age of fourteen and upward, making and publishing a lie or libel, tending to the defamation of any person, is liable on conviction to a fine," &c. The declaration of rights prefixed to the Constitution of Massachusetts, contains an article to the same effect with that of New Hampshire; yet in the law establishing the Supreme Court of that State, cognizance is given to it, among other things, over all offences and misdemeanors of a public nature "tending to a breach of the peace, oppression of the subject, raising of faction, controversy or debate, to any manner of misgovernment." By another law, any person aiding in a lottery by printing or publishing a scheme on account of it, was punishable." Another law provided, "that if any person by public or private discourse or conversation, or by any ways or means, should dissuade or endeavor to prevent an officer from doing his duty in quelling riots," he is subject to a heavy penalty. In Pennsylvania they carried matters still further In their Bill of Rights, we find "that the printing presses shall be free to every person who undertakes to examine the proceedings of the Legislature, or any branch of the Government, and no law shall ever be made to restrain the free right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely write, print or speak, on any subject, being responsible for the abuse of that liberty." Yet, in Pennsylvania, a law has been made, and he had heard from the best authority was still in force "making it high treason to propose a new constitution in that State."

Mr. GALLATIN denied the existence of any such law.

Mr. OTIS replied that he might, perhaps, have mistaken the precise words, but it was to that effect.

If we go to Virginia, said Mr. O., we shall read in their constitution "that the freedom of the press cannot be restrained, except in despotic Governments;" but, in the act passed December, 1792, it is provided, "that if any person shall, by writing or speaking, endeavor to instigate the people to erect or establish any Government, separate or independent of the Government of Virginia, he shall be subject to any punishment not extending to life or member, which the court may adjudge." They have another act against cursing and swearing, which is merely using the liberty of speech.

In all these instances, it is clearly understood, that to punish licentiousness and sedition is not a restraint or abridgment of the freedom of speech or of the press. He might no doubt multiply these examples, and appeal to the opinions and decisions of many learned Courts and juries; but he would confine himself to the Courts of Pennsylvania.

Mr. O. then read divers extracts from a case found in *Dallas's Reports:* the Commonwealth *vs.* Oswald, and the opinion of the Chief Justice, which, as he said, avowed and fortified the law with all its distinctions as stated by himself; and this opinion, he declared, had been incidentally sanctioned by the whole Legislature of Pennsylvania, upon Mr. Oswald's petition. He said he should despair of finding this great Constitutional law expounded with the same pertinence and eloquence, but that he held in his hand another document containing a late charge to a grand jury from the same learned Judge. [This charge he also proceeded to read.]

Mr. O. having finished reading this extract, repeated his expressions of astonishment that gentlemen should raise such an outcry against a law so perfectly analogous to the laws and usages under which they had all been born and bred. If this law were a violation of the Constitution, each State had infringed upon its own constitution; for it was not more true that all the powers not given to Congress were retained by the States, than that all the powers not given to the States were retained by the people.

The gentleman from Virginia had inquired how a line could be drawn between the liberty and licentiousness of the press? He would inform him, that an honest jury was competent to such a discrimination, they could decide upon the falsehood and malice of the intention. How, said he, do they draw a line of discrimination in the case of a forgery of public security? This crime is effected through the medium of the press or of the pen. How can they punish the intent when a man offers a bribe to a Judge, which may be done by words only? These are offences which the gentlemen would anxiously discountenance. Yet forgery is only the liberty of the press upon his construction, and an offer of bribery is merely freedom of speech. Is it not a restraint upon the freedom of speech, that the people in the gallery are not allowed to join in this debate? Yet this would hardly be permitted. Why then, said Mr. O., are gentlemen so feelingly alive on this subject? Where lies the injury in attempting to check the progress of calumny and falsehood? Or how is society aided by the gross and monstrous outrages upon truth and honor, and public character and private peace which inundate the country? Can there be any necessity of allowing anonymous and irresponsible accusers to drag before the tribunal of public opinion, magistrates, and men in office, upon false and groundless charges? There are sixteen Legislatures in the United States, in which all the measures of Government are open to investigation. There are two Houses of Congress, in which every accusation and suspicion may have free vent, wherein our jealousies and prejudices may be uttered without restraint, and every man will still be at liberty to print and speak at pleasure; but he must be prepared to prove those charges which bring disgrace upon his fellow-citizens. No reasonable being can desire a greater latitude than this. But the gentleman from Virginia is fearful that an impartial jury will not be found in the present excited state of the public opinion; but if twelve honest men cannot be found to acquit a libellist, he ought to be convicted. He urges further that, even in Great Britain, Parliament has never made laws to restrain censorious remarks upon its measures; but, in Great Britain, Government is more able to protect itself, and, if the gentleman pleases, he may add, it is less deserving of protection. It should be remembered, too, that the esteem and confidence of the people is of less consequence to a British Parliament, than it is to an American Congress; and, moreover, that libels as well against Parliament, as other bodies of men, are offences at common law. Neither does the present bill restrain a free animadversion upon the proceedings of Congress, or the conduct of its members; it merely prohibits calumny and deception. The gentleman from Virginia had made another singular objection to the bill, arising from an apprehension that, by it, a blow was aimed at an individual printer, to whose paper he subscribed, as it was one of the only three or four papers that were open to a free discussion of the measures of the Administration. The right of the gentleman to subscribe for the paper alluded to, could not be disputed, although his fears must proceed from an opinion that it would inevitably fall under the description of writings intended by the bill. But, does the gentleman speak from personal information in alleging that other presses are shut against strictures upon the Government? Has admission been refused to the lucubrations of himself or friends? If not, he should not complain because the editors of newspapers generally, and the people at large, are too well satisfied with the conduct of Government to volunteer an opposition. The public approbation and contentment expressed in the daily papers, was the highest and most honorable testimony of the wisdom of public measures, unless it be supposed that the printers from one end of the Continent to the other, are paid by the Administration for suppressing truth;

a confederacy this, much less likely to exist, than one consisting of three or four printers, for the propagation of error and mischief.

Mr. OTIS concluded by apologizing to the committee for the time he had employed upon topics so familiar to them as the present. He was aware that the right of Congress to legislate upon this subject, appeared to a majority of that House self-evident, and begged to assure them, that he did not mean to insult the understanding of gentlemen by enlarging upon principles so perfectly plain and undeniable. He justified himself only by the occasion. He knew that most unusual attempts were made to deceive the people and alarm their fears, that they were threatened with the deprivation of a darling privilege. It, therefore, was proper to remind them, that these were idle terrors, and that no innovation was attempted upon the immemorial laws and customs of the country. They were still at liberty, and would ever be so, to use their tongues and their pens, like all other property, so as to do no wanton and unjustifiable injury to others. He, therefore, hoped the bill would pass.

Mr. MACON said, the same section of the Constitution which forbids any interference with the freedom of speech and of the press, extends also to religious establishments, and says, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." This bill ought to be considered, therefore, as the commencement of a system which might as well be extended to the establishment of a national religion, as to a "restraint of speech and of the press." He acknowledged the bill was less exceptionable than when it came from the Senate; but it yet contained the principle which he considered as violating the Constitution.

Mr. M. said, he had attended to all that had been said in support of this bill; but could find nothing like argument in it. When the words of the Constitution were so express, it seems impossible they could be understood as the gentleman from Massachusetts had represented them. Several authorities, Mr. M. said, had been read to show that this bill will form a Constitutional law. He believed, however, far more might be adduced to show the reverse. He believed the best way of coming at the truth of the construction of any part of the Constitution, was, by examining the opinions that were held respecting it when it was under discussion in the different States.

Mr. M. then proceeded to quote the opinions of the leading members in several of the State conventions, in order to show, from the opinions of the friends of the Constitution, that it was never understood that prosecutions for libels could take place under the General Government; but that they must be carried on in the State courts, as the Constitution gave no power to Congress to pass laws on this subject. Not a single member in any of the conventions gave an opinion to the contrary. The following are the words of Judge Iredell, of North Carolina, on the occasion. Judge Wilson, of this State, and several others, were equally strong; but we have them not at hand, and if we had, to give extracts from the whole would occupy too much room. In the Convention of North Carolina, in reply to a member who had said that the General Government might make it treason to write against the most arbitrary proceedings, but who, it appears, afterwards corrected himself, and said he meant only misprision of treason, and only that it might be done within the ten miles square, where they were to have exclusive legislation, Judge Iredell thus spoke:

"Where is the power given them to do this? They (Congress) have power to define and punish piracies and felonies committed on the high seas, and offences against the law of nations; but they have no power to define *any other crime whatever.* This shows how apt gentlemen are to commit mistakes. The powers of the Government are particularly enumerated and defined. They can claim no others but such as are so enumerated. In my opinion, they are excluded as much from the exercise of any other authority, as they could be by the strongest negative clause that could be framed."

Mr. M. also quoted the opinions of members of Congress at the time the amendments to the Constitution were adopted, to prove the same thing. And inquired how it was come to pass, notwithstanding all the positive opinions which he had quoted to the contrary, that Congress should now conceive that they have power to pass laws on this subject? He could himself find no ground to justify the change.

Gentlemen, Mr. M. said, might call this a harmless bill; but however harmless it may be, it is a beginning to act upon forbidden ground, and no one can say to what extent it may hereafter be carried. He thought this subject of the liberty of the press was sacred, and ought to be left where the Constitution had left it. The States have complete power on the subject, and when Congress legislates, it ought to have confidence in the States, as the States ought also to have confidence in Congress, or our Government is gone. This Government depends upon the State Legislatures for existence. They have only to refuse to elect Senators to Congress, and all is gone. He believed there was nowhere any complaint of a want of proper laws under the State Governments; and though there may not be remedies found for every grievance in the General Government, what it wants of power will be found in the State Governments, and there can be no doubt but that power will be duly exercised when necessity calls for it.

Mr. M. concluded with observing, that from the best examination which he had been able to give to the subject, he was convinced that Congress does not possess the power to pass a law like the present; but if there be a majority determined to pass it, he could only hope that the Judges would exercise the power placed in them of determining the law an unconstitutional law, if, upon scrutiny, they find it to be so.

Mr. LIVINGSTON said, that notwithstanding the sarcasms which had been thrown out against those who oppose this measure; notwithstanding that

kind of accommodating principle which has been set up and reiterated, that the powers of this Constitution extend to every possible case—a principle which goes to the destruction of State authorities, and makes that instrument mean anything or nothing—notwithstanding this, he should again venture to engage the attention of the House while he endeavored to show that this bill is not only contrary to the spirit, but to the direct letter of the Constitution.

The Constitution declares that "no law shall be passed to abridge the liberty of speech or of the press." Let us inquire, said Mr. L., what was the liberty enjoyed at the time this declaration was agreed to, and see whether citizens will enjoy the same liberty after this law passes that they then enjoyed. Will gentlemen say that the same liberty of writing and speaking did not exist then that now exists? If they will not say this, must they not allow that the Constitution is positive in prohibiting any change in this respect? Gentlemen may call this liberty an evil, if they please; if it be an evil (which he was far from believing) it is an evil perpetrated by the Constitution.

The Constitution seems to have contemplated cases which might arise at a future day. It seems to have foreseen that majorities (far be it from him to believe the present majority is of the number) might be actuated by dispositions hostile to the Government; that it might wish to pass laws to suppress the only means by which its corrupt views might be made known to the people, and therefore says, *no* law shall be passed to abridge the liberty of speech and of the press. This privilege is connected with another dear and valuable privilege—the liberty of conscience. What is liberty of conscience? Gentlemen may to-morrow establish a national religion agreeably to the opinion of a majority of this House, on the ground of an uniformity of worship being more consistent with public happiness than a diversity of worship. The doing of this is not less forbidden than the act which the House are about to do. But, it is said, will you suffer a printer to abuse his fellow-citizens with impunity, ascribing his conduct to the very worst of motives? Is no punishment to be inflicted on such a person? Yes. There is a remedy for offences of this kind in the laws of every State in the Union. Every man's character is protected by law, and every man who shall publish a libel on any part of the Government, is liable to punishment. Not, said Mr. L., by laws which we ourselves have made, but by laws passed by the several States. And is not this most proper? Suppose a libel were written against the President, where is it most probable that such an offence would receive an impartial trial? In a court, the judges of which are appointed by the President, by a jury selected by an officer holding his office at the will of the President? or in a court independent of any influence whatever? The States are as much interested in the preservation of the General Government as we are. We do wrong when we attempt to set up interests independent of the States. They are all desirous of preserving the Constitution as it now stands; and it is, therefore, much more probable that justice will be found in a court in which neither of the parties have influence, than in one which is wholly in the power of the President.

But, it is said this Government is liable to suffer abuse of the worst kind; the worst motives may be attributed to it, the most false statements made with respect to its conduct, and no hand can be held out to protect it. For his own part, he believed there ought to be no such power. He believed every independent Government was equal to the protection of its private or public character; but when gentlemen speak of slanders against the Government, he knew of no such thing. We are charged, for instance, with passing an unconstitutional act—with violating our oaths. What answer is it proposed we should make to the charge? We are not to disprove the fact, and let the public judge between us, but we are immediately to prosecute the man who makes the charge. You may, by thus acting, establish error as soon as truth; you put them both on the same footing; you crush them by force of arms, and not by the force of reason. This is the same system which heretofore lighted the fires of Smithfield, and which has produced so much bloodshed and ruin amongst mankind.

But even the Constitutional objection to this bill, great as it is, is of small importance, when it is considered in another point of view. He looked upon it as a link in a chain of events leading to the most serious consequences—events which he had always opposed and constantly deplored—leading to a practical change in our Government. Gentlemen may think this is not so. He had frequently heard them speak of weak and rotten parts of the system; they may wish only to strengthen the weak parts, and cut out the rotten. But, Mr. L. said, he admired the Constitution in its present form; he had superadded to this admiration the sanction of an oath. Both inclination and duty, therefore, led him to oppose measures which, in his opinion, went to a radical change of it.

Many writers have amused themselves, and instructed the world, by delineating the means by which free Governments gradually become oppressive; and some of them the means by which free Governments become Despotisms. He would take the liberty of reading an extract out of one of the best writings he had seen on this subject—the best in this view: as it shows how a Government, organized like ours, may come to destruction. He would barely read the passage, and if it did not make an impression on the minds of gentlemen, he should despair of saying anything that would. [Mr. DANA inquired the name of the author.] Mr. LIVINGSTON replied, the book he alluded to was John Adams's Defence of the American Constitution. Whilst he read this, he wished it to be recollected that it had been declared on this floor that none but men of a certain political opinion would be chosen by the President to office. Mr. L. then read as follows:

"A few eminent, conspicuous characters, will be continued in their seats in the Sovereign Assembly, from ne election to another, whatever changes are made in

the seats around them. By superior art, address, and opulence; by more splendid birth, reputation, and connexions, they will be able to intrigue with the people, and their leaders out of doors, until they worm out most of their opposers and introduce their friends. To this end, they will bestow all offices, contracts, privileges in commerce, and other emoluments, on the latter, and their connexions, and throw every vexation and disappointment in the way of the former, until they establish such a system of hopes and fears throughout the State as shall enable them to carry a majority in every fresh election of the House. The Judges will be appointed by them and their party, and, of consequence, will be obsequious enough to their inclinations. The whole Judicial authority, as well as the Executive, will be employed, perverted, and prostituted to the purposes of electioneering. No justice will be attainable, nor will innocence or virtue be safe in the Judiciary Courts, but for the friends of the prevailing leaders. Legal prosecutions will be instituted and carried on against opposers, to their vexation and ruin; and, as they have the public purse at command, as well as the Executive and Judicial power, the public money will be expended in the same way. No favors will be attainable but by those who will court the ruling demagogues in the House by voting for their friends and instruments; and pensions and pecuniary rewards and gratifications, as well as honor and offices of every kind, will be voted to friends and partisans. The leading minds and most influential characters among the clergy will be courted, and the views of the youth in this department will be turned upon those men, and the road to promotion and employment in the church will be obstructed against such as will not worship the general idol. Capital characters among the physicians will not be forgotten, and the means of acquiring reputation in the practice of the healing art, will be to get the State trumpeters on the side of youth. The bar, too, will be made so subservient that a young gentleman will have no chance to obtain a character, or clients, but by falling in with the views of the Judges and their creators. Even the theatres and actors and actresses must become politicians, and convert the public pleasures into engines of popularity for the governing members of the House. The press, that great barrier and bulwark of the rights of mankind, when it is protected in its freedom by law, can now no longer be free; if the authors, writers, and printers, will not accept of the hire that will be offered them, they must submit to the ruin that will be denounced against them. The presses, with much secrecy and concealment, will be made the vehicles of calumny against the minority, and of panegyric and empirical applause of the leaders of the majority, and no remedy can possibly be obtained. In one word, the whole system of affairs, and every conceivable motive of hope and fear, will be employed to promote the private interests of a few, and their obsequious majority; and there is no remedy but in *arms!*"

Sad remedy! He hoped the people of this country would never be forced to have recourse to it. If the fatal tendency of certain measures be what they are here described, (and he believed the representation to be a just one,) it behooved us to beware in time.

Mr. L. would be glad if gentlemen would inform the House of any good which would be derived from the passage of this bill—of any evil which it will remedy? If they could not do this, he further entreated them to think of the evils which it may produce. He feared it would lessen the confidence of the people in the Government. By the addresses which we see pour in, from every quarter, it would seem that this confidence is now possessed, and he hoped Government would be careful not to lose it. But to judge from addresses alone, was but a fallacious mode of judging. In proof of this, Mr. L. referred to Dalrymple's History of the Reign of James I., which shows that this monarch was overpowered with the most fulsome addresses, at a time when the people in general were disaffected to his Government to the highest degree. This, he said, was a strong historical fact, which ought to have its due weight. The political situation of this country very much resembles that of England at the time alluded to.

The effect of this bill may be to lift a few men into consequence who were never of any before, and to ruin two or three others; but it will be in vain to attempt to hide the misconduct of Government from the people. The thing will defeat its own end. They will, besides, be struck with the flagrant breach which it makes in the Constitution, compared with which, he looked upon war, pestilence, and every other calamity, as of trifling consequence. Time may remove these, but of an unforgiving, dreary despotism, who can see the end? God forbid that we should ever be called upon to employ our talents to the overturning of such a Government!

Mr. DANA said, no honest man wanted the liberty of uttering malicious falsehood—and this law would operate against no other publications.

Mr. GALLATIN observed that the same kind of general answer to all the objections against the bill, which had now fallen from the gentleman from Connecticut, had already been used by him on the first reading of the bill, when the criminality of certain writings was not to depend on their being false and malicious. The remarks of that gentleman were, however, as little in point now, and no more applicable to the argument urged against this bill, than they were before it had received its present modifications. Was the bill, in its present shape, free from Constitutional objections? Supposing it to be Constitutional, was it expedient? or, to use the words of the Constitution, was it necessary and proper, at present, to pass this law? These were the two important questions which claimed the attention of the House.

The gentleman from Massachusetts (Mr. OTIS) had attempted to prove the constitutionality of the bill by asserting, in the first place, that the power to punish libels was originally vested in Congress by the Constitution, and, in the next place, that the amendment to the Constitution, which declares that Congress shall not pass any law abridging the liberty of the press, had not deprived them of the power originally given. In order to establish his first position, the gentleman had thought it sufficient to insist that the jurisdiction of the Courts of the United States extended to the punishment of offences at common law, that is to say, of offences not arising under the statutes or laws of the Union—an assertion unfounded in itself, and which, if proven, would not support the point he endeavors to

establish. That assertion was unfounded; for the judicial authority of those courts is, by the Constitution, declared to extend to cases of Admiralty, or affecting public Ministers; to suits between States, citizens of different States, or foreigners, and to cases arising under the Constitution, laws, and treaties, *made* under the authority of that Constitution; excluding, therefore, cases not arising under either—cases arising under the common law. It was preposterous to suppose, with the gentleman from Massachusetts, that, in cases arising under the Constitution, were included offences at common law; for the cases meant were only, either such as might arise from any doubtful construction of the Constitution—for instance the constitutionality of a law—or those arising immediately under any specific power given or prohibition enjoined by the Constitution; such, for instance, as declaring a retrospective law of any State to be null and void. Nor was that gentleman more fortunate in his choice of arguments, when he thought he could derive any proofs in support of the supposed jurisdiction of the Federal Courts from the number of technical expressions in the Constitution—such as *writ of habeas corpus, levying war*, &c., which, as he supposed, recognised the common law. He had there confounded two very distinct ideas—the principles of the common law, and the jurisdiction over cases arising under it. That those principles were recognised in the cases where the courts had jurisdiction, was not denied; but such a recognition could by no means extend the jurisdiction beyond the specific cases defined by the Constitution. But, had that gentleman succeeded in proving the existence of the jurisdiction of the Federal Courts over offences at common law, and more particularly over libels, he would thereby have adduced the strongest argument against the passing of this bill; for, if the jurisdiction did exist, where was the necessity of now giving it? If the judical authority of the Federal Courts, by the Constitution, extended to the punishment of libels, it was unnecessary to pass this law, which, modified as it is, was intended by its supporters for the sole purpose of enacting into a law of the United States the common law of libels. The gentleman from Massachusetts himself, by his efforts to obtain this law, had shown that he did not believe that the courts could act in the case of libels, without the assistance of a law; and every gentleman who had spoken in favor of this bill had explicitly declared, as his opinion, that the Federal Courts had no jurisdiction whatever over offences at common law. The fact was, that the gentleman from Massachusetts, although he had at first stated the question correctly, by saying that it was sufficient to prove that the power of passing this bill was given by the Constitution, had afterwards altogether forgotten his own position—the position which it was incumbent upon him to prove—and had attempted to establish another point, unconnected with the first. The question was not whether the Courts of the United States had, without this law, the power to punish libels, but whether, supposing they had not the power, Congress had that of giving them this jurisdiction—whether Congress, were vested by the Constitution with the authority of passing this bill?

For a proper discussion of that question, Mr. G. said, it would be necessary for him to bring once more to the recollection of the House those Constitutional principles to which he had already, on another occasion, adverted. The people of the United States were not under the authority of a simple, or of one, but under two distinct Governments—that of the different States in which they respectively lived, and that of the Union. The Government of the Union was not a consolidated one, possessing general power; it was only a federal one, vested with specific powers, defined by the Constitution; and though it should seem that no one could, on reading that instrument, mistake its principle, yet, for greater security, it had been provided, by an amendment which now made a part of the Constitution, that the power not delegated to the United States, nor prohibited to the individual States, remained respectively with the States, or with the people. Hence it was that Congress had no undefined general legislative powers, but that it became necessary for them, whenever they passed a law, to show from what article of that charter under which they acted—from what specific power vested in them by the Constitution—they derived the authority they claimed. In this instance, it must be shown that the Constitution has given them the power to pass a law for the punishment of libels. It would not be contended that any such power was specifically given, and it only remained to be examined whether it was included in any more general authority. It had been insisted that Congress had the power, generally, to provide for the punishment of any offences against Government. It is evident that such a power, if it did exist, would embrace the punishment of any offences whatever, or rather of any act, which, though not criminal in itself, might be obnoxious to the persons who happened to have Government in their hands; for any such act might, by them, be called an offence against Government, and made criminal. But, so far from this being the case, it would be found that the Constitution had actually specified the cases in which Congress should have power either to define or to provide for the punishment of offences; and they were the following: piracies, felonies on the high sea, and offences against the law of nations, which they had a right to define and punish; counterfeiting the coin or public securities of the United States; treason, which they had a right to punish, but not to define, it being expressly defined by the Constitution itself; all offences that might be committed within the ten miles square, forts, arsenals, &c., over which the United States might, with the consent of a State, acquire exclusive jurisdiction; and, finally, opposition or offences against the laws or exercise of the Constitutional authority of any department—which offences Congress had a right to define and punish, by virtue of the clause of the Constitution which empowered them to pass all laws necessary and proper for carrying into execution any power vested by the Constitution in them, or in any department. Mr. G. then proceeded

to enumerate the several offences defined by the two acts providing for the punishment of crimes against the United States, in order to show that Congress had heretofore strictly adhered to the specification of the Constitution, and never attempted to legislate in the manner proposed by this bill.

It must be evident, from that enumeration, that the only clause of the Constitution which can give a color to the authority now claimed, is that already quoted, which gives Congress authority to make all laws which shall be necessary and proper for carrying into execution the power vested by the Constitution in the Government of the United States, or in any department or officer thereof.

But the language here used was strict and precise; it gave not a vague power, arbitrarily, to create offences against Government, or to take cognizance of cases which fall under the exclusive jurisdiction of the State courts. In order to claim any authority under this clause, the supporters of this bill must show the specific power given to Congress or to the President, by some other part of the Constitution, which would be carried into effect by a law against libels. They must go further—they must show which of those Constitutional powers it was which could not be carried into effect, unless this law was passed. It was in that manner that the authority of Congress had heretofore been exercised; they had passed no penal laws, except such as arose from the necessity of carrying into effect some of the specific powers vested in them. Thus, as they had the exclusive power to establish post roads, they had made it penal to rob the mail; and as they were authorized to lay taxes, they had passed laws to punish frauds of revenue officers, or evasions of the revenue laws. But, until this bill was proposed, Congress had never attempted to define or punish offences generally; and the gentleman from Massachusetts was mistaken when he had stated that forgery was generally punishable by the laws of the United States. It was only in those specific cases defined by the Constitution, or which arose from some power heretofore exercised by Congress, that forgery came under the jurisdiction of the Federal Courts.

Mr. G. said that he had heretofore considered the Constitution as it originally stood, and that it must be evident that no law against libels could be passed by Congress, unless it was under color of carrying into effect some other distinct power vested in them. However improbable such an attempt might have appeared, the bill now under discussion justified the suspicions of those who, at the time of the adoption of the Constitution, had apprehended that the sense of that generally expressed clause might be distorted for that purpose. It was in order to remove these fears, that the amendment, which declares that Congress shall pass no law abridging the freedom of speech or the liberty of the press, was proposed and adopted—an amendment which was intended as an express exception to any supposed general power of *passing laws*, &c., vested in Congress by the other clause. The sense, in which he and his friends understood this amendment, was that Congress could not pass any law to punish any real or supposed abuse of the press. The construction given to it by the supporters of the bill was, that it did not prevent them to punish what they called the licentiousness of the press, but merely forbade their laying any previous restraints upon it. It appeared to him preposterous to say, that to punish a certain act was not an abridgement of the liberty of doing that act. It appeared to him that it was an insulting evasion of the Constitution for gentlemen to say, "We claim no power to abridge the liberty of the press; *that*, you shall enjoy unrestrained. You may write and publish what you please, but if you publish anything against us, we will punish you for it. So long as we do not prevent, but only punish your writings, it is no abridgment of your liberty of writing and printing." Congress were by that amendment prohibited from passing any law abridging, &c.; they were, therefore, prohibited from adding any restraint, either by previous restrictions, or by subsequent punishment, or by any alteration of the proper jurisdiction, or of the mode of trial, which did not exist before; in short, they were under an obligation of leaving that subject where they found it—of passing no law, either directly or indirectly, affecting that liberty.

In the next place, this amendment was introduced as an exception to some pre-existing power vested by the Constitution in Congress; so that, to render the construction given by the supporters of the bill admissible, it was necessary for them to prove, that, by virtue of some such pre-existing power, or in order to carry into effect some distinct power, Congress could have laid previous restraints upon the press—a suggestion which never was hinted, even by the most violent opponents of the Constitution, at the time of its adoption. The danger intended to be remedied was that which had been actually apprehended, and which might have some frail foundation in the general clause so often quoted. Finally, that construction was inconsistent with the amendment itself. That amendment provided against the passing of any law abridging either the liberty of the press or the freedom of speech; and a sound construction must be such as to be applicable to both. But that contended for, to wit, that the only prohibition was that of passing any law laying previous restraints upon either, was absurd, so far as it related to speech; for it pre-supposed that Congress, by the Constitution, as it originally stood, might have passed laws laying such restraints upon speech; and what these possibly could have been, he was altogether at a loss to conceive, unless gentlemen chose to assert that the Constitution had given Congress a power to seal the mouths or to cut the tongues of the citizens of the Union; and these, however, were the only means by which previous restraints could be laid on the freedom of speech. Was it not evident, that, as speech could not be restrained, but might be punished, a Constitutional clause forbidding any abridgment of the freedom of speech must necessarily mean, not that no laws should be passed laying previous restraints upon it, but that

no punishment should by law be inflicted upon it? But, admit the construction given to the amendment by the supporters of this bill, still must they recur to the original provisions of the Constitution—still is it incumbent on them to show that this bill is *necessary*, in order to carry into operation some of the powers of Government. Government has existed for more than nine years without the assistance of this law. This law is not, then, necessary at all times; indeed, it is intended only to last for three years. Let, then, gentlemen prove that that necessity now exists which heretofore did not exist. It is an obligation laid apon them by the Constitution itself, evidently, to prove that an alteration has taken place in the situation of this country, which impels us to pass this law. And yet they are silent. Where is the House to find proofs of that wonderful, yet unknown change in our circumstances? Will they derive their information from the newspaper scraps with which they had been entertained, the other day, by a member from Connecticut? as if there was anything alarming or novel in paragraphs blaming or attacking certain measures or certain individuals of Government; as if the present Administration felt more afraid of newspaper abuse than former Administrations, or than other men. Or is Congress to receive a conviction of that alteration from the plot which the gentleman from South Carolina (Mr. HARPER) had promised to unfold—a plot in which not one member on this floor did believe, when it was announced, and in which he suspected the gentleman himself had long since discovered he had been mistaken? Leaving, however, those ridiculous grounds of alarm, (and, ludicrous as it might appear to an indifferent hearer, they were the only ones that had yet been alleged in support of this bill,) Mr. G. would ask whether gentlemen did not believe themselves, that at no time had there been less to be apprehended from presses that circulated opinions in opposition to the measures of Government; that no reason could be adduced why this bill should pass, except that a party in the United States, feeling that they had more power, were not afraid of passing such a law, and would pass it, because they felt themselves so strong—so little in need of the assistance of that measure—that they expected to be supported by the people, even in that flagrant attack upon the Constitution? Would any of them dare to assert that the time when the Western insurrection took place, when it was thought *necessary* to call to arms fifteen thousand men, was not a more dangerous moment for Government, and did not more forcibly call forth a law punishing misrepresentations of the measures or motives of Government, than the present period?

The advocates of this measure must show to us its necessity for carrying into operation the powers vested in the President, or in either branch of the Legislature—who are its objects. They must prove that the President dare not, cannot, will not, execute the laws, unless the abuse poured upon him from certain presses is suppressed. If there be a majority of this House in favor of this law, are that majority ready to declare that that law is *necessary*, in order to enable them to execute the powers vested in them by the Constitution? Are they ready to say that they are prevented from voting according to the dictates of their conscience, for voting is the only power belonging to them, by newspaper paragraphs? Are they ready to say, that unless libels against them shall be punished; that unless they may obtain revenge from the insolence of the printers, they will not or dare not vote as they would otherwise do? But if they are ready to make those declarations; if they do believe this bill *necessary* in order to enable this House to do their duty, they must recollect that this House is composed of individuals, and that, according to their own doctrine, in order to insure a conscientious vote in the whole House, every individual, and not a majority of the House, ought to be equally sheltered by this law from the abuse of printers. Whilst, therefore, they support the bill in its present shape, do they not avow that the true object of the law is to enable one party to oppress the other; that they mean to have the power to punish printers who may publish against them, whilst their opponents will remain alone, and without redress, exposed to the abuse of Ministerial prints? Is it not their object to frighten and suppress all presses which they consider as contrary to their views; to prevent a free circulation of opinion; to suffer the people at large to hear only partial accounts, and but one side of the question; to delude and deceive them by partial information, and, through those means, to perpetuate themselves in power?

In vain did those gentlemen attempt to shelter themselves under the different pleas that this bill could only affect the authors of false publications, since any man might justify his writings by giving in evidence the truth of his assertions; and that it created no new offence, but only re-enacted what had always been the common law of libels.

It was true that, so far as related merely to facts, a man would be acquitted by proving that what he asserted was true. But the bill was intended to punish solely writings of a political nature, libels against the Government, the President, or either branch of the Legislature; and it was well known that writings, containing animadversions on public measures, almost always contained not only facts but opinions. And how could the truth of opinions be proven by evidence? If an individual thinking, as he himself did, that the present bill was unconstitutional, and that it had been intended, not for the public good, but solely for party purposes, should avow and publish his opinion, and if the Administration thought fit to prosecute him for that supposed individual offence, would a jury, composed of the friends of that Administration, hesitate much in declaring the opinion ungrounded, or, in other words, false and scandalous, and its publication malicious? And by what kind of argument or evidence, in the present temper of parties, could the accused convince them that his opinion was true?

As to the assertion that the bill, under its present modifications, was nothing more than the

common law of libels, he would observe that no gentleman could be satisfied that the few lines, of which the bill consisted, contained the genuine and unadulterated principles of the law of libels—a law which had arisen from the precedents and judicial decisions of three centuries; a law which, like every other branch of the common law of England, had received different modifications in the different States, so as to be now dissimilar in every one. He had not critically examined the bill in that point of view; but he would just notice a mode of expression which, if strictly construed, would introduce a principle now unknown to the common law of libels. By the bill, every person who should write, print, utter, or publish, &c., was guilty; so that a person only writing what might be adjudged a libel, although he neither printed, published, read, or communicated his work to any one, and although he did not intend it for publication, might, like Algernon Sidney, be found guilty, under this act, for the offence only of having thrown his ideas on paper.

But, although there might be no change made by this bill in the law of libels, there was an all-important one made by the transfer of jurisdiction. Heretofore the cognizance of offences of this nature had exclusively belonged to the State courts, and the mode of trial was essentially altered by being had before the Federal courts. It was not only by being deprived of the benefits of a trial by a jury of their vicinage that the accused persons were put in a worse situation; the manner of selecting the jury was, in some States, in Pennsylvania, especially, very different in the Courts of the United States from what it was in the State courts. It was provided, by the act to establish the Judicial Courts of the United States, "that jurors, to serve for the Courts of the United States, shall be designated by lot, or otherwise, in each State, respectively, according to the mode of forming juries therein now practised, so far as the laws shall render such designation practicable, by the courts or marshal of the United States." Juries, in the New England States, were selected by the towns, or by lot, and under that act, they still were selected in the same manner to serve in the Federal Courts, without the interference of any federal officer. Gentlemen from those States were, therefore, very easy on account of this bill, as, in practice, it left their constituents in the same situation in which it found them. In case of a prosecution for a libel, an inhabitant of Massachusetts would be tried by a similar jury, whether the trial was had before the State or Federal court. But, in other States, where the juries were summoned by the sheriff, the case was far different. In Pennsylvania, if the prosecution was before the State court, the jury would be summoned by the sheriff, but if before the Federal court, the marshal, in that case, would summon the jury. The difference in this case was immense; for the sheriff in Pennsylvania was elected by the people, and held his commission for three years, revocable only for misbehaviour. The marshal was appointed by the President of the United States, was removable from office at his pleasure, and sometimes held other offices under the Executive; for instance, the marshal of Pennsylvania, till within a few weeks, had been inspector of the revenue. The sheriff was the officer of the people, the marshal was the creature of the Executive. And, however immaterial this might be in ordinary suits or prosecutions, when the offences were, as under this bill altogether of a political nature; when the supposed crimes to be punished were a libel against the Administration, what security of a fair trial remained to a citizen, when the jury was liable to be packed by the Administration, when the same men were to be judges and parties?

After having given this short sketch of the features of this bill, Mr. G. said he had intended to make some general remarks on the nature of political libels, or of writings against the measures of the Administration, and on the propriety of interfering at all by law with them. The lateness of the hour prevented him. He would only observe that laws against writings of this kind had uniformly been one of the most powerful engines used by tyrants to prevent the diffusion of knowledge, to throw a veil on their folly or their crimes, to satisfy those mean passions which always denote little minds, and to perpetuate their own tyranny. The principles of the law of political libels were to be found in the rescripts of the worst Emperors of Rome, in the decisions of the Star Chamber. Princes of elevated minds, Governments actuated by pure motives, had ever despised the slanders of malice, and listened to the animadversions made on their conduct. They knew that the proper weapon to combat error was truth, and that to resort to coercion and punishments in order to suppress writings attacking their measures, was to confess that these could not be defended by any other means.

Mr. HARPER said, that he should hardly expect, at so late an hour, to be indulged by the House in a detailed answer to the objections urged against this bill, even if he thought it necessary. He did not, however, think it necessary, as most of the arguments which had any appearance of application or force, had already been fully refuted; some few only, which he thought it important to controvert, had remained unanswered; and on them he begged permission to make a few remarks.

In the first place, gentlemen who oppose the bill had said, that hitherto the Government of the United States had existed and prospered without a law of this kind, and then exultingly asked: "What change has now taken place to render such a law necessary?" He did not know whether most to wonder at or pity the security of gentlemen who asked this question. They, no doubt, could perceive no change of circumstances; for they had declared that they perceived none; but, to his mind, by the conclusions of which his conduct must be governed, the change was most evident; and he would, for himself, answer the question of the gentleman. The change, in his opinion, consisted in this: that heretofore we had been at peace, and were now on the point of being driven into a war with a nation which openly boasts of

its party among us, and its "diplomatic skill," as the most effectual means of paralyzing our efforts, and bringing us to its own terms. Of the operations of this skill among us, by means of corrupt partisans and hired presses, he had no doubt; he was every day furnished with stronger reasons for believing in its existence, and saw stronger indications of its systematic exertion. We knew its effects in other countries, where it had aided the progress of France, much more effectually than the force of her arms. He knew no reason why we should not harbor traitors in our bosom as well as other nations; and he did most firmly believe that France had a party in this country, small, indeed, and sure to be disgraced and destroyed as soon as its designs should become generally known, but, active, artful, and determined, and capable, if it could remain concealed, of effecting infinite mischief. This party was the instrument of her "diplomatic skill." By this party she hoped to stop "the wheels of our Government," enchain our strength, enfeeble our efforts, and finally subdue us; and to repress the enterprises of this party, he wished for a law against sedition and libels, the two great instruments whereby France and her partisans had worked for the destruction of other countries, and he had no doubt were now working, he trusted unsuccessfully, for the destruction of this.

He could not, therefore, believe that our safety hitherto ought to lull us into security now; unless gentlemen could convince him that, because a person had existed in health, for nine years, he ought to refuse medicine when he at length felt the approach of disease; or when he saw the daggers of assassins everywhere whetted against him, should neglect to put on a coat of mail, because, for nine years, he had not been assailed.

It was honorable for the Government, Mr. HARPER said, that it had existed for nine years, in safety, without such a law as this; and he still hoped that even now, there would be little or no occasion for enforcing the law should it pass, but of this he was far from being certain. The coat of mail which Congress was about to provide in this law, might turn away the point of some dagger aimed at the heart of the Government, and in that case it would, he said, be matter of rejoicing that the bill had passed. Should no such case occur, then, like a sword, which there has been no occasion to draw, it will have done no harm.

The gentleman from Pennsylvania (Mr. GALLATIN) had expressed an opinion, Mr. H. said, that he himself having as yet produced no proofs of the criminal correspondence which he had supposed to exist between persons in this country and the Government of France, must now be convinced that no such correspondence, or, as the gentleman had thought proper to express it, no such *conspiracy* did in fact exist; and a gentleman from New York (Mr. LIVINGSTON) had observed, with an air of triumph, and in poetic language, that the clue sometime ago discovered had not yet led to the den of the Minotaur. He would advise gentlemen, he said, not to triumph too soon. Because proof is not produced in a fortnight, it does not follow that it will not be produced in a month: because it is not now laid on the table, it does not follow that it will not be laid there at the beginning of next session, or even before the end of this. He took the liberty of assuring gentlemen that his conviction on this head was by no means weakened. Legal proof was one thing, and he did not know that he should ever be able to produce it; circumstances sufficient to influence opinion, to induce belief, to fix conviction in the mind, might exist, notwithstanding the want of such proof, and, as respected him, did exist in this case. Those circumstances which he had, on a former occasion, compared to threads that might at length lead to proof, had received new force from subsequent indications, and had fully confirmed him in the opinion that France is not without a party in this country, engaged in a most criminal correspondence with her agents, devoted to her service, and aiding, to the utmost of its power, the efforts of her "diplomatic skill." Fortunately this party was inconsiderable in number, and though hitherto possessed of considerable influence, through the ignorance of the public respecting its views, would, he had no doubt, be abandoned to disgrace, the instant those views should be generally understood.

It would be recollected, Mr. H. said, that the gentleman from Pennsylvania (Mr. GALLATIN) had drawn an argument against this bill from the manner in which juries are formed in Pennsylvania. In that State juries are summoned by the sheriff; and, as the proceedings in the Courts of the United States must conform to those of the State courts respectively, the juries to try persons under this act, in Pennsylvania, would be summoned by the marshal, who, holding his appointment at the pleasure of the Executive, may select a jury predisposed to convict the person accused. Such was the argument of the gentleman from Pennsylvania; but it should rather be an argument with that gentleman to use his influence for obtaining a reform of this defect in the laws of his own State. Surely a defect in a State law, which it was in the power of that State to remove, could never be considered as a reason why the United States should not pass a law necessary for the safety, perhaps the existence, of the Government. This argument, moreover, would apply with as much force in one direction as in the other; for if, in the Federal courts, marshals appointed by the Executive should be inclined to pick juries against the accused, sheriffs, on the other hand, in the State courts, might be inclined to pick them in his favor. If, therefore, on the strength of this objection, the trial of libels and sedition should be left to the State courts, instead of being transferred, as the bill proposes, to the Courts of the United States, it would be running into Scylla, in our attempt to avoid Charybdis. There was, certainly, as much danger of partiality on one side as the other.

Mr. H., however, did not believe that there was any danger of this kind, on either side. He was persuaded that juries would be summoned

with impartiality, either in the State courts or those of the United States, and that, when summoned, they would do justice according to their oath. If, however, he was mistaken in that point, he hoped the State would speedily remedy so great a defect, which it might do by ordering the juries to be drawn by ballot, instead of being selected by the sheriff—the same reform must then take place in the Courts of the United States, and the jurors there would no longer be selected by the marshal; but he never could suffer this defect, if it really were one, to prevent him from voting for a law which he considered as necessary for the public safety.

The gentleman from Pennsylvania (Mr. GALLATIN) had gone a step further, Mr. H. said, in his opposition to this bill than the rest of its opposers. They had contended that it was contrary to the third amendment to the Constitution, which provides "that Congress shall pass no law restraining the liberty of speech or the press." The gentleman from Pennsylvania had discovered that, independently of that amendment, Congress had no power to pass a law against sedition and libels none such being expressly given by the Constitution. But can there, said Mr. H., be so great an absurdity, can such a political monster exist, as a Government which has no power to protect itself against sedition and libels? Has not the Constitution said that "Congress shall have power to make all laws which shall be necessary, or 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;" can the powers of a Government be carried into execution, if sedition for opposing its laws, and libels against its officers, itself, and its proceedings, are to pass unpunished? The idea, he said, appeared to him so monstrous and absurd, that he was astonished that any one should seriously advance it.

In the other objection, he admitted that there was more plausibility; the objection founded on that part of the Constitution which provides that "Congress shall pass no law to abridge the liberty of speech or of the press." He held this to be one of the most sacred parts of the Constitution, one by which he would stand the longest, and defend with the greatest zeal. But to what, he asked, did this clause amount? Did this liberty of the press include sedition and licentiousness? Did it authorize persons to throw, with impunity, the most violent abuse upon the President and both Houses of Congress? Was this what gentlemen meant by the liberty of the press? As well might it be said that the liberty of action implied the liberty of assault, trespass, or assassination. Every man possessed the liberty of action; but if he used this liberty to the detriment of others, by attacking their persons or destroying their property, he became liable to punishment for this licentious abuse of his liberty. The liberty of the press stood on precisely the same footing. Every man might publish what he pleased; but if he abused this liberty so as to publish slanders against his neighbor, or false, scandalous, and malicious libels against the magistrates, or the Government, he became liable to punishment. What did this law provide? That if "any person should publish any false, scandalous, and malicious libel against the President or Congress, or either House of Congress, with intent to stir up sedition, or to produce any other of the mischievous and wicked effects particularly described in the bill, he should, on conviction before a jury, be liable to fine and imprisonment. A jury is to try the offence, and they must determine, from the evidence and the circumstances of the case, first that the publication is *false*, secondly that it is *scandalous*, thirdly that it is *malicious*, and fourthly that it was made with the *intent* to do some one of the things particularly described in the bill. If in any one of these points the proof should fail, the man must be acquitted; and it is expressly provided that he may give the *truth* of the publication in evidence as a justification. Such is the substance of this law; and yet it is called a law abridging the liberty of the press! That is to say, that the liberty of the press implies the liberty of publishing, with impunity, false, scandalous, and malicious writings, with intent to stir up sedition, &c. As well might it be said that the liberty of *action* implies the liberty to rob and murder with impunity!

Whence was it, Mr. H. asked, that all confidence in the trial by jury was now discarded by those gentlemen who have heretofore so warmly, and so justly, resounded its praises? Why are juries, in whose hands the fortunes, the lives, and the reputations of the citizens had been safely deposited by our laws and Constitutions, no longer to be trusted, when it is in question to punish those who, with wicked intent, publish false, scandalous, and malicious libels against the President and Congress? Is this offence of so sacred a nature, so dear to gentlemen, that the authors of it cannot be trusted in the hands of a jury of their fellow-citizens?

Such, Mr. H. said, had ever been his impressions concerning the liberty of the press; which he deemed to stand on the same ground, and to be liable to the same restraints by law, with the liberty of action; nor could he be persuaded that the liberty of the press, as understood by the Constitution, could ever be abridged by a law to punish, on conviction before a jury, the publication of false, scandalous, and malicious libels. He was very happy to find his opinions fully supported by those of a most venerable man, whose character was admired and revered by all, and who could never be suspected of wishing to abridge the liberty of the press. He held in his hand a little volume of essays by the late Dr. Franklin, among which there was one entitled "An Account of the Highest Court of Judicature in Pennsylvania, viz: the Court of the Press." The venerable author first treats of "the power of this court." Secondly, "of the persons in whose favor, or for whose emolument, it is established." Thirdly, of "the practice of this court." Fourthly, of "the foundation of its authority." Fifthly, of the persons "by whom this court is commissioned or constituted." Sixthly, of "the

natural support of this court." And lastly, "of the checks proper to be established against the abuses of its power."

Each one of these heads, said Mr. H., contains much valuable matter, exceedingly applicable to the present purpose, and deserving of the serious attention of those gentlemen who talk so much, but appear to have thought so little, about the liberty of the press. The last, however, is more particuiarly in point, and to that, the length of the essay, and the lateness of the hour, admonish me to confine myself.

Speaking of "the checks proper to be established against the abuses of power in the Court of the Press," the venerable and ingenious author says:

"Hitherto there are none. But since so much has been written and published on the Federal Constitution, and the necessity of checks, in all other parts of good Government, has been so clearly and learnedly explained, I find myself so far enlightened, as to suspect some check may be proper in this part also; but I have been at a loss to imagine any that may not be construed an infringement of the sacred liberty of the press. At length, however, I think I have found one that, instead of diminishing general liberty, will augment it; which is by restoring to the people a species of liberty of which they have been deprived by our laws; I mean the liberty of the *cudgel!* In the rude state of society, prior to the existence of laws, if one man gave another ill language, the affronted person might return it by a box on the ear; and, if repeated, by a good drubbing; and this without offending against any law; but now the right of making such returns is denied, and they are punished as breaches of the peace, while the right of abusing seems to remain in full force; the laws made against it being rendered ineffectual by the *liberty of the press.*

"My proposal, then, is, to leave the liberty of the press untouched, to be executed in its full extent, force, and vigor, but to permit the liberty of the cudgel to go with it, *pari passu.* Thus, my fellow-citizens, if an impudent writer attacks your reputation, dearer to you perhaps than your life, and puts his name to the charge, you may go to him, as openly, and break his head. If he conceals himself behind the printer, and you can nevertheless discover who he is, you may, in like manner, waylay him in the night, attack him behind, and give him a good drubbing. If your adversary hires better writers than himself to abuse you more effectually, you may hire brawny porters, stronger than yourself, to assist you in giving him a more effectual drubbing. Thus far goes my project as to *private* resentment and restitution. But if the Government should ever happen to be affronted, as it ought to be, with the conduct of such writers, I would not advise proceeding immediately to these extremities, but that we should, in moderation, content ourselves with tarring and feathering and tossing them in a blanket.

"If, however, it should be thought that this proposal of mine may disturb the public peace, I would then humbly recommend to our legislators to take up the consideration of both liberties, that of the press, and that of the cudgel; and, by an explicit law, mark their extent and limits; and, at the same time that they secure the person of a citizen from assaults, they would likewise provide for the security of his reputation."

Thus we see, continued Mr. H., that this great man, the champion of liberty, who spent his life in promoting her cause, did not think that the liberty of the press would be abridged by an explicit law for curbing its licentiousness. Supported by this great authority, I can never believe that a law to punish the publication of false, scandalous, and malicious libels, on conviction by a jury, is a law "to abridge the liberty of the press," as intended by the Constitution.

The gentleman from New York (Mr. LIVINGSTON) has thought proper to quote a very venerable authority, the Defence of the American Constitutions, by the present President of the United States, in order to prove that this Government is advancing rapidly to a despotism. The passage is very striking, and most forcibly marks the steps of progressing tyranny. Most of those steps, the gentleman declares, have been, or are on the point of being, taken by this Government. But there is one part of the passage which he has forgotten to notice. Let me be permitted to recall it to his attention. The learned and venerable author is treating of the tendency towards despotism which exists in a Government composed of one branch, or whose whole powers are concentrated in one popular assembly; and, in order to warn us of the dangers of such a Government, and inculcate the necessity of a division of power for the support of liberty, he tells us how the great men, the heads and leaders of the great and wealthy families, find their way into such an assembly, and acquire an absolute influence over its decisions. He then goes on to mark the steps, those very steps quoted by the gentleman from New York, whereby they render their seats permanent, stifle opposition, subjugate the assembly, usurp its powers, and at length establish an oligarchy or a despotism, on the ruins of the democracy. Let the House recollect how persevering and vigorous have been the efforts of the gentleman from New York, and his political associates, to pave the way for this state of things, by concentrating gradually, sometimes under one pretext and sometimes under another, all the powers of our Government in this House, by demolishing, piece by piece, the checks established in the Senate and the Executive power; and then it will be able to judge to whom his quotation is most applicable; to himself and his friends, or to those who strenuously have opposed, and who do still oppose, these his enterprises; to those who struggle to preserve the division of power and the balance of the Constitution, or to those who exert all their might to destroy them both, and reduce the Government to a single representative democracy, on which that oligarchy, so earnestly panted after by self-named friends of the people and exclusive patriots, is so speedily and so certainly engrafted.

It is by such a state of things that men of immoderate ambition, great family connexions, hereditary wealth, and extensive influence, like the gentleman from New York, will exclusively profit. It is such a state of things that will enable them to conglomerate all power, all splendor, all patronage, into the hands of a few great patrician families, and walk over the heads of us plebeian people, who, having none of these means of domination, and no safeguard for our rights but the Constitution, strive

all in our power to maintain it against the attacks of these great men. Who could gain more by this change than the gentleman from New York? Who boasts a higher descent, more powerful family connexions, more extensive hereditary wealth, than him? As for me, if I may be permitted to bring myself into view, for me, who possess none of these advantages, who am the son of a cabinet-maker, and have always been forced to eat my bread in the sweat of my brows, I have nothing to hope except from the Constitution. Upon it rest all my expectations of fortune, preferment, and importance. It is therefore as natural for me to struggle for its support, as for the gentleman from New York to aim at its destruction, which would be the first step towards his own greatness; and perhaps this may be one chief reason why I feel so much jealousy of his views, watch them with so much care, and oppose them so zealously. It may also be a chief reason why I feel anxious for the fate of this bill; which I consider as an important mean of preserving the Constitution, and thereby counteracting those projects whose success I so much dread.

The bill was then passed—yeas 44, nays 41, as follows:

YEAS—John Allen, George Baer, jr., Bailey Bartlett, James A. Bayard, David Brooks, Christopher G. Champlin, John Chapman, James Cochran, Joshua Coit, Samuel W. Dana, William Edmond, 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, Harrison G. Otis, Isaac Parker, John Reed, John Rutledge, jr., 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, and Peleg Wadsworth.

NAYS—Abraham Baldwin, David Bard, Lemuel Benton, Thomas Blount, Richard Brent, Stephen Bullock, Demsey Burges, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, John Dawson, George Dent, John Fowler, Albert Gallatin, James Gillespie, Andrew Gregg, John A. Hanna, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Edward Livingston, Matthew Locke, Matthew Lyon, Nathaniel Macon, William Matthews, Blair McClenachan, Joseph McDowell, Anthony New, John Nicholas, Samuel Smith, William Smith, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

Mr. HARPER, from the Committee of Ways and Means, reported a bill making an appropriation for the expenses of the several loan offices of the United States, during the year 1798; which was read twice, and committed to a Committee of the whole House for to-morrow.

The amendments proposed by the Senate to the bill, entitled "An act to lay and collect a direct tax within the United States," were read, and ordered to lie on the table.

A message from the Senate informed the House that they had passed the bill entitled "An act to enable the President of the United States to borrow money for the public service," with several amendments; to which they desire the concurrence of this House.

Resolved, That a committee be appointed to inquire into the expediency of vesting in the Judges of the Courts of the United States, and of the several States, authority to bind to the peace and good behaviour, for offences against the United States, with power to report by bill or otherwise.

Ordered, That Mr. SITGREAVES, Mr. LIVINGSTON, and Mr. GOODRICH, be a committee, pursuant to the said resolution.

WEDNESDAY, July 11.

DIRECT TAX.

On motion, the House went into a Committee of the Whole on the amendment of the Senate to the bill for laying and collecting a direct tax.

The first of these amendments (and the most important) proposed to strike out the classification of houses as contained in the bill, which, it will be recollected, progressed from two-tenths of one per cent. to one per cent., according to the value of houses, increasing the rate as the value of houses increased, not in an exact, but in a greater proportion, from a consideration that large and valuable houses are generally representative of other property; and to insert in its place four-tenths per cent. upon all houses.

Mr. GALLATIN hoped this amendment would not be adopted. If this principle of equality, which the Senate wish to introduce, had been extended to land also, he should have been in favor of it. It is a principle which he had always been in favor of. But what, he asked, would be the effect of the proposed amendment? It would be to reduce the duty on all houses above the value of $3,000, and to increase it on all houses under the value of $1,000; those from the value of $1,000 to $3,000 would remain the same as at present. Of course, as he supposed, the number of houses in the United States, above the value of $3,000, was greater than that under the value of $1,000, the aggregate duty on houses would be lessened, and the aggregate duty on land increased. It would also heighten the duty upon large houses, and increase it upon small houses; and as the houses of farmers are, 99 out of 100, of a less value than $1,000, this amendment, if agreed to, would not only increase the duty on land, but also upon farm-houses.

Mr. S. SMITH did not believe the amendment of the Senate would have the effect which the gentleman from Pennsylvania spoke of. He believed it would produce more money than the plan agreed to by this House, and, of course, reduce the tax on land. Nor does it hold out the same temptation to assessors in cities to make a lower than the real valuation of houses there, to prevent the tax from falling too heavy on cities.

The question on this amendment was put and negatived, there being only 17 votes for it.

The other amendments were considered and decided upon.

SUNDRY BILLS.

Mr. W. CLAIBORNE, from the managers of a conference with the Senate on the subject of the bill altering the time of entering stills, made a report, which was ordered to lie on the table.

A message was received from the Senate, informing the House that they insist upon their amendment to the bill authorizing the President of the United States to borrow money, which went to strike out the provision allowing the United States to redeem the sum borrowed within fifteen years. The House insisted upon their disagreement, and a committee of conference was appointed.

The bill further to suspend for a limited time the act laying a duty on snuff, was read the third time and passed.

A bill from the Senate to encourage the capture of armed French vessels by private armed vessels of the United States, was twice read; when

Mr. HARRISON moved to postpone the consideration of this bill until the first Monday in November.

The question was put and negatived 38 to 31, and it was committed.

The House then went into a Committee of the Whole upon the bill relative to the Judicial Courts, and rose without debate, or agreeing to any amendment. It was ordered to be read a third time this day, and afterwards received its third reading.

Mr. HARPER called for the order of the day on the report of a committee on the subject of balances due from certain States.

Mr. ALLEN moved to postpone the further consideration of this subject until next session; which was negatived, there being only 20 votes for it.

The House went into a committee on this report, when it was agreed to, and a bill ordered to be brought in accordingly. Mr. HARPER, in the course of the sitting, reported a bill, which was committed.

The House went into a Committee of the Whole on the bill to alter the time of the next meeting of Congress; when

Mr. HARPER moved to strike out November (the first Monday in November being fixed by the Senate in this bill for the next meeting of Congress) for the purpose of inserting October. He should have wished to have had it the first Monday in September, if it would have afforded members time to have gone home and to have returned.

After several observations, made upon this motion, Mr. BAYARD moved for the committee to rise, with a view of refusing leave to sit again, that the next meeting of Congress might stand for the Constitutional day. If the President saw a necessity for their meeting sooner, Mr. B. said, he would call them together as he had before done.

This motion was carried, there being 44 votes for it; and leave was refused to sit again, there being only 21 votes for it.

On motion of Mr. HARPER, the House went into a Committee of the Whole on the bill further to extend the suspension of the duties on snuff. The bill was gone through, and ordered to be read a third time to-morrow.

Mr. HARPER laid before the House a letter from the Secretary of the Treasury, stating a further appropriation of $16,720 to be necessary for the Naval Department, and other contingencies; which was referred to the Committee of Ways and Means.

LOANS OF MONEY.

The amendments of the Senate were taken up to the bill authorizing the President of the United States to borrow money for the public service. The principal of those amendments were to strike out the provision which gave the President the power of borrowing all such sums of money as he shall think necessary, and to insert five millions of dollars; and to strike out the provision which was agreed to on the discussion of the bill in this House to afford an opportunity of redeeming the debt within fifteen years.

The first amendment being under consideration, Mr. HARPER hoped it would not be agreed to; but if it was, he wished the sum to be augmented to seven millions, as no provision had been made for anticipating the two millions to be raised from the land tax.

Mr. McDOWELL hoped this amendment would be agreed to. He did not think the half of five millions could be expended before the next session, and he thought the limitation proper.

Mr. S. SMITH said it was very immaterial whether the sum to be borrowed was limited to five or seven millions; he thought the smallest sum would be far more than would be wanted before the House met again. A limitaton of some kind, he said, was essential. The indefinite manner in which the bill passed this House was one of the most extraordinary things he had ever witnessed.

Mr. NICHOLAS thought it an extraordinary thing to speak of including any anticipation of a tax in a loan which was to be irredeemable for twenty-five years. If any such anticipation was necessary, it ought to be in a separate bill.

The question on Mr. HARPER'S amendment was negatived, without a division, and the amendment of the Senate was agreed to, there being 44 votes for it.

The second amendment of the Senate came next under consideration, which was to strike out a provision in the bill, that no engagement or contract shall be entered into which should prevent the United States from redeeming any part of the sum borrowed, within fifteen years.

This amendment was negatived, there being only 19 votes for it.

THURSDAY, July 12.

On motion of Mr. DENT, the House went into a Committee of the Whole on the bill establishing the office of Accountant of the Navy Department, and to alter and amend the act establishing the office of Purveyor of Public Supplies; which, after undergoing sundry amendments, was agreed to. Before the House rose it was passed, with the title of it altered to "an act to alter and amend the several acts for establishing and regulating the Treasury, War, and Naval Departments.

Mr. SEWALL, from the Committee of Commerce and the Defence of the Country, reported a bill making certain appropriations, and authorizing the President of the United States to obtain a loan in anticipation of the direct tax, which was committed for to-morrow.

The House went into a Committee of the Whole on the bill making appropriations for the additional expenses of several loan offices for the year 1798. On motion of Mr. HARPER, three additional sections were added to the bill, viz: for

An appropriation for the expenses of the Navy Department, from June 16 to December 31, 1798 - -	$6,214 72
Do. for additional contingent expenses of the House of Representatives - - - - - - -	4,000 00
Do. for do. of the Senate - -	1,000 00
Do. for replacing in the Bank of the United States for the amount advanced on Treasury Bills, drawn in favor of the Cashier upon the Supervisor of the district of New Hampshire, and which bills were protested for non-payment - -	5,506 00
	$16,720 72

Mr. W. CLAIBORNE called up for consideration the report of the managers of a conference with the Senate on the varying rates of the two Houses on the bill for altering the time of making entry on stills.

Mr. GALLATIN moved to disagree to the report, and to adhere to the disagreement of this House to the amendment of the Senate, which proposed that the drawback on the exportation of distilled spirits should be reduced from seven cents to four, from an idea that, by the duty being paid upon the capacity of the still, it is reduced in many cases to four cents, or less. This motion was carried; and, before the House rose, the Senate informed the House they had postponed the bill till next session.

Mr. S. SMITH laid a resolution upon the table for the appointment of a committee to inquire whether any and what alterations are necessary in the act for laying a duty on stamped vellum, parchment, and paper. His object was to rectify what he apprehended was a mistake, as it never could have been the intention of Congress to have burdened foreign bills of exchange with three times the amount of duty which was laid upon other notes and bills, which arose from persons who have bills of this kind having, at least, three in a set, viz: two to send by different vessels, and one to keep here. Bills of lading, he said, were in the same situation, as it was always found necessary to take three or four copies of every bill of lading, and it could never have been intended to tax each with a duty of twenty-five cents.

After some objections from Messrs. HARPER and KITTERA, the resolution was agreed to—38 to 33, and a bill ordered to be brought in accordingly.

Mr. SITGREAVES proposed a resolution to the House, authorizing the Clerk of the House of Representatives to employ a third engrossing Clerk during the recess of Congress, which was agreed to.

The bill to alter and amend the several acts for establishing and regulating the Treasury, War, and Navy Departments; and the bill making certain additional appropriations for the year 1798, were read the third time and passed.

The House went into a Committee of the Whole on the bill respecting balances due from certain States to the United States; and, after some discussion, and the introduction of several amendments, the bill was agreed to, and ordered to be read the third time to-morrow.

Mr. S. SMITH reported a bill to amend the Stamp Act, which was committed for to-morrow.

Mr. SEWALL, from the committee to whom was referred the memorial of sundry merchants of Philadelphia, complaining of the operation of the law suspending the commerical intercourse with France, on account of its requiring two sureties to the amount of the value of one half of the vessels and cargo, before any vessel was allowed to clear, for the proper employment of the said vessel, reported a bill to afford relief to the petitioners, entitled an act supplementary and in addition to the act for suspending the commerical intercourse between the United States and France and her dependencies. This bill proposed to admit of the bond of the master and owner (with the addition of an oath) without any surety. It was committed for to-morrow.

Mr. RUTLEDGE called for the order of the day on the bill from the Senate for encouraging the capture of French armed vessels, by private armed vessels of the United States.

Mr. MACON moved to postpone the consideration of this bill till next session. The motion was negatived—37 to 32.

FRIDAY, July 13.

Mr. KITTERA laid a resolution on the table for the appointment of a committee to bring in a bill to alter the time of making entry of stills, which was agreed to, a committee appointed, and a bill brought in accordingly, fixing the time of entrance from the first of July to the last day of August. It was agreed to, and, in the course of the sitting, passed.

BALANCES DUE FROM STATES.

The bill respecting balances due from certain States, was read the third time and passed—yeas 45, nays 28, as follows:

YEAS—David Bard, James A. Bayard, David Brooks, Demsey Burges, John Chapman, Thomas Claiborne, William C. C. Claiborne, John Clopton, James Cochran, William Craik, John Dawson, George Dent, Thos. Evans, Albert Gallatin, Henry Glen, William Barry Grove, Robert Goodloe Harper, Carter B. Harrison, Thomas Hartley, Jonathan N. Havens, Joseph Heister, William Hindman, David Holmes, Hezekiah L. Hosmer, Walter Jones, John Wilkes Kittera, Edward Livingston, Matthew Lyon, Nathaniel Macon, William Matthews, Blair McClenachan, Anthony New, John Nicholas, Isaac Parker, John Rutledge, jr., Samuel Smith, William Smith, Richard Stanford, Thomas

Sumter, Richard Thomas, John Trigg, John E. Van Alen, Philip Van Cortlandt, Peleg Wadsworth, and Robert Williams.

NAYS—John Allen, Abraham Baldwin, Bailey Bartlett, Thomas Blount, Stephen Bullock, Christopher G. Champlin, Joshua Coit, William Edmond, Abiel Foster, Dwight Foster, James Gillespie, Chauncey Goodrich, William Gordon, Roger Griswold, Matthew Locke, Samuel Lyman, Joseph McDowell, Harrison G. Otis, John Reed, James Schureman, Samuel Sewall, Thomas Sinnickson, Nathaniel Smith, Peleg Sprague, George Thatcher, Mark Thomson, Thomas Tillinghast, and Abraham Venable.

Mr. S. SMITH called for the order of the day on the bill proposing certain alterations in the Stamp Act; when

Mr. D. FOSTER moved to postpone the consideration of this bill till next session. The motion was negatived, 21 votes only being in favor of it.

The bill was then agreed to, and ordered to receive its third reading to day, which it did, and passed.

Mr. SEWALL reported a bill making certain appropriations for the year 1798, and authorizing the President to obtain a loan of two millions, in anticipation of the direct tax. One of the additional appropriations was for the bounty, pay, &c., for the augmentation lately made in the army, $900,000; the other an additional $75,000 for fortifications. The House went into a Committee of the Whole upon it—when

It was objected against this last appropriation that no part of the large sum already appropriated for this object had been expended; and, until that was the case, there could be no want of additional money.

In reply, it was answered, that plans had been preparing for the business, and that when it was once begun the whole money would be necessary, in order that the Secretary of War might fix his plans accordingly.

Mr. S. SMITH moved to strike out that part of the bill which related to fortifications, as, in his opinion, unnecessary at present.

The motion was negatived—39 to 25.

Mr. SEWALL wished to add another item, which he had been informed by the Secretary of State was necessary. It was to supply a deficiency in the appropriation for carrying into effect the Spanish Treaty, for which purpose $25,000 would be necessary. Agreed to.

The committee rose, and the bill was ordered to be read a third time to-day; which it accordingly received, and passed.

The Senate informed the House that they receded from their amendment to the bill authorizing the President to borrow money.

CAPTURE OF FRENCH ARMED VESSELS.

The House went into a Committee of the Whole on the bill for encouraging the capture of French armed vessels by armed vessels belonging to citizens of the United States; which was agreed to without debate or amendment, and ordered to be read a third time to-day. It was accordingly immediately read a third time; when

Mr. MCDOWELL said, he hoped this bill would not pass. Congress had already passed laws authorizing public and private armed vessels to attack and take French vessels; but they are now called upon to give a bounty upon the guns that are brought in, according to their size. He was not willing to allow this. It would open a door to innumerable frauds. Plans would be laid between the owners of privateers here and their friends in the West Indies, and vessels and arms would be thrown in their way for the purpose of capture, and in this manner our Treasury would be drained to an extent which no man could at present foresee. He could see no use in the provision, as it would not induce merchant vessels to go in search of French vessels; and, without some unfair play, it would never be worth the while of persons fitting out privateers for the purpose. He called the yeas and nays upon it. They were taken accordingly, and were, yeas 34, nays 36, as follows:

YEAS—John Allen, Bailey Bartlett, James A. Bayard, David Brooks, Christopher G. Champlin, Joshua Coit, William Craik, Samuel W. Dana, William Edmond, Abiel Foster, Dwight Foster, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, Robert Goodloe Harper, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, Jas. H. Imlay, John Wilkes Kittera, Samuel Lyman, Harrison G. Otis, Isaac Parker, John Reed, John Rutledge, jr., James Schureman, Samuel Sewall, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, George Thatcher, Mark Thomson, and John E. Van Alen.

NAYS—David Bard, Thomas Blount, Richard Brent, Demsey Burges, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, John Dawson, George Dent, Albert Gallatin, James Gillespie, 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, Anthony New, John Nicholas, Samuel Smith, William Smith, Richard Sprigg, jr., Richard Stanford, Thomas Sumter, Thomas Tillinghast, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

And so the said bill was rejected.

INTERCOURSE WITH FRANCE.

The House went into a Committee of the Whole on the bill supplementary to and in addition to the act for suspending the commercial intercourse between the United States and France, and the dependencies thereof; when

Mr. HARPER moved to strike out the first section of the bill, because he thought if this bill passed it would defeat the former bill. Nay, it would worse than defeat it—it would give a monopoly of our commerce to unfair traders, and take it from the fair and honest merchant; for, unless sureties were required for the proper employment of vessels, nothing would be more easy than to defeat the original law. It would only be making a man of straw owner of a vessel, and let the master and him be bound for her proper em-

ployment. The vessel goes out, and carries on a trade contrary to law, but the persons bound are not worth anything, and probably will not be seen again. Congress had better, therefore, repeal the law altogether than pass a bill like this, which would only tend to encourage perjury and villany. And what, he asked, are the inconveniences complained of under the law as it now stands? That there will be a difficulty in obtaining sureties for so large an amount, when the forfeiture depends upon the master of a vessel; but nothing was more common, he said, than for merchants to be bound with each other. Besides, when a vessel is owned by a substantial merchant, he supposed the Collector would not be very nice as to the sureties.

Mr. BAYARD differed in opinion from the gentleman from South Carolina. He did not think this bill would be liable to the abuse he had mentioned; and he believed, if it did not pass, the merchants of moderate and small property must give up their business, since they would not be able to procure the required security.

The question on striking out the first section was put and negatived—33 to 31.

The committee rose, and the question being upon the bill's going to a third reading,

Mr. HARPER opposed it, and called the yeas and nays upon it. He said there was another mode of evading the law, which was simple—that, if this bill passed, he would venture to say it would be practised in a fortnight. A man who wishes to carry on this trade, and who is not very scrupulous about an oath, provides himself with a vessel of small value; he finds out a market where he can get a large price for goods; he obtains credit of some merchant, who will give it to him; he and the master of his vessel become bound; the vessel sails, and the owner goes supercargo. They go to one of the French islands, and sell their cargo so high, that, if they were to burn their vessel, they would have made a great voyage; but they can sell their vessel—they can remit the purchase money for the cargo, and they can carry on the same game from other parts, and in this way soon make fortunes.

After a few other observations, the yeas and nays were taken. They were, yeas 29, nays 43, as follows:

YEAS—John Allen, Bailey Bartlett, James A. Bayard, David Brooks, Christopher G. Champlin, Joshua Coit, Samuel W. Dana, William Edmond, Thomas Evans, Abiel Foster, Dwight Foster, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, Thomas Hartley, William Hindman, Hezekiah L. Hosmer, Jas. H. Imlay, Samuel Lyman, William Matthews, Blair McClenachan, Isaac Parker, John Rutledge, jr., Samuel Sewall, Samuel Sitgreaves, Nathaniel Smith, George Thatcher, and Mark Thomson.

NAYS—George Baer, jr., Thomas Blount, Stephen Bullock, Demsey Burges, Thomas Claiborne, William C. C. Claiborne, John Clopton, William Craik, John Dawson, George Dent, John Fowler, Albert Gallatin, James Gillespie, William Barry Grove, Robert Goodloe Harper, Carter B. Harrison, Jonathan N. Havens, David Holmes, Walter Jones, John Wilkes Kittera, Edward Livingston, Matthew Locke, Matthew Lyon, Nathaniel Macon, Joseph McDowell, Anthony New, John Nicholas, Harrison G. Otis, James Schureman, Thomas Sinnickson, Samuel Smith, William Smith, Richard Stanford, Thomas Sumter, Richard Thomas, Thomas Tillinghast, John Trigg, John E. Van Alen, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, Peleg Wadsworth, and Robert Williams.

And so the said bill was rejected.

Mr. SITGREAVES said, that a bill which he considered of great importance to this country (the bill for encouraging the capture of French armed vessels by vessels belonging to citizens of the United States) had been this morning lost, owing to the non-attendance of a number of members. In ordinary cases, when gentlemen choose to pursue their own business, instead of attending to that of the public, he would leave them to account with their constituents, without particularly noticing their conduct; but upon a subject of national importance like this, he thought all fair and proper means ought to be taken to have questions determined according to the real strength of opinion in the House. The bill had been lost only by two votes, and two members were absent on the business of the House, attending the Joint Committee of Enrolment, who are allowed to sit during the session of the House; they, therefore, are not blameable. But there were thirteen other members, who were in the city, absent. He meant, therefore, to bring forward a motion for the appointment of a committee to report a new bill—which, he believed, he was authorized by the rules of the House to do, provided it varied in ever so small a degree from the bill decided upon. Mr. S. proposed a resolution accordingly.

This motion met with considerable opposition, from some members even who were in favor of the bill, as setting a precedent which would be found very inconvenient; for, it was said, if the House were once to go into a practice of this kind, there would be no end of business. Questions might be renewed, day after day, whenever the advocates of a favorite measure thought they had a chance of carrying it. A measure having been once solemnly determined by yeas and nays, in the manner this question had been decided, it was declared ought not again to be revived.

The debate continued till the hour of adjournment; when, at the suggestion of Mr. GALLATIN and Mr. HARPER, Mr. SITGREAVES consented to a call of the House being made to-morrow morning, at half-past ten o'clock, for the purpose of deciding upon his motion.

SATURDAY, July 14.

The hour having arrived, at which the call of the House was to be made, the names of the members were called over, eighty-two members (including the Speaker) appeared in their seats, twenty-three absent, twenty of whom have leave, one sick, and two for whom excuses were made, and received by the House.

A resolution was received from the Senate proposing to subscribe for 400 copies of Folwell's

edition of the Journals of the Old Congress. The consideration of it was postponed till the next session.

Bills were proposed, agreed to, and passed, for allowing extra compensations to the Secretary of the Senate, the Clerk of the House of Representatives, the Engrossing Clerks, and the Doorkeepers of both Houses.

Mr. LIVINGSTON laid a resolution upon the table, proposing that, instead of the laws being inserted in three papers in the Union only, the Secretary of State should be directed to insert them in one paper in every State. Ordered to lie.

Mr. DENT moved for the appointment of a committee to bring in a new bill for altering the next meeting of Congress. The motion was negatived—39 to 26.

On motion of Mr. NICHOLAS, a call of the House was ordered for half past nine on Monday morning.

An engrossed bill, making certain appropriations, and to authorize the President to obtain a loan on the credit of the direct tax, was read a third time and passed.

CAPTURE OF FRENCH VESSELS.

Mr. SITGREAVES, called up for decision the resolution he laid on the table yesterday, viz:

Resolved, That a committee be appointed to prepare and bring in a bill for giving a bounty on the capture of French armed ships or vessels, by armed ships or vessels owned by a citizen or citizens of the United States.

The question on the resolution, was then put and negatived—yeas 40, nays 41, as follows:

YEAS—John Allen, George Baer, jun., Bailey Bartlett, James A. Bayard, David Brooks, Christopher G. Champlin, John Chapman, William Craik, Samuel W. Dana, John Dennis, William Edmond, Thomas Evans, Abiel Foster, Dwight Foster, Henry Glen, Chauncey Goodrich, William Gordon, Roger Griswold, Thomas Hartley, Wm. Hindman, Hezekiah L. Hosmer, James H. Imlay, John Wilkes Kittera, Samuel Lyman, William Matthews, Harrison G. Otis, Isaac Parker, John Reed, John Rutledge, jun., James Schureman, Samuel Sewall, Thomas Sinnickson, Samuel Sitgreaves, Nathaniel Smith, Peleg Sprague, George Thatcher, Richard Thomas, Mark Thomson, John E. Van Alen, and Peleg Wadsworth,

NAYS—Abraham Baldwin, David Bard, Thomas Blount, Richard Brent, Stephen Bullock, Demsey Burges, Thomas Claiborne, William Charles Cole Claiborne, John Clopton, Joshua Coit, John Dawson, George Dent, John Fowler, Albert Gallatin, James Gilllespie, William Barry Grove, Robert Goodloe Harper, Carter B. Harrison, Jonathan N. Havens, Joseph Heister, David Holmes, Walter Jones, Edward Livingston, Matthew Locke, Matthew Lyon, Nathaniel Macon, Blair McClenachan, Joseph McDowell, Anthony New, John Nicholas, Samuel Smith, William Smith, Richard Sprigg, jun., Richard Stanford, Thomas Sumter, Thomas Tillinghast, John Trigg, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Robert Williams.

And so the motion was rejected.

ADDITIONAL NAVAL ARMAMENT.

The amendments of the Senate to the bill making a further appropriation to the additional Naval Armament were taken up. The principal of which was a provision for three new vessels.

Mr. GALLATIN said, if the House wished to have three additional vessels provided, to the twenty-four already authorized, he did not know that he should make any particular objection to it; but this thing, he said, appeared in a very extraordinary shape. It must be recollected that the House had, in a former law, appropriated $950,000 for the additional Naval Armament. Since that time, Congress have passed a law authorizing the President to accept of certain vessels which may be built by citizens of the United States, in which it is said that six of the vessels to be built shall be above 32 guns each, and of course these $950,000 will not be sufficient, and $600,000 more are by this bill proposed to be appropriated for building three of these large ships, supposing that the other three might be built by the merchants and loaned to Government; but, according to the amendment of the Senate, these $600,000 were to be appropriated for building three new vessels not yet authorized.

There was, Mr. G. said, another impropriety in this amendment. It authorized an expense, under cover of an appropriation, which was an unallowable practice.

Mr. SEWALL said, if the gentleman from Pennsylvania would compare the first section and the amendment together, he would find that his remarks would not apply.

Mr. GALLATIN said, if he was mistaken, he should be glad if the gentleman from Massachusetts would set him right; but if he could understand the amendment, it was what he had stated it to be.

Mr. SEWALL said, it was well understood that $600,000 were barely sufficient to finish the three frigates formerly proposed to be built, and the materials for which are partly on hand. This appropriation, he said, did not at all apply to the authority given to the President of the United States to build twelve, and to accept of twelve other vessels. The $950,000 were appropriated to finish twelve of those vessels, and the difference in the plan related only to the other twelve which it was expected would be built by subscription, and therefore made no difference in the appropriation.

Mr. NICHOLAS said, if the three vessels were proper to be built, it would be improper to have them provided for in this way. This was a simple appropriation bill, and the Senate might as well have introduced any other new expense as the one they had introduced.

Mr. HARPER said, he was extremely desirous of adding to our Naval Armament not only three, but a larger number of vessels; but he believed the mode proposed would not accomplish the object. Twenty-four vessels are already authorized as an additional armament; twelve of which are to be built by private citizens, in exchange for stock of the United States; for building the other twelve, $950,000 have been appropriated; but, as it had been determined that six out of these twenty-four vessels should be more than 32 guns each,

it was found that $950,000 would not be sufficient, and this bill was meant to provide for the deficiency, including the materials on hand; but if the $600,000 proposed to be appropriated for that object by this bill be diverted to another, it is clear the twenty-four vessels already authorized cannot be finished. Mr. H. wished the Senate had new modified the bill, so as to have left an appropriation for all the vessels. He was sure that $600,000 would not be more than was wanted for the vessels already authorized, especially if they should be built of large force—perhaps of 74 guns—which the President would be authorized in doing, if he should think proper.

The motion was put and negatived, there being only nine votes in favor of it. The Senate afterwards receded from it.

MONDAY, July 16.

The call of the House was postponed from time to time during the whole sitting, and in the end dispensed with.

The Senate informed the House they had postponed the bill making an alteration in the stamp act till next session.

Mr. LYON called up the resolution yesterday laid upon the table by Mr. LIVINGSTON respecting the publication of the laws. From the present imperfect publication of the laws, the people in the remote parts of the Union, he said, were imperfectly acquainted with them. He thought it a duty the Government owed to the people to have the laws well circulated, since no man is allowed to plead an ignorance of the laws when he offends them; and he thought this could not be done by inserting them in less than in one paper in every State.

On the question being put, Mr. LYON only appeared in favor of it.

INTERCOURSE WITH FRANCE.

Another bill was received from the Senate, to amend the act for suspending the commercial intercourse between the United States and France and her dependencies.

Mr. NICHOLAS moved to postpone this bill till next session.

Mr. HARPER hoped not. This bill, he said, was very different from the one which had been negatived. That proposed to dispense with sureties altogether; this only to lower the amount of the bond. Instead of the owner giving security in a sum equal to the amount of vessel and cargo, and finding two sureties in half the sum, this bill proposes that the owner and master shall be bound in a sum equal to the amount of the value of the vessel, and a surety in from one to ten thousand dollars. To exact a bond equal to the amount of the vessel and cargo in every case, would be very inconvenient. They are sometimes very valuable. There is now, he said, a vessel in this port ready to sail, whose cargo is worth $300,000. To exact from the owner a bond to the full amount, and two sureties in half the sum, would be requiring a very heavy security from them. It would be sufficient, he thought, to require a bond equal to the profit which it is probable would be derived from any voyage.

Mr. S. SMITH said, this bill was certainly very different from that which had been rejected by this House, though it did not meet with his approbation at present. It was capable, however, of amendment. The security at present proposed was not worthy of the name. Had he a ship ready to sail such as the gentleman last up had named, he would willingly forfeit the sum proposed, to have the privilege of sending her to a French market. The difference in price between a French and a Hamburg market would make it well worth his while to do so. In many cases, such a voyage would afford 50 per cent. A regulation something like the present could only secure the fair trader; but the surety must be a much larger sum than $10,000.

Mr. HARPER said, nothing would be more easy than to increase the sum, if it should be found too small.

The question on a postponement was put and negatived—41 to 22.

The House then resolved itself into a Committee of the Whole upon this bill; when

Mr. OTIS moved to strike out the surety of $10,000, for the purpose of inserting 20,000.

Mr. S. SMITH moved $30,000; which was carried.

Mr. HARRISON moved to strike out $1,000, the lowest sum, and insert 3,000.

Mr. NICHOLAS thought this bill vested a very great power in the collectors; and there could be no doubt that all the bonds would be filled up with the lowest sums, except some information was received of foul play.

Mr. GORDON supposed the collectors would be guided by the amount of the cargoes.

Mr. HARPER had no objection to the collectors having this power, as it would be exercised under the direction of the Treasury Department; and no doubt they would give instructions to the collectors not to be guided wholly by the amount of cargoes, but according to circumstances of fraud appearing or not appearing.

Mr. S. SMITH said, he would make a motion which would supersede the one under consideration. He thought the bill as it stood too indefinite, and that it held out temptations to collectors to receive the lowest security in any case; the law would be wholly in their power. He proposed that, in addition to the bond for the amount of the value of the vessel, an additional security should be given in a sum equal to one-third of the amount of the value of the vessel and cargo.

The CHAIRMAN declared this motion not in order.

The committee rose, however, and Mr. SMITH renewed his amendment in the House, when it was agreed to, after some objections to it from Mr. BAYARD—36 to 28. The bill was then ordered to be read a third time, received its third reading, and passed.

The Senate informed the House that they had postponed till next session the bill respecting the

entry of stills, and the bill for the relief of Reuben Smith and Nathan Strong, and resolved that the bill respecting balances due from certain States do not pass.

Mr. BAYARD made a motion for the appointment of a committee to bring in another bill respecting the balances due from certain States, but it was not carried.

The House having received all the bills from the President, and the business of the two Houses being finished, the SPEAKER adjourned the House till the first Monday in December next.

PROCEEDINGS

OF

THE SENATE OF THE UNITED STATES,

AT THE THIRD SESSION OF THE FIFTH CONGRESS, BEGUN AT THE CITY OF PHILADELPHIA, DECEMBER 3, 1798.

MONDAY, December 3, 1798.

The third session of the fifth Congress commenced this day, conformably to the provision of the Constitution, and the Senate assembled at the city of Philadelphia, in their Chamber.

PRESENT:

JOHN LANGDON and SAMUEL LIVERMORE, from New Hampshire;

THEODORE FOSTER and RAY GREENE, from Rhode Island;

WILLIAM BINGHAM, from Pennsylvania;

HUMPHREY MARSHALL, from Kentucky;

JACOB READ, from South Carolina;

JAMES GUNN, from Georgia.

DANIEL SMITH, appointed a Senator by the Executive of the State of Tennessee, in the recess of that Legislature, in place of Andrew Jackson, resigned, took his seat in the Senate.

The members present not being sufficient to form a quorum, the Senate adjourned to 11 o'clock to-morrow morning.

TUESDAY, December 4.

HENRY LATIMER, from the State of Delaware attended.

The members present not being sufficient to form a quorum, adjourned.

WEDNESDAY, December 5.

BENJAMIN GOODHUE, from the State of Massachusetts; ELIJAH PAINE, and NATHANIEL CHIPMAN, from the State of Vermont; JOHN LAURANCE, from the State of New York; and TIMOTHY BLOODWORTH, from the State of North Carolina, severally attended.

No quorum being present, the Senate adjourned.

THURSDAY, December 6.

RICHARD STOCKTON, from the State of New Jersey, and JOSEPH ANDERSON, from the State of Tennessee, severally attended.

The VICE PRESIDENT being absent, the Senate proceeded to the election of a President *pro tempore*, as the Constitution provides, and JOHN LAURANCE was chosen.

The credentials of DANIEL SMITH, appointed a Senator by the Executive of the State of Tennessee, in place of Andrew Jackson, resigned, were read, and the oath was, by the PRESIDENT, administered to him, as the law provides.

Ordered, That the Secretary wait on the PRESIDENT OF THE UNITED STATES, and acquaint him that a quorum of the Senate is assembled, and that, in the absence of the VICE PRESIDENT, they have elected JOHN LAURANCE, President of the Senate *pro tempore*.

Ordered, That the Secretary acquaint the House of Representatives that a quorum of the Senate is assembled, and ready to proceed to business, and that, in the absence of the VICE PRESIDENT, they have elected JOHN LAURANCE, President of the Senate *pro tempore*.

A message from the House of Representatives informed the Senate that a quorum of the House is assembled, and they have appointed a joint committee on their part, together with such committee as the Senate may appoint on theirs, to wait on the President of the United States and notify him that a quorum of the two Houses is assembled, and ready to receive any communications that he may be pleased to make to them.

The Senate took into consideration the message from the House of Representatives, and

Resolved, That they do concur therein, and that Messrs. READ and PAINE be of the joint committee on the part of the Senate.

The return of service on the summons to William Blount, made by the Sergeant-at-Arms, pursuant to the resolution of the Senate of the first of March last, was read.

The PRESIDENT communicated a letter from Jared Ingersoll, Esq., stating that he, together with A. J. Dallas, Esq., were employed as counsel for William Blount, impeached by the House of Representatives, for high crimes and misdemeanors; and that they were ready to attend the trial when ordered by the Senate.

Mr. READ reported, from the joint committee appointed for that purpose, that they had waited on the President of the United States, and had notified him that a quorum of the two Houses of Congress were assembled, and the President of the United States acquainted the committee that he would meet the two Houses on Saturday next at 12 o'clock, in the Chamber of the House of Representatives.

Resolved, That James Mathers, Jr., be Assistant Doorkeeper to the Senate, in place of Cornelius Maxwell, deceased.

Resolved, That each Senator be supplied, during

the present session, with copies of 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.

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

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

SATURDAY, December 8.

JAMES ROSS, from the State of Pennsylvania, attended.

A message from the House of Representatives informed the Senate that they 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 then 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 the House of Representatives.]

Ordered, That Messrs. STOCKTON, READ, and ROSS, 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.

MONDAY, December 10.

URIAH TRACY, from the State of Connecticut, attended.

A message from the House of Representatives, informed the Senate that the House concur in the resolution for the appointment of Chaplains; and have elected the Rev. Doctor ASHBEL GREEN on their part.

Mr. STOCKTON made a report from the committee appointed to draught 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; and the report was read.

Ordered, That it lie until to-morrow.

The Senate proceeded to the appointment of a Chaplain to Congress on their part, and the Right Rev. Bishop WHITE was unanimously elected.

TUESDAY, December 11.

JAMES WATSON, appointed a Senator by the Legislature of the State of New York, in place of John S. Hobart, resigned, produced his credentials, which were read, and the oath was, by the PRESIDENT, administered to him, as the law provides.

The Senate resumed the consideration of the report of the committee on 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 Senate of the United States join you in thanks to Almighty God for the removal of the late afflicting dispensations of his Providence, and for the patriotic spirit and general prosperity of our country. Sympathy for the sufferings of our fellow-citizens from disease, and the important interests of the Union, demand of the National Legislature a ready co-operation with the State Governments, in the use of such means as seem best calculated to prevent the return of this fatal calamity.

Although we have sincerely wished that an adjustment of our differences with the Republic of France might be effected on safe and honorable terms, yet the information you have given us of the ultimate failure of the negotiations has not surprised us. In the general conduct of that Republic, we have seen a design of universal influence, incompatible with the self-government, and destructive of the independence of other States. In its conduct towards these United States, we have seen a plan of hostility pursued with unremitted constancy—equally disregarding the obligations of treaties, and the rights of individuals. We have seen two embassies formed for the purpose of mutual explanations, and clothed with the most extensive and liberal powers, dismissed without recognition and even without a hearing. The Government of France has not only refused to repeal, but has recently enjoined the observance of its former edict, respecting merchandise of British fabric or produce, the property of neutrals, by which the interruption of our lawful commerce, and the spoliation of the property of our citizens, have again received a public sanction. These facts indicate no change of system or disposition—they speak a more intelligible language than professions of solicitude to avoid a rupture, however ardently made. But if, after the repeated proofs we have given of a sincere desire for peace, these professions should be accompanied by insinuations, implicating the integrity with which it has been pursued—if, neglecting and passing by the Constitutional and authorized agents of the Government, they are made through the medium of individuals without public character or authority; and, above all, if they carry with them a claim to prescribe the political qualifications of the Minister of the United States to be employed in the negotiation, they are not entitled to attention or consideration, but ought to be regarded as designed to separate the people from their Government, and to bring about by intrigue that which open force could not effect.

We are of opinion with you, sir, that there has nothing yet been discovered in the conduct of France which can justify a relaxation of the means of defence adopted during the last session of Congress, the happy result of which is so strongly and generally marked. If the force by sea and land which the existing laws authorize should be judged inadequate to the public defence, we will perform the indispensable duty of bringing forward such other acts as will effectually call forth the resources and force of our country.

A steady adherence to this wise and manly policy—a proper direction of the noble spirit of patriotism which has arisen in our country, and which ought to be cherished and invigorated by every branch of the Government, will secure our liberty and independence against all open and secret attacks.

We enter on the business of the present session with an anxious solicitude for the public good, and shall bestow that consideration on the several objects pointed out in your communication, which they respectively merit.

Your long and important services—your talents and firmness, so often displayed in the most trying times and most critical situations—afford a sure pledge of a zealous co-operation in every measure necessary to secure us justice and respect. JOHN LAURANCE,

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.

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 to-morrow, at 12 o'clock, at his own house. Whereupon,

Resolved, That the Senate will, to-morrow at 12 o'clock, wait on the President of the United States accordingly.

WEDNESDAY, December 12.

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

To which the PRESIDENT OF THE UNITED STATES made the following reply:

To the Senate of the United States:

GENTLEMEN: I thank you for this Address, so conformable to the spirit of our Constitution, and the established character of the Senate of the United States, for wisdom, honor, and virtue.

I have seen no real evidence of any change of system or disposition in the French Republic towards the United States. Although the officious interference of individuals, without public character or authority, is not entitled to any credit, yet it deserves to be considered, whether that temerity and impertinence of individuals affecting to interfere in public affairs, between France and the United States, whether by their secret correspondence or otherwise, and intended to impose upon the people, and separate them from their Government, ought not to be inquired into and corrected.

I thank you, gentlemen, for your assurances that you will bestow that consideration on the several objects pointed out in my communication, which they respectively merit.

If I have participated in that understanding, sincerity, and constancy, which have been displayed by my fellow-citizens and countrymen, in the most trying times, and critical situations, and fulfilled my duties to them, I am happy. The testimony of the Senate of the United States, in my favor, is an high and honorable reward, which receives, as it merits, my grateful acknowledgments. My zealous co-operation in measures necessary to secure us justice and consideration may be always depended on.

JOHN ADAMS.

December 12, 1798.

The Senate returned to their own Chamber, and proceeded to the consideration of Executive business.

THURSDAY, December 13.

Ordered, That the Secretary notify the House of Representatives that the summons issued by order of the Senate of the United States, against William Blount, on the 1st day of March last, to appear at their bar, on the 3d Monday of December instant, and answer to the impeachment made by the House of Representatives, for high crimes and misdemeanors, has been duly served on the said William Blount, by the Sergeant-at-Arms, and a return thereon is made to the office of the Secretary of the Senate.

FRIDAY, December 14.

JOHN E. HOWARD, from the State of Maryland, attended.

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

MONDAY, December 17.

ALEXANDER MARTIN, from the State of North Carolina, and JAMES HILLHOUSE, from the State of Connecticut, severally attended.

The PRESIDENT laid before the Senate a report from the Commissioners of the Sinking Fund, which was read, as follows:

The Commissioners of the Sinking Fund respectfully report to Congress—

That the measures which have been authorized by the Board subsequent to their report of the 4th of December, 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 12th of December, 1798, 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.

JOHN LAURANCE,

President of the Senate pro tempore.

December 15, 1798.

The Secretary of the Treasury respectfully reports to the Commissioners of the Sinking Fund—

That no purchases of the debt of the United States have been made since the date of the last report to Congress, on the 4th day of December, 1797; and that the sums heretofore purchased amount to two millions three hundred and seven thousand six hundred and sixty-one dollars and seventy-one cents; for which there have been paid, in specie, the sum of one million six hundred and eighteen thousand nine hundred and thirty-six dollars and four cents, as will more particularly appear from the document hereto annexed, marked A.

The following sums have been applied towards the discharge of the principal debt of the United States, since the date of the last report to Congress, of the 4th of December, 1797:

1st. To the third instalment of the six per cent. stock, bearing a present interest, which, pursuant to the act, entitled "An act making further provision for the support of public credit, and for the redemption of the public debt," passed on the 3d day of March, 1795, and the act in addition thereto, passed on the 28th day of April, 1796, became payable on the 1st day of January, 1798, the sum of - $738,016 03

2d. To the payment of an instalment of the subscription for bank stock, due on the last day of December, 1797,	200,000 00
3d. To the payment of the second instalment of the loan of $800,000 obtained of the Bank of the United States, pursuant to an act passed the 21st of February, 1795, - -	200,000 00
4th. To the payment of the first instalment of a loan of one million of guilders in Holland, which fell due the present year, pursuant to a contract dated the 1st June, 1787, estimated at forty cents per guilder, - -	80,000 00
	$1,118,016 03

The payments before enumerated have been made out of the following funds:

1st. The interest fund on the sums which accrued upon the stock purchased and vested in the Commissioners of the Sinking Fund, in trust for the United States, as particularly stated in the document hereto annexed, marked B, - - -	$88,912 87
2d. The fund arising from the payment of debts which originated prior to the present Constitution of the United States, as particularly stated in the document marked C, - -	17,714 95
3d. The fund arising from the sales of lands in the Northwestern Territory, as particularly stated in the document hereto annexed, marked D, -	88,376 73
4th. The funds funds arising from established revenues and appropriated for the reduction of the debts of the United States, being for the period, and in reference to the objects, contained in this report, - -	923,011 48
Making in the whole a sum equal to the reimbursements before mentioned	$1,118,016 03

The growing produce of the interest funds, together with the sums received and expected from established revenues, are estimated by the Secretary as sufficient for the reimbursement of the fourth instalment of the six per cent. stock, bearing a present interest; a statement of the amount and application of the said funds will be exhibited to the Board with the next report.

All which is most respectfully submitted by

OLIVER WOLCOTT,
Secretary of the Treasury.

TREASURY DEPARTMENT, *December* 12, 1798.

Ordered, That the reports be printed for the use of the Senate.

The PRESIDENT laid before the Senate a report signed Winthrop Sargent, in behalf of the Governor of the Northwestern Territory, in pursuance of the order of the Senate of the 6th of March last, together with the copy of instructions to Robert Buntin, Surveyor of Knox county, in the said Territory; which were read.

Ordered, That they, together with the petitions of Benjamin Reed and others, respecting claims within the said Territory, be referred to Messrs. ROSS, LIVERMORE, and PAINE, to consider and report thereon to the Senate.

On motion, *Ordered*, That Messrs. ROSS, READ, and LIVERMORE, be a committee to prepare and report rules for conducting the trial of an impeachment, now depending in the Senate, against William Blount; and to report thereon to the Senate.

Mr. ROSS, from the committee last appointed, reported,

"That the Legislative and Executive business of the Senate be postponed, and that the Senate form itself into a Court of Impeachment, by taking the oath prescribed by a resolution of this House on the 9th of February last.

"After the oath has been administered to the President and Senate, the process which, on the first of March last, was directed to be issued and served upon William Blount, and the return made thereupon, shall be read. The officer who served the process shall be sworn to the truth of the return thereof. The defendant, William Blount, shall be called to appear and answer the articles of impeachment exhibited against him. If he appears, his appearance shall be recorded. If he does not appear, his default shall be recorded.

"The House of Representatives shall be notified of the appearance or default of the defendant, William Blount, and that the Senate will be ready at 12 o'clock to-morrow, to receive the managers appointed by that House, and to take further order in this trial."

And the report was adopted; and the Senate formed itself into a Court of Impeachment accordingly.

The Court of Impeachment being adjourned, the Senate went into the consideration of Executive business.

TUESDAY, December 18.

Resolved, That Messrs. ROSS, LIVERMORE, and STOCKTON, be a committee to take into consideration, and to report what rules are necessary to be adopted on the trial of the impeachment of William Blount.

Resolved, That Messrs. WATSON, BINGHAM, LATIMER, GOODHUE, and BLOODWORTH, be a committee to take into consideration that part of the President's Speech respecting the expediency of establishing regulations in aid of the health laws of the respective States; and to report by bill, bills, or otherwise.

Resolved, That Messrs. GUNN, HOWARD, and ROSS, be a committee to take into consideration that part of the President's Speech which respects the extension and invigoration of the measures of defence, other than those which relate to a naval armament, and to report by bill or otherwise.

Resolved, That Messrs. GOODHUE, READ, TRACY, BINGHAM, and WATSON, be a committee to take into consideration so much of the President's Speech as relates to the naval defence of the United States, and report by bill, bills, or otherwise.

After proceedings as a Court of Impeachment, the Senate went into the consideration of Executive business.

WEDNESDAY, December 19.

FRANKLIN DAVENPORT, appointed a Senator by the Executive of the State of New Jersey, in the recess of the Legislature, in the place of John Rutherfurd, resigned, produced his credentials; which were read, and, the oath of office being administered to him as the law provides, he took his seat in the Senate.

THURSDAY, December 20.

Mr. ROSS, from the committee appointed to take into consideration and report what rules are necessary to be adopted on the trial of the impeachment of William Blount, reported in part.

The report was read, and ordered to be printed for the use of the Senate.

Mr. TRACY laid before the Senate the petition of Joseph Russell, jr., and others, stating that there is due to them from the United States, interest on twenty-four thousand four hundred dollars, according to a resolution of Congress of the 18th of March, 1780, and praying payment; which petition was read.

Ordered, That it lie on the table.

FRIDAY, December 21.

The PRESIDENT laid before the Senate a letter from Samuel Meredith, Treasurer, together with his specie and War Department accounts, ending 30th June, and War and Navy Departments, ending 30th September; which were read.

Ordered, That they lie on file.

The Senate proceeded to take into consideration the report of the committee appointed to consider what rules are necessary to be adopted by the Senate in the trial of William Blount; and, the report being amended, was adopted, as follows:

"*Resolved*, That, at the next opening of the Court of Impeachment, the President shall inquire whether the managers have any request to make, before the counsel of the defendant are called on to put in his answer.

"If no motion or request is made, the defendant's counsel shall be required to put in his answer or plea, to the articles of impeachment.

"The answer or plea shall be read by the Secretary, and entered by him on the Journal.

"A copy of the defendant's answer or plea shall be communicated to the House of Representatives, by the Secretary.

"The President shall then inform the managers that the Senate is ready to hear any reply or motion which they may think proper to make.

"All questions, arising in the course of the trial, shall be decided with closed doors. The decisions shall be by ayes and noes, which shall be entered upon the Journal. When the question is decided, the doors shall be opened, the parties called in, and the result made known to them by the President.

"Witnesses shall be sworn by the Secretary, and shall take the following oath:

"I, A, B, do swear, (or affirm, as the case may be,) that the evidence I will give to this Court, touching the impeachment of William Blount, now here depending, shall be the truth, the whole truth, and nothing but the truth. So help me God.

"Witnesses shall be examined by the party producing them, and then cross examined in the usual form. If a Senator wishes any question to be asked, it shall be put by the President.

"If Senators are called as witnssses, they shall be sworn, and give their testimony standing in their places."

Ordered, That the Secretary inform the House of Representatives that the Senate, taking into their care the ordering of the trial of William Blount, late a Senator of United States from the State of Tennessee, on Monday, the 24th of December instant, have prepared some rules to be observed at said trial, which they have thought fit to communicate to the House of Representatives.

MONDAY, December 24.

The Senate resolved themselves into a Court of Impeachment; and, after proceedings therein, went into the consideration of Executive business, and afterwards adjourned to Wednesday morning.

WEDNESDAY, December 26.

JAMES LLOYD, from the State of Maryland, attended.

The Senate proceeded to the consideration of Executive business.

THURSDAY, December 27.

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 respecting balances reported against certain States, by the Commissioners appointed to settle the accounts between the United States and the several States;" and a bill, entitled "An act providing for the enumeration of the inhabitants of the United States;" in which bills they desire the concurrence of the Senate.

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

FRIDAY, December 28.

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. PAINE, READ, and HILLHOUSE, 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 the second time, and referred to Messrs. LAURANCE, TRACY, and MARTIN, to consider and report thereon to the Senate.

Mr. TRACY notified the Senate that he should, to-morrow, if the Senate should be in session

and if not, on Monday, move for leave to bring in a bill authorizing the acceptance, from the State of Connecticut, of a cession of the jurisdiction of the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut.

MONDAY, December 31.

The VICE PRESIDENT laid before the Senate a letter from JOHN HUNTER, notifying his resignation of his seat in 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:

A report of the Secretary of War, made to me on the twenty-fourth of this month, relative to the Military Establishments, I think it my duty to transmit to Congress, and recommend to their consideration.

JOHN ADAMS.

December 31, 1798.

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

Agreeably to notice given on the 28th instant, Mr. TRACY requested leave to bring in a bill authorizing the acceptance, from the State of Connecticut, of a cession of the jurisdiction of the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut; and, on motion to agree thereto, it was determined in the affirmative—yeas 17, nays 2, as follows:

YEAS—Messrs. Anderson, Bloodworth, Chipman, Foster, Goodhue, Greene, Gunn, Hillhouse, Howard, Langdon, Livermore, Lloyd, Marshall, Martin, Paine, Read, and Tracy.

NAYS—Messrs. Laurance and Ross.

So leave was given, and the bill was accordingly read the first time, and ordered to the second reading. And the Senate adjourned to Wednesday morning.

WEDNESDAY, January 2, 1799.

The bill, authorizing the acceptance, from the State of Connecticut, of a cession of the jurisdiction of the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut, was read the second time.

Ordered, That it be referred to Messrs. READ, LAURANCE, ROSS, MARSHALL, and TRACY, to consider and report thereon to the Senate. It was further ordered, that the committee last named be instructed to make a special report on the subject referred to them.

Mr. Ross laid before the Senate the petition of Thomas Lewis, late Aid-de-camp to the late Major General Wayne, praying compensation for his services as extra Aid-de-camp, from the 16th of July, 1794, until the death of the General; which was read, and referred to Messrs. ROSS, TRACY, and GUNN, to consider and report thereon by bill or otherwise.

THURSDAY, January 3.

Resolved, That, in all questions of adjournment of the Court of Impeachment, as also in all questions on a motion that further time be allowed to the parties, the taking the question by yeas and nays be dispensed with.

Mr. LAURANCE, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act respecting the 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.

After proceedings in the Court of Impeachment, the Senate went into Executive business.

FRIDAY, January 4.

After proceedings as a Court of Impeachment, the Senate adjourned.

SATURDAY, January 5.

After proceedings as a Court of Impeachment, the Senate adjourned.

MONDAY, January 7.

JOHN BROWN, from the State of Kentucky, and THEODORE SEDGWICK, from the State of Massachusetts, severally attended.

After proceedings as a Court of Impeachment, the Senate went into Executive business.

TUESDAY, January 8.

STEPHENS T. MASON, from the State of Virginia, attended.

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 lay before you my annual account of the application of the grant made by Congress, for the contingent charges of Government, from the 1st of January to the 31st of December, 1798.

JOHN ADAMS.

January 8, 1799.

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

After proceedings as a Court of Impeachment, the Senate went into Executive business.

WEDNESDAY, January 9.

The Senate resumed the second reading of 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."

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

On motion, *Ordered*, That the report of the Secretary for the Department of War, communicated with the Message of the President of the United States of the 31st ultimo, be referred to the committee appointed the 18th of December last, on that part of the President's Speech re-

specting the extension and invigoration of the measures of defence, other than those which relate to a naval armament, to consider and report thereon to the Senate.

After proceedings as a Court of Impeachment, the Senate adjourned.

THURSDAY, January 10.

Mr. READ presented the petition of Daniel Halloway, of Charleston, South Carolina, praying relief from the operation of the revenue laws of the United States; which was read, and ordered to lie on the table.

After proceedings as a Court of Impeachment, the Senate went into Executive business.

FRIDAY, January 11.

Ordered, That the petition of Joseph Russell, jr., and others, be referred to Messrs. HILLHOUSE, TRACY, and GREENE, to consider and report thereon to the Senate.

After proceedings as a Court of Impeachment, the Senate proceeded to Executive business.

MONDAY, January 14.

Mr. PAINE, 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 amendments; which were read, and ordered to lie for consideration.

After proceedings as a Court of Impeachment, the Senate went into Executive business.

TUESDAY, January 15.

The Senate took into consideration the report of 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," and, after debate,

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

The Senate took into consideration the report of 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."

Ordered, That it be recommitted to Messrs. TRACY, PAINE, and SEDGWICK, to consider and report thereon to the Senate.

Mr. ANDERSON presented the petition of Daniel Smith, praying compensation for a negro and some horses, stated to have been stolen by certain Cherokee Indians; which was read, and referred to Messrs. ANDERSON, ROSS, and TRACY, to consider and report thereon to the Senate.

Ordered, That Messrs. ROSS, SEDGWICK, and BROWN, be a committee to consider whether any, and what, amendments ought to be made in the 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 that the said committee be authorized to report by bill or otherwise.

Ordered, That Messrs. ROSS, READ, TRACY, SEDGWICK, and CHIPMAN, be a committee to consider whether any division, or other alteration, ought to be made in the government of the Territory of the United States Northwest of the river Ohio; and that the said committee be authorized to report by bill or otherwise.

On motion that it be

Resolved, That a committee be appointed to examine what laws have been adopted by the Government of the Territory Northwest of the river Ohio, and to report how far the same may, in their opinion, be authorized or expedient:

Ordered, That it lie for consideration.

WEDNESDAY, January 16.

Mr. WATSON presented the petition of Seth Harding, commander of several armed vessels in the public service during the late war, stating his services and sufferings, and praying compensation; which petition was read, and ordered to 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, entitled "An act providing for the enumeration of the inhabitants of the United States."

On motion, to strike out the words "May next," and substitute "April, one thousand eight hundred," so that the clause stand: "The enumeration shall commence on the first Monday in April, one thousand eight hundred"—it was determined in the affirmative—yeas 17, nays 6, as follows:

YEAS—Messrs. Bingham, Chipman, Davenport, Goodhue, Greene, Gunn, Hillhouse, Howard, Latimer, Livermore, Marshall, Paine, Read, Ross, Sedgwick, Tracy, and Watson.

NAYS—Messrs. Anderson, Bloodworth, Brown, Langdon, Martin, and Mason.

And the other amendments reported being agreed to, and the bill further amended,

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

On motion,

That the Secretary of the Senate be instructed to have ——— copies of the Constitution of the United States, with the amendments which have been adopted, printed, and bound in a small form, for the use of the Senate.

Ordered, That this motion lie until to-morrow for consideration.

THURSDAY, January 17.

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 third time.

Resolved, That this bill pass with amendments.

FRIDAY, January 18.

The Senate proceeded to the consideration of the motion made the 16th instant. Whereupon,

Resolved, That the Secretary of the Senate be instructed to have two hundred copies of the Constitution of the United States, with the amendments which have been adopted, printed and bound in a small form.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the punishment of certain crimes therein specified," in which they desire the concurrence of the Senate.

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

The Senate proceeded to consider the motion made on the 15th instant; which was amended. Whereupon,

Resolved, That Messrs. MASON, ROSS, and BROWN, be a committee to examine what laws have been adopted by the Government of the Territory Northwest of the river Ohio, and report how far the same may, in their opinion, be expedient.

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

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

The communication relative to our affairs with France, alluded to in my Address to both Houses, at the opening of the session, is contained in the sheets which accompany this. A report of the Secretary of State, containing some observations on them, will be sent to Congress on Monday.

JOHN ADAMS.

January 18, 1799.

The Message and papers were in part read, and the further reading thereof postponed.

MONDAY, January 21.

HENRY TAZEWELL, from the State of Virginia, attended.

Mr. READ, from the committee to whom was referred the bill, authorizing the acceptance, from the State of Connecticut, of a cession of the jurisdiction of the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut, having inquired into the subject-matter of the bill, made a special report thereon, together with the bill, without any amendment—and the report was read, and ordered to the second reading.

The bill, sent from the House of Representatives, entitled "An act for the punishment of certain crimes therein specified," was read the second time, and referred to Messrs. SEDGWICK, TAZEWELL, and TRACY, 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:

According to an intimation in my Message of Friday last, I now lay before Congress a report of the Secretary of State, containing his observations on some of the documents which attended it.

JOHN ADAMS.

January 21, 1799.

The papers referred to in the Message of the President of the United States, of the 18th inst., were read.

On motion, that five hundred copies thereof be printed for the use of the Senate, it was agreed that the consideration of this motion be postponed.

Mr. GUNN, from the committee appointed on that part of the President's Speech respecting the extension and invigoration of the measures of defence, other than those which relate to a Naval Armament, reported, in part, a bill for the better organizing the troops of the United States, and for other purposes.

Ordered, That it pass to a second reading.

TUESDAY, January 22.

The communications referred to in the Message from the President of the United States, of the 21st instant, were read; and it was

Resolved, That five hundred copies of the Message of the President of the United States, of the 18th of the present month, and the papers accompanying the same, together with the report of the Secretary of State, communicated by the President's Message of yesterday, be printed for the use of the Senate.

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 providing for the enumeration of the inhabitants of the United States."

The Senate proceeded to consider their amendments disagreed to by the House of Representatives to the bill last mentioned. Whereupon,

Resolved, That they do adhere to their said amendments.

Mr. WATSON notified the Senate, that he should, to-morrow, move for leave to bring in a bill supplementary to the act, entitled "An act to establish the Judicial Courts of the United States."

WEDNESDAY, January 23.

Agreeably to notice given yesterday, Mr. WATSON had 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 a second reading.

Mr. GREENE laid before the Senate the petition of Stephen Heffernan, praying the allowance of the drawback on a certain quantity of fish, stated to have been taken in the year 1797, although the formalities required by law were casually omitted; which petition was read, and referred to the Secretary for the Department of the 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 authorize the reimbursement of moneys expended in rendering aid to sick and destitute American seamen in foreign countries;" in which they desire the concurrence of the Senate.

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

The bill for the better organizing the troops of the United States, and for other purposes, was read the second time.

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

On motion, *Ordered*, That Mr. CHIPMAN be of the committee to whom was referred the bill sent from the House of Representatives, entitled "An act for the punishment of certain crimes therein specified," in the place of Mr. TAZEWELL, indisposed.

THURSDAY, January 24.

Mr. SEDGWICK, from the committee to whom was referred the bill sent from the House of Representatives, entitled "An act for the punishment of certain crimes therein specified," reported the bill without amendment.

Ordered, That this bill pass to a third reading.

The bill, sent from the House of Representatives, entitled "An act to authorize the reimbursement of moneys expended in rendering aid to sick and destitute American seamen in foreign countries," was read the second time, and referred to Messrs. GOODHUE, PAINE, and READ, to consider and report to the Senate.

Mr. ROSS, from the committee to whom was referred the petition of Thomas Lewis, reported a bill for his relief; which was read, and ordered to the second reading.

The Senate being informed that HENRY TAZEWELL, one of the members from the State of Virginia, died this morning,

Resolved, That a committee be appointed to take order for superintending the funeral of the said HENRY TAZEWELL, Esq., and that the Senate will attend the same, and that notice of the event be given to the House of Representatives, and that this committee consist of Messrs. MASON, BROWN, and MARSHALL.

Resolved, unanimously, That the members of the Senate, from a sincere desire of showing every mark of respect due to the memory of HENRY TAZEWELL, deceased, late a member thereof, will go into mourning for him one month, by the usual mode of wearing a crape round the left arm.

Resolved, That the President of the Senate notify the Executive of Virginia of the death of HENRY TAZEWELL, late Senator of that State for the United States.

A message from the House of Representatives, informed the Senate that the House adhere to their disagreement to sundry amendments of the Senate to the bill, entitled "An act providing for the enumeration of the inhabitants of the United States."

FRIDAY, January 25.

The VICE PRESIDENT communicated the credentials of WILLIAM HILL WELLS, elected a Senator for the State of Delaware, in the place of Joshua Clayton, deceased.

The bill, sent from the House of Representatives, entitled "An act for the punishment of certain crimes therein specified," was read the third time.

On the final passage of the bill, the question was determined in the affirmative—yeas 18, nays 2, as follows:

YEAS—Messrs. Bingham, Chipman, Davenport, Foster, Goodhue, Greene, Gunn, Howard, Latimer, Livermore, Lloyd, Martin, Paine, Read, Ross, Sedgwick, Tracy, and Watson.

NAYS—Messrs. Bloodworth and Langdon.

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

Mr. GOODHUE, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act to authorize the reimbursement of moneys expended in rendering aid to sick and destitute American seamen in foreign countries," reported amendments; and the consideration of the report was postponed.

Mr. TRACY, 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 amendments, which were read.

Ordered, That the report lie for consideration.

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. WATSON, ROSS, and READ, to consider and report thereon to the Senate.

The bill for the relief of Thomas Lewis was read the second time.

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

Mr. GUNN, from the committed appointed on that part of the President's Speech respecting the extension and invigoration of the measures of defence, other than those which relate to a Naval Armament, made further report, in part, of a bill, for the establishment of a Medical Department, which was read, and ordered to the second reading.

MONDAY, January 28.

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 authorize the reimbursement of moneys expended in rendering aid to sick and destitute American seamen in foreign countries; and, after debate,

Ordered, That they be recommitted to the committee who made the report, further 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:

An edict of the Executive Directory of the French Republic, of the 29th of October, 1798, enclosed in a letter from our Minister Plenipotentiary, in London, of the 16th of November, is of so much importance, that it cannot be too soon communicated to you and to the public.

JOHN ADAMS.

UNITED STATES, *January* 28, 1799.

The Message, and papers therein mentioned, were read.

Ordered, That they be referred to the committee appointed the 18th of December last, on so much of the President's Speech as relates to the naval defence of the United States, and that the committee be instructed to have the same translated and printed for the use of the Senate.

The Senate resumed the second reading of the bill for the relief of Thomas Lewis.

Ordered, 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, 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;" and, after debate,

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 further to suspend the commercial intercourse between the United States and France, and the dependencies thereof, and for other purposes," in which they desire the concurrence of the Senate.

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

Ordered, That Mr. ANDERSON be of the joint committee for enrolled bills on the part of the Senate.

Mr. READ presented the petition of Daniel Stevens, Supervisor of the Revenue for the district of South Carolina, in behalf of himself and the officers in his department, praying additional compensation for their services; which was read, and ordered to lie on the table.

Mr. ROSS presented the petition of Ennion Williams, praying the exclusive privilege of manufacturing salt, from certain salt springs in the Northwestern Territory, particularly mentioned in the petition; and which was read.

Ordered, That it be referred to the committee appointed on the 15th instant, to consider whether any division or other alteration ought to be made in the Government of the Territory Northwest of the river Ohio, to consider and report thereon to the Senate.

THURSDAY, January 29.

The bill to regulate the Medical Establishment was read the second time.

The bill, sent from the House of Representatives, entitled "An act further to suspend the commercial intercourse between the United States and France, and the dependencies thereof, and for other purposes," was read the second time, and referred to Messrs. READ, BINGHAM, and WATSON, to consider and report thereon to the Senate.

The Senate resumed the second reading of the bill, for the better organizing of the troops of the United States, and for other purposes.

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

"SEC. 2. *And be it further enacted*, That every lieutenant colonel commandant of a regiment, heretofore appointed, shall be, and be denominated colonel, every ensign and every cornet in the regiments heretofore appointed, shall be denominated hereafter second lieutenants, and the lieutenants in the corps of artillerists and engineers, first and second lieutenants."

It was determined in the negative—yeas 10, nays 12, as follows:

YEAS—Messrs. Anderson, Bingham, Bloodworth, Brown, Langdon, Livermore, Marshall, Martin, Mason, and Paine.

NAYS—Messrs. Chipman, Davenport, Greene, Gunn, Howard, Latimer, Lloyd, Read, Ross, Sedgwick, Tracy, and Watson.

And, after progress, it was

Ordered, That the further consideration of this bill be postponed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act respecting quarantines and health laws," in which they desire the concurrence of the Senate.

WEDNESDAY, January 30.

JOSIAH TATTNALL, from the State of Georgia, attended.

Mr. ANDERSON notified the Senate, that he should, to-morrow, move for leave to bring in a bill to amend the act, entitled "An act giving effect to the laws of the United States within the district of Tennessee."

Mr. DAVENPORT presented the address and remonstrance of the inhabitants of the county of Essex, in the State of New Jersey, against the "alien and sedition" laws, and against "regular and standing armies;" and the petition was read.

Mr. HOWARD presented the petition of the managers of the Library Company in the city of Baltimore, praying exemption from the duties now chargeable on imported books; which was read, and ordered to lie on the table.

The bill, sent from the House of Representatives, entitled "An act respecting quarantines and health laws," was read the first time, and ordered to the second reading.

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 respecting balances reported against certain States, by the Commissioners appointed to settle the accounts between the United States and the several States; which, being adopted,

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

The bill for the relief of Thomas Lewis 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 for the relief of Gazzem, Taylor, and Jones, of the city of Philadelphia," and a bill, entitled "An act for the relief of Jona-

than Haskill," in which they desire the concurrence of the Senate.

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

The VICE PRESIDENT laid before the Senate a report of the Secretary for the Department of the Treasury, of a general statement of goods, wares, and merchandise, imported into the United States, from the 1st of October, 1796, to the 30th of September, 1797, which was read.

Ordered, That it lie on file.

Mr. GUNN, from the committee appointed on that part of the President's Speech, respecting the extension and invigoration of the measures of defence, other than those which relate to a naval armament, further reported, in part, a bill giving eventual authority to the President of the United States to augment the Army; which bill was read, and ordered to the second reading.

The Senate resumed the second reading of the bill for the better organizing the troops of the United States, and for other purposes; and, after progress,

Ordered, That the further consideration thereof be postponed.

THURSDAY, January 31.

The bill, sent from the House of Representatives, "entitled "An act for the relief of Jonathan Haskill," was read the second time, and referred to Messrs. GREENE, ROSS, and SEDGWICK, to consider and report thereon to the Senate.

Agreeably to notice given yesterday, Mr. ANDERSON obtained leave to bring in a bill to amend an act, entitled "An act giving effect to the laws of the United States within the district of Tennessee," which was read, and ordered that it pass to a second reading.

On motion, it was agreed that a committee be appointed to take into consideration the act, entitled "An act to regulate trade and intercourse with Indian tribes, and to preserve peace on the frontiers;" for the purpose of making amendments to the same if in their opinion necessary; and likewise the propriety of continuing the act in force longer than the third day of March next; with liberty to report by bill or otherwise.

Ordered, That Messrs. TRACY, ARDERSON, and GUNN, be the committee.

The bill, sent from the House of Representatives, entitled "An act for the relief of Gazzam, Taylor, and Jones," of the city of Philadelphia," was read the second time, and referred to Messrs. BINGHAM, WATSON, and DAVENPORT, to consider and report thereon to the Senate.

Mr. FOSTER presented the petition of John Brown and others, merchants of Providence, in the State of Rhode Island, praying that they may be enabled, at public expense, to prosecute their claims for the recovery of their property on the high seas, captured by the Powers at war; and the petition was read.

Ordered, That the said petition be referred to the Secretary for the Department of State, for his report thereon; and that he be directed to report all cases, with the circumstances attending them, which have come to his knowledge, similar to those mentioned in said petition.

The bill, sent from the House of Representatives, entitled "An act respecting quarantines and health laws," was read the second time.

Ordered, That it be referred to the committee appointed on the 18th of December last, on that part of the President's Speech respecting the expediency of establishing regulations in aid of the health laws of the respective States, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives, entitled "An act respecting the balances reported against certain States, by the Commissioners appointed to settle the accounts between the United States and the several States," was read the third time.

On the final passage of this bill as amended, the question was determined in the affirmative—yeas 17, nays 10, as follows:

YEAS—Messrs. Bingham, Chipman, Davenport, Goodhue, Gunn, Howard, Latimer, Livermore, Lloyd, Paine, Read, Ross, Sedgwick, Stockton, Tattnall, Tracy, and Watson.

NAYS—Messrs. Anderson, Bloodworth, Brown, Foster, Greene, Hillhouse, Langdon, Marshall, Martin, and Mason.

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

Mr. READ, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act further to suspend the commercial intercourse between the United States and France, and the dependencies thereof, and for other purposes," reported amendments; which were read.

Ordered, That they lie for consideration.

The Senate resumed the second reading of the bill for the better organizing of the troops of the United States, and for other purposes; and, after progress,

Ordered, That it be referred to the committee who reported the bill, further to consider and report thereon to the Senate.

The bill giving eventual authority to the President of the United States to augment the Army, was read the second time.

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

The Senate resumed the second reading of the bill to regulate the Medical Establishment; 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 a report from the Director of the Mint on the state of the business committed to his superintendence, and a statement of the coinage of the Mint of the United States for the year 1798, which it is proper to lay before Congress.

JOHN ADAMS.

January 31, 1799.

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

FRIDAY, February 1.

The Senate proceeded to consider the amendments reported by the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act further to suspend the commercial intercourse between the United States and France, and the dependencies thereof, and for other purposes;" and the report was, in part, agreed to; and, after debate,

Ordered, That the 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 to alter the stamp duties imposed upon foreign bills of exchange and bills of lading, by an act entitled 'An act laying duties on stamped vellum, parchment, and paper;' and further to amend the same;" in which they desire the concurrence of the Senate.

The bill last brought from the House of Representatives was read, and ordered to the second reading.

The bill to amend an act, entitled "An act giving effect to the laws of the United States within the district of Tennessee," was read the second time, and referred to Messrs. ANDERSON, LLOYD, and ROSS, to consider and report thereon to the Senate.

MONDAY, February 4.

WILLIAM HILL WELLS, appointed a Senator by the Legislature of the State of Delaware, in place of Joshua Clayton, deceased, attended; and his credentials being read, and the oath required by law administered to him, he took his seat in the Senate.

Ordered, That the committee appointed on the Message of the President of the United States of the 28th of January last, be instructed to report by bill.

Ordered, That the petition of Daniel Stevens, presented to the Senate on the 28th of January last, be referred to the Secretary for the Department of the Treasury, to report thereon to the Senate.

The Senate resumed the second reading of the bill, sent from the House of Representatives, entitled "An act further to suspend the commercial intercourse between the United States and France, and the dependencies thereof, and for other purposes;" and, after debate,

Ordered, That the further consideration thereof be postponed.

TUESDAY, February 5.

Mr. GOODHUE, from the committee to whom was referred the Message of the President of the United States, of the 28th of January last, together with the copy of an Arrêt of the Directory of the French Republic of the 29th of October, 1798, reported a bill, vesting the power of retaliation, in certain cases, in the President of the United States; which was read, and ordered to the second reading.

Mr. ROSS, from the committee appointed to consider whether any, and what, amendments ought to be made in the 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 the second reading.

The bill, sent from the House of Representatives, entitled, "An act to alter the stamp duties imposed upon foreign bills of exchange and bills of lading, by an act entitled, 'An act laying duties on stamped vellum, parchment, and paper;' and further to amend the same," was read the second time, and referred to Messrs. BINGHAM, READ, and SEDGWICK, 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 further to suspend the commercial intercourse between the United States and France, and the dependencies thereof, and for other purposes."

On motion, to expunge the fourth section of the bill, amended as follows:

"SEC. 4. *Provided, and be it further enacted*, That at any time after the passing of this act it shall be lawful for the President of the United States, if he shall deem it expedient and consistent with the interests of the United States, by his order to remit and discontinue, for the time being, the restraints and prohibitions aforesaid, either with respect to the French Republic, or to any island, port, or place, belonging to the said Republic, with which a commercial intercourse may safely be renewed; and also to revoke such order whenever, in his opinion, the interest of the United States shall require; and he shall be, and hereby is, authorized to make proclamation thereof accordingly:"

It was determined in the negative—yeas 10, nays 17, as follows:

YEAS—Messrs. Anderson, Bloodworth, Brown, Gunn, Langdon, Marshall, Martin, Mason, Read, and Tattnall.

NAYS—Messrs. Bingham, Chipman, Davenport, Foster, Goodhue, Greene, Hillhouse, Howard, Livermore, Lloyd, Paine, Ross, Sedgwick, Stockton, Tracy, Watson, and Wells.

On motion, to expunge the fifth section of the bill, as follows:

"SEC. 5. *And be it further enacted*, That it shall be lawful for the President of the United States, if he shall judge it expedient and for the interest of the United States, to issue a proclamation for suspending and prohibiting all commercial intercourse between the United States and any port or place in the West Indies, or elsewhere, to which ships or vessels of the United States, captured by ships of war, or privateers, sailing under the authority, or color of authority, from the French Republic, shall be allowed to be sent or carried, and to be there condemned or sold. And such proclamation shall be effectual to prevent the departure of any vessel which shall not conform thereto, after notice o

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the same at the offices of the several collectors of the collection districts of the United States; and from and after the expiration of two months, or any longer time which shall be therein expressed, shall be effectual to prevent the entry of any vessel coming from the port or place with which the commercial intercourse shall be thereby prohibited. And it shall also be lawful for the President of the United States to revoke any such proclamation, whenever, in his opinion, the public interest may require the same:"

It was determined in the negative—yeas 10, nays 16, as follows:

YEAS—Messrs. Anderson, Bloodworth, Brown, Gunn, Langdon, Marshall, Martin, Mason, Read, and Tattnall.

NAYS—Messrs. Bingham, Chipman, Davenport, Foster, Goodhue, Greene, Hillhouse, Howard, Livermore, Lloyd, Paine, Ross, Stockton, Tracy, Watson, and Wells.

Ordered, That this bill pass to a third reading.

Mr. ANDERSON, from the committee to whom was referred the bill to amend an act, entitled "An act giving effect to the laws of the United State, within the district of Tennessee," reported amendments.

Ordered, That they lie for consideration.

The VICE PRESIDENT laid before the Senate the account of James Mathers, their Sergeant-at-Arms, for his expense and trouble in serving the process on William Blount, impeached for high crimes and misdemeanors.

Ordered, That it be referred to Messrs. TRACY, BINGHAM, and READ, 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 for the relief of Gazzam, Taylor, and Jones, of the city of Philadelphia," reported the bill without amendment.

Mr. TRACY notified the Senate that he should to-morrow ask leave to bring in a bill to continue in force the first section of the act, passed the 6th of May, 1796, entitled "An act making further provision relative to revenue cutters;" a bill to continue in force the fifth section of the act entitled "An act in addition to the act, entitled 'An act to establish the Post Office and Post Roads within the United States;" and a bill making permanent appropriations for carrying into effect the treaty made on the 2d of October last, with the Cherokee tribe of Indians.

Mr. GUNN, from the committee to whom was referred the bill for the better organizing the troops of the United States, and for other purposes, reported amendments.

Ordered, That they lie for consideration.

WEDNESDAY, February 6.

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 respecting balances reported against certain States by the Commissioners appointed to settle the accounts between the United States and the several States," with an amendment to their first amendment; in which they desire the concurrence of the Senate. They have passed a bill entitled "An act to amend the act, entitled 'An act to provide for the valuation of the lands and dwelling houses, and the enumeration of slaves, within the United States;" 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 amendment of the House of Representatives to their amendment to the bill, entitled "An act respecting balances reported against certain States, by the Commissioners appointed to settle the accounts betweeen the United States and the several States."

Resolved, That they ask a conference thereon, and that Messrs. WATSON and SEDGWICK be managers at the same on the part of the Senate.

The bill, sent from the House of Representatives, entitled "An act further to suspend the commercial intercourse between the United States and France, and the dependencies thereof, and for other purposes," was read a third time.

On motion to add the following proviso to the fourth section:

"*Provided*, That a notice of not less than nineteen days of the opening commerce with the French Republic, or any port or place under the Government thereof, by authority of this act, and of not less than thirty days of the revocation of any order issued by the President, by virtue of this act, shall be given:"

It was determined in the negative—yeas 13, nays 15, as follows:

YEAS—Messrs. Anderson, Bloodworth, Brown, Chipman, Gunn, Langdon, Livermore, Lloyd, Marshall, Martin, Mason, Read, and Tattnall.

NAYS—Messrs. Bingham, Davenport, Foster, Goodhue, Greene, Hillhouse, Latimer, Paine, Ross, Sedgwick, Stockton, Tracy, Watson, and Wells.

On motion to amend the motion, to be read as follows:

"*Provided*, That notice shall be given, of not less than thirty days, of the revocation of any order issued by the President, by virtue of this act:"

It was determined in the affirmative—yeas 18, nays 10, as follows:

YEAS—Messrs. Bingham, Chipman, Davenport, Foster, Goodhue, Greene, Hillhouse, Howard, Latimer, Livermore, Lloyd, Marshall, Paine, Sedgwick, Stockton, Tracy, Watson, and Wells.

NAYS—Messrs. Anderson, Bloodworth, Brown, Langdon, Martin, Mason, Read, Ross, and Tattnall.

And, on the question to agree to the motion thus amended, it was determined in the negative.

And, having agreed to several amendments to the bill, the question on the final passage thereof, as amended, it was determined in the affirmative—yeas 18, nays 10, as follows:

NAYS—Messrs. Bingham, Chipman, Davenport, Foster, Goodhue, Greene, Hillhouse, Howard, Latimer, Livermore, Lloyd, Paine, Ross, Sedgwick, Tracy, Watson, and Wells.

NAYS—Messrs. Anderson, Bloodworth, Brown, Gunn, Langdon, Marshall, Martin, Mason, Read, and Tattnall.

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

The VICE PRESIDENT laid before the Senate a letter from the Secretary for the Department of the Treasury, with a statement of goods, wares, and merchandise, exported from the United States during one year, prior to the 1st day of October, 1798; which were read.

Ordered, That they lie for consideration.

THURSDAY, February 7.

The Senate proceeded to consider the report of the committee to whom was referred the bill for the better organizing of the troops of the United States, and for other purposes; and, having agreed thereto, and further amended the bill, it was ordered to a third reading.

A message from the House of Representatives informed the Senate that they agree to the conference requested by the Senate on the subject-matter of the amendment proposed by the House of Representatives to the amendment of the Senate to the 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," and have appointed managers at the same on their part.

FRIDAY, February 8.

The bill, sent from the House of Representatives, entitled "An act to amend the act entitled 'An act providing 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. TRACY, ROSS, and SEDGWICK, to consider and report thereon to the Senate.

The Senate proceeded to consider the amendments reported by the committee to whom was referred the bill to amend an act, entitled "An act giving effect to the laws of the United States within the district of Tennessee, and having agreed thereto,

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, entitled "An act to authorize the reimbursement of moneys expended in rendering aid to sick and destitute American seamen in foreign countries," reported amendments.

Agreeably to notice given on the 5th instant, Mr. TRACY obtained leave to bring in a bill making appropriations for defraying the expenses which may arise in carrying into effect certain treaties between the United States and several tribes or nations of Indians; which was read, and ordered to the second reading.

The bill vesting the power of retaliation, in certain cases, in the President of the United States, was read the second time, and ordered to the third reading.

The bill to amend the 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; and, after progress, it was ordered that the further consideration thereof be postponed.

SATURDAY, February 9.

Mr. SEDGWICK notified the Senate that he should, on Monday, ask leave to bring in a bill touching the mode of surrendering a defendant, who has been held to special bail in one district, and is afterwards arrested in another.

Mr. BINGHAM presented the petition of John Vaughan, of Philadelphia, stating that he had received from the Mint, in the year 1795, in return for bullion deposited there, a certain quantity of silver, below the standard alloy, and praying allowance for the deficiency; and the petition was read.

The Senate resumed the second reading of the bill to amend the 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."

On motion, to strike out the 8th section of the bill as follows:

"SEC. 8. *And be it further enacted*, That aliens residing within the United States or elsewhere, shall be capable of purchasing and holding lands in the Territory of the United States Northwest of the river Ohio, and their heirs may succeed to them, *ab intestato*, in the same manner as if they were citizens; and they may grant, sell, and devise the same to whom they may please, whether citizens or aliens; and that neither they, their heirs, or assigns, shall, so far as may respect the said lands, and the legal remedies incident thereto, be regarded as aliens."

It was determined in the affirmative—yeas 13, nays 11, as follows:

YEAS—Messrs. Chipman, Foster, Goodhue, Greene, Hillhouse, Howard, Martin, Read, Sedgwick, Stockton, Tracy, Watson, and Wells.

NAYS—Messrs. Anderson, Bingham, Bloodworth, Brown, Gunn, Langdon, Livermore, Marshall, Mason, Ross, and Tattnall.

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 to regulate the collection of duties on imports and tonnage," in which they desire the concurrence of the Senate.

MONDAY, February 11.

Agreeably to notice, Mr. SEDGWICK had leave to bring in a bill touching the mode of surrendering a defendant who has been held to special bail in one district, and is afterwards arrested in another; which was read, and ordered to the second reading.

Mr. WATSON, from the managers appointed at the conference, on the disagreeing votes of the two Houses on the bill, sent from the House of Representatives, entitled "An act respecting balances reported against certain States, by the Com-

missioners appointed to settle the accounts between the United States and the several States," reported that the Senate adhere to their amendment disagreed to by the House of Representatives, with amendments; and the report was adopted.

The bill, sent from the House of Representatives, entitled "An act to regulate the collection of duties on imports and tonnage," was read the first and second time, and referred to Messrs. GOODHUE, READ, and WATSON, to consider and report thereon to the Senate.

The bill for the better organizing the troops of the United States, and for other purposes, 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 for the better organizing the troops of the United States, and for other purposes."

Mr. GREENE, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act for the relief of Jonathan Haskill," reported the bill without amendment.

Mr. ROSS, from the committee to whom it was referred to consider whether any division or other alteration ought to be made in the Government of the Territory Northwest of the river Ohio, reported a bill to reform the Superior Court of the Territory of the United States Northwest of the river Ohio; which was read, and ordered to the second reading.

Ordered, That the bill giving eventual authority to the President of the United States to augment the Army, be committed to the committee who reported the bill.

TUESDAY, February 12.

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 September last; which were read.

Ordered, That they lie on file.

The bill touching the mode of surrendering a defendant, who has been held to special bail in one district, and is afterwards arrested in another, was read the second time, and referred to Messrs. SEDGWICK, STOCKTON, and CHIPMAN, to consider and report thereon to the Senate.

The bill to amend an act, entitled "An act giving effect to the laws of the United States within the district of Tennessee," was read the third time, and passed.

The bill to amend the 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 passed.

The bill vesting the power of retaliation, in certain cases, in the President of the United States, was read the third time; and, being amended, the question on the final passage thereof was determined in the affirmative—yeas 22, nays 2, as follows.

YEAS—Messrs. Anderson, Bloodworth, Chipman, Davenport, Foster, Goodhue, Greene, Gunn, Hillhouse, Latimer, Livermore, Lloyd, Marshall, Martin, Paine, Ross, Sedgwick, Stockton, Tattnall, Tracy, Watson, and Wells.

NAYS—Messrs. Howard and Langdon.

So it was *Resolved*, That this bill pass, that it be engrossed, and that the title thereof be "An act vesting the power of retaliation, in certain cases, in the President of the United States."

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act for the augmentation of the Navy;" a bill, entitled "An act authorizing the purchase of timber for naval purposes;" and a bill, entitled "An act authorizing the establishment of docks;" in which they desire the concurrence of the Senate.

The Senate resumed the second reading of the bill authorizing the acceptance, from the State of Connecticut, of a cession of the jurisdiction of the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut; and, after debate,

Ordered, That the further consideration thereof be postponed.

WEDNESDAY, February 13.

The VICE PRESIDENT communicated a letter from the Executive of the State of Virginia, in answer to his of the 24th ultimo, stating that an appointment to fill the vacancy in the Senate, occasioned by the decease of Henry Tazewell, would, probably, be deferred to the meeting of their Legislature.

Mr. GOODHUE, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act to regulate the collection of duties on imports and tonnage," reported the bill without amendment.

The bill, sent from the House of Representatives, entitled "An act for the augmentation of the Navy;" the bill, entitled "An act authorizing the purchase of timber for naval purposes;" and the bill, entitled "An act authorizing the establishment of docks;" were severally read the first time, and, by unanimous consent, they were read the second time.

Ordered, That they be severally referred to the committee appointed the 18th of December last, on so much of the President's Speech as relates to the naval defence of the United States, to consider and report thereon to the Senate.

The Senate resumed the second reading of the bill authorizing the acceptance, from the State of Connecticut, of a cession of the jurisdiction of the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut; and, after debate,

Ordered, That the further consideration thereof be postponed.

THURSDAY, February 14.

Resolved, That the committee to whom was referred so much of the President's Speech as re-

lates to naval defence, be directed to inquire whether any, and what, amendments may be necessary to the act, entitled "An act in addition to the act more effectually to protect the commerce and coasts of the United States," and to report by bill or otherwise.

The Senate resumed the second reading of the bill authorizing the acceptance, from the State of Connecticut, of a cession of the jurisdiction of the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut.

Ordered, That it be recommitted, together with the proposed amendment, to Messrs. STOCKTON, TRACY, and ROSS, further 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 appropriating a certain sum of money to defray the expense of holding a treaty or treaties with the Indians;" and a bill, entitled "An act for the relief of Joseph Wheaton;" in which they desire the concurrence of the Senate.

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

The Senate proceeded to consider the amendments reported by the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act to authorize the reimbursement of moneys expended in rendering aid to sick and destitute American seamen in foreign countries;" and, having adopted the same, the bill was ordered to the third reading.

Ordered, That the bill, sent from the House of Representatives, entitled "An act to regulate the collection of the duties on imports and tonnage," be recommitted to the same committee who have before had it under their consideration, further to consider and report thereon to the Senate.

Mr. BINGHAM presented the petition of Samuel Watt, merchant, of Philadelphia, praying the allowance of drawback, on certain goods shipped on board the schooner Eagle; although, by unavoidable accident, the provisions of the law were not complied with; and the petition was read.

Ordered, That it be referred to Messrs. BINGHAM, WATSON, and DAVENPORT, to consider and report thereon to the Senate.

Ordered, That the bill, sent from the House of Representatives, entitled "An act for the relief of Gazzam, Taylor, and Jones, of the city of Philadelphia," be recommitted to the commitee appointed on the petition of Samuel Watt, further to consider and report thereon to the Senate.

On motion, it was agreed, by unanimous consent, to dispense with the rule, and that the bill, sent from the House of Representatives, entitled "An act appropriating a certain sum of money to defray the expense of holding a treaty or treaties with the Indians," be now read the second time.

Ordered, That it be referred to Messrs. GUNN, ROSS, and LIVERMORE, to consider and report thereon to the Senate.

The bill making appropriations for defraying the expenses which may arise in carrying into effect certain treaties between the United States and several tribes or nations of Indians, was read the second time and referred to Messrs. ROSS, GUNN, and LIVERMORE, 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, entitled "An act for the relief of Jonathan Haskill," and, the report being adopted,

Ordered, That this bill pass to a third reading.

Mr. TRACY, from the committee to whom was referred the account of James Mathers, reported a bill, allowing James Mathers compensation for services done for the United States, and expenses incurred in rendering said services, as Sergeant-at-Arms to the Senate; which was read and ordered to the second reading.

The bill to reform the Superior Court of the Territory of the United States Northwest of the Ohio, was read the second time and ordered to the third reading.

Mr. GOODHUE, from the committee to whom was recommitted the bill, sent from the House of Representatives, entitled "An act to regulate the collection of duties on imports, and tonnage," reported amendments; which were read and adopted, and the bill was then ordered to the third reading.

FRIDAY, February 15.

Mr. BINGHAM, from the committee to whom was recommitted the bill, sent from the House of Representatives, entitled "An act for the relief of Gazzam, Taylor, and Jones, of the city of Philadelphia," reported amendments thereto; which were read and adopted, and the bill was ordered to a third reading.

Mr. GUNN, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act appropriating a certain sum of money to defray the expense of holding a treaty or treaties with the Indians," reported the bill without amendment; which was read and adopted, and the bill was ordered to a third reading.

Mr. ROSS, from the committee to whom was referred the bill making appropriations for defraying the expenses which may arise in carrying into effect certain treaties between the United States and several tribes or nations of Indians, reported the bill without amendment; which was adopted, and the bill was ordered to a third reading.

Mr. MASON, presented the petition of William Baskerville, of Virginia, praying for the interposition of Congress in his behalf, against certain processes commenced in the Federal Court for breaches of the act laying duties on stamped vellum, parchment, and paper; and the petition was read.

Ordered, That it be referred to the committee appointed on the bill, entitled "An act to alter the stamp duties imposed on foreign bills of exchange and bills of lading, by an act, entitled 'An act laying duties on stamped vellum, parchment, and paper,' and further to amend the same;" to consider and report thereon to the Senate.

Mr. GUNN, from the committee to whom was referred the bill giving eventual authority to the President of the United States to augment the Army, reported amendments thereto.

Ordered, That they lie for consideration.

Mr. TRACY, from the committee to whom was referred the bill authorizing the accceptance, from the State of Connecticut, of a cession of the jurisdiction of the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut, together with the amendments proposed thereto, reported the bill without amendments.

Ordered, That it lie for consideration.

The bill, sent from the House of Representatives, entitled "An act to regulate the collection of duties on imports and tonnage," was read the third time.

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 to establish the compensation of the officers employed in the collection of the duties of imports and tonnage, and for other purposes," and a bill, entitled "An act fixing the pay of the captains and commanders of ships and vessels of war of the United States;" in which they desire the concurrence of the Senate.

The bill, sent from the House of Representatives, entitled "An act to authorize the reimbursement of moneys expended in rendering aid to sick and destitude American seamen, in foreign countries, was read a third time.

Resolved, That this bill pass with an amendment.

The bill to reform the Superior Court of the Territory of the United States Northwest of the river Ohio, was read a third time.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be "An act to reform the Superior Court of the Territory of the United States Northwest of the river Ohio."

SATURDAY, February 16.

CHARLES PINCKNEY, elected a Senator by the Legislature of the State of South Carolina, in place of John Hunter, resigned, produced his credentials, and the oath prescribed by law being administered to him, he took his seat in the Senate.

The bill, sent from the House of Representatives, entitled "An act to establish, the compensations of the officers employed in the collection of the duties of imports and tonnage, and for other purposes," was read a second time, and referred to Messrs TRACY, GOODHUE, and CHIPMAN, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives, entitled "An act fixing the pay of captains and commanders of ships and vessels of war of the United States," was read the second time, and referred to Messrs. LANGDON, GUNN, and BINGHAM, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives, entitled "An act for the relief of Joseph Wheaton," was read the second time, and referred to Messrs. TRACY, ANDERSON, and WELLS, 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, entitled "An act authorizing the establishment of docks," reported the bill without amendment. He also reported the bill, sent from the House of Representatives, entitled "An act authorizing the purchase of timber for naval purposes," with amendments.

Ordered, That these reports severally lie for consideration.

The bill allowing James Mathers compensation for services done for the United States, and expenses incurred in rendering said services, as Sergeant-at-Arms to the Senate, was read the second time, and ordered to the third reading.

The bill, sent from the House of Representatives, entitled "An act for the relief of Jonathan Haskill," was read the third time, and passed.

The bill, sent from the House of Representatives, entitled "An act for the relief of Gazzam, Taylor, and Jones, of the city of Philadelphia," was read the third time.

Resolved, That this bill pass with amendments.

The bill, making appropriations for defraying the expenses which may arise in carrying into effect certain treaties between the United States and several tribes or nations of Indians, was read the third time; and, the blank being filled up,

Resolved, That this bill pass; that it be engrossed; and that the title thereof be "An act making appropriations for defraying the expenses which may arise in carrying into effect certain treaties between the United States and several tribes or nations of Indians."

The bill, sent from the House of Representatives, entitled "An act appropriating a certain sum of money to defray the expense of holding a treaty or treaties with the Indians," was read the third time.

Resolved, That the Senate concur in this bill.

Mr. WATSON, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act respecting quarantines and health laws," reported amendments.

Ordered, That they lie for consideration.

The Senate proceeded to consider the amendments reported by the committee to the bill giving eventual authority to the President of the United States to augment the Army.

On motion, to agree to the amendment reported to the 7th section, to read as follows:

"SEC. 7. *Be it further enacted*, That it shall be lawful for the President of the United States to call forth and employ the said volunteers in all cases, and to effect all the purposes for which he is authorized to call forth and employ the militia, by the act, entitled 'An act to provide for the calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for these purposes:"

It passed in the affirmative, as follows:

YEAS—Messrs. Bingham, Chipman, Foster, Goodhue, Greene, Gunn, Howard, Laurance, Livermore, Lloyd, Marshall, Paine, Ross, Sedgwick, Tracy, Watson, and Wells.

NAYS — Messrs. Anderson, Bloodworth, Langdon, Martin, Mason, Pinckney, and Tattnall.

And the bill being further amended, agreeably to the report of the committee, it was ordered to the third reading, as amended.

The VICE PRESIDENT communicated to the Senate a report from the Secretary for the Department of Treasury, with a letter from the Comptroller, together with an abstract, required by the 4th section of the act, entitled "An act relative to the compensations of certain officers employed in the collection of the duties of imports and tonnage, passed the 14th February, 1795."

Ordered, That they lie on file.

MONDAY, February 18.

The bill allowing James Mathers compensation for services done for the United States, and expenses incurred in rendering said services, as Sergeant-at-Arms to the Senate, was read the third time, and passed.

Mr. SEDGWICK notified the Senate that he should, to-morrow, ask leave to bring in a bill to augment the salaries of the principal officers of the Executive Departments.

The Senate resumed the second reading of the bill, sent from the House of Representatives, entitled "An act authorizing the establishment of docks."

Ordered, That it pass to a third reading.

The Senate proceeded to consider the amendments reported by the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act authorizing the purchase of timber for naval purposes;" and, having adopted the amendments,

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

Mr. TRACY, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act to amend the act, entitled 'An act providing for the valuation of lands and dwelling-houses, and the enumeration of slaves within the United States,'" reported amendments thereto, which were read.

Ordered, That they lie for consideration.

The Senate proceeded to consider the amendments reported by the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act respecting quarantines and health laws;" which were adopted.

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

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act authorizing the discharge of Robert Sturgeon from his present confinement," and 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," in which they desire the concurrence of the Senate.

The bills last mentioned were by unanimous consent read the second time, and referred to Messrs. TRACY, STOCKTON, and PAINE, 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 augmentation of the Navy."

Ordered, That this bill pass to a third reading.

Mr. CHIPMAN notified the Senate, that he should, to-morrow, ask leave to bring in a bill for the alteration of an act, entitled "An act giving effect to the laws of the United States, within the State of Vermont."

On motion, it was agreed, by unanimous consent, to dispense with the rule, and that the bill, sent from the House of Representatives, entitled "An act authorizing the discharge of Robert Sturgeon from his present confinement," be now read the second time.

Ordered, That it be referred to Messrs. TRACY, LLOYD, and WELLS, to consider and report thereon to the Senate.

Mr. ANDERSON presented the petition of Paul McDermot, praying Congress to authorize the settlement of his accounts, as Paymaster to a part of the troops, who served in the year 1794, against the insurgents, the loss of his vouchers notwithstanding; and the petition was read.

Ordered, That it be referred to Messrs. ANDERSON, TRACY, and BLOODWORTH, to consider and report thereon to the Senate.

Mr. READ notified the Senate, that he should, to-morrow, ask leave to bring in a bill to amend the act, entitled "An act respecting fugitives from justice and persons escaping from the service of their masters."

The bill giving eventual authority to the President of the United States to augment the Army, was read the third time; and the blanks being filled up, the question on the final passage of the bill was determined in the affirmative—yeas 21, nays 6, as follows:

YEAS—Messrs. Bingham, Chipman, Davenport, Foster, Goodhue, Greene, Gunn, Hillhouse, Howard, Laurance, Livermore, Lloyd, Marshall, Paine, Read, Ross, Sedgwick, Stockton, Tracy, Watson, and Wells.

NAYS—Messrs. Anderson, Bloodworth, Langdon, Martin, Mason, and Tattnall.

So it was, *Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An act giving eventual authority to the President of the United States to augment the Army."

Mr. READ presented the memorial of Lewis Garanger, in his own name and that of his brother Charles Garanger, concerning military establishments, fire-arms, and ammunition; which was read.

Ordered, That it lie on the table.

Mr. TRACY notified the Senate that he should, to-morrow, ask leave to bring in a bill for the relief of Reuben Smith and Nathan Strong, and of Peter Aupoix.

The Senate then proceeded to the consideration of Executive business.

TUESDAY, February 19.

Agreeably to notice given yesterday, Mr. SEDGWICK had leave to bring in a bill to augment the salaries of the principal officers of the Executive Departments; which was read, and ordered to a second reading.

The Senate resumed the second reading of the bill to regulate the Medical Department.

Ordered, That it be referred to Messrs. LATIMER, LAURANCE, and GUNN, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives, entitled "An act authorizing the purchase of timber for naval purposes," was read the third time.

Resolved, That this bill pass with amendments.

The bill, sent from the House of Representatives, entitled "An act for the augmentation of the Navy," was read the third time, and passed.

The bill, sent from the House of Representatives, entitled "An act authorizing the establishment of docks," was read the third time, and passed.

The bill, sent from the House of Representatives, entitled "An act respecting quarantines and health laws," was read a third time, as amended.

Ordered, That the further consideration thereof be postponed.

The Senate proceeded to consider the amendments reported by the committee to whom was referred the bill authorizing the acceptance, from the State of Connecticut, of a cession of the jurisdiction of the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut; and, after debate, adjourned.

WEDNESDAY, February 20.

Agreeably to notice given, Mr. CHIPMAN had leave to bring in a bill for the alteration of an act, entitled "An act giving effect to the laws of the United States within the State of Vermont;" which was read, and ordered to a second reading.

Mr. SEDGWICK, from the committee to whom was referred the bill touching the mode of surrendering a defendant who had been held to special bail in one district and is afterwards arrested in another, reported amendments thereto; which were read.

Ordered, That they lie for consideration.

The bill to augment the salaries of the principal officers of the Executive Departments was read the second time, and referred to Messrs. SEDGWICK, BINGHAM, and ANDERSON, 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 respecting quarantines and health laws;" and, having agreed to a further amendment,

Resolved, That this bill pass with amendments.

Mr. TRACY, from the committee to whom was referred the bill, sent from the House of Representatives, 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 amendments thereto; 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 to regulate and fix the compensation of clerks," 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. TRACY, LLOYD, and LIVERMORE, to consider and report thereon to the Senate.

Mr. LANGDON, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act fixing the pay of the captains and commanders of ships and vessels of war of the United States," reported the bill without amendment.

Ordered, That this bill pass to a third reading.

The Senate resumed the second reading of the bill authorizing the acceptance, from the State of Connecticut, of a cession of the jurisdiction of the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut; and, after debate,

Ordered, That the further consideration thereof be postponed.

THURSDAY, February 21.

Mr. GOODHUE, from the committee to whom was referred the inquiry whether any, and what, amendments may be necessary to the act, entitled "An act in addition to the act more effectually to protect the commerce and coasts of the United States," reported a bill concerning French citizens that have been, or may be, captured and brought into the United States, which was read, and ordered to the second reading.

The VICE PRESIDENT laid before the Senate a report, signed Arthur St. Clair, Governor of the Northwestern Territory, on the subject of the western lands, in obedience to the resolution of the Senate of the 6th of March last; and the report was read.

Ordered, That it lie for consideration.

The bill, sent from the House of Representative, entitled "An act fixing the pay of the captains and commanders of ships and vessels of war of the United States," was read the third time and passed.

The bill for the alteration of an act, entitled "An act giving effect to the laws of the United States within the State of Vermont," was read the second time.

The Senate proceeded to consider the amendments reported by the committee to whom was referred the bill, entitled "An act to amend the act, entitled 'An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves, within the United States;" which were adopted.

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

The Senate resumed the second reading of the bill authorizing the acceptance, from the State of Connecticut, of a cession of the jurisdiction of the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut; and, after progress,

Ordered, That the further consideration thereof be postponed.

Mr. LATIMER, from the committee to whom was referred the bill to regulate the Medical Department, reported amendments thereto; which were read.

Ordered, That they lie for consideration.

FRIDAY, February 22.

The bill, sent from the House of Representatives, entitled "An act to amend the act, 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.

Resolved, That this bill pass with amendments.

Mr. TRACY, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act to establish the compensations of the officers employed in the collection of the duties of imports and tonnage, and for other purposes," reported the bill without amendment.

Ordered, That the consideration thereof be postponed.

The bill concerning French citizens that have been, or may be, captured and brought into the United States, was read the second time.

The Senate resumed the second reading of the bill authorizing the acceptance, from the State of Connecticut, of a cession of jurisdiction of the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut.

On the question to agree to the said amendment, reported by the committee, as follows:

"SEC. 1. *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 to execute and deliver, in the name and behalf of the United States, to the Governor of the State of Connecticut for the time being, for the use and benefit of the purchasers, their heirs, and assigns, a good and sufficient deed of release, whereby all the right, title, interest, and estate, of the United States, to all that tract of land lying west of the west line of Pennsylvania, and claimed by that State, and sold, on the 2d day of September, 1795, by the State of Connecticut, to certain purchasers known by the name of the Connecticut Land Company, shall be released and conveyed, as aforesaid, to the said Governor of Connecticut, and his successors in said office forever, for the purpose of quieting the said purchasers and confirming their titles:"

It was determined in the affirmative—yeas 17, nays 8, as follows:

YEAS—Messrs. Chipman, Davenport, Foster, Goodhue, Greene, Gunn, Hillhouse, Howard, Latimer, Livermore, Lloyd, Marshall, Paine, Read, Sedgwick, Stockton, and Tracy.

NAYS—Messrs. Bingham, Bloodworth, Langdon, Laurance, Martin, Pinckney, Ross, and Watson.

And having agreed to the other amendments reported by the committee, it was

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

A message from the House of Representatives informed the Senate that it has passed a bill, entitled "An act to grant an additional compensation for the year one thousand seven hundred and ninety-nine, to certain officers of the Senate and House of Representatives 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.

Mr. BINGHAM, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act to alter the stamp duties imposed upon foreign bills of exchange and bills of lading, by an act, entitled 'An act laying duties on stamped vellum, parchment, and paper,' and further to amend the same," 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 amendments reported by the committee, to whom was referred the bill to regulate the Medical Department; and, having agreed to the report, the bill was ordered to the third reading.

Ordered, That Mr. STOCKTON be added to the committee to whom was referred the bill to augment the salaries of the principal officers of the Executive Departments.

The Senate proceeded to consider the report of the committee to whom was referred the bill touching the mode of surrendering a defendant who has been held to special bail in one district, and is afterwards arrested in another; and, having agreed to the report,

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

Mr. SEDGWICK, from the committee to whom was referred the bill to augment the salaries of the principal officers of the Executive Departments, reported amendments thereto; which were read.

Ordered, That they lie for consideration.

SATURDAY, February 23.

The bill, sent from the House of Representatives, entitled "An act to grant an additional compensation for the year one thousand seven hundred and ninety-nine, to certain officers of the Senate and House of Representatives of the United States," was read the second time.

Ordered, That it be referred to Messrs. LIVERMORE, PAINE, and WELLS, 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 making appropriations for the support of Government for the year one thousand seven hundred and ninety-nine;" and a bill, entitled "An act making appropriations for the support of the Military Establishment, for the

year one thousand seven hundred and ninety-nine;" in which they desire the concurrence of the Senate.

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

The Senate proceeded to consider the report of the committee to whom was referred the bill to augment the salaries of the principal officers of the Executive Departments, which was adopted; and

The question to agree to the third reading of the bill as amended, was determined in the affirmative—yeas 22, nays 3, as follows:

YEAS—Messrs. Bingham, Bloodworth, Chipman, Davenport, Foster, Goodhue, Greene, Hillhouse, Howard, Laurance, Lloyd, Marshall, Martin, Paine, Pinckney, Read, Sedgwick, Stockton, Tattnall, Tracy, Watson, and Wells.

NAYS—Messrs. Langdon, Livermore, and Mason.

So it was, *Resolved*, That this bill pass to the third reading as amended.

On motion, it was agreed, by unanimous consent, to dispense with the rule, and that the bills last brought from the House of Representatives be now severally read the second time.

Ordered, That they be severally referred to Messrs. TRACY, PAINE, and LLOYD, to consider and report thereon to the Senate.

The bill authorizing the acceptance, from the State of Connecticut, of a cession of the jurisdiction of the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut, was read the third time.

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

The bill to regulate the Medical Establishment was read the third time, and further amended.

MONDAY, February 25.

Mr. TRACY, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act for the relief of Joseph Wheaton," reported the bill without amendment, and the report was adopted.

Ordered, That this bill pass to a third reading.

The Senate resumed the third reading of the bill to regulate the Medical Establishment:

Resolved, That this bill pass; that it be engrossed; and that the title thereof be "An act to regulate the Medical Department."

The bill, sent from the House of Representatives, entitled "An act to alter the stamp duties imposed upon foreign bills of exchange and bills of lading, by an act, entitled 'An act laying duties on stamped vellum, parchment, and paper;' and further to amend the same," was read the third time, and passed.

The bill touching the mode of surrendering a defendant who has been held to special bail in one district, and is afterwards arrested in another, was read the third time, and further amended.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be "An act providing for the security of bail in certain cases."

Mr. LIVERMORE, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act to grant an additional compensation, for the year one thousand seven hundred and ninety-nine, to certain officers of the Senate and House of Representatives of the United States," reported amendments.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to erect a beacon on Boon Island;" and a bill, entitled "An act for the government of the Navy of the United States;" in which they desire the concurrence of the Senate.

The bill last mentioned was read, and, by unanimous consent, it was read the second time, and referred to Messrs. GOODHUE, BINGHAM, and WATSON, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives, entitled "An act to erect a beacon on Boon Island was read, and, by unanimous consent, it was read the second time, and referred to Messrs. GOODHUE, GREENE, and LANGDON, 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, 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 having agreed thereto,

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

The Senate resumed the third reading of the bill, authorizing the acceptance, from the State of Connecticut, of a cession of jurisdiction of the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut; and the question on the final passage of the bill was determined in the affirmative—yeas 16, nays 12, as follows:

YEAS—Messrs. Chipman, Davenport, Foster, Goodhue, Greene, Gunn, Hillhouse, Livermore, Lloyd, Marshall, Paine, Read, Sedgwick, Stockton, Tracy, and Wells.

NAYS—Messrs. Bingham, Bloodworth, Brown, Howard, Langdon, Latimer, Laurance, Martin, Mason, Pinckney, Ross, and Watson.

So it was *Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An act concerning the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut."

The bill to augment the salaries of the principal officers of the Executive Departments was read the third time; and the question on the final passage of the bill was determined in the affirmative—yeas 23, nays 2, as follows:

YEAS—Messrs. Bingham, Bloodworth, Chipman, Davenport, Foster, Goodhue, Greene, Gunn, Hillhouse, Howard, Latimer, Laurance, Lloyd, Martin, Paine, Pinckney, Read, Sedgwick, Stockton, Tattnall, Tracy, Watson, and Wells.

NAYS—Messrs. Livermore and Mason.

So it was *Resolved*, That this bill pass; that it be engrossed; and that the title thereof be "An

act to augment the salaries of the officers therein mentioned."

The Senate resumed the second reading of the bill for the alteration of an act, entitled "An act giving effect to the laws of the United States within the State of Vermont.

Ordered, That this bill pass to a third reading.

The Senate proceeded to consider the amendments reported by the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act to grant additional compensation, for the year one thousand seven hundred and ninety-nine, to certain officers of the Senate and House of Representatives of the United States;" and, having adopted the amendments,

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

The second reading of the bill concerning French citizens that have been, or may be, captured and brought into the United States, was resumed, and it was agreed that this bill pass to the third reading.

TUESDAY, February 26.

The petition of Joseph Wheaton, Sergeant-at-Arms to the House of Representatives, was presented and read, praying additional compensation for his services.

Ordered, That it lie on the table.

The Senate resumed the second reading of the bill, sent from the House of Representatives, entitled "An act for the relief of Joseph Wheaton;" and the question on the final passage of the bill was determined in the negative.

The bill, sent from the House of Representatives, 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 third time.

Resolved, That this bill pass with amendments.

The bill, for the alteration of an act, entitled "An act giving effect to the laws of the United States within the State of Vermont," was read the third time, and amended.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be "An act altering the time of holding the District Court in Vermont."

The bill concerning French citizens that have been, or may be, captured and brought into the United States, was read the third time, and passed.

The bill, sent from the House of Representatives, entitled "An act to grant an additional compensation, for the year one thousand seven hundred and ninety-nine, to certain officers of the Senate and House of Representatives of the United States," was read the third time.

Resolved, That this bill pass with an amendment.

The Senate resumed the second reading of the bill, sent from the House of Representatives, entitled "An act to establish the compensations of the officers employed in the collection of the duties of imports and tonnage, and for other purposes;" and, having agreed to sundry amendments,

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

Mr. GOODHUE, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act for the government of the Navy of the United States," reported it with an amendment.

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

WEDNESDAY, February 27.

Mr. GOODHUE, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act to erect a beacon on Boon Island," reported the bill without amendment, and the bill was ordered to the third reading.

The bill, sent from the House of Representatives, entitled "An act for the government of the Navy of the United States," was read the third time.

Resolved, That this bill pass with an amendment.

The bill, sent from the House of Representatives, entitled "An act to establish the compensations of the officers employed in the collection of the duties on imports and tonnage, and for other purposes," 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 bill entitled "An act to establish the Post Office of the United States;" a bill entitled "An act in addition to the act for the relief of sick and disabled seamen;" and a bill entitled "An act authorizing the augmentation of the Marine Corps;" in which they desire the concurrence of the Senate. They agree to the amendment of the Senate to the bill entitled "An act to grant additional compensation, for the year one thousand seven hundred and ninety-nine, to certain officers of the Senate and House of Representatives of the United States," with an amendment, in which they desire the concurrence of the Senate.

The bill, sent from the House of Representatives, entitled "An act to establish the Post Office of the United States," was read, and, by unanimous consent, it was read the second time, and referred to Messrs. TRACY, ROSS, and HILLHOUSE, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives, entitled an "Act authorizing the augmentation of the Marine Corps," was read, and, by unanimous consent, it was read the second time, and referred to Messrs. GUNN, GOODHUE, and ROSS, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives, entitled "An act in addition to the act for the relief of sick and disabled seamen," was read, and, by unanimous consent, it was read the second time, and referred to the committee last mentioned, to consider and report thereon to the Senate.

The VICE PRESIDENT laid before the Senate the report of the Secretary of State on the petition of John Brown Cutting, for a reimbursement of his expenditures, and compensation for his services, in the year 1790; in liberating and relieving American seamen impressed into the British Navy.

Ordered, That it lie on table.

The Senate proceeded to consider the amendment of the House of Representatives to their amendment to the bill entitled "An act to grant an additional compensation, for the year one thousand seven hundred and ninety-nine, to certain officers of the Senate and House of Representatives of the United States."

Resolved, That the Senate do not agree to the said amendment.

The Senate proceeded to the consideration of Executive business.

THURSDAY, February 28.

The VICE PRESIDENT laid before the Senate a report of the Secretary for the Department of the Treasury, on the petition of William Gray.

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

The bill, sent from the House of Representatives, entitled "An act to erect a beacon on Boon Island," was read the third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed the bill, sent from the Senate, entitled "An act for the better organizing of the troops of the United States and for other purposes," with amendments, in which they desire the concurrence of the Senate.

The Senate took into consideration the amendments proposed by the House of Representatives to the bill last mentioned.

Ordered, That they be referred to Messrs. GUNN, ROSS, and HOWARD, to consider and report thereon to the Senate.

Mr. GUNN, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act authorizing the augmentation of the Marine Corps," reported the bill without amendment; and the bill was ordered to the third reading.

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 compensation of clerks," reported the bill without amendment; and the bill was ordered to the third reading.

Mr. TRACY, also, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act authorizing the discharge of Robert Sturgeon from his present confinement," reported the bill without amendment.

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

The VICE PRESIDENT notified the Senate that he desired to be excused from attendance in the Senate, after this day, for the remainder of the session.

A message from the House of Representatives informed the Senate that the House have passed a bill entitled "An act authorizing a detachment from the militia of the United States;" a bill entitled "An act to revive and continue in force certain parts of the 'Act for the relief and protection of American seamen,' and to amend the same," and a bill, entitled "An act to amend the act, entitled 'An act regulating the grants of land appropriated for military services, and for the Society of the United Brethren for propagating the Gospel among the Heathen;" in which 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 bill, sent from the House of Representatives, entitled "An act authorizing a detachment from the militia of the United States," was read a second time.

Ordered, That it be referred to Messrs. GUNN, ROSS, and HOWARD, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that they insist on their amendment to the amendment of the Senate to the bill, entitled "An act to grant an additional compensation, for the year one thousand seven hundred and ninety-nine, to certain officers of the Senate and House of Representatives of the United States," ask a conference thereon, and have appointed managers at the same on their part.

Mr. TRACY, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act to establish the Post Office of the United States," reported amendments, which were read and adopted.

On motion, it was agreed, by unanimous consent, to dispense with the rule, and that this bill be now read the third time; and, after debate on a further amendment proposed, the Senate went into Executive business.

FRIDAY, March 1.

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

Ordered, That Mr. STOCKTON be added to the committee to whom was referred the bill, entitled "An act for the better organizing of the troops of the United States, and for other purposes."

The bill, sent from the House of Representatives, entitled "An act to amend the act, entitled 'An act regulating the grants of land appropriated for military services, and for the Society of the United Brethren, for propagating the Gospel among the Heathen," was read the second time and referred to Messrs. LAURANCE, STOCKTON, and BINGHAM, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives, entitled "An act to revive and continue in force certain parts of the 'Act for the relief and protection of American seamen, and to amend the same," was read the second time, and referred to Messrs. BINGHAM, GOODHUE, and LANGDON, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives, entitled "An act to regulate and fix the compensation of clerks," was read the third time and passed.

The bill, sent from the House of Representatives, entitled "An act authorizing the augmentation of the Marine Corps," was read the third time and passed.

Mr. TRACY, from the committee to whom the subject was referred, on the 31st of January last, reported a bill to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers; which was read, and, by unanimous consent, it was read the second time, and ordered to the third reading.

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

The bill, sent from the House of Representatives, entitled "An act for the relief of Comfort Sands and others," was read, and by unanimous consent, it was read the second time, and referred to Messrs. WATSON, TRACY, and LAURANCE, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives, entitled "An act making additional appropriations for the year one thousand seven hundred and ninety-nine," was read, and, by unanimous consent, it was read the second time.

Ordered, That it be referred to the committee appointed on the bill, entitled "An act making appropriations for the support of Government for the year one thousand seven hundred and ninety-nine," to consider and report thereon to the Senate.

The bill, sent from the House of Representatives, entitled "An act making appropriations for the support of the Naval Establishment for the year one thousand seven hundred and ninety-nine," was read, and, by unanimous consent, it was read the second time, and referred to the commitiee last mentioned, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives, entitled "An act authorizing 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, and, by unanimous consent, itwas read the second time, and referred to Messers. BROWN, STOCKTON, and LANGDON, to consider and report thereon to the Senate.

Mr. GUNN, from the committee to whom was referred the amendments of the House of Representatives to the bill, entitled "An act for the better organizing of the troops of the United States, and for other purposes," made a report. Whereupon,

Resolved, That the Senate do agree to the first, second, third, and fifth, and disagree to the fourth, sixth, seventh, and eighth, amendments.

The Senate proceded to consider the resolution of the House of Representatives, proposing a conference on the amendment of the House of Representatives to the amendment of the Senate to the bill, entitled "An act to grant an additional compensation, for the year one thousand seven hundred and ninty-nine, to certain officers of the Senate and House of Representatives of the United States."

Resolved, That the Senate agree to the conference, and that Messrs. STOCKTON and MARSHALL be managers at the same, on the part of the Senate.

The Senate resumed the third reading of the bill, sent from the House of Representatives, entitled "An act to establish the Post Office of the United States."

On motion, to add the following to the amendment of the 17th section:

"*And, provided*, That all the letters and packets franked by any one member, in any one week, shall not exceed thirty ounces; and such privilege shall continue:"

It was determined in the negative—yeas 13, nays 17, as follows:

YEAS—Messrs. Bingham, Davenport, Goodhue, Hillhouse, Howard, Livermore, Lloyd, Paine, Ross, Sedgwick, Stockton, Watson, and Wells.

NAYS—Messrs. Anderson, Bloodworth, Brown, Chipman, Foster, Greene, Gunn, Langdon, Latimer, Laurance, Marshall, Martin, Mason, Pinckney, Read, Tattnall, and Tracy.

Resolved, That this bill pass with amendments.

Mr. LAURANCE, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act to amend the act, entitled 'An act regulating the grants of land appropriated for military services, and for the Society of the United Brethren for propagating the Gospel among the Heathen," reported amendments thereto.

Mr. WATSON, from the committee to whom was referred the bill sent from the House of Representatives, entitled "An act for the relief of Comfort Sands and others," reported the bill without amendment.

SATURDAY, March 2.

A message from the House of Representatives informed the Senate that they have passed the bill, entitled "An act giving eventual authority to the President of the United States to augment the Army," with amendments, in which they desire the concurrence of the Senate.

Mr. STOCKTON from the managers at the conference on the bill, entitled "An act to grant an additional compensation, for the year one thousand seven hundred and ninety-nine, to certain officers of the Senate and House of Representatives of the United States," reported that they could come to

no agreement; but that the managers on the part of the House of Representatives appeared convinced of the impropriety of the amendment to the amendment of the Senate, and would probably so report to the House of Representatives.

The Senate took into consideration the amendments of the House of Representatives to the bill, entitled "An act giving eventual authority to the President of the United States to augment the Army."

Resolved, That they do agree thereto.

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

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

Judging it of importance to the public that the Legislature should be informed of the gradual progress of their maritime resources, I transmit to Congress a statement of the vessels, with their tonnage, warlike force, and complement of men, to which commissions, as private armed vessels, have been issued since the ninth day of July last. JOHN ADAMS.

March 2, 1799.

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

The bill to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, was read the 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 appropriations for the support of Government for the year one thousand seven hundred and ninety-nine," reported sundry amendments, which were adopted; and, by unanimous consent, the bill 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, entitled "An act to revive and continue in force certain parts of the 'Act for the relief and protection of American seamen,' and to amend the same," reported the bill without amendment.

Mr. GUNN, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act authorizing a detachment from the militia of the United States," reported the bill without amendment.

Mr. TRACY, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act making *additional* appropriations for the year one thousand seven hundred and ninety-nine," reported an amendment, which was adopted; and the bill was, by unanimous consent, read the third time.

Resolved, That this bill pass with an amendment.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act respecting distillers of Geneva;" and a bill, entitled "An act for establishing the salary of the Assistant Postmaster General;" in which several bills they desire the concurrence of the Senate. They recede from their amendment to the bill, entitled "An act for the better organizing of the troops of the United States, and for other purposes," except from the *second*, on which they *insist*, and ask a conference thereon, and have appointed managers at the same on their part.

The Senate proceeded to the consideration of the resolution of the House of Representatives, asking a conference on the amendments to the bill, entitled "An act for the better organizing of the troops of the United States, and for other purposes."

Resolved, That the Senate do agree to the conference, and that Messrs. GUNN and HOWARD be managers at the same on the part of the Senate.

Mr. BROWN, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "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," reported the bill without amendment, and the bill was, by unanimous consent, read the third time and passed.

The Senate proceeded to the consideration of the amendment reported by the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act to amend the act, entitled 'An act regulating the grants of land appropriated for military services, and for the Society of the United Brethern for propagating the Gospel among the Heathen," and it was adopted; and the bill was, by unanimous consent, read the third time.

Resolved, That this bill pass with an amendment.

Mr. TRACY, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act making appropriations for the support of the Naval Establishment, for the year one thousand seven hundred and ninety-nine," reported the bill without amendment, and the report was adopted; and the bill was, by unanimous consent, read the third time and passed.

The bill, sent from the House of Representatives, entitled "An act for establishing the salary of the Assistant Postmaster General," was read, and, by unanimous consent, it was read the second time.

On the question to agree to the third reading of this bill, it passed in the negative.

The bill, sent from the House of Representatives, entitled "An act respecting distillers of Geneva," was read, and, by unanimous consent, it was read the second time, and referred to Messrs. SEDGWICK, PAINE, and MARSHALL, to consider and report thereon to the Senate.

Mr. GUNN, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act in addition to the act for the relief of sick and disabled seamen," reported amendments.

Mr. TRACY, from the committee to whom was referred the bill, sent from the House of Representatives, entitled "An act making appropriations for the support of the Military Establishment, for the year one thousand seven hundred and ninety-nine," reported the bill without amendment, and the report was adopted; and the bill was, by unanimous consent, read the third time and passed.

A message from the House of Representatives informed the Senate that they have passed the bill, sent from the Senate, entitled "An act to reform the Superior Court of the Territory of the United States Northwest of the river Ohio," with amendments, in which they desire the concurrence of the Senate.

The Senate proceeded to the consideration of the amendments of the House of Representatives to the bill, entitled "An act to reform the Superior Court of the Territory of the United States Northwest of the river Ohio."

Resolved, That they do agree to the first, and disagree to the other, amendments, and ask a conference thereon; and that Messrs. SEDGWICK and LAURANCE be managers at the same, on the part of the Senate.

The bill, sent from the House of Representatives, entitled "An act authorizing a detachment from the militia of the United States," was read the second time.

On the question to agree to the third reading of the bill, it was determined in the affirmative—yeas 17, nays 12, as follows:

YEAS—Messrs. Bloodworth, Brown, Foster, Goodhue, Greene, Gunn, Howard, Langdon, Laurance, Lloyd, Marshall, Martin, Mason, Pinckney, Ross, Tattnall, and Watson.

NAYS—Messrs. Bingham, Chipman, Davenport, Hillhouse, Latimer, Livermore, Paine, Read, Sedgwick, Stockton, Tracy, and Wells.

So it was *Resolved* That this bill pass to the third reading.

A message from the House of Representatives, informed the Senate that they have passed a resolution "authorizing a subscription for four hundred copies of the Journals of Congress," in which they desire the concurrence of the Senate. They recede from their amendments, disagreed to by the Senate, so far as to agree to the modifications reported by the managers at the conference, on the bill, entitled "An act for the better organizing of the troops of the United States, and for other purposes." And they have passed a bill, entitled "An act, in addition to an act, entitled 'An act for the more general promulgation of the laws of the United States;" in which they desire the concurrence of the Senate.

Mr. GUNN, from the managers at the conference on the bill, entitled "An act for the better organizing the troops of the United States, and for other purposes," made a report, which was adopted. Whereupon,

Resolved, That the Senate do agree to the modifications reported by the conferees.

The Senate adjourned to 6 o'clock in the evening.

SATURDAY, EVENING, March 2.

The bill, sent from the House of Representatives, entitled "An act in addition to an act, entitled 'An act for the more general promulgation of the laws of the United States," was read, and, by unanimous consent the bill was read the second aud third times and passed.

The resolution, sent from the House of Representatives, "authorizing a subscription for four hundred copies of the Journals of Congress," was read, and referred to Messrs. SEDGWICK, STOCKTON, and GREENE, 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, entitled "An act in addition to the act for the relief of sick and disabled seamen," and agreed that the bill should be amended accordingly.

On motion, 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 an amendment.

The bill, sent from the House of Representatives, entitled "An act authorizing the discharge of Robert Sturgeon from his present confinement," was read the third time; and

Resolved, That this bill do not pass.

Mr. SEDGWICK, from the committee to whom was referred the resolution, sent from the House of Representatives, "authorizing a subscription for four hundred copies of the Journals of Congress," reported the same without amendment. He made, also, a similar report on the bill, entitled "An act respecting distillers of Geneva."

The Senate proceeded to consider the resolution last mentioned.

On motion, it was agreed to amend the resolution as follows:

"And such number of copies of deficient volumes, of the sets now in print, as may be necessary to complete the same.

Resolved, That the resolution pass with the amendment.

The bill, sent from the House of Representatives, entitled "An act to revive and continue in force certain parts of the 'Act for the relief and protection of American seamen,' and to amend the same," was read the third time and passed.

The bill, sent from the House of Representatives, entitled "An act respecting distillers of Geneva," was read the third time and passed.

The bill, sent from the House of Representatives, entitled "An act for the relief of Comfort Sands and others," was read the third time and passed.

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

On motion to amend the bill, by adding at the end of the first section the following proviso:

"*Provided, always*, That it shall be lawful for the President of the United States, if he shall judge it expedient, to forbear to call on the Executive authority of any particular State or States east of the river Delaware, to organize, arm, and equip the proportion of the militia of such State or States as fixed by this act:"

It was agreed to amend the motion, by striking out the word 'Delaware,' and inserting 'Potomac.'

On motion to agree to the motion thus amended, it was determined in the affirmative—yeas 13, nays 11, as follows:

YEAS—Messrs. Bingham, Chipman, Davenport, Foster, Goodhue, Greene, Hillhouse, Latimer, Paine, Sedgwick, Stockton, Tracy, and Watson.

NAYS—Messrs. Bloodworth, Brown, Gunn, Howard, Langdon, Martin, Mason,, Pinckney, Ross, Tattnall, and Wells.

So it was resolved that this bill pass with the amendment.

On motion, leave was given to bring in a bill to alter the time for the next meeting of Congress; which was read, and ordered to the second reading.

Mr. TRACY obtained leave to bring in a bill authorizing the President of the United States to fill certain vacancies in the Army; which was read, and the bill was, by unanimous consent, read the second and third times; and, being amended,

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 fill certain vacancies in the Army and Navy."

A message from the House of Representatives informed the Senate that they have passed the bill, sent from the Senate, entitled "An act vesting the power of retaliation, in certain cases, in the President of the United States," with amendments, in which they desire the concurrence of the Senate.

The Senate proceeded to the consideration of the amendments proposed by the House of Representatives to the bill, entitled "An act vesting the power of retaliation, in certain cases, in the President of the United States."

Ordered, That they be referred to Messrs. SEDGWICK, MASON, and TRACY, to consider and report thereon to the Senate.

Mr. SEDGWICK, from the committee last mentioned, reported the amendments without amendment, and the report was adopted.

A message from the House of Representatives informed the Senate that they disagree to the amendment proposed by the Senate to the bill, entitled "An act authorizing a detachment from the militia of the United States."

Mr. HILLHOUSE reported, from the committee to whom was referred the petition of Joseph Russell and others, that the consideration thereof be postponed until the next session of Congress; and the report was adopted.

The Senate proceeded to the consideration of the resolution of the House of Representatives, disagreeing to the amendment of the Senate to the bill, entitled "An act authorizing a detachment from the militia of the United States."

On motion, to postpone the further consideration of this bill until the next session of Congress, it was determined in the affirmative—yeas 18, nays 11, as follows:

YEAS—Messrs. Bingham, Chipman, Davenport, Foster, Goodhue, Greene, Hillhouse, Latimer, Laurance, Livermore, Lloyd, Marshall, Paine, Sedgwick, Stockton, Tracy, Watson, and Wells.

NAYS—Messrs. Bloodworth, Brown, Gunn, Howard, Langdon, Martin, Mason, Pinckney, Read, Ross, and Tattnall.

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

The bill to alter the time for the next meeting of Congress was read the second time; and being amended, by inserting the third Monday in November, 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; that it be engrossed; and that the title thereof be, "An act to alter the time for the next meeting of Congress."

Ordered, That the further consideration of the bill supplementary to the act, entitled "An act to establish the Judicial Courts of the United States," be postponed until the next session of Congress.

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to James Mathers, Doorkeeper, out of the contingent fund, the sum of one hundred dollars; and to James Mathers, jr,. Assistant Doorkeeper, the sum of one hundred dollars, for their extra services during the session.

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 employed the present session; to be paid out of the money appropriated for the contingent expenses of the two Houses of Congress.

A message from the House of Representatives informed the Senate that they 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 joint committee on the part of the Senate.

The Senate proceeded to the consideration of the resolution for the appointment of a joint committee for the purpose last mentioned.

Resolved, That they do concur therein, and that Messrs. STOCKTON and READ be the joint committee on the part of the Senate.

The report of the Secretary for the Department of State, on the claim of John Brown Cutting, for a reimbursement of his expenditures and a compensation for his services in the year 1790, in liberating and relieving American seamen, impressed into the British Navy, was read.

Ordered, That it lie on file.

Mr STOCKTON 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 his wishes for their individual happiness, and safe return to their respective families.

On motion, that the Secretary of the Senate pay out of the contingent money, to the principal and engrossing clerk in his office, one hundred dollars each, for extra services during the present session, it was determined in the affirmative—yeas 18, nays 6, as follows:

YEAS—Messrs. Bingham, Chipman, Davenport, Foster, Greene, Langdon, Laurance, Livermore, Lloyd, Martin, Mason, Pinckney, Read, Ross, Sedgwick, Stockton, Watson, and Wells.

NAYS—Messrs. Brown, Goodhue, Hillhouse, Howard, Paine, and Tracy.

So it was resolved, that the Secretary of the Senate pay out of the contingent money, to the

principal and engrossing clerks in his office, one hundred dollars each, for extra services during the present session.

On motion, it was resolved that the memorial of M. Garanger, having been presented to the Senate at too late a period to be acted upon, be postponed to the next session of the Senate, and recommended to their attention.

A message from the House of Representatives informed the Senate that the House, having finished the business before them, are about to adjourn without day.

The Senate then proceeded to the consideration of Executive business.

The Senate, then, resuming Legislative business, adjourned without day.

IMPEACHMENT OF WILLIAM BLOUNT,

SENATOR OF THE UNITED STATES,

FOR MISDEMEANOR.

[☞ All the proceedings which took place, in either House of Congress, preliminary to this trial before the Senate, will be found under their proper dates in the body of the work.]

DECEMBER 17, 1798.

On this day the Senate formed itself into a High Court of Impeachment, in the manner directed by the Constitution, and the oath prescribed was administered to the Senators present. The process issued on the 1st of March last, against William Blount, together with the return made thereon, was read, and the return was sworn to as follows:

James Mathers, Sergeant-at-Arms of the Senate of the United States, maketh oath, that, in obedience to the within summons, he did repair to the usual place of residence of the within named William Blount, at Knoxville, in the State of Tennessee, and on the 27th day of August, in the present year, did then leave a true copy of the said writ of summons, and of the Articles of Impeachment annexed, with the wife of the said William Blount, he not being to be found; and that, on the next day, meeting with the said William Blount, at the Blue Springs, the deponent showed and read the said original writ to the said William Blount, and informed him that he had left a copy at the usual place of his residence. JAMES MATHERS.

The doors of the Court were then opened by order of the PRESIDENT, and by his order the Sergeant-at-Arms called the said William Blount three several times, in the words following, to appear and answer:

"Hear ye! Hear ye! Hear ye!

"William Blount, late a Senator from the State of Tennessee, come forward and answer the Articles of Impeachment exhibited against you by the House of Representatives."

William Blount not appearing, the Court adjourned till twelve o'clock to-morrow.

DECEMBER 18.

The PRESIDENT communicated a letter, signed "Jared Ingersoll and A. J. Dallas," praying to be admitted to appear as counsel for the defendant. It was accordingly so ordered, and that the House of Representatives be informed thereof.

The Managers, on the part of the House of Representatives, and the defendant's counsel, appeared at the bar.

On motion of Mr. HARPER, (in the absence of Mr. BAYARD, the Chairman,) in behalf of the Managers, that further time be allowed them to prepare their proceedings in the case, it was

Ordered, That they have time till Monday next, at twelve o'clock, for that purpose.

The Court adjourned till that time.

DECEMBER 24.

The Managers and Counsel attended as on the 18th instant.

On the motion of Mr. HARPER, in behalf of the Managers, that the counsel exhibit and file the power, or powers, by which they are authorized to appear in behalf of William Blount, and that the Managers be furnished with a copy thereof.

Mr. DALLAS, one of the counsel, exhibited sundry letters to the PRESIDENT, which, he alleged, contained the powers, and also the confidential instructions of Mr. Blount to his counsel.

The Court was cleared in order to take into consideration the motion made by the Managers of the Impeachment; and, on the motion that it be ruled,

"That the Court having, on the 18th day of the present month, admitted Jared Ingersoll and A. J. Dallas, Esquires, to appear and plead for William Blount, to the Impeachment now pending against him; and the Court having then been satisfied that the said counsel were duly authorized to appear for the said William Blount, are of opinion that it is not necessary that any warrant of attorney, or other written authority, be now filed in this Court:"

It was determined in the affirmative—20 to 2.

The Managers and Counsel being again admitted, the PRESIDENT stated to them the opinion of the Court on the motion of the Managers, and returned to Mr. Dallas the letters by him exhibited, unopened.

The PRESIDENT then asked the Managers if they had further motion to make, prior to permission to the counsel for the defendant to file a plea on his behalf?

To which the Managers replied in the negative.

Whereupon the PRESIDENT notified to the coun-

sel that they were permitted to file their plea, which was done by Mr. Ingersoll, and read by the Secretary, as follows:

"UNITED STATES *vs.* WILLIAM BLOUNT.

"Upon Impeachment of the House of Representatives of the United States, of high crimes and misdemeanors.

"IN SENATE OF THE UNITED STATES, *Dec.* 24, 1798.

"The aforesaid William Blount, saving and reserving to himself all exceptions to the imperfections and uncertainty of the articles of impeachment, by Jared Ingersoll and A. J. Dallas, his attorneys, comes and defends the force and injury, and says, that he, to the said articles of impeachment preferred against him by the House of Representatives of the United States, ought not to be compelled to answer, because he says that the eighth article of certain amendments of the Constitution of the United States, having been ratified by nine States, after the same was, in a Constitutional manner, proposed to the consideration of the several States in the Union, is of equal obligation with the original Constitution, and now forms a part thereof, and that by the same article it is declared and provided, that 'In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.'

"That proceedings by impeachment are provided and permitted by the Constitution of the United States, only on charges of bribery, treason, and other high crimes and misdemeanors, alleged to have been committed by the President, Vice President, and other civil officers of the United States, in the execution of their offices held under the United States, as appears by the fourth section of the second article, and by the seventh clause of the third section of the first article, and other articles, and clauses contained in the Constitution of the United States.

"That although true it is, that he, the said William Blount, was a Senator of the United States, from the State of Tennessee, at the several periods in the said articles of impeachment referred to; yet, that he, the said William, is not *now a Senator*, and is not, nor was at the several periods, so as aforesaid referred to, an *officer* of the United States; nor is he, the said William, in and by the said articles, charged with having committed any crime or misdemeanor, in the execution of any civil office held under the United States, or with any malconduct in civil office, or abuse of any public trust, in the execution thereof.

"That the Courts of Common Law, of a criminal jurisdiction, of the States, wherein the offences in the said articles recited are said to have been committed, as well as those of the United States, are competent to the cognisance, prosecution, and punishment, of the said crimes and misdemeanors, if the same have been perpetrated, as is suggested and charged by the said articles, which, however, he utterly denies. All which the said William is ready to verify, and prays judgment whether this High Court will have further cognisance of this suit, and of the said impeachment, and whether he, the said William, to the said articles of impeachment, so as aforesaid preferred by the House of Representatives of the United States, ought to be compelled to answer.

"JARED INGERSOLL.
"A. J. DALLAS."

On request of Mr. HARPER, in behalf of the Managers, that they be allowed a further delay, to wit: until Thursday sennight, to file their replication, it was allowed, and the Court adjourned to that time.

JANUARY 3, 1799.

The Court being opened, and the Managers and counsel being present,

Mr. BAYARD, Chairman of the Managers, in behalf of the House of Representatives, offered a replication, which was read by the Secretary as follows:

The replication of the House of Representatives of the United States, in their own behalf, and, also, in the name of the people of the United States, to the plea of William Blount to the jurisdiction of the Senate of the United States, to try the Articles of Impeachment exhibited by them to the Senate against the said William Blount:

The House of Representatives of the United States, prosecuting, on behalf of themselves and the people of the United States, the Articles of Impeachment exhibited by them to the Senate of the United States against the said William Blount, reply to the plea of the said William Blount, and say, that the matters alleged in the said plea are not sufficient to exempt the said William Blount from answering the said Articles of Impeachment, because, they say that, by the Constitution of the United States, the House of Representatives had power to prefer the said Articles of Impeachment, and that the Senate have full and the sole power to try the same. Wherefore, they demand that the plea aforesaid, of the said William Blount, be not allowed, but that the said William Blount be compelled to answer the said Articles of Impeachment.

Signed by order, and in behalf of the House.
JONATHAN DAYTON, *Speaker.*
Attest: JON. W. CONDY, *Clerk.*

Mr. INGERSOLL, counsel for the defendant, thereupon presented a rejoinder, which was read by the Secretary, as follows:

UNITED STATES *vs.* WILLIAM BLOUNT.

In the Senate of the United States.

And the aforesaid William Blount, by Jared Ingersoll and Alexander J. Dallas, his attorneys, says, that the matter by him before alleged, which he is ready to verify, is sufficient reason in law to show that this Court ought not to hold jurisdiction of the said impeachment, and the articles therein set forth; which said matter so as aforesaid by him alleged, the said House of Representatives not having denied or made answer thereto, he prays the judgment of this honorable Court, whether they will hold further jurisdiction of the said impeachment, or take cognizance thereof, and whether the said William Blount shall make further answer thereto.

JARED INGERSOLL.
A. J. DALLAS.

JANUARY 3, 1799.

Mr. BAYARD, the Chairman, having communicated with Mr. Ingersoll, the leading counsel for the

defendant, it was agreed between them, that the Managers should proceed in the argument first on the part of the prosecution, and that the right to reply should belong to the Managers: whereupon,

Mr. BAYARD rose, and proceeded as follows:

Mr. President: The House of Representatives being in possession of evidence of a nature to convince them that William Blount, late a Senator of the United States, has been guilty of high crimes and misdemeanors, conceived it to be their Constitutional duty, by exhibiting to the Senate articles of impeachment against him, to demand justice in the name and on the behalf of the people of the United States. To the articles which have been preferred, the party impeached has appeared; but, instead of answering them, has pleaded that the Senate has not jurisdiction to try the matters which they contain. The House of Representatives have replied that the plea is insufficient, and have demanded that the party be compelled to answer the articles. The point, therefore, upon which we are now at issue, and which is to be the subject of discussion, is, whether the Senate has cognizance, in this case, of the matters which are charged in the articles of impeachment? In the observations which I have to submit upon the point in controversy, I shall certainly avoid everything of a declamatory nature, as equally unsuitable to the gravity and wisdom of this honorable body, as to the dignity of that which, as one of the Managers, I represent.

Having examined the plea, the first objection to jurisdiction which I find relied on, is derived from an amendment to the Constitution, which provides that, "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses in his favor; and to have the assistance of counsel for his defence."

I should conceive it a sufficient answer to the objection urged upon the ground of this amendment, to say that, whatever validity it may have, as regards the mode of trial, it certainly has no application to the point of jurisdiction. The utmost latitude to which the provision could be extended, would only be that a jury to try the facts in issue should be brought from the district in which it is alleged that the offence was committed. But before there can be anything for a jury to try, the articles must be answered, the facts put in issue, and then the question might be proper, whether this Court were bound to award a process in nature of a *venire facias*, to bring a jury to the bar. But surely, sir, were I to admit that it belonged to a jury to try the facts which may be disputed on the occasion, instead of being a ground to exempt the party from answering the articles, it would be a weighty reason to prove that the articles ought to be answered for the purpose of forming the issues which alone could be objects of a trial by jury.

If, sir, the objection went to the jurisdiction of the Senate, there would be an end of its judicial character. For, as the Senate has judicial cognizance only in the case of impeachment, if the right by jury be a reason why no proceedings can be had before them upon articles of impeachment, it must necessarily follow that the whole of their judicial authority is abolished; by which an important feature of their original Constitutional character is obliterated. But, sir, it is too much to say, when, in the 2d section of the 1st article of the Constitution, we find a power to impeach *expressly* given to the House of Representatives, and in the 3d section of the same article, a power to try all impeachments *expressly* vested in the Senate, and when we find in other parts of the Constitution numerous provisions on the subject of impeachment, that all this should be done away by a doubtful inference as to the intention of an amendment, the words and object of which are completely satisfied without such an operation. Sir, it is extremely evident that the amendment was solely designed to secure the trial by jury in criminal prosecutions in the courts of law, and that it never entered into the view of those who framed it, that it should produce an innovation of the Constitution, so important as the abolition of a proceeding of the first political necessity for the punishment of great offenders, and the security of the nation. But, sir, are they who say the amendment has such an extent, sensible of a consequence which must follow in regard of another proceeding equally suited to its object? If the amendment is to operate to the extreme latitude of its words, as the trials before our courts martial are of a criminal nature, it must happen that persons accused before such courts will be entitled to a trial by jury. And when this does happen, there must certainly be an end of discipline in the army and navy. Sir, for my part I can see no difficulty in the subject.

The amendment is a part of the Constitution, and as it now stands, it is the same thing as if it originally had been made a part of it. If such had been the case, what doubt could there have been as to the construction of the instrument? In one part of it we find a general provision, securing the trial by jury in all criminal prosecutions, and in another part, the 2d section of the 3d article, an express exception of the trial by jury in cases of impeachment. It is, therefore, plain, that though it was the intention to establish it as the general rule, that, on criminal prosecutions, the trial should be by jury, yet that exceptions to the rule were designed to be allowed in the cases of impeachment and of courts martial.

If the trial by jury were annexed to the jurisdiction of the Senate, it does not appear to me that it would abridge, as some may imagine, the power of the body, but, on the contrary, would increase it.

By the Constitution, no man can be convicted by the Senate without the concurrence of two-thirds of the members present; but if the power of conviction be attributed to a jury, it must result that judgment of removal from office and

disqualification may be given by a majority. Nay, sir, I think there is some question, if this amendment is to introduce a jury into the constitution of this Court, that as it appears they may convict generally of the offence, that this Court might pass a general judgment to the extent of statute or common law punishment.

I have but one observation more to make on this point, which is, that impeachment is a proceeding purely of a political nature. It is not so much designed to punish an offender as to secure the State. It touches neither his person nor his property, but simply divests him of his political capacity. It would therefore seem, from the nature of this body, that they were peculiarly and exclusively the proper tribunal to try impeachments.

I shall now proceed to the discussion of another point, arising out of the plea of the party impeached, embarrassed, I confess, with more difficulties than the one which I have been employed in considering. The plea alleges, that William Blount, at the time of the act done, charged in the articles of impeachment, was a Senator of the United States; that a Senator is not an officer of the United States, and that no persons but the President, Vice President, and civil officers, are liable, by the Constitution, to impeachment. In answer to this objection we submit two points:

1. That all persons, without the supposed limitation, are liable to impeachment.

2. That in order to carry into effect the general intent of the Constitution, a Senator must be considered as a civil officer.

It will be found, sir, upon an examination of the Constitution, that in no place are the cases defined, or the persons described, which were designed as the objects of impeachment. I will beg the liberty of stating all the provisions which have been made on the subject. The last clause of the 2d section of the 1st article vests the power of impeaching in the House of Representatives. The fifth clause of the 3d section of the 1st article gives the cognizance of impeachments to the Senate. In the same article and section, the 6th clause, the punishment on conviction is defined. The 2d section of the 2d article takes from the President the power of pardoning, and the 4th section of the 2d article provides, that certain officers on conviction shall be removed from office. These, sir, I believe, are the only material provisions to be discovered on this subject in the Constitution. And it is very evident, that in none of these does an intention appear to declare in what cases an impeachment shall be sustained, or to what persons it shall be confined.

On this subject, the Convention proceeded in the same manner it is manifest they did in many other cases. They considered the object of their legislation as a known thing, having a previous definite existence. Thus existing, their work was solely to mould it into a suitable shape. They have given it to us, not as a thing of their creation, but merely of their modification. And, therefore, I shall insist, that it remains as at common law, with the variance only of the positive provisions of the Constitution. The same principle is scattered in every part of the Constitution. Were we to rely solely on the details of the instrument itself, we should be incapable of understanding and executing the greater part of its regulations. That law was familiar to all those who framed the Constitution. Its institutions furnished the principles of jurisprudence in most of the States. It was the only common language intelligible to the members of the Convention. It was a work too great for them not only to form a Constitution of Government, but also a code of municipal law. The members of the South would never have agreed to receive the local institutions of the North, as the common law of the States. But the first source from which all the Colonies originally derived the principles of their law, was the only point of resort to which it could be expected that all would have recourse. We accordingly find many terms which cannot be understood, and many regulations which cannot be executed without the aid of the common law of England. Thus, it is said, in the sixth section of the 1st article, that the members of both Houses shall be privileged from arrest, except in cases of treason, felony, and breach of the peace. When we inquire what is meant by felony and breach of the peace, the Constitution is silent. Again, in the second clause of the 9th section of the 1st article, it is said that the privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it. But the same instrument has not given us the form of the writ, nor defined the cases to which its relief shall extend, nor, in short, prescribed any of the proceedings which relate to its execution. In the third clause of the same section and article, it is ordained, that no bill of attainder shall be passed, but there is nothing which attends it which would enable us to comprehend the restriction. In the 4th section of the second article, it is provided, that the President, Vice President, and all civil officers, shall be removed from office on impeachment for and conviction of treason, bribery, and other high crimes and misdemeanors.

The Constitution has defined treason. The abuses of the term at different periods of the English history was the inducement to fix its meaning and extent. This circumstance strongly indicates the law they had in view; to the obscurity and latitude whereof they were unwilling to commit the crime of treason, but to the certainty of which they were satisfied to leave the offence of bribery and other high crimes and misdemeanors.

The third clause of the 2d session of the 3d article speaks of a trial by jury, but the number which composes the jury, and the unanimity on which the verdict is founded, are not prescribed. The first clause of the 3d section of the same article uses the terms *overt act*, without defining them. The second clause of the same section declares that attainder shall not work corruption of blood. Surely, sir, it is in the common law alone that we find that corruption means the extinction of the heritable quality of blood. I shall trouble the hon-

orable Court with but one more instance of the principle for which I am contending. It is in the 2d section of the 4th article, where it is provided, that the citizens of each State shall be entitled to all *privileges* and *immunities* of citizens in the several States. Upon these words I have known a controversy in a court of law as to their extent. And the limits which were set to them by the judgment of the Court were drawn from their import in the books of common law.

The cases which I have cited, I humbly submit, abundantly prove the proposition with which I set out, that where the Constitution has given us terms which it does not explain, or directed proceedings which it has not defined, and where it is plain that the regulation was viewed as previously existing, and designed simply to be modified, in such cases, we must have recourse to the common law, in order to ascertain the original nature of the subject which is necessarily adopted in the Constitution, in consequence of being made an object of its provisions. Such, sir, as I have described, is our situation upon the present subject.

The Constitution has said who shall have the power to impeach and who of trying impeachments. It has also limited the extent of the punishment. But it has not described the persons who shall be the objects of impeachment, nor defined the cases to which the remedy shall be confined. We cannot do otherwise, therefore, than presume, that upon these points, we are designedly left to the regulations of the common law. Sir, in the very threshold, has not this law given us the foundation upon which we stand? Where have we looked for the form of the pleadings, which has brought the present question before the Court? And if, sir, a question of evidence should arise, as happened upon a former occasion, should we hesitate as to the law which ought to determine its competency? If we were asked, whether a greater looseness in pleadings on impeachment were not allowed, than in suits at law, we should answer in the affirmative; and if it were inquired, whether the rules of evidence were more lax, we should answer in the negative; and in such opinions, I trust, we should not be contradicted by the learned counsel of the party impeached, and yet, sir, the opinions could alone be collected from the rules of the common law.

It is, perhaps, worthy of observation, that even as it regards those persons who are clearly liable to impeachment, there is no direct provision which subjects them to it. Thus, in the 4th section of the 2d article, which has the closest connexion with the point, it has not said that the President, Vice President, and civil officers, shall be liable to impeachment; but, taking it for granted that they were liable at common law, has introduced an imperative provision as to their removal upon conviction of certain crimes.

The question, therefore, is, what persons, for what offences, are liable to be impeached at common law? And I am confident, as to this point, the learning and liberality of the counsel will save me the trouble of argument, or the citation of authorities, to establish the position, that the question of impeachability is a question of discretion only, with the Commons and Lords. Not that I mean to insist, that the Lords have legal cognizance of a charge of a capital crime against a commoner, but simply that all the King's subjects are liable to be impeached by the Commons, and tried by the Lords, upon charges of high crimes and misdemeanors. And this, sir, goes to the extent of the articles exhibited against William Blount. And for my part, I do not conceive it would have been sound policy to have laid any restriction as to person upon the power of impeaching.

It is not difficult to imagine a case in which the punishment it imposes would be the most suitable which could be inflicted. Let us suppose, that a citizen not in office, but possessed of extensive influence, arising from popular arts, from wealth or connexions, actuated by strong ambition, and aspiring to the first place in the Government, should conspire with the disaffected of our own country, or with foreign intriguers, by illegal artifice, corruption, or force, to place himself in the Presidential Chair, I would ask, in such a case, what punishment would be more likely to quell a spirit of that description, than absolute and perpetual disqualification for any office of trust, honor, or profit, under the Government; and what punishment could be better calculated to secure the peace and safety of the State from the repetition of the same offence?

Upon this point, I have nothing further to urge, but shall proceed to support the second point, which I stated, that supposing the power of impeachment limited by the Constitution, to the President, Vice President, and civil officers, "in order to carry into effect the general intent of the Constitution, a Senator must be considered as a civil officer."

Sir, it is extremely strange to say, that a Senator, who participates in all the general powers of the Government, is not an officer. We see him acting as a Legislator, an Executive Magistrate, and a Judge, and yet we are told he is not an officer. May I ask, what an office is? I have ever understood it to mean the exercise of some authority. It is not material whether the authority be public or private; the only consequence would be, that the office would follow the nature of the authority. In common parlance, there could be no doubt, but that a Senator, whose public functions reach every authority of Government, would emphatically be considered as an officer. And I consider myself warranted in saying, that the legal intendment of the word office does not materially vary from its received meaning in ordinary speech. It is in my power to show that it has legislatively been used to comprehend the members of a Representative and Legislative body. And for this purpose, I will refer the honorable Court to an ordinance of Congress, passed the 13th of July, 1787, to be found in the 12th volume of the Journals of Congress, page 88; the object of the ordinance was, to establish a Government northwest of the river Ohio. I shall be excused for reading some passages.

"The Representatives thus elected, shall serve

for the term of two years; and in case of the death of a Representative, or removal *from office*, the Governor shall issue a writ," &c.

Again, "The General Assembly, or Legislature, shall consist of the Governor, Legislative Council, and a House of Representatives. The Legislative Council shall consist of five members, to continue in *office* five years, unless sooner removed by Congress; any three of whom to be a quorum: and the members of the Council shall be nominated and appointed in the following manner, to wit: As soon as Representatives shall be elected, the Governor shall appoint a time and place for them to meet together, and when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the Council, by death or removal from *office*, the House of Representatives shall nominate two persons qualified as aforesaid, for each vacancy, and return their names to Congress," &c.

In page eighty-nine, it is said, "The Governor, Judges, Legislative Council, Secretary, and such other *officers* as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, *and of office*," &c.

This exposition of the word office is cotemporary with the use of it in the Convention. On the day that ordinance passed, the Convention were sitting in this city. And when we reflect, sir, that both those bodies were composed of members from the several States, all appointed in the same manner, by the Legislatures of the States, and that both were employed upon the same subject of forming a Government, I apprehend that the sense in which an important term is used by the one body, may properly be allowed to be strong evidence of the meaning attached to it by the other. I have further proof in this case, of the extent to which this word was supposed to reach at the epoch referred to, which, however, is perhaps, more curious than authoritative. Sir, it is remarkable, that the party impeached, was a member of the Congress which passed the ordinance which I have cited, and that his assent to it stands recorded.* He was then acting under the solemn obligation of a Legislator; his opinion was probably the result of a disinterested and unbiased judgment; but now, when his crimes have subjected him to a national prosecution, he seeks to shelter himself from the punishment he has merited, by attributing an interpretation to a term opposed to that which he himself has deliberately given to it. Such contradiction usually attends the conduct of a man, who, departing from the path of integrity, yields to the seductions of a treacherous and inordinate ambition.

I am sensible, Mr. President, that I have not yet touched the point of the argument which, on this subject, will be relied on.

*Journal of Congress, vol. xii, page 93.

I presume it will be said, that the question is not whether a Senator may be considered as an officer in common or legal parlance, but whether he is an officer within the contemplation of the Constitution. I will readily agree, that if the question can be settled by the light of the Constitution alone, we shall not be warranted in having recourse to any other, but if that light still leaves the question in darkness, every ray of information should be collected which can assist our view of the subject, though derived from other quarters. I do not know, however, sir, that I need despair of success in being able to convince this honorable body, that, in the just, constitutional exposition of the word officer, it embraces the trust of a Senator. I presume the learned Counsel will not differ from me, when I lay down the true rule of construction to be, so to interpret an instrument as to give the fullest effect to all its parts. If there be apparent contradiction, we must attempt to reconcile; and if there be absolute repugnancy, we must reject that part which can be rejected with the least violence to the general intention. If these principles be correct, I humbly apprehend that an attentive examination of the different parts of the Constitution must be followed by the opinion, that a Senator must, according to it, be deemed an officer. I shall not affect to disguise, that there are passages in the Constitution, the aspect of which is opposed to the opinion I state; but what I expect to show is, that there are provisions of greater importance which must be partly frustrated upon a different principle. In the discussion of this point, I shall beg the liberty, in the first place, of considering those grounds which I presume will be relied on to show, that a Senator is not, by the Constitution, considered as an officer.

The first ground I find referred to in the plea, is the 4th section of the second article. It is there provided, that the President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment and conviction of certain crimes there specified.

There is nothing in this provision which can affect the immediate question under consideration. For the question is, whether a Senator is a civil officer. If he be, which is the point I am contending, he is within the express words of the section. The same answer applies to the 7th clause of the 3d section of the first article, a second ground I find relied on in the plea—the substance of which is, that judgment on impeachment shall not extend further than removal from, and disqualification to hold, any office of honor, trust, or profit, under the United States. It is very plain that there is nothing here which can affect the question whether a Senator be an officer. There are two clauses in the Constitution, which, though not stated in the plea, I do presume more stress will be laid on than upon those referred to in the plea. The first of these is the 3d section of the second article, which declares that the President shall commission all officers of the United States; and as it is clearly not designed that he should commission a Senator, it will be

inferred that a Senator is not to be considered as an officer.

I humbly trust I can show, that it was not the intention of the Constitution that these words should take effect in their full extent; and I shall submit that they ought to be understood according to the subject to which they apply.

A commission is simply an evidence of authority delegated to a particular person. And surely it is proper that that evidence should show from the same source from which the appointment is derived. By the Constitution the President is made the fountain of office. The officers, properly speaking, under the United States are all appointed by him; and it was right, therefore, as the general power of appointing was given to him, that he should also have the general power of commissioning.

It is certain that it was intended that the power of commissioning should not exceed that of appointing; because the President does not commission any one whom he does not appoint. The provision in question was not intended to define who should be considered as officers, but to introduce a plain and just rule of policy that the power of appointing and commissioning should reside in the same person. The practice under this Constitutional regulation, explains its meaning and extent. It is clearly not true that he commissions *all officers* of the United States. He is an officer himself, and so expressly denominated throughout the 2d article, and yet he has no commission. It is equally clear that the Vice President is an officer, and yet not commissioned. Again, the Speaker of the House of Representatives is an officer, as I shall have occasion to show hereafter, but has no commission. And there are also a variety of subordinate officers, appointed by Heads of Departments and Courts of Justice, whom the President does not commission. I am, therefore, justified in concluding that it does not follow, because a person has no commission from the President, that, therefore, he is not to be considered as an officer.

There is another objection of a similar nature, arising from the provision in the 6th section of the 1st article, of which it is probable much use will be made. That section declares, *that no person holding an office under the United States shall be a member of either House during his continuance in office.* It will, therefore, be said, if the place of a Senator is an office, this clause is repugnant and absurd.

This provision, I humbly apprehend, has the same limits with the one which I have just adverted to. The intention of it was to erect a barrier between the Executive and Legislative departments; to prevent Executive patronage from influencing Legislative councils. It was designed, therefore, to apply solely to the officers of Executive appointment. I am not much disposed, sir, to place reliance in an argument upon so great a subject, upon nice distinctions or verbal criticism; but I think I shall be excused for paying some attention to the peculiar language of the clause in question. The regulation is, that no person holding an office *under* the United States shall be a member of either House during his continuance in office. The United States here means the Government of the United States, for the United States grants no office but through the Government. Now, it is clear that a Senator is not an officer *under* the Government. The Government consists of the President, the Senate, and House of Representatives, and they who constitute the Government cannot be said to be under it. Besides, a Senator does not derive his authority from the Government. The senatorial power is an emanation of the State sovereignties; it is coordinate with the supreme power of the United States; in its aggregate, it forms one of the highest branches of the Government. Giving every effect to this section, it would only prove that a Senator is not an officer *under* the Government of the United States, but still he may be an officer *of* the United States; and, give me leave to say, that the distinction which I have here taken, is supported by the variance of language to be found in another part of the Constitution.

The 4th section of the 2d article provides, that the President, Vice President, and all civil officers, not under, but *of* the United States, shall be removed from office on impeachment and conviction, &c. It would seem, therefore, that it may plainly be collected, that the power of impeachment extends further than to officers *under* the United States. But, sir, let me confess that I unwillingly place any confidence upon an argument derived from mere verbal criticism. In construing the charter of a Government, our view should comprehend all its parts, and our aim should be to execute it according to its general and true design.

The argument which I have submitted must be taken hypothetically. Supposing we are precluded from considering a Senator as an officer under the United States, he may still be deemed an officer of the United States. For, sir, I mean to contend that the 4th section of the 2d article is confined to officers of Executive appointment; and I shall be able to show, by a Legislative exposition, that a member of the Legislative body has been considered as an officer under the United States; and although so considered, it has never been supposed to follow that the seat was vacated.

The Constitution has given a power to Congress, in case of a vacancy in the office of President, by the death or resignation of the President and Vice President, to provide, by law, what officer should fill the vacancy. Under this power, Congress, on the 1st of March, 1792,* by law enacted, that in case of such a vacancy, the Speaker of the House of Representatives should exercise the office. The power being confined to the designation of an officer of the United States, a person not an officer could not have been appointed by the act of Congress to fill the vacancy.

I have, then, a legislative opinion that the Speaker of the House of Representatives is an

* Acts of Congress, vol. ii. p. 25.

officer of the United States; and, if the interpretation of the section under consideration is to be restrained only by the extent of the words, it must follow that the House, in choosing a Speaker, disqualify him as a member of the House. But, sir, the case, in fact, is not so; it cannot be so, from its nature. And I have, therefore, a high authority for saying that these sections are not considered as embracing all the officers of the United States, and that the generality of the words must be restrained by confining them to the officers of Executive appointment. When the Constitution provided that all officers under the United States should be commissioned by the President, and that no person holding any office under the United States should be a member of either House, it is extremely manifest, from the object designed to be accomplished, that the terms used were intended to reach officers only of Executive appointment. Such being the single view, the term office was certainly incautiously used in relation to other subjects. Notwithstanding the words, all officers are not commissioned by the President; nor is it more a universal truth, that no person holding an office under the United States can be a member of either House. This provision was designed to preserve the purity of the Legislative body, to exclude Executive influence, as a barrier dividing the two great branches of Government; and its end is completely answered when restrained to offices filled by the President.

I have submitted, in the course of my argument, that the sound principle of construction to be adopted in relation to the construction of an instrument, having in view the vast object of settling the powers of the Government, and the rights of the people, is to give it such an interpretation as is best calculated to give effect generally to all its parts according to its true design. If I am supported in this principle, I shall be able to show, by strong cases under the Constitution, that its undeniable intention must be frustrated if a Senator be not considered an officer of the United States.

I find it provided in the 7th clause of the 3d section of the 1st article, that conviction on impeachment disqualifies the party convicted from holding any office of honor, trust, or profit, under the United States. If a seat in the Senate be not an office, the disqualification does not extend to it. And yet, can it reasonably be contended that the policy which incapacitates a citizen, if convicted on impeachment, from holding an office the most mean and humble, does not apply to the case of a Senator? The wisdom of the Constitution, sir, has considered a conviction as an evidence of moral unfitness for public trust. It never can happen but in the case of a great national offence. And shall such an offender, degraded from the capacity of even being doorkeeper of this Chamber, yet retain the capacity of being a member of a body of the most dignity, trust, and power, in the country? This is a solecism in politics, an absurdity in reason, which I trust this honorable Court will not willingly, by their act, attach to an instrument so highly and justly revered as the Constitution of our Government.

I find, also, a provision in the 7th clause of the 9th section of the first article, that "no person holding any office of profit or trust under the United States, shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any King, Prince, or foreign State." If a Senator holds no office of profit or trust under the United States, it is lawful for him to accept a present, title, or office, from any King or foreign State. Can it be possible that a public functionary, of all others, the peculiar object of this jealous restriction, is, in fact, the sole object of exemption from its operation? Can it be imagined that a Senator, upon whom the Constitution has heaped the powers and trusts of Legislator, Judge, and Executive Magistrate, is the only person who is left exposed to the seductions of foreign influence? It can never be admitted that a situation which, from its trust and importance, most invites corruption, is the only one which the Constitution has not guarded against. If, sir, a Senator be not an officer under this clause, it might happen that the Senate of the United States might become a House of Lords. It would be in the power of any King in Europe to change our free Government, and to convert one branch, at least, from a republican into an aristocratic form. You will not suffer an Ensign in your army to accept the humble title of Chevalier, and yet you will allow an integral part of the Government to be composed of Earls and Dukes. And let me pray the honorable Court to remember, at the same time, that the Constitution has provided that a member of either House shall not be allowed to retain his seat and hold any commission, civil or military, under the United States. The President has no titles to grant, nor offices of great emolument to confer; and yet the chaste republicanism of the Constitution will not allow a Senator to feel the influence of his patronage; and yet, at the same time, he may lawfully be the pensioner, or the titular noble of a foreign Power. Such a doctrine is not simply absurd, but infinitely dangerous. It is ever wiser to protect men from temptation, than to trust their resisting it. The party impeached is an instance that the confidence and honors of his country could not secure his fidelity. He is also a proof that unprincipled men may insinuate themselves into popular favor, and be seated in this body, beside men of the best and purest character in the country. Is it compatible with the dignity of this body to say it shall be liable to such impurity? Are you bound to receive into your bosom a character degraded by political crimes, or stained with moral turpitude? And, even if you expel him, must you open your arms to receive him, if returned, a second time? And can it be affirmed that the Senate of the United States is the only body exposed by the Constitution to this shame and degradation! If you cannot disqualify him, the very delinquent against whom the common voice of the country calls for justice, and whom we are now prosecuting, may again take a seat in this honorable body, and exercise the high trust which already he has so grossly abused, and of which he has shown

himself so unworthy. The consequences, I humbly submit, must ever silence the construction which declares a Senator not an officer of the United States. By considering him as an officer, you interfere with the strict letter, but you commit no violence upon the true intention of the Constitution; on the contrary, by considering him not an officer, you frustrate different provisions of the first political importance.

Mr. President, I am sensible of some embarrassment in opening the argument on the part of the prosecution, arising from the difficulty of foreseeing the points which will be most relied on, or most pressed by the counsel for the party impeached. On this subject I have nothing to direct me, but the objections which appear on the face of the plea.

It certainly furnishes other points than those already discussed; deeming them, however, subordinate, and which, possibly, may be either abandoned or relied on, I shall not trouble the honorable Court with any observations in respect of them.

I observe, it is stated in the plea, that William Blount was not an officer of the United States at the time of the act done charged in the Articles of Impeachment. This objection is removed if either of the grounds which we have taken be maintainable: 1st, That impeachment is not confined to officers, but extends to every citizen; 2d, That a Senator is an officer of the United States.

It is also alleged in the plea, that the party impeached is not now a Senator. It is enough that he was a Senator at the time the articles were preferred. If the impeachment were regular and maintainable, when preferred, I apprehend no subsequent event, grounded on the wilful act, or caused by the delinquency of the party, can vitiate or obstruct the proceeding. Otherwise the party, by resignation or the commission of some offence which merited and occasioned his expulsion, might secure his impunity. This is against one of the sagest maxims of the law, which does not allow a man to derive a benefit from his own wrong.

It is further insisted in the plea, that the act done did not regard the office of the party.

I do not in the first place admit the truth of this allegation. For I conceive that a plain violation of the trust reposed in the party may be discovered in the matter alleged in the articles. I shall not, however, trouble you, sir, by going through the articles with a view to this point. The charges are before the Court, and every honorable member can easily satisfy his own mind as to a question rather of fact than law. But I conceive that it is not material whether the objection be, in fact, true or groundless. Because there is not a syllable in the Constitution which confines impeachment to official acts, and because it is against the plain dictates of common sense, that such restraint should be imposed on it. Let me suppose that a Judge of the United States, forgetting his duty and the gravity of his situation, instead of using his authority, in case of an insurrection, to quell the insurgents, should aid them in their violence. Surely this would not be a Judicial act; and shall I be told, for that reason, that he shall not be liable to impeachment? How else is he to be removed? He may be called upon to try the very men whose crimes he was accessary to; and would he be fit in such case to pass sentence? Common sense tells us he ought to be removed. His office was granted during good behaviour, and the tenure has expired by his ill conduct. But I am at a loss to know how the fact is to be ascertained, and the end accomplished, but by conviction on impeachment.

But one other point remains, which I can discover from the plea. It is alleged that the common law courts have competent jurisdiction to punish the party for any offence he has committed.

I will observe, first, that this suggestion is not true; because there is no court of common law which can give judgment of disqualification, which power exclusively belongs to this honorable body, and is a just punishment for the offences committed by the party impeached. In the second place, if the suggestion were true, it would not be effectual; because by the seventh clause of the seventh section of the first article of the Constitution, delinquents shall be liable both to the punishment upon impeachment, and that inflicted in the courts of common law. It is no objection to say that the courts have cognizance of the offence, because it is expressly provided that the one punishment shall not be an exemption from the other.

Mr. President, I have gone through all the objections to the jurisdiction of the Court, which I can discover in the plea. I shall not trouble you with a recapitulation of the matters which I have urged against the sufficiency of the plea. I have already consumed much time, and am indebted for much attention. I conclude with praying that the plea be overruled, and the party ordered to answer the articles of impeachment.

On motion, by Mr. INGERSOLL, in behalf of the defendant, for further time to reply, it was allowed, viz: until to-morrow morning at 11 o'clock, to which time the Court adjourned.

JANUARY 4.

The Managers and Counsel for the defendant attended.

The VICE PRESIDENT notified the counsel they might proceed; and Mr. Dallas, in behalf of the defendant, spoke in support of the plea, as follows:

Mr. DALLAS premised that he was conscious that he must fail in any attempt to imitate the eloquence of the honorable Manager, who yesterday addressed the Court; but he trusted that he should, at least, be as successful as that gentleman in adhering to the rule which had been proposed for the present discussion, by abstaining from all declamatory matter.

He thought that the consideration of the two general propositions would embrace all that was necessary to be said, either in maintenance of the

plea to the jurisdiction of the Senate, or in answer to the adverse arguments. He should, therefore, endeavor to establish,

1. That only civil officers of the United States are impeachable; and that the offences for which an impeachment lies, must be committed in the execution of a public office.

2. That a Senator is not a civil officer, impeachable within the meaning of the Constitution; and that, in the present instance, no crime or misdemeanor is charged to have been committed by William Blount, in the character of a Senator.

1. That only civil officers of the United States are impeachable; and that the offences for which an impeachment lies, must be committed in the execution of a public office.

The necessity of discussing the first branch of this proposition could hardly have been anticipated; but as the honorable Manager had contended that the Constitutional grant of a power to institute and try impeachments extends *ex vi termini*, to every description of offender, and to every degree of offence, a just respect for the high authority which he represents, as well as for the talents which he has displayed, compels the defendant's counsel to follow him in the wide field of controversy that he has unexpectedly chosen. A claim of jurisdiction so unlimited, embracing every object of the penal code, annihilating all discriminations between civil and military cases, and overthrowing the boundaries of Federal and State authority, ought surely to have been supported by an express and unequivocal delegation: but, behold, it rests entirely on an arbitrary implication, from the use of a single word; and while the stream is thus copious, thus inundating, the source is enveloped (like the sources of the Nile) in mystery and doubt.

The Constitution declares, that "the House of Representatives shall have the sole power of *impeachment*;" and that "the Senate shall have the sole power to try all *impeachments*:" Hence, it has been urged, that as there is no description of the offenders or the offences in the Constitution itself, where the power is vested, every offender and every offence, impeachable according to the common law of England, must be deemed impeachable here; and, it is alleged, that the common law power of impeachment extends to every crime or misdemeanor, that can be committed by any subject, in, or out of office. But, Mr. Dallas insisted, that this doctrine is contrary to the principles of our Federal compact; that it is contrary to the general policy of the law of impeachments; and that it is contrary to a fair construction of the very terms of the Constitution.

1. That the doctrine is contrary to *the principles* of our Federal compact, he deduced from the design with which the Government of the United States was established: For, although it is in some of its features Federal; in others it is consolidated; in some of its operations, it affects the people as individuals, in others it applies to them in the aggregate as States; yet, in every view, all the powers and attributes of the National Government are matter of express and positive grant and transfer; whatever is not expressly granted and transferred, must be deemed to remain with the people, or with the respective States; and as the motive for establishing the Federal Constitution arose from the want of a competent national authority in cases in which it was essential for the people inhabiting the different States to act as a nation, so far the people gave power to the Federal Government; but the delegation of that power is evidently limited by the reason which produced it. Thus, in the creation of a national Judiciary, we find that in criminal as well as civil cases, no authority is vested in the courts, but upon the appropriate subjects of national jurisprudence. *Const. Art.* 1, *Sec.* 1. *Art.* 3. Crimes and misdemeanors, which have no connexion with national objects, are left to be prosecuted and punished under the laws of the State in which they are committed. And yet it is asserted, that for any crime or misdemeanor which could only be thus the object of State jurisdiction, which could not be tried upon an indictment, in any Federal Court, a State officer or a private citizen may be impeached before the Senate of the United States. The mere investment of a power to impeach and to try impeachments, is considered as an instrument destined to carry the Government beyond its natural sphere; and to give to the censorship of the Senate, a scope and efficacy of which the general Judicial authority of the Union does not partake.

But the honorable Manager having referred to the English common law, for an exposition of the import and operation of the power of impeachment, Mr. Dallas contended that the United States as a Federal Government, had no common law in relation to crimes and punishments, and cited the opinion of a Judge of the United States on the subject. The crimes punishable under the authority of the United States, can only be such as the Constitution defines, or acts of Congress shall create, in order to effectuate the general powers of the Government. How, he asked, did the Government of the United States acquire a common law jurisdiction in the case of crimes, and by what standard is the jurisdiction to be regulated? When the Colonies of America were first settled, each Colony brought with it as much of the common law as was applicable to its circumstances and it chose to adopt; but no Colony adopted all the common law of England, and there was great diversity, owing to local and other circumstances, in the objects and extent of the common law which the different Colonies adopted. The common law is, therefore, the law of each State so far as each State has chosen to adopt it; but the United States did not bring the common law with them. There are no express words of adoption in the Constitution; and if a common law is to be assumed by implication, is it to be the common law of individual States, and of which State? Or, is it to be the common law of England, and at what period? Are we to take it from the dark and barbarous pages of the common law, with all the feudal rigor and appendages; or is it to be taken as it has been ameliorated by the refine-

ments of modern legislation? Would it not be absurd to refer us to the ancient common law of England? And if we are referred to it in its improved state, do we not rather adopt the statutes than the common law of that country? And is the common law to fluctuate for ever here as it may fluctuate there?

Here Mr. Dallas cited a variety of cases to show the extravagant length to which the ancient common law doctrine of impeachments had been extended, and insisted that there was no more occasion to go to the volumes of the English law for a glossary on the impeachment power, than for an exposition of the words "felony," "breach of the peace," &c., &c., all of which were in use, and perfectly understood, in the different States, before the present Constitution was established. The different States, speaking in the same language, make use of the same terms to express a similar idea; but, in instances innumerable, particularly on the subject of crimes and punishments, though their theories were the same their practice was widely different, not only with the practice of England, but with the practice of each other. Mr. Dallas then represented, and illustrated, the pernicious and absurd consequences that would ensue, either by adopting the penal common law of England, or the penal laws of the respective States, as the rule for the Federal Government. In the former event, though every State in the Union had rejected or amended the common law of crimes and punishments, all its rigor will be revived and enforced; and, in the latter event, the principle of uniformity so anxiously sought after by the framers of the Constitution, and so essential to the administration of justice, would be effectually destroyed.

It is the object of the Constitution to establish a National Government, independent in its operations, and with powers adequate to self-preservation. But, Mr. Dallas observed, that the doctrine which the Managers contended for was at war with that object, and rendered the Government dependent upon the laws and usage of a foreign country. Nor was there the slightest necessity for the interposition of the doctrine, since the Constitution itself provides a means for carrying the impeachment power, as well as every other power, into effect; and if the cases and objects proper for impeachment are not sufficiently defined in the Constitution, Congress may pass a law to define and ascertain them.

The honorable Manager has asserted, that the investment of the impeachment power is absolute. "The House of Representatives shall have the sole power of impeachment;" "the Senate shall have the sole power to try all impeachments." And, he contends, that the language of the fourth section of the second article, so far as it speaks of the "President, Vice President, and all civil officers of the United States," is merely a recital, not to designate the objects of impeachment, but to point out a class of persons who, imperatively, "*shall be removed from office* on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors." But if this argument is just, it will equally apply in the case of the Executive and Judicial Departments; for, the phraseology of the articles, with respect to the investment of their powers, is precisely the same; and the same common law code, to which we are referred for an exposition of the impeachment power, would also supply a political, and technical, exposition of the Executive and Judicial authority. Thus, in article the 2d, it is generally declared, that "the Executive power shall be vested in a President of the United States of America;" and the subsequent provisions may, with equal propriety, be denominated mere recital; designating a form of election, an oath of office, and some of the Executive attributes. Again: in article 3d, it is generally declared, that "the Judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain, and establish;" but, surely, it was never thought that the power of the Federal Courts extended beyond the enumerated cases, though those cases are as much matter of recital as the cases prescribed for the exercise of the impeachment power.

2. But the doctrine is not only inconsistent with the principles of the Federal compact, it is, also, inconsistent with the general policy of the law of impeachments. The system of criminal jurisprudence is co-extensive with all the ordinary objects of prosecution and punishment; but the jealousy that power might be used to protect official delinquents, gave rise to impeachments even in England. In the 2d vol. of *Woodeson's Lectures*, page 596, the fact is asserted. "It is certain (says that author) that magistrates and officers entrusted with the administration of public affairs, may abuse their delegated powers to the extensive detriment of the community, and, at the same time, in a manner not properly cognizable before the ordinary tribunals. The influence of such delinquents, and the nature of such offences, may not unsuitably engage the authority of the highest court, and the wisdom of the sagest assembly. The Commons, therefore, as the grand inquest of the nation, became suitors for penal justice; and they cannot, consistently either with their own dignity, or with safety to the accused, sue elsewhere but to those who share with them in the Legislature. On this policy is founded the origin of impeachments, which began soon after the Constitution assumed its present form." The author, in a subsequent page, (p. 601,) states, "that all the King's subjects are impeachable in Parliament; but with this distinction, that a Peer may be so accused before his peers of any crime, a Commoner (though, perhaps, it was formerly otherwise) can now be charged with misdemeanors only, not with any capital offence." This position, however, must be understood in coincidence with the general policy previously stated; and then all subjects are impeachable, because all subjects may be magistrates and public officers. The instances specified in *Woodeson* are all of an official nature; and no other description of impeachment by the Commons can be traced in the English books.

Mr. D. proceeded to argue, that the policy of the law of impeachments being thus ascertained in England, any departure from it in the practice of that country ought not to be made a precedent in America: Wherever the appointment to office is independent of the people, the policy is the same, whatever may be the form of the Government; but the reason of the law shows and limits its extent. It is not within the reason of the law of impeachments that any man, who is not a public officer, should be so prosecuted; nor any public officer for an offence which has no relation to his public trust.

3. The doctrine, in fine, is inconsistent with a fair construction of the terms of the Constitution. The operative words are express: "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."—Art. 2, sec. 4. The previous clauses are only descriptive of the power and distributive of its exercise; declaring that the sole power to institute, and the sole power to try, impeachments, shall belong to the branches of the Legislature respectively. They contain no description of the persons liable to impeachment, nor of the offences for which the impeachment may be brought. To suppose that they include a jurisdiction over all persons, for all offences, is to annihilate the trial by jury where a punishment more severe than death, to an honorable mind, may be inflicted; it is to overthrow all the barriers of criminal jurisprudence; for every petty rogue may be tried by impeachment before this High Court for every offence within the indefinite classification of a misdemeanor.

The reason of the thing, as well as the expression, shows, however, that the offender must be a civil officer, to vest the jurisdiction of impeachment. For every other offender a competent punishment is provided in the ordinary tribunals; but, in the case of a public officer, no sentence strictly judicial, in any common law court, can affect the tenure of his office. In the business of offices, to appoint, to re-appoint, or to abstain from re-appointing, are attributes and exercises of Executive authority; the ordinary judicial authority cannot exercise them, nor restrain or regulate their exercise by the proper magistrate. Hence arose the necessity of the judgment in case of a conviction on impeachment; which, by declaring that the delinquent officer shall be removed, and that he shall never be re-appointed, affixes, in effect, a check, or limitation, to the general power of the Executive.

But, if civil officers are not exclusively contemplated, why limit the judgment on impeachment simply to a removal and disqualification? The common law maxim says, that no man shall be twice tried for the same offence; and if the Senate may, on any charge against any offender, try the whole merits of the accusation and defence, why restrain them from pronouncing the whole judgment? Why multiply trials, and parcel out jurisdictions, when one trial, one jurisdiction, would accomplish every purpose of justice? There is an appearance of absurdity in the doctrine that cannot be overlooked. A private citizen, who holds an office, may be impeached, on the speculation that, at some period of his life, it is possible he should be appointed a public officer. And, if any sentence is pronounced, it must, in his case, be a perpetual disqualification; whereas, in the case of a man actually in office, the sentence may only extend to a present removal.

Again: if the bare designation of the party who should impeach, and of the party who should try impeachments, creates a jurisdiction over all persons for all offences, why should the subsequent clause specially name the President, Vice President, and all civil officers of the United States? They would, certainly, be included in the general authority; and it can be no answer to say, that it was with a view, imperatively, to command their removal on conviction, because the restricted judgment of the Senate points emphatically at their case—a removal from office and a perpetual disqualification. Would not those officers be removed or disqualified for any offence for which a private citizen might be disqualified on impeachment, though it is not one of the enumerated offences? It is here, likewise, to be remarked, that the persons subject to removal, are to be "civil officers of the United States," excluding all idea of affecting the station of State officers; and yet State officers, as well as private citizens, are liable to impeachment before this Senate, according to the present claim of jurisdiction.

And here Mr. D. again asked, if the general investment of the power of impeachment created so unqualified a jurisdiction, by what law are we to be guided, in instituting, conducting, and concluding the process? There is no act of Congress adopting or prescribing a rule; and if it is a matter referred, by implication, to the English code, whence will the Senate derive a discretionary power to adopt the modern and reject the ancient law; to select the doctrine as it relates to Peers, or the doctrine as it relates to Commoners? No; the words do not permit this latitude of jurisdiction;—the reason of the case does not require it. On the contrary, the Constitution presents a complete and consistent system:—it declares who shall impeach, who shall try, who may be impeached, for what offences, and how the delinquents shall be punished. Finding all these arrangements in the Constitution, finding everything that was necessary to suit the means to the design, to introduce a practice in conformity with the policy of impeachments, it would be unjust and unreasonable to suppose the framers of that glorious instrument meant more than they have expressed, or left in doubt and ambiguity so important a part of their work. The power, as it relates to the civil officers of the United States, is expressly given; it is not expressly given as relates to any other description of citizens; and, therefore, it is enough to observe, that it cannot be assumed or implied. Here Mr. D. added, that if the power was assumed under the general terms of the in-

vestment, it would equally embrace the case of military and civil officers; and the imperative clause, as it has been called, only demands the removal of civil officers on a conviction; whereas the policy, if it operates in the way contended for, would apply as much to military as to civil officers.

Proceeding to the second branch of the first general proposition (that the offence for which an impeachment lies, must be committed in the execution of an official trust,) Mr. Dallas observed, that the argument had necessarily been, in a great measure, anticipated. The ordinary penal law and courts of justice can punish every offence, whether it is committed by public officers, or by a private citizen; but as official offences can only be committed by public officers and as it would be a dangerous encroachment on the Executive power, to authorize the Judges to pronounce a removal from office, a provision has been wisely superadded, which is at once calculated to preserve the independence of the Departments of Government, and to secure the people from an abuse of the Executive authority. It is evident, however, from the description of persons and offences impeachable, and the qualified nature of the punishment to be inflicted on a conviction, that official offences and offenders were alone contemplated. This opinion is fortified by the express provisions of the Constitutions of the individual States. [Here Mr. Dallas read extracts from the Constitutions of New Hampshire, Massachusetts, New York, Pennsylvania, North Carolina, South Carolina, Georgia, Vermont, Kentucky, and Tennessee, all of which restricted the power of impeachment to the case of offences committed in office.] And he remarked, that this being the sense of the States individually, it may fairly be presumed to be their sense collectively. In politics, as well as in mathematics, all the parts are equal to the whole; and when we find all the parts pursuing this policy, we must, in order to be consistent, ascribe the same policy to the whole, when acting on the same subject. But, it may be added, that even the House of Representatives seems to have entertained the opinion, that an impeachable offence must be an offence committed by an officer, in the execution of his office; since it is stated, as the gist of the charge in the articles of impeachment, that the defendant was a Senator, (which the prosecutors contend is an office,) and that the misdemeanors imputed to him, were committed contrary to the duties of his station.

2. That a Senator is not a civil officer, impeachable within the meaning of the Constitution; and that, in the present instance, no crime or misdemeanor is charged to have been committed by William Blount, in the character of a Senator.

In entering upon the discussion of this general proposition, Mr. Dallas thought it necessary to notice a verbal criticism, to which the honorable Manager, in a state of evident embarrassment, had condescended to resort, in maintenance of the claim of jurisdiction. It had been seriously urged, that there was a distinction between officers *of*, and officers *under*, the United States; the former designating the officers forming the Departments of the Governments, Executive and Legislative; the latter designating the officers appointed by the Executive Department. But a moment's consideration will incontestibly show that the expressions "officers *of*," and "officers *under*," the United States, are indiscriminately used in the Constitution. Thus, in the very section on which the controversy turns, it is said, that "the President, Vice President, and all civil officers of the United States, shall be removed on conviction," &c. Will it be admitted, that the Executive and Legislative Departments are alone liable to be removed, under this provision, and that it does not extend to officers *under* the United States, appointed by the President? But the very judgment to be pronounced excludes such a construction; for, "judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit *under* the United States."

Again: The Constitution declares, that "no person holding any office of profit, or trust, *under* the United States, shall, without the consent of Congress, accept of any present," &c. May the President, Vice President, and members of either branch of the Legislature, being, as it is said, officers *of* the United States, accept a present, or a title, without the consent of Congress?

Again: The Constitution declares, that "the President shall appoint all other officers *of* the United States:" does this give him no power to appoint officers *under* the United States? If it does not, whence does he derive that power, which he daily exercises? By the 6th article of the Constitution it is provided, that "the Senators and Representatives before mentioned, and the members of the several State Legislatures, and all Executive and Judicial officers, both *of* the United States, and *of* the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office, or public trust, *under* the United States:" Now, is it reasonable to interpret this article, so as to require the *political test* only from officers *of* the United States, that is from the President and members of the Legislature, and not from officers *under* the United States, that is from persons appointed by the Executive? Or so as to exempt officers *under* the United States, that is, officers appointed by the Executive, from the *religious test*, while such a test may be exacted from the President and members of the Legislature, under the description of officers *of* the United States? This cursory analysis is a sufficient refutation of the distinction, which has been attempted on a mere quibble, or play of words

Mr. Dallas then proceeded to observe, that there were no words in the Constitution, that extended the impeachment power to the case of a Senator. The fourth section of the second article contains the only Constitutional description of persons liable to impeachment; and it does not

expressly name a member of either branch of the Legislature. To involve a legislator, therefore, in the operation of the power, it must be by implication, either including his case in the general terms of the investment, or in the description of civil officers. But why, he inquired, insert the President and Vice President, and omit the Senator, if the Senator was equally intended to be affected by the provision? Under the general designation of "civil officers," it would surely have been much more natural to include the President and Vice President, than the members of the Legislature. If the President and Vice President are named as a department of the Government, so ought the Senators and Representatives. It is a rule of law, that by naming an inferior officer, a superior cannot be affected. The Legislative department is, in all free Governments, considered as the sovereign; and those who compose it cannot be properly classed with civil officers, the subordinate functionaries of the State. There is another rule of law, *expressio unius exclusio alterius;* and therefore, by naming the Executive, the Legislative department, not being named, is excluded. But Mr. Dallas urged, at considerable length, the great inconvenience which would arise from an opposite construction, by destroying the independence of the two branches of the Legislature, by enabling the House of Representatives to drive a Senator from his seat, by arming a majority with the instruments of personal vengeance against their political opponents, and by rendering Senators the judges in their own cause. And he contended, that to include the Senators in the description of "civil officers," would generate endless absurdity and inconsistency in the Constitution itself.

The 2d section of the 2d article 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 President having then power to appoint all the officers of the United States, including military as well as civil officers; the 3d section of the same article, declaring that "he shall commission all the officers of the United States;" and the 4th section, providing for the removal of all civil officers excluding military officers, on impeachment and conviction; it would seem inevitably to result, that no man is an officer of the United States, unless he has been appointed and commissioned by the President; and that, therefore, unless he is so appointed and commissioned, he cannot be an object of impeachment. Here Mr. Dallas requested that it might be remembered, that the provision respecting impeachments was a part of the Executive article of the Constitution; and was immediately connected with the arrangements for making appointments, and issuing commissions, under the authority of the President.

Then Mr. Dallas proceeded to inquire, does the President nominate or commission Senators or Representatives? No: nor does the Constitution, in any part of it, term them officers, or call their representative station an office. But the honorable Manager has said, that the latitude to which this position extends would render it necessary that the President should issue a commission to himself, to the Vice President, and to the Speaker of the House of Representatives, since they are all expressly denominated officers. The Constitution, however, is not chargeable with this absurdity. The President and Vice President have their commissions from the Constitution itself; and the Speaker of the House of Representatives is emphatically an officer of the House, not of the United States. But the objection affords an opportunity to illustrate the meaning of the Constitution. It is provided that the President shall commission all officers, and that all civil officers shall be removed on impeachment and conviction; but the President does not commission himself and the Vice President, and, therefore, as it was intended to affect them by the impeachment power, it became necessary expressly to name them. The President does not commission Senators and Representatives; but it was not intended to affect them by the impeachment, and, therefore, they are not named.

Mr. Dallas continued to analyze various parts of the Constitution, and argued from the operation of them that a legislator never was considered as an officer of the United States, in the ordinary or Constitutional acceptation of the term. The 6th section of the 1st article contains the following passage: "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 whereof shall have been increased* during such time; and *no person holding any office under the United States shall be a member of either House during his continuance in office.*" Nothing could more strongly mark the discrimination between a legislator and an officer than the language which is here used. It is declared that no member holding any office shall be a member of either House while he continues in office. If a member was deemed an officer, the phraseology would, doubtless, have been, "no member holding any *other* office." Again: let it be supposed that, previously to the amendment of the Constitution, (which merely provides that no law varying the compensation for the services of Senators and Representatives shall take effect, until an election of Representatives has intervened,) the pay of Senator had been increased by an act of Congress, could not a Representative, who had assisted in passing the act, be chosen a Senator before the expiration of the two years for which he was originally elected? Again: let it be supposed that a new State was erected and admitted into the Union;—if a Senator is an officer, the office of Senator for the new State would be created during the time for which Congress, who created it, was elected; and yet might not a member of that Congress be chosen a Senator for

the new State, before the expiration of the time for which he was elected a Representative? When, for instance, Kentucky was separated from Virginia, and erected into a State, was not a Representative elected for Virginia, residing within the boundaries of Kentucky, eligible immediately as a Senator of Kentucky, though he resigned his representative seat before the term of his election had elapsed?

The first section of the 2d article, likewise, pointedly distinguishes between a legislator and a public officer, declaring, "that no Senator or Representative, or person holding *an office* of trust or profit under the United States, shall be appointed an Elector." If Senators or Representatives were considered as persons holding offices of profit or trust under the United States, it was superfluous to specify them at all; or, if named, it would have been correct to say, "no Senator or Representative, or person holding any *other* office of trust or profit," &c. But it is important also to remark, that here, where the Constitution intends to work a disqualification, as to Senators and Representatives, they are expressly named; and no sound reason can be offered why they should not have been equally named, if the Constitution had intended to subject them to impeachment.

But the 8th section of the 1st article contains a classification, which is calculated to demonstrate to every candid understanding that the framers of the Constitution uniformly distinguished between legislators and officers. It is there provided 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: 1st, in the Government of the United States; 2d, or in any Department thereof; 3d, or in any officer thereof." This furnishes a key to the meaning of the Constitution. The Government of the United States embraces all the Departments; and the Legislature is a Department. It is true that the Executive and the Judicial powers likewise constitute Departments of the Government; but they are in their nature and operations characteristically distinguishable from the Legislative Department. The Legislature always conveys to the mind the idea of numbers; the Judiciary and Executive always convey to the mind the idea of individuals; the former acts by majorities; the latter act by persons. Hence we find the Legislature is chosen, the Executive and Judiciary are appointed; the one is called a trust, the others are called offices. In common parlance, as well as in technical precision, the Legislature is denominated a body, of which each Representative is a member. The members of the Legislature have no responsibility but to their constituents; and what they do as legislators can nowhere else be questioned. But Executive and Judicial Magistrates are responsible for all their acts, in the ordinary course of criminal prosecution, as well as in the extraordinary course of impeachment.

This distinction is not a novelty; it has been drawn in the Articles of Confederation, it exists in the present Federal Constitution, it is recognised in many of the Constitutions of the individual States, and even the recent acts of Congress sanction and enforce it. Mr. Dallas, having read the extracts to support his assertion, animadverted particularly on the oath of office prescribed in the Constitution (Art. 2, sec. 1) to the President, though none was prescribed to Senators or Representatives; and on the act of Congress to certain oaths which exacted from Senators and Representatives more than an oath to support the Constitution; but to the Executive, Judicial, and all the subordinate officers of the United States, prescribed an additional oath of office.

But, Mr. D. contended, that, independent of all precedent and authority, the distinction was founded upon the very nature of a free Government. The Legislature is, in theory, the people: they do not themselves assemble, but they depute a few to act for them; and the laws which are thus made are the expressions of the will of the people. Over their Representatives, the people have a complete control, and if one set transgress they can appoint another set, who can rescind and annul all previous bad laws. But the power of the people is only to make the laws; they have nothing to do with *executing* them; they have nothing to do with *expounding* them; and hence arises the diversity in the modes of remedying any grievance which they may suffer from the conduct of their Representatives or agents. If a legislator acts wrong, he may be expelled before the term for which he was chosen has expired; he may be rejected at the next periodical election; and the laws which he has sanctioned may be repealed by a new representation. But if an Executive, or a Judicial magistrate, acts wrong, the people have no immediate power to correct; prosecution and impeachment are the only remedies for the evil. Then, it is manifest, that, by the power of impeachment, the people did not mean to guard against themselves, but against their agents; they did not mean to exclude themselves from the right of reappointing, or pardoning; but to restrain the Executive Magistrate from doing either with respect to officers, whose offices were held independent of popular choice.

The subject is made more plain by two considerations—1st, that although either House may expel a member, they cannot (on the principles of the Constitution, without any express prohibition) expel him twice for the same cause: 2d, that the President is not empowered to pardon in cases of impeachment. In the case of expulsion, the member is sent to the people, but if they choose to return him again, he has a perfect title to his seat. In the case of an impeachment, the delinquent officer is dismissed. On the general power of the Executive, he might be reappointed; but to guard against the abuse of that power, the Constitution superadds a sentence of perpetual disqualification.

It has been said by the honorable Manager, that every person who executes an authority is, in fact, an officer; but this definition is certainly too vague and extensive. Here Mr. D. exemplified the general principle of his argument, by the analogies to a corporation, which has a power of making by-

laws, appointing its own officers (being members of the corporation) and acting by proxy. The proxies appointed by the members (one proxy, perhaps, for many members) he compared to Senators and Representatives; but, surely, the proxies were never called the officers of the corporation. When the president and directors of the corporation are chosen from its members, they are called the officers of the institution; so, when the Speaker of the House of Representatives is chosen, he is called the officer of the House, but the rest of the Representatives remain its members: the language of the Constitution, indeed, is pointed on this subject: "The House of Representatives shall choose their Speaker, and *other* officers." The Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring *what officer* shall then act as President." Now, the latter expression, *what officer*, without saying "of, or under, the United States," seems to be employed to admit the very case of the Speaker of the House of Representatives, who is an officer (an officer more confidential than any appointed by the Executive) but yet he cannot be called an officer of the United States. The act of Congress, which was passed to effectuate this Constitutional provision, preserves the same guarded and appropriate language. The title is, "An act, &c., declaring the officer who shall act as President, &c.," and the 9th section provides, "that in case of removal, death, resignation, or inability both of the President and Vice President of the United States, *the President of the Senate pro tempore*, and in case there shall be no President of the Senate, then *the Speaker of the House of Representatives*, for the time being, shall act as President, &c." The President of the Senate *pro tempore*, and the Speaker of the House of Representatives, are merely the officers of their respective Houses; and it is only by being chosen to the Chair, that they acquire the denomination of officers, contradistinguished from the character of members.

Mr. D. repeated, that from a just consideration of the principles of our Government, it was thus manifest, that the moment there was a departure from the immediate choice of the people, the law of impeachment became necessary to secure them from the favoritism, or perverseness of the Executive Magistrate. *Impeachment*, he observed, is, with respect to Executive and Judicial officers, what *expulsion* is with respect to the members of the Legislature. As expulsion enables the people to decide whether they will restore the evicted member to their service, a conviction on impeachment enables the Representatives of the people to decide whether the delinquent shall be partially or totally excluded from the honors and emoluments of public office. But the very circumstance of declaring that a pardon shall not avail in cases of impeachment, though a re-election shall avail in cases of expulsion, demonstrates (as was before intimated) that the people did not mean to guard against the exercise of their own sovereignty, but against an abuse of the power delegated to their agents. Nor is there any legal force in the objection, that a Senator or Representative, convicted upon impeachment, should be rendered ineligible; for the people are the best judges to whom they ought to confide their interests; and it is no uncommon thing in the law, that persons disqualified to act for themselves may be qualified to act for others. A minor and a married woman may be an executor or executrix. A person outlawed or attainted may be an attorney. And it appears from the case of *Wilkes*, and many other cases, that conviction of a misdemeanor, is no bar to an election as a member of the British Parliament.

Here Mr. D. entered into a general recapitulation of the points of his argument, urging that the reason on which the law of impeachments was founded, did not apply to the case of a legislator; that impeachments were intended as a check on the Executive power, in the business of appointing to office; that the power of expulsion, by returning an offending member to his constituents, was sufficient to enable each House of Congress to preserve itself from pollution; and that the general penal law, applying as much to Senators and Representatives as to any other class of citizens, was competent to every purpose of punishment, as well as to warn the people against unworthy candidates for their favor. But, besides these considerations, there are precautions taken in relation to the popular choice, which are not taken in the ordinary appointments to office. The candidates must have attained a certain age; they must be qualified by citizenship and long residence; and they are exposed to the ordeal of frequent elections. Under these circumstances, the great security, after all, is, that the people will only trust those citizens with Legislative power who will employ it with wisdom and fidelity.

There is, however, one topic connected with the present discussion, to which the honorable Manager (perhaps from motives of delicacy) has not adverted, though in almost every conversation abroad, it is treated as of some importance. Mr. D. said, he meant the distinction between Representatives and Senators, as objects of impeachments, owing to the participation of the Senate in the Executive business of making treaties, and appointing officers; and on which distinction alone, a Senator has sometimes been regarded as a civil officer. But the objection is susceptible of a full and satisfactory answer. The Constitution declares, where the Legislative, and where the Executive power shall be deposited, and to each depositary it allots certain attributes; but it no where calls, or considers, the Senate as an Executive body. The omnipotence of the people in choosing their form of Government, and in modifying its powers, will not be denied. They might have established a despotism instead of a Republic when they ratified the existing Constitution; and they had a right to regulate and limit, as they pleased, the jurisdiction of the great departments of the State. They have, in fact, exercised this absolute authority in a variety of instances. If they have enlarged the sphere of Senatorial authority, as a Legislative power, in the cases of treaties and offices, they have abridged it in the

case of money bills. If they have abridged the Presidential authority, as an Executive power, in the cases of treaties and offices, they have enlarged it, in the case of the qualified negative on laws; and, indeed, the President might as well, for that reason, be called a member of the Legislature, as a Senator may, for the preceding reason, be called a civil officer.

But what is the nature of this Senatorial participation in the business of the Executive? It is nothing more than a privilege to approve, or to disapprove; to expres a Legislative sentiment, upon an Executive proposition. The right to nominate, to commission, and to remove public officers, remains, exclusively, in the President. Might not the people, however, have given to the Legislature, or to either of its branches, an entire power over offices, without changing or destroying the Legislative character? In Pennsylvania, the State Treasurer is always appointed by the General Assembly; and that body may appoint all the other officers in the department of accounts. This was the case, likewise, when the Legislature of Pennsylvania consisted of only one House; and yet it never was thought that the Representatives, for this reason, became Executive magistrates or civil officers. If the people might invest their Representatives with the whole power, may they not invest them with a part? But if this participation, in what is termed Executive business, changes the character of a legislator into the character of a civil officer, how will the rule operate, when we find Congress is empowered to make war, to grant letters of marque and reprisal, to regulate weights and measures, to coin money, to create courts, &c., all attributes of Executive authority, according to most political theories, and practically so, according to the Government of that country from which our ideas of politics and jurisprudence are derived? Surely, then, the distribution of power is no criterion on the occasion; and the participation of the Senate, in the business of appointments, may as well be called a Legislative as an Executive authority: it is a part of the jurisdiction alloted to the Senate as a Legislative body. The general reasoning is equally applicable to the Senatorial participation in making treaties. And this additional remark occurs, that, as treaties are, under our Constitution, a constituent part of the supreme law of the land, they would seem more properly to be classed with Legislative than with Executive acts. Why, likewise, it may fairly be asked, should not a Senator be considered as a civil officer, on account of the participation with the Judiciary, in matters of impeachment, as well as on account of the participation with the Executive, in matters of office and treaty? And, in that point of view, the House of Representatives, acting in the character of the Grand Inquest of the nation, may also be denominated civil officers. But the truth is, and it cannot be too often repeated, that the people have a right to deposite any power, in any form, in any department; and an arbitrary definition of the power will not alter the character of the department.

Mr. Dallas here observed, that he had so greatly trespassed on the time and attention of the Senate, and was so much exhausted with the debate, that he should leave it to his colleague to dilate upon the remaining points involved in the discussion. It would be permitted to him, however, cursorily to remark, that the articles of impeachment do not charge William Blount with any crime or misdemeanor committed in the execution of his office, with any act which might not have been committed by any other citizen, as well as a Senator; that there was room for argument, whether an officer could be impeached after he was out of office; not by a voluntary resignation to evade prosecution, but by an adversary expulsion; and that the honorable Manager had misunderstood the object of the plea, when he supposed it asserted a right to a trial by jury, in cases properly impeachable; since the clause to which he referred was merely inserted to show that, unless this was a case in which an impeachment would lie, the party was entitled to a trial by jury, in the ordinary courts having cognizance of the matters charged.

Upon the whole, Mr. Dallas expressed his hope, that for the sake of the principle, as well as in favor of his client, the plea to the jurisdiction of the Senate would be sustained, and the impeachment dismissed; but, whatever should be the result, he was confident it would be produced by deliberation, wisdom, justice, and impartiality.

The Court adjourned until to-morrow-morning at eleven o'clock.

JANUARY 5.

The Court being formed, and the Managers and counsel having attended, Mr. INGERSOLL spoke as follows:

Mr. President, and Gentlemen of this Honorable Senate:

A cause involving the construction of an important part of the Constitution of the United States, the dignity and independence of the Senate, and the rights of the House of Representatives, offers for consideration.

Motives of such high import secure to me the attention of this honorable body, while I attempt the discussion of a question, novel, curious, and interesting to every citizen of the Union.

I shall class my observations under these three particulars, to wit: The *nature*, the *extent*, and the *objects* of the power of impeachment, as designated by the Constitution of the United States.

The honorable Chairman of the Managers has told us that the Constitution has adopted the word impeachment, as well as many other technical terms, and has sent us to the common law for its exposition; that, by following the guide to which he refers us, we shall find that this power is universal and without exception, pervades every part. indefinite as to offenders and offences, restricted only in the punishment to be inflicted.

This suggestion gives to the cause an importance, the weight of which oppresses me. I now

feel a zeal beyond the line of the mere advocate. This is the first and last opportunity to pause and consider before the irretrievable step is taken. The interest of my client is lost in the consideration, how the event of this hearing may affect the public.

Sir, when I turn, as directed, to the books of the law, to know the nature of the proceeding by impeachment, what do I find of it there? Little good, and much ill; and while the energy of the English language, copious as it is, is exhausted in eulogiums on trials by jury in criminal cases, I read of none on proceedings by impeachment. The best English writers content themselves with stating, coldly, that the most proper and the most usual instances of proceeding by impeachment, are against the Ministers and other great officers of State, who, surrounded by the imposing splendor of royal favor, are too great for the grasp of law, administered by courts and juries; and from the special nature of the alleged crimes, sometimes a knowledge is requisite not always possessed by juries.

Sir, I find in those books, that the trial by jury in criminal cases, is the palladium which has preserved the liberties of the British nation during the shocks of conquest from abroad, the convulsions of civil wars within, and the more dangerous period of modern luxury.

My impression or my sentiments upon this subject, are not entitled as such, to the notice of this honorable body; but when I can cite in their support such names as Hale, Hume, Blackstone, and Woodeson; when I can add the expressions of the first great charter of American freedom, the Declaration of Independence, in which I find it assigned as one reason for the dismemberment of the Empire, that the King had given his assent to laws, for depriving us in many cases of the benefits of trial by jury; I trust what I have observed in this particular will not be stigmatized as declamation.

Since the honorable Manager has put me in this course, I will pursue it a little further. And I ask, is proceeding by impeachment the genuine offspring of that Constitution whose very end and aim, in the view of Montesquieu, was civil liberty; or is it an excrescence on the body politic, a necessary evil to cure a greater mischief; a balance to counterpoise the weight of monarchy? I read in *Blackstone's Commentaries*, vol. i. pp. 244, 249, 250, 251, 252, 257, 258; and *Blackstone's Commentaries*, vol. iv. 259, 260, that the King, *all perfect and immortal* in his royal capacity, can do no wrong; and hence the necessity of a check by impeachment upon his ministers, and those subjects who are entrusted with the administration of public affairs, who may infringe the rights of the people, and be guilty of such crimes, as the ordinary magistrate either dares not or cannot punish—a part of these reasons, surely, cannot operate in a republican system.

I read in *Magna Charta* that no man shall be condemned but by the lawful judgment of his peers, or the *law of the land*. What was this law of the land? What other mode of proceeding in criminal causes was then in practice, except trial by jury? Hale, eminently great and equally good, expresses it to be by the common law of the land. A learned English historian explains the expression, as alluding to those methods of trial which originated in the presumptuous abuse of *revelation* in the ages of dark superstition. The trial by ordeal, of fire or water, the *corsned* or morsel of execration, and the trial by battle. I add informations originally reserved in the great plan of the English Constitution, and attachments for contempts. Was the proceeding by impeachment within the exception? *Magna Charta* bears date A. D. 1225; the first instance of impeachment mentioned in the judicial history of England (as far as I can find) was on the 3d of February, 1388, or at least 1327, in the reign of Edward III., more than one hundred years after *Magna Charta;* unless, indeed, it be the proceedings against the two Despensers in 1321, which were so irregular that it was made void in Parliament the subsequent year.

Appeals in Parliament had been practised and their inconvenience became intolerable, and by the fourteenth chapter of the 1st Hen. IV. A. D. 1399, they were abolished; after which the proceeding by impeachment became frequent.

Supposing its origin to be as clear as it is doubtful, has not its history been marked with injustice; and is it a mode of trial as safe and useful as the trial by jury?

"It is sufficient," says the celebrated Montesquieu, as quoted by Justice Blackstone, "to render any Government arbitrary, that the laws on the subject of treason are indefinite;" for this reason, the statute of 25th Edward III. attempted to render the law on this subject definite and clear. The House of Commons, in order to destroy an object of their vengeance, attempted to introduce a new species of treason, *constructive*, and to support the charge by a new species of evidence, called *accumulative:* can any man read without the strongest sensibility the defence made on that occasion? Penalties are imposed previous to the promulgation of the laws, and the defendant is tried by maxims, unheard of until the moment of the prosecution. Who can recollect without horror the cruel manner in which the defendant was treated on his trial, as described by *Woodeson*, vol. ii. pp. 608, 609? Personal animosity and violence, and the implacability of determined enemies, marked their proceeding, until it ended in a bill of attainder, which a subsequent Parliament *repealed, erased*, and *defaced*. Let me add, in the words of the same author, *Woodeson*, vol. ii. p. 620, from this, or a more particular survey of the proceedings on impeachment, we shall find occasion to observe, that though great is the utility of the public ends, which they are designed to answer, they have been too often misguided by personal and factious animosities and productive of alarming dissensions between two branches of the Legislature. The incompetency of a court and jury sometimes to decide, from the greatness of the offender and the nature of the crime, is urged against me. I do not believe that at present

any offender is too great for the grasp of law as administered by our courts and juries; but what may happen, in our eventful history, I know not, and therefore I confess it to be proper that a provision of this kind should find a place in the Constitution, as far as respects the *Executive and its officers*; but further than this I contend there is not any necessity that it should be carried, and that such extension of this proceeding would be infinitely dangerous to the citizens. Might not the influence, the weight, and the protracted nature of such proceedings by impeachment, endanger even innocence? Have we not seen, in our own days, an impeachment continue seven years? Had the defendant possessed no other means of defence than innocence, the prosecution would have occasioned his ruin in one-seventh of the time.

Wherever a proceeding in a criminal matter deviates from the course of the common law by jury, whether such proceeding be introduced by statute or by a constitution, such statute and such constitution ought to be strictly construed. If any one thinks I have dwelt too long on this prefatory matter, let him read the encomium on trial by jury, by Mr. Justice Blackstone; let him read *Hume's History of England*, vol. i. p. 98, and *Black. Com.* vol. iii, p. 349, and *Black. Com.* vol. iv, pp. 349, 414; he will not find trials by jury spoken of in those qualifying observations which *Woodeson* applies to the trial by impeachment.

Thus far I urge the argument and no farther. The Constitutional power of impeachment is to be strictly construed. If the question that now arises be involved in doubts, those doubts ought to be *decisive* in favor of the accused. The power is to be extended only so far as is expressed, or to be clearly inferred, by a fair and clear, if not necessary, implication from what is expressed.

I acknowledge that the trial by jury, like every human institution, is liable to abuse; but I contend that it is less so, infinitely less so, than trial by impeachment. The demon of faction most frequently extends his sceptre over numerous bodies of men.

I conceive that it was this retrospective view of the history of impeachment that was in the mind of the Convention who framed the Constitution of the United States. Hence, the salutary restriction, as I understand it, not as contended by our opponents, an introduction upon the indefinite ground on which it is placed in England; but in a restricted manner, in a narrow channel, to supersede the trial by jury only in certain cases. The malignant suggestions of envenomed jealousy have no access to my breast. I do not impute improper motives anywhere. I ask only a reasonable construction to ascertain its extent. I thought proper to consider its nature as exemplified in the juridical history of that country from whose system of jurisprudence we have adopted it. Let us obtain an exposition of our great Charter according to its true and genuine meaning. It is surely our duty to examine and to understand, as well as to revere and to defend the Constitution. Previous to the formation of the present Constitution of the United States, this subject had been under consideration in forming State Constitutions; and in New York, whose Constitution was made in 1777, and in Massachusetts, whose Constitution was made in 1780, the practice of proceeding by impeachment was, in these and every instance, where the power was allowed, restricted to the Executive and its officers for malconduct in office. A strong indication of the sentiment that was generally entertained upon the subject; and such was the situation of the private citizen, that he could not be condemned on any criminal charge, but by the unanimous consent of a jury of his neighborhood.

I consider myself as having now prepared the way for a discussion of the second point, the *extent* of the power of impeachment under the Constitution of the United States; which power and proceeding I shall endeavor to show is restricted to the President, Vice President, and *civil officers* of the United States, for malconduct in office. I shall afterwards endeavor to make it appear that Senators are not the objects of this power, not being comprehended under the designation of *civil officers* of the United States.

Art. 2, sec. 4, is thus expressed: "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."

To construe an act of Parliament, it is necessary, we are told, to know what was the common law previous to passing the statute. For a similar reason, let it be recollected, that previous to the present Constitution of the United States, Congress had not any judiciary power; it was exclusively in the States separately—of both kinds—criminal and civil. The 12th amendment, now considered as a part of the original Constitution, declares that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people." It was not in contemplation that either the Legislative, Executive, or Judiciary powers of Congress should be indefinite. The first section of the first article declares, not that *all Legislative* powers shall be vested in Congress, but "that all Legislative powers *herein granted* shall be vested in a Congress," &c. The Executive is to execute the laws made by the limited Legislature. The Judiciary is to extend to all those *causes* which arise out of the laws of the United States—to those which concern the execution of the provisions contained in the Articles of Union—to those in which the United States is a party—to those which involve the peace of the Confederacy—to those which originate on the high seas—and those in which the State tribunals cannot be supposed to be impartial.

That the Constitution of the United States, limited in its Legislative and Executive powers to certain enumerated objects, as well as in its Judiciary, where a jury constitutes a part of its administration of justice, should be left without bounds in this hazardous proceeding by impeachment only, is grossly improbable, and, I trust, un-

founded. Contrary, I am sure, to the spirit, and, I think, also to the letter of the Constitution. Let us trace the operation of this principle. A State officer is liable to impeachment in the Senate of the State. Is he liable at the same time, and for the same offence, to impeachment in the Senate of the State and of the United States? Will an acquittal in one be a bar in the other? In disputes between the powers and relative jurisdictions of State and United States, the same reasons may induce an acquittal in the former and a condemnation in the latter. Would not this occasion a Babel, a confusion of Constitutions, a monster of jurisprudence? In jurisdictions not emanating from the same authority, where a party had not his choice, the citizen is liable, it is said, to successive trials, and contradictory determinations for one offence. The distant inhabitant is amenable, we are told, at the bar of this Court, for every species of offence, at the distance of a hundred, or a thousand miles from his vicinage, to whom the prosecution itself would be ruin, and here must submit to the awful *discretion* of the Senate whether he shall retain his honor or be doomed to disgrace, recorded and transmitted to posterity, upon your archives, as unworthy the offices of Government, and, in part, reduced from the rank of a citizen.

I have said, sir, to the discretion of the Senate; because it is perfectly well known that, not only in the delineation of the offence by the prosecutors, but also in the construction of it by the Judge, a Court of Impeachment is not tied down by such strict rules as, in common cases, before a court and jury, give personal security.

Improvident citizens! They have taken care that they shall not be subjected to a fine of one shilling, nor to imprisonment of their bodies for one hour, but, in consequence of a verdict of the neighborhood, at the same time that it is suggested, their honor they have not secured with equal precaution. The suggestion, I undertake to say, is unfounded. The mistake is not in the people, but in those who impute to them so great an inadvertency.

I recur, then, fortified by these general reflections, to the words of the 4th section of the 2d article. My position is, that the clause in question was intended, and operates for the purpose of designating the *extent of the* power of impeachment, both as to the *offences and the persons* liable to be thus proceeded against. It will be of use here to recollect, that the Constitution had previously provided for the purity of the Legislature, in the 2d clause of the 5th section of the 1st article by empowering each House to punish its members for disorderly behaviour, and, with the concurrence of two-thirds, to expel a member. No clause similar to that which is introduced into some of the State Constitutions (that a member expelled and then returned, is not liable to be expelled again for the same offence) is to be met with in the Constitution of the United States; and, therefore, the Senate has an unlimited power to expel any member they shall deem unworthy their society.

Here, then, I flatter myself, the dispute admits of a clear solution—is reduced within a narrow compass, and brought to a point.

It is a rule of construction, that every part of an instrument be, if possible, made to take effect, and every word operate in some shape or other.

There are but two constructions suggested as possible; the one for which the honorable Managers contend, to wit: that the 4th section of the 2d article was intended as an imperative injunction upon the Senate, that when judgment was rendered against a civil officer of the United States, it should be for removal from office; the other, that for which we, as counsel for the defendant, insist, that is, that it was intended to designate the extent of the practice of proceeding by impeachment, specifying who are the persons to be proceeded against, and for what offences. If, then, I am able to show that the words of the 4th section of the 2d article will not have any effect or operation at all, unless they receive the construction for which I contend; if I establish these premises, the inference will necessarily follow, that the construction for which the honorable Managers contend is not well founded, and that the construction for which we contend is the true meaning of the Constitution in this particular. To this fair, short, and decisive test be the appeal.

In a previous paragraph, to wit: the 7th clause of the 3d section of the 1st article, it is provided that judgment, in cases of impeachment, shall not extend *further* than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; that is, judgment must be either—1st. Removal from office; or, 2d. Removal and disqualification; or, 3d. Disqualification without removal, where the person convicted is not an officer. I have spoken of a judgment of disqualification, where the conviction was of a person not in office, because I am now endeavoring to show the weakness of the reasoning against me; and, as the question of the liability of all persons, those not in office as well as those in office, depends for its answer upon the construction of this 4th section of the 2d article, I am not at present authorized to consider this position of my opponent's, of its comprehending all citizens, as refuted; and I acknowledge that the argument is connected with its respective principle on each side, and that unless there is a restriction of the power of proceeding by impeachment by this 4th section of the 2d article, it is without limit both as to offenders and offences.

What do the honorable Managers mean by saying that this section is imperative? Is not every part imperative in the same sense that this section can be said to be imperative? If a person is impeached before the Senate, they must try him; it is not a matter of choice. Duty is imperative. If they try, they must acquit or convict; if they convict, they must pronounce judgment. It is imperative, also, in the 1st article previous to the clause in question, what the judgment shall be. For I trust that it will not be said, that, although the judgment may not extend *further* than removal from and disqualification for office, the Senate may

substitute other punishments by fine or imprisonment, which in their opinion shall not be greater than removal and disqualification. This would be acting upon a principle inconsistent with every idea of criminal jurisprudence; it would render the people slaves to the magistrate, to the Senate, and there would be no security for the citizens. In this sentiment I am supported by that safe guide, Mr. Justice Blackstone, in his 4th vol. p. 377. "The species, though not always the quantity or degree of punishment is ascertained for every offence; for if judgments were to be the private opinions of the Judge, men would then be slaves to their magistrates." Such a principle has not, and I presume will not be suggested by the honorable Managers. It is also observable here, that by the 2d section of the 2d article, cases of impeachment are excepted out of the President's power of pardon. The punishment being thus limited, the Constitution was imperative upon the Court to remove before as much as since the introduction of the clause in question; for I defy the honorable Managers to show that it is *possible* for the Senate, on conviction of an officer, not to remove from office, because a judgment of disqualification is a removal when pronounced against a person in office; it is a removal and more. It is impossible to pronounce a judgment that a man shall be incapable of holding an office and not remove him. The incapacity takes effect immediately. It is coeval with the judgment. There is not any interval between the judgment pronounced and the disqualification and incapacity. It is of course ridiculous to say, that the 4th section of the 2d article was introduced to make it imperative upon the Senate to remove from office on conviction, when it was previously made so imperative that it was impossible to avoid pronouncing a judgment that would operate a removal from office. As it is thus clear beyond the possibility of doubt, that the 4th section of the 2d article was not introduced for the purpose suggested by the honorable Managers, which I have considered; and, as no third construction has been attempted on either side, I infer that the construction contended for by the counsel for the defendant is well founded, to wit: that the 4th section of the 2d article was intended for the purpose of designating the extent of the power of proceeding by impeachment, at least so far as respects the *persons* liable to be thus proceeded against.

Further, if anything further be necessary upon a matter so very plain; if, as the honorable Managers insist, all persons are within the extent of this mode of proceeding, why make it imperative on the Senate to remove civil officers only? Why make it absolutely imperative to remove the marshal of a district, whose sphere of influence is comparatively inconsiderable, and leave a general at the head of an army or an admiral in the command of a navy? Would not the public security be much more endangered by leaving a man convicted of high crimes and misdemeanors in these situations than those of many civil offices? It may be said, that these military characters are liable to be proceeded against by courts martial. Be it so; that consideration is a good reason why they should not be considered as within the power of impeachment, as we assert to be the case; but none at all for not removing them on conviction, if they are within the provision of the Constitution in this particular. And if Senators were within the power of proceeding by impeachment, would it not also have been made imperative upon the Senate to remove them, who have a veto upon every bill proposed to be passed into a law and every nomination for appointment to office?

I add, that I conceive the proceedings by impeachment are restricted not only to civil officers but that the only causes cognizable in this mode of proceeding are malconduct in office.

Treason, it is true, is not necessarily a crime of office. In respect, however, to the President, he is considered as so constantly in the exercise of his office that it would be difficult to disconnect the crime in which alone treason consists under the Constitution of the United States, from his official character. Why is it that this section passes immediately from treason to bribery, a crime necessarily referring to the duties of an office? Why are the intermediate grades of offences passed by and omitted in the enumeration.

I will not however, pursue this subdivision of the subject, as it is not necessary to the support of the defendant's plea. I will leave it after submitting a few additional observations.

The punishment is official, if I may be allowed the expression, and therefore peculiarly adapted as a punishment for malconduct in office; and surely a civil officer of the United States ought not to be deprived of a trial by a jury of the vicinage in criminal cases, but by express words or necessary implication. Whoever examines the Constitution of the United States with critical attention, and compares it with the State Constitutions, will find that many of the principles of the latter are adopted and introduced into the former, where the proceedings by impeachment were confined to crimes and misdemeanors alleged to have been committed by officers in the execution of their offices. Such I conceive, was the general sense of the country as to the proper limits of this proceeding, and that to give it a greater extent was both dangerous and unnecessary. Offences not immediately connected with office, to obtain the purpose of essential justice, are best decided in the courts of the States or the United States, where party, and witnesses, and jurors, are known to each other. Nor can adherence to this principle be productive of inconvenience; if the civil officer hold a commission at the pleasure of the Executive, his removal cannot be a matter of any difficulty. If such officer, holding a commission during good behaviour, be convicted of a crime and misdemeanor, such conviction would be *ipso facto* a removal and disqualification; or a transcript of the record of conviction would be a sufficient ground for removal, and a concurrence of the Senate in a reappointment of such offender is scarcely expectable. Is the charge against William Blount within the extent of the power of impeachment, as I have deduced it from the Constitution of the United States? Is it for malconduct in office? The ar-

ticles do not charge William Blount with treason, bribery, or other high crime and misdemeanor, committed while acting in the character of Senator. A Senator sometimes is a Legislator; at other times he exercises a Judicial power, as on occasions like the present. Sometimes he participates in the Executive power, concurring with the President in appointment to office. The articles do not suggest that William Blount acted or claimed to act in either of these characters when he committed the offences alleged against him. It is alleged only to have been done, contrary to his duty as a Senator; so is every impropriety. Eminent station makes faults as virtues more conspicuous, and the evil example more extensive and pernicious. On which of his Sentorial capacities were these offences breaches of his duty? No discrimination is made in the articles. For anything said or done in his Legislative capacity, he cannot be questioned out of this House, otherwise the whole power is vested in the most numerous branch, already sufficiently powerful. The offences charged are not more a violation of his Senatorial duty in his Executive than in his Judicial and Legislative capacity.

It is true that in England this power is upon a very indefinite footing. In theory it is constitutional to proceed against a Peer for any crime, against a Commoner for any misdemeanor. In practice this power is not carried into execution, nor would the present instance be endured.

All writers speak of this power as intended only as useful in charges against officers for malconduct in office. It is said by Blackstone, in the 4th volume of his Commentaries, pages 260, 261, "that a subject entrusted with the administration of public affairs may infringe the rights of the people, and be guilty of such crimes as the ordinary magistrate either dares not or cannot punish.

Montesquieu, in his *Spirit of Laws*, volume i. p. 327, expresses himself in a similar manner. A late learned English writer, Woodeson, volume 2d of his Lectures, pp. 601, 602, and 612, repeats the sentiment, and adds, "that the abuse of high offices of trust, are the most proper, and have been the most usual grounds of this kind of prosecution. The power of the delinquents, and the peculiar political nature of their crimes, pointing out this mode of proceeding as best calculated to answer the purposes of justice." History supports the position of these elementary writers. The Duke of Suffolk was impeached for neglect of duty as an Ambassador; the Earl of Bristol, that he gave counsel against a war with Spain, whose King had affronted the English nation; the Duke of Buckingham, that he, being Admiral, neglected the safeguard of the sea; Michael de la Pole, that he, being Chancellor, acted contrary to his duty; the Duke of Buckingham, for having a plurality of offices; and he whom the poet calls the greatest, brightest, meanest, of mankind, for bribery in his office of Lord Chancellor; the Lord Finch, for unlawful methods of enlarging the forest, in his office of assistant to the justices in Eyre; the Earl of Oxford for selling goods, to his own use, captured by him as Admiral, without accounting for a tenth to others. My argument is, that what in England is said to be the most proper, and has been the most usual, in this particular, is, by the Constitution of the United States, the exclusive ground of proceeding by impeachment; at least, that none but civil officers of the United States are liable to be thus proceeded against. I do not say, that it is equally clear that the power is limited also to malconduct in office.

Allow me here to notice an objection made by the honorable Managers, which has been much relied upon, and which, as it apears to me, is easily obviated. It has been said, the 4th section of the 2d article is only affirmative. I answer, so are all the powers of Congress, Legislative, Executive, or Judiciary. Congress has power, in the 8th section of the 1st article, to lay and collect taxes, to borrow money, &c. &c. There are no negative words except when applied to the States, From the nature of the compact, as well as by the 12th section of the Amendments of the Constitution, already noticed, the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. I find by the Constitution, that civil officers are amenable to justice by impeachment, and I do not find that any other citizens are, and I therefore confidently presume that this will be the boundary by which this honorable Court will limit its proceedings. Whatever offences Mr. Blount may have committed, or is said to have committed, it is not expedient to break down the barriers of the Constitution in order to reach him. From all the preceding considerations I infer, that the power of proceeding by impeachment under the Constitution, extends only to the civil officers of the United States.

In the third place, who are the *objects* of this power of impeachment? Or, in other words, are Senators *civil officers* of the United States?

Ideas derived from English jurisprudence are ingrafted into all our Constitutions. Hence the propriety of reasoning by analogy from the books of the law. Thus far I agree with the honorable Chairman of the Managers. In Great Britain, says Mr. Justice Blackstone, in his Commentaries, vol. i. p. 271, 272, the King is the fountain of honour, of *office*, and of privilege. What is the definition of an office? It is thus defined, 2d *Black. Com.* p. 36; "a right to exercise a public or private employment, and to take the fees and emoluments thereunto belonging:" a definition much more accurate, I conceive, than that given by the honorable Chairman of the Managers.

If an officer is excluded from office, he may have a mandamus for admission or restoration. Will these remedies apply to a Senator? A writ of quo warranto, or an information in nature thereof, will lie against him who claims or usurps any office, to inquire by what authority he supports his claim? May it issue against a Senator? Will or will not the same particulars distinguish an officer of the United States? I mean the mode of appointment, the means to obtain admission or restoration, and the manner in which he may be called upon to show how he supports his claim to the office he ex-

ercises. No; it will be said, expulsion, and the power of the Senate to judge of the elections of their members, render such proceedings unnecessary. True, that is, the Senator is to be removed, corrected, or restored, by methods adapted to the member of the Legislative body, not to the officers of Executive appointment. The President is as much the parent of office here, as the King is in England. The second clause of the 2d section of the 2d article declares, "that the President shall have power, by and with the advice and consent of the Senate, to appoint Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for." The expression is not, that the President shall appoint all officers holding *under* the United States, but all officers *of* the United States. The exception is immediately explained, and does not affect the present question. "But Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the Heads of Departments." It follows in the next section, the third of article second, "that the President shall commission all the officers of the United States." I infer that none are within the expression of civil officers of the United States, unless so appointed and so commissioned.

Here is the text and its comment. To be an officer of the Government, you must receive a commission from the Executive of that Government. The Constitution proceeds without the intervention of a single line, after declaring that the President shall commission all the officers of the United States. As if so to connect the two circumstances, that it should not escape notice, it selects out the President, Vice President, and one class of those who are to be commissioned, to wit, the civil officers, and subjects them to impeachment and its consequences.

Where then is the distinction suggested by the honorable Chairman of the Managers, between those who hold *under*, and those who hold *of* the United States?

It is objected that the President is surely an important officer of the United States, and yet not commissioned, and therefore, that our definition is not accurate. To this we answer, that the President in the Constitution is always designated by the appropriate term of office, and never included under the expression of officer of the United States, or any generic term.

Now is it possible to darken what is thus clear, obscure what is thus plain, and render doubtful what is thus exempt from all ambiguity? Three characteristics distinguish the objects of impeachment (besides President and Vice President, who are specially designated, instead of being included under any general denomination;) 1st. They are appointed by the President, with the advice of the Senate. 2d. They are commissioned by the President. 3d. They are civil, in contradistinction to military officers.

Verbal criticism laid aside, let us attend to the spirit and meaning, the scope and design of the Constitution, in this particular. In the 5th section of the 1st article, the purity of the Legislature had been provided for, by giving to each House a power to punish and expel its members. Impeachment is afterwards introduced for the Executive, and its officers.

Who is the Senator? How appointed? To whom ought he to be amenable? Does he fall within the former, or the latter class? And which of those provisions is most applicable to him?

They are appointed by the State Legislatures —each has one vote—they are the representatives of the portion of sovereignty remaining in the individual States—they are sent as guardians to preserve the remaining limited sovereignty of the States. Do the reasons which show the propriety of rendering the Executive and its officers liable to impeachment, apply to these characters? Official neglect may be a pretence, Legislative firmness the real cause of offence. Firmness in the discharge of his duty might subject a Senator to impeachment. It is a power of ostracism in the hands of the most numerous branch, already sufficiently powerful, which would enable them to remove from his seat any member of the Senate who dares oppose their favorite measures.

As a further indication how little analogy there is between the character of a Senator, and that of an officer of the Executive of the United States, let it be recollected, that if a Senator resigns, or dies, in the recess of the State Legislature, the Executive of the State, not of the Unied States, supplies the vacancy. The small State of Delaware has the same number of Senators as the large State of Massachusetts. Why? Because the Senators are the representatives of sovereignty. Refine as we please, this proceeding aims at the Legislative character of the Senator. The impeachment destroys his influence as such. Common fame is a sufficient foundation for this mode of proceeding; its immediate effect, let the opinion of the House of Representatives determine, who, on this occasion, even before the articles were presented or prepared, requested that the accused, merely on an intimation from them that they had resolved to impeach him, might be suspended from his seat in this House.

The Senator has a Judiciary and Executive as well as Legislative character, we are told; and, in the old quaint law Latin, *quo ad hoc*, he is *quasi*, an officer of the United States. Can you remove him in that or those capacity or capacities? How will the judgment be rendered? The civil officers contemplated by the Constitution, by necessary implications in the articles and sections so often read to this purpose, were those who had received their appointment from the President and Senate, commissioned by the President. If the Senator is in any respect a civil officer, he must, in the same respect, be thus appointed and thus commissioned, or he is not comprehended under the Constitutional definition of a civil officer of the Government of the United States. Is the Senator, in his Judicial and Executive character, appointed by the President and Senate, and commissioned by the President? Or does his Judicial and Executive character also emanate from the same

source as his Legislative, to wit, from the States? A member of the House of Lords, no writer, no speaker ever denominated an officer of the Crown or Government. Compare the Judiciary powers of a member of the House of Lords with those of the Senators of the United States. Here, a rare instance, of perhaps half a century, an impeachment. In England, the House of Lords is the dernier resort for the ultimate decision of every *civil action.* Then certainly it is not the Judicial part of the Senatorial character that denominates them civil officers of the United States.

It remains to consider their power in appointment to office. They can only advise and *consent.* They cannot either appoint or execute. Is this any incident of a civil office? Being appointed is; but not appointing, except the first Civil Magistrate. The civil officer is the patient, not the agent of appointment. The President, indeed, is not *appointed;* but, as I said before, he is not comprehended under the generic term of civil officer; but specifically described by the term of his *office*, as is the *Vice President.*

If the Senator rarely judges, and sometimes appoints, but generally legislates, in the Constitution, as in laws and common language, does the general nature of the character give the determination, or the incidental?

The President is the Executive of the United States; but does he not take a part in legislating? He has *a qualified negative upon every law;* and yet *all* Legislative power is vested in a Congress of Senate and House of Representatives.

If the Senator is liable to be proceeded against by impeachment, because he acts as a Judge sometimes, or joins the Executive in appointments, the reason of the law shows its extent, and *cessante ratione legis cesset et ipsa lex.* He is liable to impeachment only for what he did in the Judicial or Executive part of his character, then he would be prosecuted in one character, disgraced and punished in another.

There is not any charge in the articles against the defendant for malconduct, with peculiar reference to the exercise of his Judicial or Executive Senatorial character. If it be said, that his being a civil officer of the United States in two respects, renders him an object of impeachment for any crime and misdemeanor, then you include offences in his Legislative character, confound all the distinctions in the Constitution, destroy the independence of the Senate; and the most numerous branch, like *Aaron's* serpent, swallows up the whole. To obviate this objection, should any one say that his conduct as a legislator is exempt from this course of proceeding—I say no, unless that, as civil officers only may be impeached, it implies for malconduct in office, or that the Senator is not a civil officer of the United States. I defy ingenuity to suggest any but one of these two reasons, or make a third distinction. The 6th section of the 1st article declares, "that for any speech or debate in the Senate, the Senator cannot be questioned elsewhere;" but suppose that he is guilty by act, takes a bribe to vote for a law or against a law, if he is a civil officer of the United States, there is not anything to prevent his being liable to impeachment as any other civil officer; and if as to others, it is not confined to malpractice in office, but includes every crime and misdemeanor, so will it as to him also. It is asked, shall a Senator escape punishment? Must the Senate associate with an unworthy member? I answer, the Constitution has provided that the offender may be prosecuted by indictment, he may be expelled; after which, it is not very probable, that he will be appointed to an office of the United States, with the advice and consent of the Senate. If William Blount, however, is convicted, may he not be returned a Senator again? I mean to ask, will the judgment on conviction disqualify? The Senate, it will be said, can expel him again. Be it so; but, until expulsion, is he not a Senator, at least in his Legislative capacity? Can he be so by parts? Does not this show that a Senator is not an officer of the United States, nor an object of the proceeding by impeachment? Would a judgment on conviction remove him as a Senator? Would it be a disqualification, as to part of his character, and not as to another part? Such subtle refinements, opprobrious niceties and inconsistencies result from classing Senators under a denomination not intended by the Constitution.

Senators and members of the House of Representatives have one set of words appropriated to them in the Constitution—civil officers, other terms. As thus, *office, appointment, commission, removal; Senator, or one* of the House of Representatives, *member, election, expulsion, seat vacated.*

What interpretation shall we give to the 6th section of the 4th article? "No person holding any office under the United States, shall be a member of either House, during his continuance in office;" and yet a Senator is, *ipso facto*, it is said, an officer of the United States. Identity is incompatibility. The exception of a Senator is implied, say the honorable Managers; but how do they show it? Is not this section to be understood as importing that the character of a member of either House, and that of an officer of the United States, are, by the Constitution, distinct and incompatible. The distinction is observed throughout. Can the Clerk of this House, or the Clerk of the other House, be proceeded against by impeachment? I conceive not; because they are not appointed nor commissioned by the United States Government, or by the Executive thereof, but by the respective Houses. I believe that not an instance can be found in the Constitution of the United States, in which a Senator is classed under the denomination of an officer, or civil officer of the United States.

Some observation was made on the 9th section of the 1st article of the Constitution of the United States, "that no person holding any office of profit or trust under the United States, should, without the consent of Congress, accept of any present from any King, Prince, or foreign State." Might a Senator, one in so important a public situation, accept of a present from a foreign State? No, I answer. The power of expulsion is a sufficient check. The impropriety of the measure would

be a sufficient guard. The laws, in consonance with the Constitution of the United States, distinguish between the members of the Legislature and the officers of the United States, and also of the several States.

In the first volume of the laws of the United States, p. 18, sec. 3, it is provided "that all members of the State Legislatures, and the Executive and Judicial officers of the several States, shall take an oath to support the Constitution;" and by section 2, it is provided "that the members of the Senate and House of Representatives," and by section 4, "that all officers of the United States shall take the same oath, distinguishing between the members of either House and the officers of the United States." In the Constitution of the State of Pennsylvania, of New York, of Massachusetts, and of New Hampshire, the same distinction of language is observed. The distinction is equally familiar in the English law. In the 1st vol. of *Blackstone's Commentaries*, p. 368, it is said "that the oath of allegiance must be taken by *all persons* in any *office*, trust, or employment;" yet members of either House are not considered as included. In p. 374 of the same volume, it is declared "that no denizen can be of the Privy Council, or either House of Parliament, or have any *office* of trust, civil or military." Such, I believe, has been the universal understanding of the expressions, until the present prosecution.

It is a rule of construction, that when a law is only doubtful, arguments *ab inconvenienti* are most powerful. The rule will apply, with equal propriety, to the construction of a Constitution. If the most numerous branch, already, I repeat it, sufficiently formidable, may proceed by impeachment against a Senator—at their will, doom to temporary disgrace any member—this would form an engine of immense additional weight in their hands. I know that it is not always an objection against entrusting power that it may be abused; but, when it is unnecessary to make the trust, and the danger great, the risk ought not to be incurred.

It is among the less objections of the cause, that the defendant is now out of office, not by resignation. I certainly shall never contend that an officer may first commit an offence, and afterwards avoid punishment by resigning his office; but the defendant has been expelled. Can he be removed at one trial, and disqualified at another, for the same offence? Is it not the form, rather than the substance of a trial? Do the Senate come, as Lord Mansfield says a jury ought, like blank paper, without a previous impression upon their minds? Would not error in the first sentence naturally be productive of error in the second instance? Is there not reason to apprehend the strong bias of a former decision would be apt to prevent the influence of any new lights brought forward upon a second trial?

I know I am endeavoring to support what in all courts is generally unpalatable doctrine. I am speaking for a decision against the exercise of jurisdiction requested by the honorable Managers. Waters, however, says Lord Coke, which overflow their limits, are apt to lose their channel, *est bonijudicis ampliare justitiam non jurisdictionem.* I thank you for the patient attention with which I have been heard. I hope and believe that your deliberations will end in a proper decision of this most important question. I conclude in the dying words of the famous Father Paul to his country, as quoted by Mr. Justice Blackstone, and which he has, I conceive, with less propriety, applied to the Constitution of Great Britain: I say of the Constitution of the United States, in its true sense and genuine exposition, *Esto perpetua!*

Mr. INGERSOLL having closed his observations, Mr. HARPER replied as follows:

And I, too, Mr. President, say of the Constitution of the United States, *Esto perpetua!* In this prayer I most devoutly join the honorable counsel for the defendant; nor will I yield to that honorable gentleman, or any other of America's sons, in the warmth or the sincerity of my wishes for the perpetual duration of our free and happy Constitution.

But the question between us does not relate to the duration of the Constitution, which we all equally desire, but to its construction, about which doubts may well exist among its sincerest friends. To fix this construction in the case now under consideration, will, therefore, be the sole object of those remarks, which, as one of the Managers of the impeachment against William Blount, I shall address to this honorable body. To this object I shall strictly confine myself; leaving in the fields of rhetorical embellishment, to which they properly belong, all the other topics whereon the learned counsel for the defendant have so eloquently descanted.

The arguments urged against the jurisdiction of the Senate, in this case, naturally divide themselves under two heads: first, that no person except an officer of the Government of the United States is liable to impeachment under the Constitution; secondly, that, according to the force and true meaning of the Constitution, a member of the Senate is not such an officer. It was in this order that my learned colleague considered the subject. On the first point nothing can be added by me to the very able and conclusive argument which he delivered; nor shall I attempt anything more than merely to remove the principal objections which were urged by the learned counsel in reply; but, on the second, which was more lightly touched by him, I shall insist at greater length.

My honorable colleague, under the first head, contended that the power of impeachment being given by the Constitution to the Senate and House of Representatives, without restriction or explanation, its nature, its objects, and its extent, must be sought for in the common law of England, from whence it is derived. This principle was warmly combated by the learned counsel for the defendant who replied to him, but who did not condescend to inform us to what source we are to resort for the explanation of the term "impeachment," after we shall have rejected, pursuant to his advice, what he is pleased to term "the dark and barbarous volumes of the common law."

What, he exclaims, shall we, in order to decide on questions respecting our dearest rights, have recourse to the "dark and barbarous volumes of the common law!" This, Mr. President, reminds me of the "worm-eaten volumes" of the law of nations, about which we formerly heard so much in our dispute with the French Republic. The former Minister of that nation, when he found himself hard pressed by the authorities from the law of nations, which the American Secretary of State very ably adduced against him, had recourse to the same ingenious expedient whereto the learned counsel for the defendant, in similar circumstances, has resorted. He denied the authority of Grotius, Puffendorf, and Vattel, and called their works "worm-eaten volumes," whose contents, he thanked God, that he had long since forgotten.* With equal prudence and dexterity, the ingenious counsel for the defendant, hard pressed by the authorities adduced from the common law, and unable to answer or evade them, gets rid of them at once, by a *coup-de-main à la Genet*, and consigns them to oblivion, as "dark and barbarous volumes," unworthy of the light of the new philosophy; which, in law, it seems, as well as in politics and morals, can dispense with the aids of long experience, soars above the wisdom of all former ages, and, in the mouths of its new-fledged votaries, is all-sufficient, by its own light, to regulate not only our civil institutions and our moral conduct, but also the laws which protect our property, our lives, and our reputation. The "dark and barbarous volumes of the common law," which have been the boast of ages, and in which our simple ancestors thought that they could find the maxims of truth, discovered by reflection, and confirmed by experience, are now, according to the learned counsel for the defendant, to be banished, along with the "worm-eaten volumes" of the law of nations, into the regions of mere antiquarian curiosity, or of total oblivion. And yet, Mr. President, our courts and juries do not seem to be yet illumined by this new light; for to these "dark and barbarous volumes" do they perpetually recur on questions of the highest importance. If a man be indicted for murder, and a question arise whether the matter alleged in the indictment amount to the crime of murder, whither does the court resort for a decision on this question? I answer, to the "dark and barbarous ages of the common law." If the indictment be sufficient, and it become a question whether the facts proved are sufficient to support the indictment, whither, I ask, is recourse had for a decision on this point? Again, I answer, to the "dark and barbarous volumes of the common law." If the testimony, offered in support of the indictment, be objected to as improper, how is this question decided? By a recurrence to those same "dark and barbarous" volumes. If a man, being defamed by his neighbor, bring an action for damages, and it be objected that the words spoken are not sufficient to support an action of slander, how is this question decided? I answer, by recourse to the "dark and barbarous volumes of the common law."

Do these volumes, which have so unfortunately incurred the displeasure of the learned counsel for the defendant, possess less influence upon our property than upon our life and reputation? By no means; for should a man claim an estate by inheritance from his ancestors, or by the will of a person deceased, and a question were to arise respecting the legal effect of the words made use of in the will, or the circumstances necessary to constitute a descent in law, by what standard would the decision be regulated? By the rules, I answer, which are contained in the "dark and barbarous volumes of the common law." Should I bring my action of trover for the recovery of any part of my personal property, whereof another person had obtained possession? By what authority should I support my action? By what rules would the recovery be governed? Still, I answer, by the "dark and barbarous volumes of the common law."

It appears, indeed, that our Legislatures are as destitute as our courts and juries, of that new light which might enable them, like the learned counsel for the defendant, to dispense with the "dark and barbarous volumes of the common law;" for they perpetually refer to those volumes for the explanations of the most important terms used in their Legislative acts. Suppose, for instance, that the Legislature of any State should pass an act providing that any person *convicted* of such or such an offence, should suffer the punishment of *felony*, without *benefit of clergy*. Similar acts are frequent. Would the Legislature, in this case, explain, in the act, itself, what is meant by the terms *conviction*, *felony*, and *benefit of clergy*? Certainly not. For the explanation of those terms, which constitute the very essence of the act, recourse would be had to the "dark and barbarous volumes of the common law." So, if it were to be enacted, that lands held in fee simple, should no longer pass by descent to the heir at law alone, but should be equally divided among all the heirs of the whole blood, in equal degree, there would be found in the act itself, no explanation of the terms *fee simple*, *descent*, *heir at law*, heirs of the *whole blood*, *&c.*, but recourse must be had for their meaning to the "dark and barbarous volumes" which are so unsightly in the eyes of the learned counsel for the defendant.

I should never conclude, Mr. President, were I to enumerate all the instances of this kind which might be drawn from our systems of jurisprudence and our Legislative proceedings. Every day and every hour do our courts of justice found their decisions, and our Legislators rest the explanation, of their acts on those "dark and barbarous volumes" of the common law, for attempting to draw from which an explanation of the nature and extent of the power of "impeachment," my learned colleague has incurred the censure of the honorable counsel for the defendant.

But if my colleague were not thus supported by the universal practice of our Legislative bodies, and our courts of justice, in his recurrence to

* See the correspondence in 1793, between Mr. Jefferson and Mr. Genet.

the common law for an explanation of a term derived solely from that law, what could be more reasonable in itself than such a recurrence? Is it not common, is it not necessary, in every day's practice, to use terms drawn from particular arts or sciences? And when doubts arise about the meaning of these terms, to what do we resort for their explanation? Surely to the art or science from whence they were borrowed. Let us take chemistry for an example. Suppose it were enacted by a law that men should not profess chemistry, or should not perform certain operations in chemistry, without a previous license from the Government; and a question were to arise before a court of justice about the meaning of the term "chemistry," or of the terms employed in describing those particular operations; on what authority would this explanation, the decision of this question, be rested? Surely on the approved books of chemistry; on the writings of those authors who have obtained the greatest reputation in this science—of Lavoisier and Priestley, for instance. I trust the learned counsel for the defendant would not stigmatize the writings of these illustrious chemists, of these new lights in science, as "dark and barbarous volumes." To me, they would be "dark," for I do not understand the subject whereof they treat, but I should never pronounce them "barbarous." On the contrary, I should submit implicitly to their authority, according to the maxim which, in my unenlightened opinion, is not the worse for being old: *cuique sua arte credendum.* Not so the learned counsel for the defendant. To him the volumes of the common law are not "dark;" and yet, after having so successfully employed himself in extracting their rich treasures, he, rather ungratefully, I must say, consigns them over to worms and oblivion, with the epithet of "barbarous."

The learned counsel who first replied to my colleague took great pains, and displayed much ability, to show the pernicious and absurd consequences which would result from adopting the penal common law of England, or the penal code of any State, as a rule of conduct for the Federal Government. But this was merely fighting a phantom; for my colleague contended for no such thing, nor is it in the least necessary for our purpose. We do not wish the Federal Government to adopt the penal laws of England, or of any particular State in the Union; but we contend that when a term, borrowed from the law of England, is introduced without comment or explanation into our Constitution or our statutes, every question respecting the meaning of that term must be decided by a reference to the code from whence it was drawn; in the same manner as a term in chemistry, or any other science, being introduced into one of our statutes or Constitutions, must be explained by a reference to the writers on that science. Surely this is a different thing from adopting the penal code of England, or of any particular State, as a rule of conduct for the Federal Government.

If, therefore, it be proper and necessary to recur to every art and science for the explanation of terms which have been borrowed from it, where shall we search, but in the common law of England, for the nature and extent of the "power of impeachment," which our Constitution has borrowed from that law? It is answered that we must recur to the Constitution itself. This, Mr. President, I would most readily admit—nay, most earnestly contend for—did the Constitution contain any explanation on this subject. But is that the case? Let the Constitution answer.

In the last clause of the 2d section of the 1st article, the Constitution declares that "the House of Representatives shall have the sole power of impeachment."

1. The two last clauses of the 3d section of the 1st article declare that "the Senate shall have the sole power to try all impeachments;" that, "when sitting for that purpose, they shall be on oath or affirmation." That "when the President of the United States is tried, the Chief Justice shall preside." That "no person shall be convicted without the concurrence of two-thirds of the members present." That "judgment, in cases of conviction, shall not extend further than to removal from office, and disqualification to hold any office of honor, profit, or trust, under the United States." And that "the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law."

And, finally, the 4th section of the 2d article provides that "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."

This is every word that that the Constitution contains on the subject of impeachment.

In these clauses there are provisions for three distinct objects, and, as it appears manifest to me, for nothing more. First, by whom impeachments shall be preferred; secondly, by whom and in what manner they shall be tried; and, thirdly, what shall be the punishment, in case of conviction. The power of punishment, indeed, is restricted. In no case shall it go beyond removal from office and disqualification; and in the case of the President, Vice President, and all civil officers, it shall not stop short of removal. But as to the persons who shall be impeached besides the President, Vice President, and civil officers; or as to the offences for which they may be impeached, not a word is to be found in the Constitution. The sole power of impeachment, in all its latitude, and with all its properties and incidents, is given to the House of Representatives.

Where, then, Mr. President, are we to look for these properties and incidents? Where shall we find the measure of this latitude? Not in the Constitution, surely, which says not one word on the subject; but in the common law of England, from whence the Constitution borrowed the term "impeachment," as it did so many other terms, without explanation or restriction.

It cannot, then, I apprehend, be doubted that the term "impeachment" in our Constitution has, and was intended by the framers of the Constitution to have, precisely the same meaning, force, and

extent, as in the English law. And it being perfectly clear that in the English law the power of impeachment is unlimited, and extends to every person and to every offence, it follows, undeniably, that the positions of my learned colleague remain unshaken, and that the defendant, in the present case, is liable to impeachment for the offences charged against him by the House of Representatives.

The learned counsel who first replied to my colleague has, indeed, denied that the power of impeachment is unlimited in the English law. According to him, it is restricted, by what he calls "the policy of impeachments," to mere official offences, committed by people in office. It is somewhat singular that the author cited, in support of this doctrine, (*Woodeson*, pp. 596, 601,) flatly and expressly contradicts the doctrine. After explaining the circumstances from which, in his opinion, the practice of impeachments in England first arose, he goes on to state what the law on that subject actually was, at the time when he wrote, a very few years ago. "All the King's subjects, (says *Woodeson*, p. 601) are impeachable in Parliament; but with this distinction, that a Peer may be so accused before his Peers, of any crime; a Commoner (though perhaps it was formerly otherwise) can now be charged with misdemeanors only, not with any capital offence." I confess I cannot understand how it is to be inferred, from this authority, that the power of impeachment in England is restricted to official characters and official offences. To me it appears that the very contrary is expressly established. As to the position that all the instances specified by *Woodeson* are of an official nature, I cannot contradict it; but surely the learned counsel must have forgotten the case of Dr. Sacheverel, impeached for preaching an improper sermon, before he asserted that no impeachments, except of persons in office, and for official offences, are to be found in the English books.

As to the principles of the Federal Government, and the general policy of impeachment, whereby the learned counsel for the defendant have informed us that the power of impeachment under our Constitution ought to be restricted, I confess, Mr. President, that I do not perceive the force of such arguments in a question of this kind. Our business is to ascertain the meaning of the Constitution, and not to discuss the policy of its various provisions; to inquire what the law of impeachments is, not what, according to its policy and its uses, it ought to be. Such arguments would have been very proper in the Convention which framed the Constitution, or in any of those by which it was ratified, but are wholly inapplicable in a court of justice, whose business it is to expound the law, not to judge of its policy or impolicy. Nor can I conceive how the universal extent of the power of impeachment, contended for by my honorable colleague, is contrary to the spirit, the objects, or the policy, either of the law of impeachment, or of the Federal Constitution. The use of the law of impeachment is to punish, and thereby prevent, offences which are of such a nature as to endanger the safety or injure the interests of the United States; and the object of the Federal Constitution was to provide for that safety and to protect those interests. Such offences may be committed, as well by persons out of office as by persons in office; and although the punishment can go no further than removal and disqualification, which restriction was, perhaps, wisely introduced in order to prevent those abuses of the power of impeachment which had taken place in another country, yet it may often be extremely important to prevent such offenders from getting into office, as well as to remove them when they are in; and it is, therefore, as consistent with the policy of impeachments, and the principles of the Federal compact, to punish them in the one case as in the other. This doctrine, it is further said, would enable Congress to interfere with the State Governments, by impeaching their officers, But those impeachments must be founded on offences against the United States; and if such offences were committed by State officers, I cannot see why they ought not to be punished, as well as in any other case. Surely they would not be less dangerous. If the convictions in such impeachments could remove men from State offices, or disqualify them for holding such offices, there might be something in the objection; but that could not be the case, since the removal and disqualification apply to offices under the General Government alone.

The learned counsel for the defendant have adduced many of the State Constitutions, to show that the States have, in their own Constitutions, restricted the power of impeachment to official persons and official offences; from whence, according to them, it ought to be inferred that the States, in ratifying the Federal Constitution, intended that the power of impeachment which it contains, should be restricted in the same manner. But, Mr. President, I cannot discern how this inference is warranted. The very contrary, I should suppose, ought to be inferred. It must be remembered that in the State Constitutions the power is expressly limited; and that terms are employed very different from those to be found in the Federal Constitution. This proves that where the States intended to limit the power, as in their own Constitutions, they employed express words for that purpose: from whence it may, surely, be inferred that when they took the Federal Constitution, without any such express words, they intended to take the power of impeachment alone with it, without any such limitation. It must also be remarked, that the Convention which framed the Federal Constitution was composed of members from each State, who must have understood their own State Constitutions, and the limitations on this subject, which they contain. Had they intended to limit the power of impeachment in a similar manner, they would no doubt have done it by express words, as in their respective State Constitutions.

But the learned counsel for the defendant have told us that the power of impeachment is limited in the Constitution itself, by the restriction which it imposes on the power of punishment. The power of punishment on conviction by impeach-

ment, is restricted, say they, to "removal from *office*, and disqualification to hold or enjoy any *office* of honor, trust or profit, under the United States;" and it would be absurd to impeach, try, and convict a man, who held no *office* from which he could be removed, and could, of consequence, be no otherwise affected than by a disqualification to hold, in future, offices which he, perhaps, never had a prospect of obtaining. Of this absurdity the Constitution cannot be supposed to be guilty; and therefore it could not have intended to subject to the power of impeachment any persons except those who actually hold offices, and may be punished by removal.

But where, Mr. President, did the honorable counsel for the defendant learn that disqualification to hold any office of trust, honor, or profit, under the Government of our country, is no punishment? Would either of those honorable gentlemen think it no punishment in his own case? There are, no doubt, many men indifferent as to offices of profit, and not ambitious of those of honor or trust. But to be held up to our fellow-citizens as a person unworthy of trust, undeserving of honor; to be stigmatized by a solemn sentence of the law, pronounced by the highest and most awful judicature known to the Constitution; to be excluded, by the voice of our country, from all hope of participating in those rights, privileges, and advantages, which are open to our fellow-citizens; to be disowned by our common mother, as degenerate and unnatural sons, unworthy of her confidence; to be deprived, not only of her kindness and her favors, but even of the right which a good citizen holds dearest of all, the right of devoting ourselves to her service, of defending her in the hour of danger and distress. Are these not punishments? I know not where the learned counsel learned that they are not; but this I know, that they did not learn it in their own hearts. Yes, Mr. President, a sentence of disqualification, pronounced by this honorable body, in the face of the whole American nation, and on a charge of high crimes and misdemeanors by the Representatives of the American people, is a punishment; and as this punishment is applicable to persons who are not officers as well as to those who are, it follows that the power of impeachment, if its extent be measured by that of the power of punishment, is applicable to all persons, whether officers or not.

But admitting, Mr. President, that the power of impeachment is restricted by the Constitution to *officers* of the Government of the United States; still, I contend that a Senator of the United States, a member of this honorable body, is an *officer* of the Government, in the Constitutional meaning of the word, and consequently liable to impeachment, on the doctrine of the learned counsel themselves.

The learned counsel have, indeed, contended, by their plea, and in their arguments, that none but *civil* officers are liable to impeachment by the Constitution; but in this they are plainly contradicted by the Constitution itself. They found their argument on that clause which provides "that 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." But this clause is, evidently, not restrictive, but imperative. It does not point out what persons, or what officers, shall be liable to impeachment; but expressly orders, that such and such officers, when convicted on impeachment, shall be punished to the extent, at least, of removal from office. The former clause had declared, that "judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold or enjoy any office of honor, trust, or profit, under the United States;" leaving the Senate to apportion the punishment, according to its discretion, within those limits. They might censure the person convicted, suspend him for a limited time, or disqualify him perpetually for certain offices, or for all offices during a certain period. But beyond absolute removal, and perpetual disqualification for all offices, they could not go. This was fixed as the utmost limit of their power, and of their discretion.

It was judged, however, that in case of the President, Vice President, or any *civil* officer, the punishment ought not to be less than removal; though it might be more, according to circumstances. This provision was, therefore, inserted. Its object, manifestly, is, not to designate the persons who shall be liable to impeachment, but to prevent the Senate, in the exercise of their discretion, from retaining in a civil office, a person convicted of "treason, bribery, or other high crimes and misdemeanors." As to the distinction here made between *civil* officers, and other officers, there is no need to examine or defend it. It may, however, be supposed to have arisen from an opinion, certainly well founded, that, under certain circumstances, there might be danger, or great inconvenience, in removing from his command, a *military* officer, whom, nevertheless, it might be very proper to censure or suspend, or even to disqualify for some particular offices. As to military officers, therefore, a complete discretion was left to the Senate; but not in the case of civil officers, to whom the same reasons could not apply. They, on conviction, *must* be removed. Military officers *may* be removed, or not, according to circumstances.

The honorable counsel for the defendant, who immediately preceded me, viewed this provision in a very different light. He discussed it at considerable length, and made it the principal groundwork of his argument. According to him, it is not to be considered as merely imperative on the Senate, and restrictive of their discretion in apportioning the punishment; but as a designation of the persons who may be impeached: because, as an injunction on the Senate, not to reduce the punishment, in the cases which it mentions, below removal from office, it would be wholly useless and superfluous; and therefore must either become nugatory, contrary to the maxim which requires an instrument to be so construed as to render

every part of it operative, or must be taken as a designation of the persons who alone are liable to impeachment. But with deference to the learning and discernment of that honorable counsel, I conceive that his opinion, on this point, is founded on a total misapprehension of the provisions respecting the punishment of impeachment. Every part of the Constitution, he says, is imperative on the Senate. If the House impeach, they must try; and if they convict, removal and disqualification must follow. Therefore, to say that, in such and such cases, they shall remove on conviction, when removal and disqualification must be the necessary consequence of conviction in every case, would be nugatory and ridiculous. But is it true, that every part of the provisions respecting punishment on conviction is imperative? Is it true, that removal and disqualification must be the necessary consequences of conviction in every case? "Judgment, in cases of impeachment, says the Constitution, shall not extend *further* than to removal from office, and disqualification to hold," &c. Does this mean that the Senate shall always punish to the extent of removal and disqualification, whatever be the nature and mitigation of the offence; or that, within the limit of removal and disqualification, they may graduate the punishment according to circumstances, but never shall exceed that limit? If the latter be, as I contend it is, the plain and necessary meaning of the provision, the whole argument of the honorable counsel falls to the ground.

"The President, Vice President, and all civil officers," says the Constitution again, "*shall* be removed from office on impeachment," &c. Is there no difference between these two passages? Is it the same thing to say that certain persons *shall* be removed on conviction, and that judgment in no case shall extend further than to removal and disqualification? Is it not manifest, that one is imperative, and the other restrictive? That one prescribes limits to the exercise of a power supposed to exist, leaving it discretionary within those limits; while the other declares that, in certain cases, it shall be exercised to a certain extent, and thus curtails the general discretion before given? To me this construction appears so obvious, that I am almost tempted to repeat the phrase, rather hastily used by the honorable counsel, and declare that a contrary construction would be perfectly ridiculous.

Had the Convention intended by this clause to restrict the power of impeachment, by designating the persons who should alone be liable to it, would they have employed expressions so awkward, so unapt, and so liable to doubt? Instead of saying, "the President, Vice President, and all civil officers, shall be removed from office on impeachment for and conviction of treason, &c.," would they not have said, "the President, Vice President, and all civil officers, *and no other persons*, shall be liable to impeachment, and on impeachment for and conviction of treason, &c., shall be removed from office? Had such been their intention, this, I conceive, would have been their language, for then their intention would have been clearly expressed.

The restriction, therefore, of the power of impeachment, is to be sought for in other parts of the Constitution, not in this clause. In what part? I answer in that which restricts the power of punishment.

"Judgment, in cases of impeachment, shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States." It is this clause, and this alone, that restricts the power of punishment, and that is said to restrict, by implication, the power of impeachment also. The power of punishment, it is contended, is restricted to *officers* by this clause; and it would be absurd to extend the power of impeachment beyond the power of punishment. The former, therefore, must be considered as restricted to *officers*, as well as the latter.

This reasoning has been already combatted, and, I think, entirely overthrown; but admitting it, for the present, to be perfectly well founded, let us, Mr. President, inquire how far it will aid the plea relied on by the defendant. Admitting that none but *officers* of the United States can be impeached; let us inquire whether a Senator be not an *officer* in the sense of the Constitution? This is the second great question in the cause. If I can prove that, in the true sense of the Constitution, a Senator of the United States is an *officer*, and that a seat in this honorable body is an *office* under the United States, it will follow that the defendant, in this case, is liable to impeachment, and that his plea must be overruled.

It is to be remarked, that the term "office," in that clause of the Constitution which, restricting the power of punishment, is said to restrict thereby the power of impeachment also, is used in the most general sense. The clause does not speak of a civil office, a military office, or any particular species of either; but of any "office of honor, trust, or profit," which is *genus generalissimum*, and includes every possible designation of office, of what nature or kind soever. It is, therefore, into the signification of the word "office," in its most comprehensive sense, that we are now to inquire.

In order to ascertain the meaning of a term, we may have recourse to its derivation, to its definition by writers of authority, who have had occasion to employ it, and to its established acceptation in common use. Let me be permitted, Mr. President, to try the meaning of the term "office" by these three standards. As to the derivation of this term, it is derived from the Latin word *officium*, which signifies duty, charge, or employment. As far, therefore, as its meaning can be inferred from its derivation, it must signify "a post, place, trust, or employment, which requires the performance of certain duties." Where those duties are of a public nature, the office is a public office.

It is in this sense that the term "office" is used among us. In common language, in legal proceedings, in public acts, when we speak of an "office," we mean "a post, place, or employment, which requires the performance of some duty of a public nature." These duties may be of various

kinds. They may relate to the civil Government, and then the office is a civil office. They may relate to the public defence, to the superintendence and direction of the public force; and then the office is a military office: but still it is an "office." in the general and universally received sense of the word. Where these duties relate to the civil Government they may also be of various kinds. They may appertain particularly to the enaction of the laws, which is the highest department of the civil Government, and then the office is a Legislative office. They may appertain to the execution of the laws, and then the office is an Executive office. They may appertain to the administration of justice, or the application of the laws to individuals, and then the office is a Judicial office. They may appertain to the relations between the nation and foreign nations, and then the office is a Diplomatic office. But still, in every case, it is an office, and a civil office. Wherever a man holds a place which requires from him the performance of a duty of a public nature, we call him an officer. We apply the term to a constable, or the cryer of a court, as well as to the Chief Justice of the United States; to a midshipman in the Navy, an ensign in the Army, or a weigher in the custom-house, as well as to the President of the United States. It is the official obligation to perform a public duty that constitutes the office in one case as well as in the other. There is no difference, except in the importance and nature of the duties.

I admit, indeed, Mr. President, that the application of the term to members of the Legislature is less frequent, in common language, than to persons employed in the Executive or Judicial departments; but, that it is frequently so used and so understood, I shall hereafter prove by the most authoritative examples. Its being less frequently used in that sense, is by no means an argument to show that it does not bear that sense. It is not very frequently used in application to persons employed in the diplomatic department. We do not commonly say of a foreign Minister or Consul that he is an officer; and yet there can be no doubt that the post of foreign Minister is an "office," in the strictest sense of the word. The term officer is more frequently and appropriately applied to persons holding military commissions, than any others; and yet nobody supposes, on that account, that a General in the Army is more an officer of the United States than the Secretary of State. The question is not, how the word is most frequently used, but to what extent its common and received acceptation will justify its use? There can be no doubt that, in its common and received application, it includes all persons holding posts which require the performance of some public duty. Surely a member of this honorable body holds a post which requires the performance of public duties, and those of the most important kind; for he participates in the enaction of the laws, by his share in the Legislative authority; in their execution, by his control over Executive appointments; and in the administration of justice by his power of impeachment. He, therefore, if any person, is to be considered as peculiarly an "officer under the United States."

He is even a civil officer: for we have seen that "civil offices" are contradistinguished from "military offices" by the nature of their duties; being "those posts which require the performance of some duty, of a public nature, relating to the civil Government." They constitute one general division of offices; and include, as subdivisions, offices Legislative, Executive, Judicial, and Diplomatic; all of which require the performance of duties relating to the civil Government. Hence it appears, that the argument of the learned counsel, who immediately preceded me, would avail him nothing, even were it well founded. He contends that the clause declaring that "the President, Vice President, and all civil officers of the United States, shall be removed on impeachment, &c.," is restrictive of the power of impeachment; and that, consequently, none but civil officers can be impeached. Be it so: but still the plea cannot be supported, for a Senator is a civil officer.

These elucidations also furnish us with a reason for the distinction made, in the clause relied on by the learned counsel, between the President, Vice President, and civil officers. Upon the construction of the learned counsel, this distinction would, to use his own expression, be nugatory and ridiculous; for, according to him, the term "civil officer" includes the President and Vice President: upon our construction, it is operative and necessary; for we contend, and I think have proved, that it is the relation of the duties to particular departments of public business, that produces, and defines, the division of offices into civil and military; and of civil offices, into Legislative, Executive, Judicial, and Diplomatic. Now as the duties of the President are not confined to the civil or military department, but comprise both, it follows, that his office is neither exclusively civil, nor exclusively military, but includes both characters; so that he would not have been included in the designation "civil officer," and it was necessary to name him expressly, which is accordingly done. The same reasoning applies to the Vice President, who is also expressly named.

I would not, however, be understood, Mr. President, to rely solely on this division of "offices" into civil and military; and of "civil offices" into Legislative, Executive, Judicial and Diplomatic. I think it perfectly well founded. It satisfies my mind; but it is not essential to the argument. Whether a Senator be a civil officer, or not, is immaterial. To prove him an officer is sufficient for my purpose. For the only clause in the Constitution, which can, with any appearance of reason, be said to restrict the power of impeachment, speaks not of "civil offices," but of "offices" in general, of all "offices of honor, trust, or profit." That a seat in this honorable body, is an office of honor and trust, cannot, I think, be denied by any who consider the nature of the post, and the derivation, force, and universally received signification of the term "office." It is even an office of "profit;" for however inadequate the sum allowed for the maintenance of the members may be, yet

every public post, which entitles to receive a compensation, great or small, from the public, is considered, in the proper legal sense, as an office of "profit."

The manner in which the term "office" is used by legal writers, and their formal definitions of it, support the interpretation which I have drawn from its received and common acceptation. Without going into a detail on this point, which might be tedious, let it suffice, Mr. President, to refer to Blackstone, who has been justly relied on by the learned counsel for the defendant, as a standard authority on subjects of this kind. Speaking of "offices," in the second volume of his Commentaries, page 36, as cited by the learned counsel who preceded me, that great writer lays it down, that "offices are a right to exercise a public or private employment, and to take the fees and emoluments thereunto belonging." Now let me ask, is not a seat in this honorable body "a public employment?" Has not the member "a right to exercise this employment," and to receive the emoluments thereunto belonging?" Surely, to answer in the negative, would be a strange abuse of language.

The learned counsel who immediately preceded me, has contended that a Senator cannot be considered as an "officer," because there could be no quo warranto to remove him from his place, if he held it improperly, nor mandamus to place him in it, if unjustly kept out. But surely this cannot be a well founded argument, for, if it be, it applies as well to the President, the Judges, the Secretaries, and the Commander-in-Chief of the Army, as to a Senator. Not one of them could be removed by quo warranto or replaced by mandamus. Did any one ever hear of a quo warranto to remove a Colonel of a regiment? Was a quo warranto ever brought in England against the Chancellor of the Exchequer, or a Secretary of State, or a Lord of the Admiralty? Certainly not, and yet that these are officers, will not be denied. The truth is, Mr. President, that the doctrine of quo warranto and mandamus, as far as it relates to officers, is confined exclusively to certain local municipal officers, of a subordinate nature, who are placed, by the common law of England, under the superintendence of the Supreme Court of Justice; to which, from the nature of their offices, recourse could most conveniently and effectually be had, for their punishment, their removal, or their reinstatement. But this reason did not extend to the great officers of the State, of the Army, or the Navy, or to any of their subordinates. They could best be punished, removed, and replaced, in a different manner, and by a different authority. To them, therefore, nobody ever dreamt of extending the power of the Supreme Courts by quo warranto and mandamus; and yet nobody ever, on this account, thought of denying that they were "officers," which, however, would be just as reasonable as to contend that a Senator of the United States is not an "officer," because he cannot be removed by a quo warranto, or admitted by mandamus. I admit that it would be absurd to talk of an office from which a man could not be removed, however flagitious his conduct; or into which, when entitled to it, and improperly kept out, he had no means of obtaining admission. But a Senator may be removed by a vote of expulsion; and if duly elected, but not returned, may obtain his seat by a petition to the Senate.

I conceive, therefore, that no argument can be more destitute of foundation, than that which would divest a seat in this honorable body of the quality of an "office," because it is not within the scope of writs of mandamus and quo warranto.

If from Blackstone, Mr. President, we turn to our own laws, our own writers, and even our own Constitutions, we shall equally find that a seat in the Legislature is considered as an "office."

Let us begin with the laws of the United States. In the 3d section of the "act to regulate the time and manner of administering certain oaths," it is provided, "that all members of the several State Legislatures, and all Executive and Judicial officers of the several States, who shall be chosen or appointed before the 1st day of August next, and who shall then be in *office*, shall take the same oath or affirmation, which may be administered by any person authorized by the law of the State in which such *office* shall be held, to administer oaths." Here it is most manifest, that the expressions "shall then be in *office*," and "in which such office shall be holden," are applied to members of the State Legislatures, as well as to the Executive and Judicial officers of the several States; which not only proves, incontestably, that Congress, acting immediately under the Constitution, and making provision for carrying it into effect, considered a seat in a Legislative body, as an "office;" but also marks, in the plainest and strongest manner, the division of "offices" into Legislative, Executive, and Judicial.

The same section then goes on to provide, that "the members of the several State Legislatures, and all Executive and Judicial officers of the several States, shall, before they proceed to execute the duties of their respective *offices*, take," &c. Here the station of a member of the Legislative body is expressly called an "office," and the same distinction between officers Legislative, Executive, and Judicial, is kept up and enforced.

Not less explicit on this point are the Constitutions of the several States. When I refer to those Constitutions on this question, I refer to them as I would to the writings of Marshal Saxe or Frederick the Third, on a military question; or of Lavoisier, on a chemical question; or of Blackstone or Lord Coke, on a question of law. I refer to them as authorities for the meaning of a Constitutional term. And, surely, when a question arises about the meaning of a term used in the Constitution, we can refer for an explanation to no better authorities than the Constitutions of those States, by whose delegates the instrument was framed, and by whose Conventions it was ratified.

To begin with New Hampshire; we find in the 8th section of the Bill of Rights, prefixed to the Constitution of that State, these words: "All power residing originally in, and being derived from, the people, all the magistrates and *officers* of Government are their substitutes and agents,

and at all times accountable to them." Here we see that the term "officer" is used in the general sense for which I have contended, and means any agent of the people, any delegate of public trust or authority; a description plainly including members of the Legislature.

The next section is still more express. "No office or place whatsoever, in Government, shall be hereditary;" making the word "office" synonymous with the term "place in Government."

So in the 11th section. "All elections ought to be free; and every inhabitant of the State, having the proper qualifications, has equal right to elect or be elected into *office*." This evidently includes members of the Legislature, who are therefore said to be elected into "office."

When we come to the form of Government, we find a provision under the head of "Senate," which comes expressly to the point. "The Senate shall consist of 13 members, who shall hold their *office* for one year. This requires no comment.

Under the head of oaths and subscriptions, &c., there is an expression no less conclusive. "Any person chosen Governor, Councillor, *Senator*, or *Representative*, military or civil officer, shall, before he proceeds to execute the duties of his *office*, make and subscribe the following declaration." Here it is expressly declared that a Senator or Representative holds an "office."

In the Constitution of Massachusetts the authorities are not so numerous; but there is one which is full and express to the point. It is found in the Bill of Rights, section 5th. "All power residing originally in the people, and being derived from them, the several magistrates and 'officers' of Government, vested with authority, whether *Legislative*, Executive, or Judicial, are their substitutes and agents, and are at all times accountable to them." Here we see members of the Legislature expressly included in the term "officers;" and the distinction between Legislative, Executive, and Judicial officers, clearly laid down. The 8th and 9th sections go also to the same point, though less clearly.

In the subsequent part of this Constitution, chap. 6th, art. 1st, it is provided that "any person chosen Governor, or Lieutenant Governor, Councillor, *Senator*, or *Representative*, and accepting the *trust*, shall, before he proceed to execute the duties of his *place* or *office*, take and subscribe the following declaration." Here the place or trust of a Senator or Representative is called an *office*, and the words place, trust, office, are used as synonymous, according to the definition which I have endeavored to establish. The declaration to be thus taken is equally explicit.

The article then goes on to direct that "every person chosen to either of the places or *offices* aforesaid, (the place of Governor, Lieutenant Governor, Councillor, Senator, or Representative,) shall, before he enters on the discharge of the business of his place or *office*, take and subscribe," &c.—still using "place" and "office" as synonymous, and applying them to the post of Senator and Representative.

In the Constitution of Rhode Island, which consists merely of an ancient charter, I see nothing on this subject; nor in that of Connecticut, which is also an ancient charter; but, in an account of the manner of holding elections in the latter State, I find that the writer constantly applies the term "office" to members of the Legislature; from whence we may infer that it is so understood in that State.

In the Constitution of New York, sec. 25th, the term "office" is applied to members of the Legislature, and especially of the Senate. "The Chancellor and Judges of the Supreme Court," says that section, "shall not hold any other office except that of Delegate to the General Congress, upon special occasions; and the first Judges of the County Courts in the several counties, shall not, at the same time, hold any other *office*, except that of *Senator* or Delegate to the General Congress.

The Constitution of New Jersey, sec. 4th, prescribes the qualifications which shall entitle a person to vote "for representatives in Council and Assembly; and also for all *other* public *officers* that shall be elected by the people of the country at large"—thus recognising the principle that members of the Legislature are public officers.

In the Constitution of Pennsylvania, art. 8th, we find mention of the *offices* of members of the General Assembly. "Members of the General Assembly," says the article, "and all officers, Executive and Judicial, shall be bound by oath or affirmation to support the Constitution of this Commonwealth, and to perform the duties of their respective *offices* with fidelity." The same idea is expressed, though less pointedly, in the 4th and 7th sections of the 9th article.

The Constitution of Delaware, after declaring that one branch of the Legislature shall be called "the General Assembly" and the other "the Council," and prescribing the manner of their election, proceeds (art. 4th) in the following manner: "And this rotation of a Councillor (a member of one branch of the Legislature) being displaced at the end of three years in each county, and his office supplied by a new choice, shall be continued," &c. Nothing I apprehend, can be more expressly to the point than this passage.

In the Constitution of Vermont, chap. 1st, sec. 6th, it is declared "that all power being originally inherent in and consequently derived from the people—therefore, all officers of Government, whether Legislative or Executive, are their trustees," &c. The people of Vermont, therefore, as well as those of so many other States, understand the term "office" as we do, and consider it as applicable to the members of a Legislative body.

These instances, Mr President, are the result of a hasty glance over our Laws and Constitutions. Had there been time for a more accurate and extensive research, I have no doubt that a much greater number might have been adduced from the Constitutions and codes of the various States. These however, seem to me most fully to establish the point for which we contend, as far as any point can be established from authority of the highest

nature, viz: that the term "office" as used in our Constitution, and universally understood by those who framed and ratified it, extends to Senators of the United States

Although I am sensible, Mr. President, that this point is now fully established, yet there is one authority more which I cannot forbear to cite, and which I am persuaded will have great weight with this honorable body. It is taken from a book of high authority in this country, the production of a very accomplished writer, whose style is no less remarkable for precision and correctness, than for beauty. This wrtier, in the year 1783, prepared the "Draught of a fundamental Constitution for the Commonwealth of Virginia." in which I find the following passage: "The General Assembly (that is, the Legislature, to be composed of a Senate and a House of Delegates) shall meet at the place to which the last adjournment was, on the forty-second day after the day of the election of delegates, and thenceforward, at any other time or place, on their own adjournment, till their office expires." What office? The office, I answer, of Senators and Delegates—of members of the Legislature—whose posts are thus declared to be offices, by the derivation of the term, by its universal acceptation in common language, by the definitions of the greatest law writers, by our own statutes and the Constitutions of the States, and by our most distinguished authors. All this body of testimony, speaking with one voice, it might have been expected, would be sufficient to convince the learned counsel for the defendant and induce them to abandon their plea. But no; far from it. They still tell us that this explanation of the term "office" is repelled by the Constitution itself, several clauses of which they cite to prove that it does not consider the term as extending to members of the Legislature, however that term may be understood elsewhere

To this authority, Mr. President, I readily acknowledge that we must submit. If the Constitution do in fact explain the word "office" differently from our explanation, our explanation must fall to the ground. Let us, therefore, examine this point. Let us view and consider those clauses which are said to contain the explanation. I believe it will be found that they do not warrant the inferences which have been drawn from them by the learned counsel for the defendant.

The first of these clauses which has been relied on, is found in the 2d section of the 2d article of the Constitution, where it is provided, that "the President, by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers, and Consuls, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law." But does it follow from this that none are to be considered as officers of the United States except those whom the President appoints? So far from it, that the clause expressly speaks of officers who are not to be appointed by the President, and whose appointment is otherwise provided for by the Constitution itself. The clause, therefore, proves nothing; for, as there are officers who are not appointed by the President, it cannot be inferred that Senators are not officers because the President does not appoint them.

As little can the objection be supported by that clause (in the 3d section of the 2d article) which declares that "the President shall commission all officers of the United States." It cannot be hence inferred, that a Senator is not an officer, in the sense of the Constitution, because he is not commissioned by the President; for, at that rate, the President himself would not be an officer; nor would the Vice President, since neither the one nor the other are commissioned by the President. It is plain, therefore, that this clause is not to be understood in its unlimited sense, in which it would be a manifest absurdity, and would require the President to commission himself, but, in a limited sense, applying to those officers only whom the President appoints. A commission, indeed, Mr. President, is nothing more than the certificate of an appointment; the evidence that a post, office, or employment, has been conferred by the proper authority. This certificate, it is perfectly proper, that the authority making the appointment should give. It is evidence of the fact, and the authority which made the appointment is the most authentic source from whence this evidence can be derived.

Nothing, therefore, could be more proper than to provide that the President should commission all those officers who derive their appointments from him. But there are officers whom he does not appoint, and whom he does not, nor can commission; among the rest, himself and the Vice President. The clause, therefore, when rightly understood, proves nothing; for, as there are officers who, notwithstanding this clause, are not commissioned by the President, it cannot be inferred that a Senator is not an officer, because the President does not give him his commission.

A clause from the 6th section of the 1st article, in the following words, has also been relied on:

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office."

I am ready to admit, Mr. President, with my honorable colleague, who opened the case, that this clause wears an aspect more hostile to our construction of the term "office," than any other part of the Constitution; but I contend with him, that the Constitution, like all other instruments, must be construed in each separate part of it, *secundum subjectam materiem*, according to the subject matter of each part; and in such a manner as to effectuate every part, and render the whole consistent. These rules of construction will not be denied. When this clause comes to be analyzed and tried by these rules, it will, I think, appear satisfactorily, that our construction is not infringed by it.

What is the object of this clause? It is threefold: first, to prevent a blending of the different

departments of Government, the Legislative, Executive, and Judicial, by uniting their functions in the hands of the same individual; which would be contrary to the spirit of the Constitution; secondly, to prevent the Executive from acquiring an undue influence in the Legislature, by appointing its most active and able members to offices which must be held at his pleasure; and thirdly, to take away from aspiring or avaricious members, the temptation to create offices, or increase their emoluments, which might arise from the expectation of speedily filling those offices themselves. What description of officers was it necessary to exclude from the Legislature, in order to effect these three objects? First, those whose duties might be incompatible with a strict and regular attendance in the Legislature; secondly, those who derive their appointments from the Executive; and thirdly, those whose offices are of a nature to be considered as lucrative, to be sought after on account of their pecuniary emoluments. It is evident, that some one or other of these characteristics belongs to every description of officers, except "legislative,;" to military, to executive, judicial, and diplomatic. It is to be presumed, that the Constitution here used the word "office" in that sense, and that only, which was necessary in order to effectuate its intentions; and, consequently, that the clause extends to those officers only, whom it was the intention of the Constitution to exclude from the Legislature. The clause, therefore, is to be understood, as if, instead of the general expressions, "any civil office," "any office," it had said, "any other civil office," "any other office." This will render the whole Constitution consistent with itself, and with the well-established meaning of language. In the clause relative to commissions, we have an instance where, in order to prevent the Constitution from pronouncing a palpable absurdity, it was necessary to explain the general term "all officers," so as to mean "all officers appointed by the President." If the general expression may be controlled by the subject-matter and intent, in one case, it may in another; and certainly the subject-matter and intent could not speak more strongly against the general expression, in the former, or any other case, than in this.

If this reasoning be well founded, it follows, that the clause in question proves nothing against our doctrine of a Senator being an officer, in the sense of the Constitution: it only proves that the Constitution, being obliged to use the same word in application to different matters, and for different purposes, has used it generally, and left it to be explained by a reference to the intent and subject-matter, instead of explaining it by express modifications. The object here was, to exclude certain officers from the Legislature; and the term is used generally; but it by no means follows, from thence, that members of the Legislature are not themselves officers.

A clause in the 1st section of the 2d article is likewise adduced, as distinguishing between "members" of the Legislature and "officers," by declaring that "no Senator, or Representative, or person holding *an office* of trust or profit under the United States, shall be appointed an Elector." This proves, indeed, that the words, "Senator and Representative," have been repeated from abundant caution, and in order to prevent doubts on so essential a point as the qualifications of an Elector. But has it ever been heard before, that two words or two phrases cannot mean the same thing, because they are used together in a legal instrument? Do we not, on the contrary, know that it is common, in such instruments, to use a number of synonymous terms, in order to express more plainly and precisely the same idea, and to remove all danger of uncertainty? How frequently do we meet with the expression, "any deed, instrument, or writing?" And yet nobody ever supposed, on this account, that a "deed" was not a "writing" and an "instrument." Which, however, would be quite as reasonable as to infer, from the above-cited passage in the Constitution, that a Senator or Representative is not an "officer."

In the 8th section of the 1st article, it is provided, "that Congress shall have power to make all laws which shall be necessary and proper for carrying into effect the foregoing powers vested by this Constitution in the Government of the United States, or in any *department or officer thereof.*" This has also been relied on, as proving that the Constitution does not consider a member of the Legislature as an "officer." A distinction, it is said, is here drawn between a "department" of the Government, and an "officer" of the Government; and a member of the Legislature, which is a "department," cannot, therefore, be considered as an "officer." But this reasoning, if well founded, would prove that the Secretary of the Treasury is not an "officer;" for the Treasury is a "department," and he is a member of it.

Such are, Mr. President, the clauses of the Constitution which have been opposed, by the learned counsel for the defendant, to our construction of the term "office." It has, I trust, been proved, that when rightly understood, they afford no solid ground of objection.

The learned counsel, who immediately preceded me, urged an objection, derived from the inconvenience of this construction. The consequence of an impeachment, he says, is a sequestration of the member from his seat, until the trial is over: and if a Senator may be impeached, the consequence is, that a factious majority in the House of Representatives may, by an unfounded and vexatious impeachment, remove from his seat, for an unlimited time, any Senator, whose talents, influence, and courage, may have rendered him the object of their dislike or dread. This objection, if founded in truth, would, I confess, have considerable weight: but, with all deference to the learning of the honorable counsel, I apprehend that it is wholly unfounded. According to the law and practice in England, for which I appeal to all the precedents of impeachment, a member of the House of Peers is not removed from the House in consequence of an impeachment. The sequestration from his seat does indeed take place, but it means nothing more than his being prevented from sitting when any-

thing relative to the impeachment is under consideration.

An objection has also been drawn from the supposed intention with which the power of impeachment was established by the Constitution. The sole object of this power, it is said, was to provide a remedy against the favoritism or obstinacy of the Supreme Executive Magistrate, by affording a means of removing from office improper persons, whom he might be inclined to retain in place, to the detriment of the nation. This necessity does not exist, we are told, with respect to members of the Legislature, who are removable by the people themselves, at stated periods; and to whom, consequently, the power of impeachment ought not to extend.

But this cannot be the sole object of the power of impeachment, because the President himself is liable to be impeached, as well as the officers whom he appoints. So also is the Vice President. And yet these two great officers are appointed by the people themselves, in a manner far more direct and immediate than Senators, and removable at shorter periods. If the power of impeachment be, as the learned counsel insist, intended as an aid to the control which the people, by the right of election, have over their public servants, or to supply the place of that control where it does not exist, surely there is much stronger reason for its extending to Senators than to the President or Vice President; for Senators are much further removed from the power of the people and the control of elections than those officers. They are elected for a much longer period: their election being made by Legislative bodies, who are chosen by the people for other purposes, and, for a considerable time, is far less influenced by popular opinion or popular feelings than that of the President, who is chosen by electors, elected for that sole purpose, and selected, in almost every instance, according to their known attachment to the favored candidate. The election of the President and Vice President, therefore, partakes far more of the nature of a popular election than that of Senators. Indeed, of all the component members of our Government, the Senate, both in the mode of its appointment and the term of its duration, is intended to be, and actually is, the most permanent and independent—the furthest elevated above the region and the influence of those storms whereby a popular Government must sometimes be agitated. God forbid, Mr. President, that I should find fault with these ingredients in the composition of the Senate, or do anything which could tend in the least to diminish their efficiency. I consider them as among the most valuable principles of the Constitution. I consider this honorable body as the sheet-anchor of our vessel of state; and if we escape (as I trust we shall) from those tempests which await all popular Governments, and have overset so many, it will be to the stability, the independence, the firmness, of this honorable body, that we shall be indebted for our escape. With these sentiments, it cannot be supposed that I would, intentionally, attempt to weaken the moorings by which alone we can be held in our station. But this very independence of the Senate, in its duration, and the mode of its appointment; this very removal from the influence of popular opinion and popular influence, furnishes a strong argument in favor of extending the power of impeachment to its members; for, in proportion as the controlling power of the people, by means of election, is weakened and diminished, other means of control ought to be increased.

We have heard much, Mr. President, respecting the nature of those offences to which the power of impeachment was intended to apply. They are said to be merely official offences. If by this be meant offences committed by an officer, it proves nothing, or is, at best, no more than begging the question; for a Senator, according to our doctrine, is an officer. But if, by *official* offences, the learned counsel mean offences committed by an officer, and relating solely to the duties of his office, I must intreat them to reflect on the extent to which their doctrine would lead. Suppose a Judge of the United States to commit theft or perjury; would the learned counsel say that he shall not be impeached for it? If so, he must remain in office with all his infamy; for there is no method of removing a Judge but by impeachment. Many other cases, equally strong, might be supposed. It seems to me, on the contrary, that the power of impeachment has two objects: first, to remove persons whose misconduct may have rendered them unworthy of retaining their offices; and, secondly, to punish those offences of a mere political nature, which, though not susceptible of that exact definition whereby they might be brought within the sphere of ordinary tribunals, are yet very dangerous to the public. These offences, in the English law, and in our Constitutions, which have borrowed its phraseology, are called "high crimes and misdemeanors." Now, let me ask, Mr. President, whether offences of this nature may not be committed by a Senator? Let me ask, whether he may not commit them to an extent far more dangerous than any other man; or, if gentlemen please, than any other officer? Placed as he is on the very pinnacle of the Constitution; touching the Executive power with one hand, the Judicial with the other, and partaking fully of the Legislative; secured in his seat for six years—a longer period than any other known to the Constitution—and depending for his re-election, not on the people, or on electors chosen by them for that sole purpose, but on a Legislative body, where a party may be formed to support him: whose "high crimes and misdemeanors," let me ask, can be more safely committed, or more dangerous than his? What an inconsistency to say that the collector of the most petty custom-house, or a person standing in the lowest grade of military commission, may be impeached for offences dangerous to the State, and therefore requiring his removal from office, and that a Senator of the United States is not impeachable!

But the effect of an impeachment, it is said, may be produced in another manner, more conformable to the dignity of the Senate. The same majority of two-thirds which can convict on an impeach-

ment may also expel; and thus an improper person may be driven from the Senate. But, in the first place, he cannot be thus kept out in future; for, though the Senate may expel, it cannot disqualify. And if we suppose the case (which may very well happen) of a great and wicked man, supported by a strong party in the Legislature of his own State, he may return again, after being expelled, and may go on in the commission of "high crimes and misdemeanors," in the very station which gives him the greatest means of committing them with effect.

In the second place, an offender has a much better chance to escape from an expulsion than from an impeachment. Where the offence is of a very dark and complicated nature; consists in transactions or plots carried on at a distance, or in many places at once; and, of consequence, cannot be brought to light, and fully substantiated, without a laborious, long-continued, and systematic inquiry; it must be admitted that the aid of a prosecutor will be necessary: and that the Senate, of itself, and for the mere purpose of expulsion, will be little disposed to undertake so tedious and disagreeable a task.

As to the dignity of the Senate, about which much has been said, I trust, Mr. President, that I shall always be as anxiously tender of it as any other person; and I do most solemnly and seriously believe that I am, at this moment, laboring for the dignity of this honorable body, in attempting to render its members liable to impeachment. For which line of conduct is most dignified; to wrap one's self up in legal inviolability, and thus avoid an inquiry into our conduct, or, conscious of rectitude, to brave investigation, and offer ourselves to the strictest scrutiny? The awful station which this honorable body holds in our system; the high and all-important trust assigned to it by the Constitution, no less than to regulate all the movements, both Legislative and Executive; to serve as both the ballast and the anchor of the political vessel; require that its members should inspire the utmost degree of confidence into the nation—should not only be free from guilt, but free from suspicion. Will they be more likely to escape suspicion, to inspire confidence, by declaring that they will avail themselves of a doubtful construction of the Constitution, to screen their own conduct from all inquiry, except by themselves, or by boldly standing forth to the light, and extending to their own persons and actions that power of investigation, by the representatives of the nation, which the Constitution has appointed for those who exercised its powers? I confess, Mr. President, that feeling, as I do, for the dignity of this honorable body; deeply impressed, as I am, with the awful nature of its trust, and the essential importance of its inspiring the nation with the most unlimited confidence, I tremble to think of its declaring, by a solemn decision, that the conduct of its members shall be exempt from inquiry by impeachment.

I have now, Mr. President, gone through the various heads of this very important argument, to which I am far from supposing that I have been able to do justice. It is satisfactory to me, however, to reflect that my deficiencies are amply supplied by the cause itself, by the talents of my learned and eloquent associate, and, above all, by the wisdom of this honorable body; to whose decision I now submit the subject, with an entire conviction that its determination will be worthy of the exalted station which it holds in our Government, the confidence reposed in it by the Constitution, and the veneration wherein it is held by the American people.

After Mr. HARPER had closed his observations, the VICE PRESIDENT inquired of the Managers if they had any further observations to offer? On which,

Mr. BAYARD, in their behalf, requested permission to withdraw for a few minutes; and, returning into the Court, he replied in the negative.

On motion that the Court adjourn, it adjourned to 12 o'clock on Monday next.

MONDAY, January 7.

On motion to agree to the following resolutions:

"That William Blount was a civil officer of the United States, within the meaning of the Constitution of the United States, and, therefore, liable to be impeached by the House of Representatives;

"That, as the Articles of Impeachment charge him with high crimes and misdemeanors, supposed to have been committed while he was a Senator of the United States, his plea ought to be overruled:"

After debate, on motion, the Court adjourned till 12 o'clock to-morrow.

TUESDAY, January 8.

The Senate resumed the consideration of the motion made yesterday, on the impeachability of William Blount, late a Senator of the United States, by the House of Representatives; and, after debate, the Court adjourned till 12 o'clock to-morrow.

WEDNESDAY, January 9.

The Senate again resumed the consideration of the motion made on the 7th instant, on the impeachability of William Blount, late a Senator of the United States, by the House of Representatives; and, after debate, on motion, adjourned to 12 o'clock to-morrow.

THURSDAY, January 10.

The Court proceeded in the debate on the motion made on the 7th instant, and which had been under consideration every day since; and, on the question to agree thereto, it was determined in the negative—yeas 11, nays 14, as follows:

YEAS—Messrs. Chipman, Davenport, Goodhue, Latimer, Livermore, Lloyd, Paine, Ross, Sedgwick, Stockton, and Tracy.

NAYS—Messrs. Anderson, Bingham, Bloodworth, Brown, Foster, Greene, Gunn, Hillhouse, Howard, Langdon, Marshall, Martin, Mason, and Read.

On motion, the Court adjourned to 12 o'clock to-morrow.

FRIDAY, February 11.

On motion, it was determined that

"The Court is of opinion, that the matter alleged in the plea of the defendant is sufficient in law to show that this Court ought not to hold jurisdiction of the said impeachment, and that the said impeachment is dismissed."

Yeas 14, nays 11.

The yeas and nays on this question were exactly the reverse of what they were on the last.

On motion, *Ordered*, That the Secretary notify the House of Representatives that the Senate will be ready to receive the Managers of the House of Representatives and the counsel of the defendant on Monday next, at 12 o'clock, to render judgment on the impeachment against William Blount.

The Court adjourned to 12 o'clock on Monday.

MONDAY, January 14.

The Court being opened, the parties attending, and silence being proclaimed, judgment was pronounced by the VICE-PRESIDENT as follows:

Gentlemen, Managers of the House of Representatives, and Gentlemen, Counsel for William Blount:

"The Court, after having given the most mature and serious consideration to the question, and to the full and able arguments urged on both sides, has come to the decision which I am now about to deliver.

"The Court is of opinion that the matter alleged in the plea of the defendant is sufficient in law to show that this Court ought not to hold jurisdiction of the said impeachment, and that the said impeachment is dismissed."

Copies of the judgment were delivered to the Managers, and to the Counsel for the defendant, respectively.

After which, they withdrew; and, on motion, the Court adjourned without day.

REPORT OF THE COMMITTEE.

HOUSE OF REPRESENTATIVES,
November 30, 1797.

The committee, appointed on the 8th day of July last, 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; which committee, by a resolution of the tenth day of July last, were authorized to sit during the recess of Congress, and were 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; make, in pursuance of the latter resolution, the following report:

The committee, having charged themselves with the business to which they were appointed by this House, received, on the 8th day of July, from JAMES ROSS, Esq., chairman of a committee of the Senate, a trunk belonging to William Blount, containing a number of papers, which had been seized in pursuance of a resolution of the Senate, authorizing its committee to send for persons and papers. From these papers a selection had been made by the committee of the Senate; and the House, having made a further selection of such as appeared to them to be connected with the object of their appointment, returned the residue to the order of William Blount. The papers retained by the committee are, in the Appendix to this report, marked, Nos. 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, 19, 20, 21, 22, 23, 26, 28.

A violent presumption having arisen, from the inspection of the papers referred to, that Nicholas Romayne, of the State of New York, was intimately connected with William Blount in his criminal designs, the committee conceived it to be their duty to exercise the powers vested in them by this House, in such manner as to prevent the escape of the said Nicholas Romayne, and effectually to secure his person and papers for examination; they issued, therefore, on the ninth day of July, the warrant in the Appendix marked (A;) and, as it was deemed important to commit the execution of this warrant to a person of intelligence, discretion, and fidelity, the Secretary of State was requested to provide a messenger of competent character for the occasion. With a very prompt attention to the wishes of the committee, he assigned this service to Captain William Eaton, to whom the instructions in the Appendix marked (B) were given by the committee; and the Secretary of State added to them the letters marked (C) and (D.) On the twelfth day of July Captain Eaton returned to Philadelphia, with Nicholas Romayne in his custody, and made the report of his proceedings, marked (E.) He delivered also to the committee, under seal, a number of papers found by him in the possession of the said Romayne, of which such as are supposed to be material are contained in the Appendix, and marked Nos. 1, 4, 18, 24, 25, 27. The examination of Nicholas Romayne engaged much of the attention of the committee until the 22d of July, when he subscribed his deposition (A B,) and, having given bond for his appearance before the Senate on the trial of the impeachment of William Blount, was dismissed from further attendance, and received, at his particular request, the certificate marked (F.)

The letter No. 23, found among the papers of William Blount, signed James Grant, and dated at Knoxville, May 24th, 1797, being supposed to contain the proof that the said James Grant had been the confidential bearer of the letter from William Blount to James Carey, communicated to Congress by the President of the United States, on the 3d of July; it was deemed expedient to adopt the same measures for the seizure of his person and papers, as had been taken in the case of Nicholas Romayne. Major Thomas Lewis was employed for this purpose by the committee, who charged him, on the 11th of July, with the execution of the warrant marked (G.) He was further directed to serve, on John Rogers and James Carey, respectively, the precepts (H) and (I,) requiring their appearance before the committee for examination; which precepts were ac-

companied with the letter marked (K,) from the committee to John Rogers, who resided beyond the jurisdiction of the United States, and with the letters marked (L.) (M.) and (N,) from the Secretary of War, who readily, at the desire of the committee, co-operated with them in their endeavor to obtain the testimony of these witnesses. The instructions to Major Lewis are in the Appendix marked (O.) In the interim, between the departure and the return of Major Lewis, the Secretary of War communicated to the committee the letters marked (Q) and (R,) from Colonel David Henly and Benjamin Hawkins, Esq., covering the examinations of James Carey, marked (T U, No. 1,) and (T U, No. 2,) taken at Tellico, by directions from the Executive, together with the examination of William L. Lovely, marked (T U, No. 3,) and the original letter from William Blount to John Rogers, marked in the Appendix (No. 15.) On the 25th of September, Major Lewis having arrived at Germantown, in the State of Pennsylvania, with James Grant in his custody, and accompanied by John Rogers and James Carey, made his report marked (P;) and the depositions of the said James Carey, John Rogers, and James Grant, were, immediately thereafter, taken by the committee, and are hereunto annexed, marked (T U, No. 4,) (V W,) and (X Y,) respectively. Before the discharge of Major Grant, he gave bond for his appearance before the Senate, on the trial of the impeachment of William Blount. The letters referred to in his deposition, from William Blount to James Carey and Major Lovely, dated April 24, 1797, are marked (No. 16) and (No. 17.)

To complete the series of the correspondence between William Blount and Nicholas Romayne, as disclosed by the letters found in their possession, respectively, the letter (No. 9) from the latter to the former, appeared alone to be wanting. This letter, on or about the 13th of July, was received by the Secretary of State, in an anonymous letter, which had been transmitted by mail, but without any post-mark other than the word "Free." The anonymous letter, and a translation of it, are subjoined to the Appendix, marked (No. 9, A.)

The committee having received information that John Chisholm, named in the letter from William Blount to James Carey, which gave rise to the present inquiry, had sailed from Philadelphia in a vessel belonging to or chartered by, Mr. William Davy, a merchant of that city, requested the attendance of Mr. Davy for examination. He waited on the committee agreeably to their desire; and, after expressing considerable embarrassment from peculiar circumstances attendant on his situation, with some reluctance, made the deposition (C D.) Mr. Davy has since communicated to the committee the extract of a letter from his brother in London, which is subjoined to his deposition, and marked (C D, No. 2.)

The disclosure made by Mr. Davy led to the examination of George Lesher, contained in his deposition (E F.) The suspicion, excited by the latter part of this deposition, was traced by the committee, and satisfactorily removed by the testimony of Mr. William Bell, Appendix (G H.) The communication from the Secretary of State, of the 20th July, marked (I K,) is connected with, and explanatory of, the subject matter of these depositions, and of the letter from Robert Liston, Esq., the Minister Plenipotentiary of his Britannic Majesty, to Nicholas Romayne, found among the papers of the latter, dated Philadelphia, 28th April, 1797—Appendix (No. 18.)

With relation to the paper (No. 28,) found in the possession of William Blount, endorsed by him "Judge Turner, Memor. of force, &c." Geo. Turner, Esq., late one of the Judges of the Territory of the United States Northwest of the river Ohio, was interrogated by the committee, and the result is contained in his deposition—Appendix (L M.)

In the course of the investigation entrusted to the committee, a number of persons were examined, whose testimony in many instances proved to be immaterial. It was thought proper to take the depositions of Elisha B. Hopkins, Charles Buxton, and John Franklin, which are herewith reported—Appendix (N O,) (P Q,) and (R S.)

On the 13th of July, the Chevalier d'Yrujo, the Minister Plenipotentiary of His Catholic Majesty, called on the committee and made the communications, in the Appendix marked (A B C) (D E F.) In consequence of these communications, the committee immediately dispatched, by mail, to Major Lewis, their messenger to the State of Tennessee, the letter, Appendix (S,) covering a subpœna for ——— Mitchell, named in the said communications. Major Lewis has informed the committee, since his return, that he received the letter and subpœna, but that his most diligent inquiries were unavailing to discover the person described in them.

On the 24th of July, the Chevalier d'Yrujo again called upon the committee, and introduced to them John Phillips Ripley, who delivered a paper containing the information afterwards included in his deposition (G H I.) On the succeeding day, the Chevalier d'Yrujo presented to the committee Thomas Odiorne, who afterwards made the deposition (K L M.) Although there was an appearance of singularity in the medium adopted by these persons for making their communication to the committee; although the committee at that time possessed satisfactory evidence that the statement made in these depositions was incorrect, so far as related to the essential objects of investigation and inquiry; and although it was not very material whether the mistake proceeded from the misrepresentation of Captain Eaton, or the misapprehension of the witnesses, or from worse motives; it was nevertheless conceived to be the duty of the committee, in justice to the persons named in these depositions, to obtain an explanation from Captain Eaton, of the facts asserted in them. On this subject the House is referred to the letters marked in the Appendix (T,) (U,) (V,) (W,) and to the deposition (N O P;) and

for further evidence connected herewith, to the report of Captain Eaton beforementioned (E,) and the letter from Richard Harrison, Esq., Attorney of the United States for the District of New York, to the Secretary of State, (E, No. 2.) It is proper to add that the caution, given by Colonel Pickering to Captain Eaton, was intimated to him by request of the committee, who were apprehensive that an indiscreet and premature disclosure of evidence might increase the difficulty of further discovery.

The letter from Capt. Eaton to Colonel Hodgdon, alluded to in the deposition of the former, is on the files of the committee, and corroborates his narrative.

On or about the 6th of October, the Secretary of War transmitted to the committee the letters in the Appendix (No. 11, A,) and (No. 11, B,) from John Chisholm to Colonel John McKee and John Rogers, respectively, dated March 17, 1797.

On the 23d of November, the Minister Plenipotentiary of His Catholic Majesty sent to the committee the note of that date (Q R S,) covering the letter (Q R S, No. 2,) from Elijah Clark to the Spanish Consul, at Charleston, South Carolina, dated August 9, 1797. It is obvious that this communication has been made too late to enable the committee to pursue the investigation of its contents.

A large package of the circular letters (No. 29) was intercepted and delivered to the committee; some of these letters were directed to various persons in Tennessee; others were folded without any address.

The committee have supposed it to be their duty to submit to the House, in addition to the exhibits herein before referred to, the correspondence contained in the Appendix (Aa) to (An) inclusive, on account of its connexion with the object of their appointment; although a part of these communications, being anonymous, could not form the basis of any further proceedings; and although where further investigation was attempted, it failed of producing any satisfactory information. The letters (Aa,) (Ab,) (Ac,) (Ag,) will appear to be addressed to the Secretary of State, and were delivered by him to the committee.

The committee, in presenting to the consideration of the House this succinct narrative of their proceedings, together with the evidence collected by them and the correspondence annexed, believe that they sufficiently fulfil the duty assigned to them; without anticipating, by their own inferences or observations, the judgment of the House on the whole matter. It is to be regretted that some suggestions still remain unexplained, or that any part of the subject should continue in obscurity; but the committee have done all in their power for the discovery of the truth, without incurring a greater expense than the probability of success was deemed to warrant. And this report is respectfully submitted as the best practicable result of their earnest endeavors.

NOVEMBER 30, 1797.

APPENDIX.

(A.)

UNITED STATES, to wit:

To Captain William Eaton.

Whereas the House of Representatives of the United States did, on the eighth day of July, in the year one thousand seven hundred and ninety-seven, come to the following resolution, viz:

"*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."

"*Ordered*, That Mr. SITGREAVES, Mr. BALDWIN, Mr. DANA, Mr. DAWSON, and Mr. HARPER, be a committee pursuant to the said resolution."

You are hereby authorized and required, in pursuance of the said authority vested in us as aforesaid, taking to your assistance such person or persons as you may deem necessary, to make strict and diligent search for Nicholas Romayne, now or late of the State of New York, practitioner of medicine; and him, having found, to seize and apprehend, and to bring, together with his papers, in safe custody, before us, the committee aforesaid, at the city of Philadelphia, to be examined touching the premises. And all officers, civil and military, and all faithful citizens of the United States, are required to be aiding and assisting to you, as there shall be occasion.

Given under our hands and seals, in committee aforesaid, at Philadelphia, the ninth day of July, in the year aforesaid.

S. SITGREAVES,
ABR. BALDWIN,
SAM'L W. DANA,
J. DAWSON,
ROB'T. G. HARPER.

(B.)

To Captain William Eaton.

SIR: You will proceed with the utmost expedition to New York, and, immediately on your arrival, see Mr. Harrison, or such other person as, in case of his absence, you are addressed to. Having advised with such person as to the proper mode of executing your commission, you will proceed, with such assistance as may be deemed necessary, to arrest the person expressed in your warrant, in the most secret manner, and to secure all his papers. Him and his papers you will then convey safely and expeditiously to this place.

When you see the person to be arrested, it will be proper to inform him that the committee is desirous of avoiding all unnecessary publicity, and that, by attending quietly with his papers, it may be prevented. You may let him understand at the same time, that hesitation or resistance can have no other effect than to render the affair more disagreeable to him, by making it public. On the road he will be treated by you as a fellow passenger, but carefully attended to, and, above all, the

papers are to be most carefully guarded, and kept in your own possession.

The same treatment may be observed towards any other person whom, with his papers, it may be resolved to arrest.

Whatever papers are seized, you will immediately seal up in the presence of the person to whom they belong, if on the spot, or if not, in the presence of some other person, and will deliver them sealed to the committee.

It is scarcely necessary to add that the papers most likely to be important will be letters from William Blount, and copies of letters sent to him. Such must be diligently sought and carefully secured.

I am, sir, your most obedient servant,

S. SITGREAVES,
Chairman of the Committee.

PHILADELPHIA, *July* 9, 1797.

(C.)

DEPARTMENT OF STATE,
Philadelphia, July 9, 1797.

To Captain William Eaton.

SIR: Knowing your capacity, spirit, and diligence, and relying on your fidelity, I have selected you to be charged with the orders of a committee of the House of Representatives of the United States, for seizing the person and papers of Dr. Nicholas Romayne, who is now supposed to be in the city of New York, and against whom there is presumptive evidence of his being connected with William Blount, Esq., who has been impeached of high crimes and misdemeanors by the House of Representatives.

It is possible that the arrest of this person may lead to the discovery of other conspirators on the spot; in respect to whom you will likewise observe the orders of the committee. Or, if those orders should not precisely prescribe the course you are to take, respecting such unknown conspirators, then you will apply for advice to Richard Harrison, Esq., Attorney for the District of New York, or, in his absence, to Josiah Ogden Hoffman, Esq., Attorney General of that State, and do what they or either or them shall direct. If any others than those named in the orders of the committee, shall be arrested, you will bring them to Philadelphia likewise, if either of the attorneys shall advise it.

You will need an assistant or assistants in the execution of these orders, in procuring whom you will take the advice of either of the attorneys before named.

In making the arrests and seizing the papers, it will be expedient for the public, and agreeable to the persons to be arrested, that you act in the most secret manner possible; and in the same manner they may be brought to this city. But although you may treat them as fellow passengers, you are never to suffer them to be in a situation to escape, or to destroy the papers you may seize. For this reason your assistants should be vigilant men.

On your return to the city, call on me for further directions.

I am, with great regard, sir, your obedient servant,

TIMOTHY PICKERING.

P. S. There is a possibility that both Mr. Harrison and Mr. Ogden may be absent, in which case wait on Colonel Hamilton or Governor Jay, and ask their advice, laying before them your orders.

(D.)

DEPARTMENT OF STATE,
Philadelphia, July 9, 1797.

SIR: The bearer, Captain William Eaton, is charged with orders from a committee of the House of Representatives of the United States, to seize the persons and papers of some men, supposed to be in the city of New York, connected with Governor Blount in the plot for which he stands impeached by the House of Representatives. And the object of my addressing you is, to pray you to find a confidential and active man to aid Captain Eaton in excuting the orders above mentioned. Or, if more than one assistant be necessary, as many as circumstances shall, in your opinion, require, to make the arrests, and securely to bring the persons arrested, with their papers, to this city.

The arrest of the persons referred to, or the seizure of their papers, may lead to the discovery of others of the conspirators. In this case you will be pleased to consider how they shall be secured, with their papers, and take such measures as you shall think proper. If Captain Eaton can render you any aid herein, he will be instructed to do it.

Whatever expenses shall be incurred, I will defray.

I am, very respectfully, sir, your obedient servant,

TIMOTHY PICKERING.

RICHARD HARRISON, Esq.,
Attorney of the United States,
District of New York.

In his absence, JOSIAH OGDEN HOFFMAN, Esq., *Attorney General of that State.*

(E.)

PHILADELPHIA, *July* 12, 1797.

SIR: In obedience to your instruction of the 9th instant, and warrant of your committee of the same date, at 3 o'clock, the morning of the 10th, I took stage for New York, and arrived thither the evening of the same day, crossed Paulus Hook at midnight; waited on Mr. Harrison, attorney for the district of New York, who went with me in company of the marshal and one of his deputies, to the house of Nicholas Romayne, practitioner of physic, whom I arrested agreeably to order, and proceeded to examine and secure his papers. On entering his chamber, I observed a portable writing-desk, with a number of loose papers on or about it, among which was found an unfinished letter in the hand-writing of Mr. Romayne, which he acknowledged was intended for William Blount, late Senator in Congress. The papers in this room were lying in a disordered situation, and had every appearance of having been recently examined. Below stairs were shown me by Dr.

Romayne, four letters from William Blount to said Romayne, which four letters with the unfinished letter above mentioned, I have laid before the honorable committee. On examining a bundle of papers of neglected appearance, I discovered a letter, signed "Robert Liston," to said Romayne. At this, Romayne exhibited evident marks of confusion, and reached as if to take it from me; but it passed through the hands of Mr. Harrison—was lodged with the papers above mentioned, and with them is laid before the committee. The agitation which I thought I discovered in Romayne, in giving up this paper, and the recollection of his acknowledging the receipt of more letters from William Blount, than we found in his hands, and, also, the disordered situation in which the papers above stairs appeared, establish my suspicion that he had destroyed more or less of the papers which would have led to a minute development of the subject of the committee's inquiry. I expressed to Romayne this suspicion, and my reasons for entertaining it; and at the same time intimated to him, that I thought these would be sufficient to justify my suggesting it to the committee. He, in some perturbation, acknowledged that he had, perhaps, received ten or twelve letters from Mr. Blount, in answer to his, found among Blount's papers; but that, being a careless man, he had destroyed, or suffered them to be destroyed; but he soon after qualified this concession, by declaring on honor that he had not destroyed any such letters within a week past. Having thus far executed the order of the committee, I took to my assistance Mr. John S. Bainbridge, and with the prisoner, said Nicholas Romayne, recrossed to Paulus Hook, at 3 o'clock, A. M., of yesterday, and procuring a stage, proceeded to this city, whither I arrived at 3 o'clock this morning of the day and date above mentioned.

I have the honor to be, with perfect respect, sir, your most obedient servant,

WILLIAM EATON.

Hon. Mr. SITGREAVES.

(E, No. 2.)

NEW YORK, *July* 11, 1797.

SIR: By the return of Captain Eaton to Philadelphia, you have doubtless before this time been informed of the manner in which the orders of the Committee of the House of Representatives of the United States have been executed. Your Excellency's letter of the 9th having been delivered last night, after a short conference with Mr. Eaton, it was judged advisable to lose no time in securing Dr. Romayne and his papers, particularly as there was reason to apprehend that he might already (from apprehensions of necessity) have destroyed the most material. The aid of the marshal and his deputy was, therefore, resorted to, and the whole business effected in little more than an hour after Captain Eaton's arrival. It appeared that Dr. Romayne was by no means surprised. The first observation that he made to the messenger was, that he supposed him instructed to search for papers, and he then offered to produce those he had. Upon entering his bed-chamber, we found such as were then in a state of considerable derangement, which he attributed to the windows having been left open. There were no appearances, however, from whence the recent destruction of papers could be evidenced. Upon this table were two or three old letters from Count Motier, formerly the Minister of France in this country, and a bundle or two loosely tied, containing among other letters of no importance, those from Governor Blount and Mr. Liston, which have been sent to Philadelphia.

He acknowledged, in the course of conversation, that he had, in the period of about two months, received as many as ten or twelve letters from Governor Blount, but observed that he had always been careless with respect to papers, and in the habit of tearing letters soon after he received them.

It is remarkable, nevertheless, that a very considerable number of old and unimportant letters had been preserved, and that his recent correspondence has almost entirely disappeared. The letter from Mr. Liston, it may be presumed, had, by some fatality, escaped his notice. He alleged that it would be fully explained by the one to which it was an answer, and said that he should apply to Mr. Liston for the production of that document. Upon the whole his behaviour was collected and proper, nor did he discover any very great apprehension or surprise, except upon the finding of Mr. Liston's letter, when Captain Eaton judged that he betrayed some emotion, which, however, escaped my observation, as I was then engaged in perusing other papers.

I sincerely wish that measures had been taken with regard to this business, before the publicity of the proceedings against Governor Blount had excited alarm. It is probable that more important discoveries might then have been made. I still hope that they may result from a personal examination of the prisoner, though I do not believe that it is to be expected.

Any services which I can render in future with relation to this important business, will be given with the utmost alacrity; and I have only to add, that I am most respectfully, sir, your obedient servant,

RICHARD HARRISON.

Hon. TIMOTHY PICKERING, Esq.,
Secretary of State.

(F.)

These are to certify whom it may concern, that Doctor Nicholas Romayne, of the city of New York, having attended the Committee of the House of Representatives of the United States, charged with the impeachment of William Blount, in pursuance of the process by them issued for that purpose, and having undergone such examination, and answered such interrogatories as were required and exhibited by the said Committee; and having further entered into bonds for his appearance before the Senate of the United States as a witness on a trial of the said impeachment,

has been, and hereby is discharged by the said Committee, from any further attendance upon them.

Given in the Committee aforesaid at the city of Philadelphia, on the twenty-second day of July, in the year of our Lord, one thousand seven hundred and ninety-seven.

By order of the Committee,

S. SITGREAVES, Chairman.

(G.)

UNITED STATES, to wit:

To Major Thomas Lewis.

Whereas the House of Representatives of the United States, did, on the eighth day of July, in the year of our Lord, one thousand seven hundred and ninety-seven, resolve as follows, to wit:

"*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.

"*Ordered*, That Mr. Sitgreaves, Mr. Baldwin, Mr. Dana, Mr. Dawson, and Mr. Harper, be a Committee pursuant to the said resolution."

And whereas the House of Representatives of the United States, did on the tenth day of July in the same year resolve as follows, viz:

"*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."

"*Ordered*, That Mr. Dana be excused from serving on the Committee appointed to prepare and report articles of impeachment against William Blount, a Senator of the United States, and that Mr. Bayard be of the said Committee in his stead."

You are hereby authorized and required, in pursuance of the said authority vested in us as aforesaid, taking to your assistance such person or persons as you may deem necessary, to make strict and diligent search for Major James Grant, now or late of the State of Tennessee, and him having found, to seize and apprehend, and to bring, together with his papers, in safe custody, forthwith before us, the Committee aforesaid, at the city of Philadelphia, to be examined touching the premises. And all officers, civil and military, and all faithful citizens of the United States, are required to be aiding and assisting to you as there shall be occasion.

Given under our hands and seals, in committee aforesaid, at Philadelphia, the tenth day of July in the year aforesaid.

S. SITGREAVES,
ABR. BALDWIN,
J. DAWSON,
R. G. HARPER,
J. A. BAYARD.

(H.)

To John Rogers, resident in the Cherokee Nation.

Whereas the House of Representatives of the United States did, on the eighth day of July, in the year of our Lord, one thousand seven hundred and ninety-seven, resolve as follows, to wit:

"*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.

"*Ordered*, That Mr. Sitgreaves, Mr. Baldwin, Mr. Dana, Mr. Dawson, and Mr. Harper, be a committee, pursuant to the said resolution."

And whereas the House of Representatives of the United States did, on the tenth day of of July, in the year aforesaid, further resolve and order, as follows, to wit:

"*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.

"*Ordered*, That Mr. Dana be excused from serving on the committee appointed to prepare and report Articles of Impeachment against William Blount, a Senator of the United States, and that Mr. Bayard be of the said committee in his stead."

You are hereby required, in pursuance of the powers vested in us, the said committee, by the resolutions and orders aforesaid, that, laying aside all manner of business and excuses whatsoever, you be and appear forthwith, in your proper person, before us, the said committee, at the State-House, in the city of Philadelphia, to be examined touching the premises, and to testify your knowledge therein: And that you bring with you all such papers and documents touching the same, as may be in your hands and possession; and herein fail not, at your peril.

Given under our hands and seals at the city of Philadelphia, in committee aforesaid, the tenth day of July, in the year aforesaid.

S. SITGREAVES,
ABR. BALDWIN,
J. DAWSON,
ROB. G. HARPER,
J. A. BAYARD.

(I.)

UNITED STATES, *ss.*

To James Carey, Interpreter for the United States, to the Cherokee Nation, and Assistant at the Tellico Factory.

Whereas the House of Representatives of the United States did, on the eighth day of July, in the year of our Lord, one thousand seven hundred and ninety-seven, resolve as follows, to wit:

"*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.

"*Ordered*, That Mr. Sitgreaves, Mr. Baldwin, Mr. Dawson, Mr. Harper, and Mr. Dana, be a committee, pursuant to the said resolution."

And whereas the House of Representatives of the United States did, on the tenth day of July, in the year aforesaid, further resolve and order, as follows, to wit:

"*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 William Blount stands impeached, and who are the parties and associates therein.

"*Ordered*, That Mr. Dana be excused from serving on the committee appointed to prepare and report Articles of Impeachment against William Blount, a Senator of the United States, and that Mr. Bayard be of the said committee in his stead."

You are hereby required, in pursuance of the authority vested in us, the said committee, by the resolutions and orders aforesaid, that laying aside all manner of business and excuse whatsoever, you be and appear forthwith, in your proper person, before us, the said committee, at the State-House, in Philadelphia, to be examined touching the premises, and to testify your knowledge therein: And that you bring with you all such papers and documents, touching the same, as may be in your hands and possession; herein fail not, at your peril.

Given under our hands and seals, at the city of Philadelphia, in committee aforesaid, the tenth day of July, in the year aforesaid.

S. SITGREAVES,
A. BALDWIN,
J. DAWSON,
R. G. HARPER,
J. A. BAYARD.

(K.)

PHILADELPHIA, *July* 10, 1797.

SIR: The House of Representatives of the United States has impeached William Blount, of the State of Tennessee, for certain acts of his, tending to endanger the peace of the Union, and whereof there is reason to suppose from some of his letters, that you have some knowledge.

A committee has been appointed to conduct this impeachment, and to make a full inquiry into the whole affair; and this committee has conceived that your testimony might be of great importance in bringing this transaction fully to light. They have, therefore, directed me to write to you on the subject, requesting your attendance with all letters and papers in your possession, from William Blount, and assuring you that your expenses in coming and going shall be defrayed, and that you shall return without molestation or unnecessary delay.

The committee flatter themselves, sir, that you will comply with this request, whereby you will confer an important obligation on the Government, and may contribute much to preserve the peace and prosperity of the United States.

It will be essential that you should arrive here with as much expedition as possible.

I am, sir, by order and on behalf of the Committee of the House of Representatives,

S. SITGREAVES, Chairman.

Mr. JOHN ROGERS,
Resident in the Cherokee Nation.

(L.)

WAR OFFICE, *July* 10, 1797.

SIR: A letter having lately been detected, written by William Blount, to Mr. Carey, containing certain criminal matters, in which mention is made of one to be forwarded to you, and that you were advised therein to do certain things affecting the United States, and the same having been submitted to Congress by the President, the House of Representatives have ordered a committee of their members, to sit in their recess, with power to send for persons, papers, and records, that the project might be more perfectly known and understood. I enclose you a letter from the said committee, requesting your attendance in Philadelphia, to give information in the premises, and request that you will lose no time in complying therewith. I shall take care that the expense of your journey, hither and back again shall be paid. As you can render a service to truth and to your country, by coming forward, I have no doubt but that you will do everything that is proper and patriotic on the occasion.

I am, sir, with respect, your obedient servant,

JAMES McHENRY.

Mr. JOHN ROGERS,
Resident in the Cherokee Nation.

(M.)

WAR OFFICE, *July* 10, 1793.

SIR: The House of Representatives having impeached Mr. William Blount, of high crimes and misdemeanors, and appointed a committee of their body, to send for persons, papers, and records, and the said committee being desirous to receive your information, in person, touching what you know relative to Mr. Blount's criminal project, you will be pleased to respect their warrant, and attend their messenger to Philadelphia. I shall take care that your expenses, going and returning, shall be paid.

I am, sir, your obedient servant,

JAMES McHENRY.

To JAMES CAREY, *Interpreter at Tellico.*

(N.)

WAR OFFICE, *July* 10, 1797.

SIR: The House of Representatives of the United States, having impeached William Blount, a Senator of the United States, of high crimes and misdemeanors, and appointed a committee of their body to send for persons, papers, and records, and

the said committee having issued a warrant to apprehend and bring before them Major James Grant, of the State of Tennessee, and subpœnas for James Carey, and John Rogers, with their papers, respectively: You will be pleased to give to the said instruments, and their bearer, all lawful aid in your power, to carry their object into effect.

I am, sir, very respectfully, your obedient servant,

JAMES McHENRY.

Colonel DAVID HENLY,
Agent for the War Department, Knoxville.

(O.)

PHILADELPHIA, *July* 11, 1797.

You are to proceed without delay to Knoxville, in the State of Tennessee. The object of your mission is to take into your possession and custody, the person and papers of James Grant, of Knoxville, agreeably to the warrant with which you are charged, and return with them to Philadelphia. It will be necessary to avail yourself of the aid and advice of the officers of the Government of the United States, to whom you are recommended by letters put into your hands from the Secretary of War. As soon as you find Mr. Grant, and such papers as he may have in his possession, in your power, you will let him know that it is your wish to prevent, as far as possible, anything that may be disagreeable to him in the manner of his coming to this place. That he may come merely as a fellow-traveller, if he consents to such regulations for the conveyance of himself and his papers, as you may judge necessary to insure their arrival at this place in safety.

You will be careful to secure well, and put your seal on such papers as you may take into your possession, in the presence of the person to whom they belong, and assure him that they will be opened in his presence, if he desires it, and examined solely with reference to the subject of impeachment now depending against Wm. Blount, Esquire, and such as are found not to relate to that subject, will be immediately returned to him.

You will be particular in securing all papers or letters from William Blount.

At Knoxville, Col. Henly, the agent for the War Department, will give you information how to find John Carey and John Rogers, to deliver to them the letters directed to them, and to serve the subpœnas on them—who, it is expected, will accompany you to this place.

If the committee should not be in session on your arrival here, you will take your directions from the Secretary of War.

You are requested to use all possible despatch in your journey to Tennessee, and on your return to Philadelphia; for this purpose you will take relay horses as there shall be occasion; and if any opportunity should offer to write to the committee while you are on the road, you will communicate any information in your power to the committee, under cover to the Secretary of War.

If your conversations with Major Grant, or Rogers, or Carey, should produce any important disclosures, connected with the business in which the committee is engaged, you will, in such case, apply yourself to Mr. Hawkins, or Col. Henley, or other agent of the United States, in that country, for directions how to act, and endeavor, with the aid of the civil authority, to secure the persons and papers of any who shall appear to be concerned in the plot.

Wishing you success in your mission, I am, by order, and on behalf of the committee, sir, your most obedient servant,

S. SITGREAVES, Chairman.

To Major THOMAS LEWIS.

(P.)

GERMANTOWN, *Sept.* 25, 1797.

SIR: In obedience to the instructions of the committee, dated the 11th of July last, and handed me on the day following, I set out on the 13th for the State of Tennessee, and proceeded with all possible despatch that my health would admit of, and arrived at Knoxville on the 27th in the evening. Early on the morning of the 28th, I waited upon and served the precept on Major James Grant, in company with Colonel D. Henly, Agent of War at that place; after which Mr. Grant produced all his papers, which Colonel Henly and myself carefully examined, culling all those that appeared attached to his domestic concerns. The balance of his papers I put my seal carefully upon in the presence of Mr. Grant.

On my arrival at Knoxville, Colonel Henly sent an express for Carey, who was at Tellico block-house, employed as an interpreter in the public store at that place, and who came immediately to Knoxville after the receipt of Colonel Henly's letter. Rogers, I found, was in the Creek nation, and had been sent for by Colonel Hawkins, previously to my arrival at Knoxville. As it was a desirable thing with me to bring Rogers, as well as Grant and Carey, I was induced to wait until the 10th of August, in expectation that he might arrive by that time; in this I was disappointed. Colonel Hawkins and Henly pressed me to stay a few days longer, expecting daily Rogers's arrival, and with him some information which might be useful to the General Government. Not hearing anything during my stay at Knoxville, or having any real information of Rogers being on the way, I set out on the 20th of August with Major Grant. Carey I sent off on the 13th, with directions to proceed on to Abington, in Virginia, where he should wait until I should arrive.

Colonel Henly was desirous I should accompany him to Colonel King's iron works, as he expected to collect some useful information in that quarter. This circuitous route detained me three days longer than I expected, after which I made the best of my way for Philadelphia, and arrived at Germantown with Messrs. Grant and Carey on the 15th instant.

I have the honor to be, very respectfully, your most obedient servant,

T. LEWIS,
Capt. 2d U. S. Regiment.

The Hon. SAMUEL SITGREAVES,
Philadelphia.

(Q.)

SIR: Agreeably to your directions to me in the letter brought express by Mr. Byers, I invited the honorable Mr. Hawkins and Judge McNairy to proceed to Tellico, for the examination of certain persons under suspicion of knowing the contents and the plan laid against Government, in a letter written by Gov. Blount, and after examinations which took place yesterday, this morning Carey brought forward another letter from Governor Blount, to Rogers, by which it appears that Chisholm and Rogers have full knowledge of the plan.

Mr. Hawkins being more competent to such examinations than myself, I submitted to him the whole conducting of it.

The examinations of Carey and Lovely, accompanied with Mr. Hawkins's letter, make it unnecessary for me to be more particular, and I have only to assure you, that I shall be faithful to my trust, and will use all means to give Government the fullest information respecting every occurrence.

Rogers being gone to the Creek nation, which is some distance from this, Mr. Hawkins and myself thought it most advisable for Mr. Byers to return immediately to you with the proceedings as far as we could obtain information. In the meantime we shall send for Rogers, and get all that may be got from him and forward to you.

I am, very respectfully, sir, your humble servant,

DAVID HENLY,
Agent War Department.

Hon. JAMES MCHENRY,
Secretary of War.

(R.)

TELLICO, *July* 9, 1797.

I sent you from Knoxville, the 4th of May, copies of the originals herewith enclosed. I have written to you frequently since, but dates I do not recollect; and my papers are all at a distance from me. On the 5th I enclosed to you, from Knoxville, with a long letter, the examination of James Carey. I thought it my duty to interpose as soon as I got out of the woods, and sift that affair thoroughly. Upon the return of Mr. Byers, Colonel Henly called on the agent in the Indian department to accompany him here, with Judge McNairy. We have now sent this second examination, and an original letter from Mr. Blount to Rogers. When I first examined Carey, I did it alone; he was much alarmed; I assured him all I wanted was the truth, and that, if he was faithful to the Government, he had not anything to fear, and the proof I required of his fidelity, was a disclosure of all he knew relative to the contents of the letter, and that no part of his narrative should militate against himself, or affect his present standing in the Government. He communicated to me all that he said he knew. I replied, that I was not satisfied with his communication, that I gave him until the next day to recollect himself, and then I would examine him again. This I did as detailed to you. Notwithstanding the answers of Carey do not correspond with the expectations which naturally arise from reading the letter, I am inclined to think they are substantially true. That a man who has acted in so high offices as the writer of the letter has done, should so commit himself, must be attributed to a long series of base conduct, which seems to have buoyed him and his followers above shame. For a general idea into this conduct, you have only to inspect into the records in your own office.

I have the honor to be, with great respect, your obedient servant,

BENJAMIN HAWKINS.

Hon. JAMES MCHENRY,
Secretary of War.

(S.)

PHILADELPHIA, *July* 14, 1797.

SIR: The Committee of the House of Representatives of the United States, having reason to believe that Mr. Mitchel, of the State of Tennessee, is possessed of important information relative to the business with which they are occupied, have issued their precept in the nature of a subpœna, requiring his attendance before them forthwith, to be examined on the subject.

This precept is now enclosed to be served by you, conformably to the instructions given to you in the cases of Carey and Rogers. The committee have it not in their power to inform you particularly of the place of his residence; this you must ascertain by inquiry. It is very desirable that you may be able to bring him with you when you return; but if you find it impracticable to serve the precept yourself, without inconvenient delay to the other objects of your mission, you will, under the directions of Colonel Henly, or Mr. Hawkins, commit it to some confidental person to execute.

We cannot discover, with satisfactory certainty, the christian name of Mr. Mitchel. He made a communication, on the subject which we are desirous of investigating, to the Spanish Minister, who calls him Medad Mitchel, and describes him to be a tall and slender young man, with dark hair; he may be further known, by the circumstance of his having received a letter from Chisholm, dated Philadelphia, March 16th, 1797, directed to Messrs. Mitchel and Craige, which letter he communicated to the Chevalier d'Yrujo. When you have ascertained his name, you will please to fill up the blank in the subpœna accordingly.

Carey and Rogers have been assured, by the letters from the Secretary of War, which were delivered to you, that their expenses going and coming would be reimbursed to them. The same assu-

rance must be given to Mitchel, and if he should not have the actual means, the agent of the War Department, Col. Henly, will doubtless advance what will be sufficient to bring him to this city.

I am, sir, your most obedient servant,

S. SITGREAVES, Chairman.

Major LEWIS.

(T.)

PHILADELPHIA, *July* 25, 1797.

SIR: Mr. John Phillips Ripley was yesterday introduced to the Committee of the House of Representatives, and gave to them the information, of which the enclosed is a copy. As it is, in several points, variant from the purport of your past communications, and refers to evidence which is said to be in your possession, but which has not been yet delivered to the committee; we request that you will be so good as to inform us how far Mr. Ripley's representation corresponds with the fact, and whether there is anything within your knowledge which can have given rise to his suggestions. If you should return to Philadelphia before your embarcation for Algiers, the committee further request that you will let them see you on the subject; and that, in the interim, you will please to write to the committee, immediately on the receipt of this letter, and acquaint us how soon you expect to be in this city.

I am, sir, your most obedient servant.

S. SITGREAVES, Chairman.

Capt. WILLIAM EATON,
Brimfield, Massachusetts.

(U.)

BRIMFIELD, *Mass.*, *July* 29, 1797.

SIR: Mr. John Phillips Ripley, son of a very respectable Professor of Divinity and the Languages, in Dartmouth College, now resident in Philadelphia, was cotemporary with me at that Seminary; and though young, was among the circle of my friends there. He has been so since the renewal of our acquaintance at Philadelphia; on my return from New York, I said to him that four or five enigmatical letters from Blount to Romayne were found among the papers of the latter, which undoubtedly had reference to the conspiracy; that, from his own concession, I had concluded that letters of more importance were destroyed; that *one* letter was found, among some neglected papers, signed by Robert Liston, at which Doctor Romayne discovered evident perturbation, and that this letter countenanced the conspiracy. That the Secretary of State, hearing I had mentioned this circumstance, intimated to me that it was improper; that Mr. Hodgdon had done the same, and that I had written him on the subject.

Colonel Pickering said nothing to me of the effects a discovery of facts relative to Mr. Liston's letter would have on the minds of the people; he said nothing of insuring the views of the Government; nothing of the bad policy of offending the British Minister or his nation, nor anything of Great Britain being the only friend we have. These ideas Mr. Ripley must have mistaken from my letter to Mr. Hodgdon, on the propriety of which I did consult him, believing him to be a young man of confidence, and a friend to the Government. I have not an accurate copy of that letter, or it should accompany this. Probably it may still be in the hands of Mr. Hodgdon; if so, it may show the inconsistency of making Mr. Pickering the author of ideas and conclusions, which will there appear to be the result of my own reflections, and will evince the inaccuracy of the impressions left on the mind of Mr. Ripley.

The expressions, "several important letters," "positive proof that the British Government was at the bottom of the conspiracy;" "that these letters offer rewards to those who would engage in the enterprize;" "rubbish" and "reprimand," do not recur so familiarly to me as it seems they did to Mr. Ripley. I disclaim them.

No information has been in my possession which has not been delivered to the committee.

I expect to sail from Philadelphia for the coast of Barbary so soon as the frigate fitting out for the Dey of Algiers shall be rigged and equipped. This, Colonel Pickering informed me, would be the ensuing Autumn. I shall repair to that port on receiving orders, and, immediately on arriving in the city, will do myself the honor to wait on the committee.

I have the honor to be, sir, with great respect, your most obedient and very humble servant,

WILLIAM EATON.

Hon. Mr. SITGREAVES.

(V.)

PHILADELPHIA, *Sept.* 1, 1797.

SIR: I have received your letter of the 29th July. The committee are obliged to you for the promptitude of your reply. But as the information of Mr. Ripley has been given on oath, and will, of course, form a part of the body of the testimony collected by the committee, it is proper that your evidence should be accompanied, as far as is practicable, with equal solemnity. It is, therefore, the request of the committee that you would appear before some judicial character of the highest grade in the vicinity of your residence, and make a deposition, upon oath, of your knowledge relative to the subject-matter with which the committee are charged, and particularly with relation to the facts deposed by Mr. Ripley.

Mr. Thomas Odiorne has also appeared before the committee, and made a deposition corresponding, in general, with Mr. Ripley's. You will, therefore, be so obliging as to include in your narrative the subject of your conversations with Mr. Odiorne also. And you will desire the magistrate who shall take your deposition to forward it, under cover, to me.

This is all that can be done at present, without incurring a greater expense, and giving you more trouble than the committee think the occasion would justify. But it is their further request, that when you shall come to the city of Philadelphia, before your departure for Africa, you will apprize

them of your arrival, and make such other or further deposition as they shall deem necessary.

I am, sir, your obedient servant.

S. SITGREAVES, Chairman.

Captain WILLIAM EATON,
Brimfield, Massachusetts.

(W.)

SPRINGFIELD, *Sept.* 6, 1797.

SIR: I am this morning honored with your letter of the 1st instant; mine of the 29th July contains my answer to Mr. Ripley's deposition, but as it cannot be admitted as evidence, I unite my oath to the statement herewith enclosed. I felt astonished at the inconsistency of the letter signed Robert Liston, found among Romayne's papers, with the explanation of the British Minister on the subject of the conspiracy, presented in a billet to the Secretary of State. The letter made the same impression on Messrs. Harrison, Giles, and Benbridge, and, if I discerned accurately, the committee were not otherwise impressed. My letter to Mr. Hodgdon on this subject is expressive of my feelings. That letter I read to Ripley and Odiorne, the former of whom had been a candidate for an Executive appointment under Government, and told me he had experienced the friendship of Mr. Pickering; the latter was soliciting a place in some public office—both professedly friends to the Executive measures, and both had plighted their faith and honor to keep my confidence. I am informed by my friend Byers, that both, in violation of that faith and honor, and of truth, also, have since aggravated this information to the Spanish Minister. I knew the young men in embarrassed circumstances, but believed their honesty impregnable. Feeling for the disappointment of Ripley (for he had formed sanguine expectations) in not obtaining the appointment to the Consulship of Tripoli, I requested that he would accept a room and lodgings in my house, and the use of my library, to qualify himself for the practice of the law, with an attorney who lives near me, and that he would use my name to obtain such credit as would be necessary in the prosecution of his studies, till the avails of business would enable him to refund his expenses. He did, with seeming gratitude, accept the offer, but has since passed through my neighborhood, I am told, without calling on me. I can no other way account for this neglect than by a conjecture that READY MONEY has diverted him from his resolutions, and this, indeed, is uncharitable. Mr. Odiorne has at least been a spectator in all these transactions, and has not less experienced my friendship. I would not, sir, ask your condescension to the perusal of these individual concerns, did they not tend to show the relation in which these deponents should consider themselves with me, and that, to a violation of good faith, they have added ingratitude.

With great respect, I have the honor to remain, sir, your most obedient and very humble servant,

WILLIAM EATON.

Hon. Mr. SITGREAVES.

(No. 1.)

PHILADELPHIA, *February* 9, 1797.

DEAR SIR: I persevere in my determination respecting a certain business, as expressed to you at New York. I am without the expected letter from you. If you have anything worth communicating comes to your knowledge, I beg the favor to receive it as early as possible.

And am, with the sincerest esteem,

WILLIAM BLOUNT.

Doctor ROMAYNE, *New York.*
(Free.) William Blount.

(No. 2.)

NEW YORK, *February* 10, 1797.

MY DEAR SIR: I should have written you before, but I have not been able to learn, till lately, that nothing has come from Mr. King to any persons in this city: I now know that to be the case.

Our news from Europe you have in the public papers. You see with what earnestness the British loan has filled, and you see with what boldness Bonaparte fights. There are no omens of peace. The Directory agree to the terms of composition, yet they do not mean to give up Flanders and the parts of Germany South of the Rhine, which are now incorporated with the Republic, one and indivisible. They can only mean to give up some of the conquests in Italy. These terms will not suit the British as yet, and I am fully persuaded that the war will go on with increasing violence, for it will become more and more national. I have reflected much, since you left me, respecting our plans to the Southward; and the more I think on them, the more important they appear to me in their consequences. The packet sails on Tuesday, and I shall begin to write this evening fully on the subject, giving assurance that the friend we contemplate will go over in May. I am sure of success, from a variety of circumstances, and am sure I am not too sanguine.

I am really anxious to go on to Philadelphia to see you for a few days, but I am detained here. The man from whom I had to receive twelve hundred dollars the 20th of this month has failed: I have sureties, but they will not pay without being sued, and the question is, whether I must not give time. I have nearly the like sum due the 1st of March, which I must also endeavor to secure, for I know I shall not obtain payment.

To add to my disappointment, I shall lose £150 for house-rent, from the misfortunes of my tenants.

I trust and hope you are of the same mind you were about going to the Eastward. I am collecting all the facts I can to furnish you, and you will no doubt do the same. Pray let me hear from you soon.

I am, with perfect consideration, your assured friend,

NICHOLAS ROMAYNE.

The Hon. WM. BLOUNT, Esq.,
Senator of the U. S., Philadelphia.

(No. 3.)

NEW YORK, *March* 3, 1797.

I have only this moment, my dear friend, received your letters of the 9th and 16th ultimo, and I am to censure myself very much for not having called at the post office before.

I am happy you continue in your sentiments on a certain point; you may be assured it is everything to you and me. With respect to peace, be assured it is very distant, notwithstanding what is said. It is impossible, under present circumstances, any accommodation can take place, or peace continue for nine months.

There are letters here from Mr. Monroe. His opinion is that of peace, but I know it is founded on a supposition that England must yield, in every point, to France. There are letters from Mr. K ——; he writes with caution. The only thing he says, is, that the Minister's mode for a loan is not popular; but the result shows that Mr. Pitt has gained his object.

With respect to myself, I am preparing all my business to follow you. We are here very much perplexed in money matters. The one note I mentioned to you is already protested, and I have another due to-morrow, which will also be protested: by giving time they will be secured to me. Pray let me hear from you by return of post, and what time you will set out for ——, when you leave Philadelphia, &c.

Present me to your lady and family, and be assured of the sentiments of esteem with which I have the honor to be your obliged servant and friend,

NICHOLAS ROMAYNE.

The Hon. WM. BLOUNT, Esq.,
Senator of the U. S., Philadelphia.

(No. 4.)

PHILADELPHIA, *Tuesday, March* 7, 1797.

DEAR SIR: I have before told you that I persisted in the plan of going to London, and I now repeat it to you; but from what part of America I shall take my passage is uncertain; and I fear it will not be convenient to take it from New York. Hence seems to me to arise a necessity that I should see you before my departure from this place.

Can't you come here on the last of this week, and spend a few days, when and where you and myself can talk things over once more? I shall expect your answer as early as may be.

With the sincerest esteem, your friend,

WILLIAM BLOUNT.

(Free.) William Blount.
Doctor ROMAYNE, *New York.*

(No. 5.)

NEW YORK, *March* 8, 1797.

MY DEAR SIR: I have acknowledged your favors of February last week; since that time, I have not had the pleasure of a line from you respecting your future operations. The last letters from Holland speak of peace as out of the question, and that there will surely be another campaign. I do not find that the death of the Empress of Russia will have much effect on the present politics of Europe. The same Ministers will be continued; and if the new Emperor will not meddle with State affairs, his life will be continued to him; otherwise he will be destroyed, and his wife will reign. Indeed, from late accounts, it is suspected that some revolutionary movements are to be apprehended. There is a very high aristocracy in Russia, and they will, with much difficulty, submit to the control of a sovereign. The Bears, it seems, prefer to be governed by a woman.

I do not hear anything from England. A packet is hourly expected with the January mail. I shall write you if anything occurs.

I have read Mr. Adams's speech. I expect the greatest part of his administration will consist of speeches and orations. I fear much that on Saturday commenced an era not very propitious to our country. The most that can be expected from Mr. Adams will be a negative Magistrate. But it appears as if he does not mean to give any tone to the Government, but to be led by the Senate and House of Representatives. Money is very scarce here, indeed; and it is said there are very great sacrifices of all kinds of property making every day at auction at the Coffee House. Mr. Macomb has purchased some North Carolina lands here at ten cents per acre, said to be of good quality. Pennsylvania lands are offered here at a quarter of a dollar, said to be good lands. R. Morris's notes are at one shilling in the pound. I have much reason to suppose that these matters will not mend, as bills on London are rising, and our commerce getting more and more embarrassed. I wish your opinion respecting the value of Morris's notes, and respecting lands for a friend of mine here.

I am, with perfect consideration, very entirely yours,

NICHOLAS ROMAYNE.

The Hon. WM. BLOUNT, Esq., *Phil'a.*

(No. 6.)

NEW YORK, *March* 9, 1797.

MY DEAR SIR: I have just received your favor of the 7th instant, and am extremely sorry that my sister's indisposition will prevent me going on to Philadelphia at the time you have appointed.

Your voyage will be very interesting to us both, and of the highest consequence to certain operations. I have therefore thought much about the most eligible mode for you to go. I have concluded, in my own mind, that it would be best to embark for Amsterdam or Hamburg, and for a guinea you can always be landed in the Channel by fishing boats, who are in great numbers on the coast. In this way all —— will be done away —— you can go very privately from this or Philadelphia, and you will have a much better choice of shipping. At any rate you must not go from the Southward in a vessel with naval stores—you will be subject to too many chances of capture.

Another consideration of moment is, that I wish you to see answers to the letters I have written, because there may be some disposition to be made in consequence of them. Let me know when you leave Philadelphia, and if you go to Washington or Knoxville. It surely will be convenient for you to go from the Northward, and I hope your arrangements will enable you to set out the beginning of May. My opinion is much for your going from this or Philadelphia, as I have mentioned. I shall inquire respecting shipping, and give you information in my next.

Yours, affectionately.

NICHOLAS ROMAYNE.

The Hon. WM. BLOUNT, Esq., *Phil'a.*

(No. 7.)

PHILADELPHIA, *March* 11, 1797.

DEAR SIR: Yesterday I received your letter of the 8th, and to-day that of the 9th instant. I regret that I could not have had the pleasure of seeing you at this place before my departure for the Southward, which will now be in a few days, and particularly the cause which has prevented your coming. Yet, I beg you to continue to address such letters as you shall write me on or before the 23d of March, to this place, as to that day they will reach me free of postage, and I shall direct the postmaster how to forward them to me; and before that day I will advise how to address me after that time. My business, at present, to the Southward is such that I cannot give more particular instructions to you at this time. I shall certainly attempt to carry our plan into execution, and shall see you at New York, or some other convenient place, before my departure for Europe, early in May. Mrs. Blount is so importunate to go to Knoxville this spring, that I have not yet been able to say I am not going there with her; hence, perhaps, you may hear I am gone to Tennessee; but hear what you will, rest assured I am steady and determined to our purposes. Pray let me hear from you often, and, on my part, I promise to you to keep you well advised of my movements. In the meantime, be assured that I am, with very sincere esteem, your obedient servant,

W. B.

Doctor ROMAYNE.

(No. 8.)

NEW YORK, *March* 11, 1797.

MY DEAR SIR: I regret very much, indeed, that I have not had it in my power to go on to Philadelphia to meet you as I so sincerely wish; but I must communicate my sentiments as they occur.

You know my sentiments are, that no peace can take place in Europe for some years—certainly not this century—at least such is my opinion. I am sure I cannot be wrong that peace is not at hand. You are, therefore, to consider if the object we have proposed is not of greater moment the more it is considered. I have mentioned to you in my last letter my wishes that you should go in an Amsterdam or a Hamburg vessel, even in one bound to France, if she goes up Channel, in preference to any other mode. I have made the necessary inquiries, and I am told there will be good ships going from this in May, though none are specified—you will be at no loss from this port.

I must communicate to you two sentiments which are strongly impressed on my mind: The one is, that you be not seen or known in any commercial or land speculation in ——, for it will be of immense disadvantage if known, in respect to your other business, as long as that is pending; if you have any views that way, let it go through your brothers to Captain Laurence, who is known to them, and is a good man, or Mr. Mullet—this I wish to impress very much on your mind. The second is, that I have reason to believe there is a personal dislike in Mr. King towards you; and I think it absolutely necessary that the objects we contemplate be kept from him. Upon this head, then, we are to be prepared and armed, and I shall throw sentiments of that kind in all my letters to keep the business from King, and to anticipate his conduct.

This is all that occurs to me now. As you know my opinions respecting the continuance of the war, you must know what are the prospects of things in the United States. I think they will not be very flattering. You who are at the head of things must have a great opportunity of knowing how things will be. Let me hear from you soon, for I am very anxious to know your future determination, as it must very much govern mine.

Yours, affectionately.

NICHOLAS ROMAYNE.

The Hon. WM. BLOUNT, Esq.,
Senate of the U. S., Philadelphia.

(No. 9.)

NEW YORK, *March* 15, 1797.

MY DEAR SIR: I have this day received your letter of the 11th instant. I do not know that I shall write you after the 23d on the subjects we contemplate, because the utmost caution is necessary for us both to observe. The great point is now decided, and will corroborate the opinions I gave you, that the war will go on; and you may depend it will, for some years, with a degree of acrimony and horror not to be described. This, then, is fixing one point in this state of things, if you and I can benefit ourselves, and be at the same time of service to our fellow creatures, we ought to do it.

I find that Hamilton and our politicians here are very averse to the French being in our neighborhood, and are equally so that there should be any change; I am very cautious and circumspect, but I get all the opinions I can. In our business we will have nothing but enemies here; therefore the utmost reserve is required. I shall give out that I mean to visit some of the States, and then sit down and practice physic here. I think that will kill all suspicion about my being engaged in any political matters. In my last letter I gave you some ideas of King, and of not being seen in

any business in a certain place, so as to appear a pure, dignified political character —— let me know if these letters have reached ——. I never was so confident of success in my life of any business, as I am in this of our contemplation.

I wish to impress on your mind very much the idea of secrecy in our business, and not to confide in any one, for it may be of material disadvantage to us. This, perhaps, may be of moment for you to consider, that every means should be used in the Tennessee, Kentucky, &c., to give every assurance that a certain country is certainly ceded to France. That of course all property in these countries will be of no value, as it will be in the neighborhood of a hostile and warlike people who will favor the liberation of all the slaves. As landed property must fall in these United States, it is well to give it this turn among the Western people; it will be well to say that the mouth and navigation of a certain river will be shut against all Americans. It might answer to get some meetings of the people to instruct Congress against the French getting the Spanish cession, &c. You may inflame the minds of the people in a certain way, so as not to let out any of our plan, and yet put things in such a situation as will make our plan, when it takes place, appear as a salvation of the people, or as "Common Sense" was in 1776, for ground must be prepared before seed will bear properly; all the fermentation you can make to the Southward, respecting the change of possession, &c., the better; when it is in your hands it will be well done. With respect to the United States we are to be pissed upon and degraded, or I am deceived.

If any new ideas should occur, I will write to you again—in the meantime we have no time to lose. You must positively be all expedition; I am fearful you will hardly have time to visit the Tennessee, and yet it may be very necessary.

Adieu: God bless you and preserve you, wherever you be.

Your affectionate friend,
NICHOLAS ROMAYNE.

The Hon. WM. BLOUNT, Esq.,
Senate of the U. S., Philadelphia.

What would you think of my writing certain pieces for the Knoxville Gazette, &c.? Burn or destroy my letters.

(No. 9. A.)

11° JUNIO, 1797.

MUI SENOR MIO: Por qualquiera accidente que sea que la carta incluida fui descubierta, lo cierto es que debo à enviarla à v. m. por ventura, sea un eslabon de la cadena execrabile conque los enemigos callados de nuestra patria esparaban â deshonrarla.

Diome esta carta un amigo de mi, y de mi patria, en cuyas manos echaba por acaso, y porque sospechaba à essa carta de estar el descubrimiento de una especulacion de tierra, conservola pari si, sin relacion à las razones de estado.

B. L. M. de V. M.

El enemigo eterno de cada influencia estrangera.

Sr. Don T. PICKERING.

N. B. Escribo con el español, aunque incorrectemente, porque es mui incognito, y en razon de que soi rodeado de los otros.

(TRANSLATION.)

JUNE 11, 1797.

SIR: By what accident the enclosed was discovered, it is certain that I should send it to you. Perhaps it may be a link of the execrable chain with which the secret enemies of our country hope to dishonor it.

A friend of mine, and of my country, gave me this letter. It came to his hands by accident, and as he suspected that it was the discovery of a land speculation, he preserved it for himself, without regard to reasons of State.

Your most obedient servant, an eternal enemy to every foreign influence.

TIMOTHY PICKERING, Esq.

(No. 10.)

NEW YORK, *March* 17, 1797.

MY DEAR SIR: Yesterday I acknowledged your last favor that came to hand, and gave you some ideas respecting impressing certain facts on the minds of the Western people. I can only repeat to you, that it might be well in you to advocate the Spaniards holding their present possessions, as most advantageous to the Western people, and committees or meetings ought to be held to request Congress to take the business in hand, and remonstrate against the French people, that if they do get possession, they will oblige the Western people to come into all their measures and caprices, or they will shut up the navigation—they will sow discord among the people, and the value of lands and all property will be greatly reduced.

These facts and probabilities may be enlarged upon in such manner as will best suit our purposes.

The time is fast approaching in which something must be absolutely done. We have not more than six weeks time. I have spoken to my sister about my visiting Europe—as yet she will not consent, but if you can't go, and you think that you are immediately necessary to make arrangements in the Tennessee, &c., then I will endeavor to go myself if you can't. I know that you will be more important in Europe than I—so you are here—for I must be a nullity till you return. In the meantime think what will be necessary; act for the best, and let me hear from you early on this last subject. At any event we must meet the beginning of May, and then determine. Keep yourself prepared to go and I will do the same.

Your affectionate friend.

The Hon. WM. BLOUNT, Esq.,
Senate of the U. S., Philadelphia.

(No. 11.)

PHILADELPHIA, *March* 17, 1797.

SIR: On a further investigation of my business—after your departure from here—it is insisted

on my going to urope instantly; therefore, I saile to-morrow at 9 o'clock. I shall expect to see you very soone. Every thing promises fair—Don't faill—come soone.

JOHN CHISHOLM.

The Hon. WM. BLOUNT, *Baltimore*—if he is left Baltimer to be forward to Alexandria, Virginia.

(No. 11 A)

PHILADELPHIA, *March* 17, 1797.

DEAR JACK: I now tell you in Earnest that, at nine o'clock to-morrow, I go on board the Ship favorite, & saile for Old England—Rejected by the u S—I now steere for forein Climes—I wish you well most sencerely—and dam all the rest I pray—Dam C: D. H. and S. D.—B. H.—The honorable S: Cr. W.—the loss of on is the choice of 20 and the gaines—of 2—to be plaine Jack—I will conquer or be Damd. Let me be serious to you pr. fear I may neaver see you permit me to tell you that from my hart & soule I cencerely wish you well—& Eaver shall Esteem you for your Conduct whilst in Philadelphiai—Wher honesty and vertue—is no Recomendation—I am Determined to Dey or ——— after I arrive in Urope I will write you—My love to Daveson Lovely and old Mrs. Miller—farewell.

JOHN CHISHOLM.

Colonel JOHN MCKEE, Teleco Block-House, State of Tennessey, *via* Knoxville Post.

(No. 11 B.)

DEER ROGERS—I am gone to England—you Kno for what—give love to all my Indian friends—hold yourself Ready Keep everything secret & keep up there spirits—I go to-morrow—Let Sligins and Greeson kno what they may exppect and that they see me Quick after my Return—My friend keep your secret and mine.

Pheladelphia
17th March, 1797. JOHN CHISHOLM.

Captain JOHN ROGERS, in the Cherokee nation, Big Creek—To the care of Ignatious Chisholm, Knoxville.

(No. 12.)

NEW YORK, *March* 21, 1797.

MY DEAR FRIEND: I have not been in town for some days past to see if there be any letters in the post-office for me from you—but I shall see to-day. I have hinted to you in my last that I would go myself upon the business we contemplate, if it met your approbation, and you should think it most proper. My determination has been founded upon the necessity of a person going soon—to set out certainly the beginning of May—and I did not know that you would be fully in readiness; a second reason is, that I am sure that our plans will succeed, and that there will be no need of great talents in the business; confidence is all; a third reason is that you may be advantageously engaged in this country in my absence, whereas if I remain I can do nothing. I have an opinion that your presence here is essential to our business; all this business is, however, submitted to you, and you must let me know your mind soon. The great question is, whether we should have a meeting before you set out from Philadelphia or after you return from the Tennessee. I would prefer the latter, because you will know better how the land lies. You are, however, to judge upon the subject.

From the last accounts from Europe, England will be hard run; she must make great exertions to save Portugal.

I shall make every arrangement in my affairs to set out from this as early as possible.

Yours, affectionately,

NICHOLAS ROMAYNE.

The Hon. WILLIAM BLOUNT, Esq.,
Senate of the U. S., Philadelphia.

(No. 13.)

NEW YORK, *March* 22, 1797.

MY DEAR SIR: Lest the letter I sent on yesterday should miscarry, I send you this as a duplicate. I do not know that anything can occur that will make it requisite for me to write you again before I have the pleasure of seeing you.

I stated to you in my last two letters that, if it met your approbation, I should have no objection to cross the water myself. It is necessary some one should go on the business soon, and I suppose you will not be in readiness. I now believe talents will not be wanting; a person of confidence is all that will be required. I think, therefore, if I go, you can be very usefully engaged here in my absence, while nothing can be done by me. The only difficulty that occurs is my sister; we must, therefore, be both in readiness—the one to go if the other can't—and I hope to see you here the last of April with certainty.

There are despatches here from Mr. Pinckney, at Paris, and they are gone on to the new President. It is supposed here that Congress will be immediately called, and that it is probable an embargo will be laid, and a new Minister sent to France—at least, an Envoy Extraordinary—I am, therefore, the more anxious about our arrangements, lest the embargo should be laid and the season lost to us. Your presence here, therefore, about the last of April will be highly necessary.

The news from Europe shows with certainty that the war will continue and perhaps with more acrimony than ever. England, I am persuaded, will be hard run, but if she acts with boldness and firmness, she will gain, I am fully persuaded, the day.

We have no news here of moment. Our Legislature is adjourned. All people are hard run for money. Your friend, Mr. Burr, has returned to the law and now practises in our courts. There will be great and wonderful changes in the circumstances of people here in the course of three or four years. Our merchants are under very serious alarms on account of the French cruisers. Our commerce, if unprotected, will be very much diminished, and yet it is hard to say it can be

done. I hope this letter will yet find you in Philadelphia, and that I may have your ideas about my visiting Europe. If you think it will be best I will make every preparation and every exertion; and, as the time is very short, I am anxious for your sentiments. Pray, therefore, write me as soon as you can.

I am, in great truth, sincerely yours,
NICHOLAS ROMAYNE.

I suggested to you in my letter of yesterday our meeting before you went to the Tennessee, but I have expressed a wish that it may be after, as you may survey things and know matters better than you can at present.

The Hon. WILLIAM BLOUNT, Esq.,
Senate of the U. S., Philadelphia.

(No. 14.)

COL. 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 Chisholm 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 for action in case it should be attempted; and to do so will require all your management. I say will require all your management, because, you must take care in whatever you say to Rogers or anybody else, not to let the plan be discovered by Hawkins, Dinsmoor, Byers, or any other person in the interest of the United States nor 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 Chisholm 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 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 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 received as much as five thousand 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. And, 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 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.,
WM. BLOUNT.

The preceding letter was enclosed in a cover, with the following direction, viz:

No. 1.

Mr. James Carey,
Tellico Blockhouse.

(No. 15.)

TENNESSEE, SULLIVAN COUNTY,
Colonel King's Iron Works, April 21, 1797.

DEAR SIR: As I passed on from Philadelphia to this place, at Petersburg I saw a negro fellow there in the possession of Mr. Wilder. I think he is called Dread, and is by trade a barber—who

says he belongs to you, and wishes to get back again. The only way you can get him, is to institute a suit against Mr. Wilder, (for I suppose he will not deliver him without,) and make proof of your property. It remains for you to determine whether he is worth so much trouble and expense, even if the recovery was quite sure, and although with me there is no doubt but the fellow is your property, yet, at such a distance, and the time he has been out of your possession, you might fail in your proof, and then the cost of suit would fall upon you, which would be an additional loss to that of your negro. I give you this information to the end that you may act as you judge proper on the occasion.

I suppose you know that Captain Chisholm informed me of your and his objects at Philadelphia.

I tell you that I am induced to believe that plan will go into operation, and if it does, it will be attended with great success. You will do well to keep things in a train, but take care and act wisely.

I am, with esteem, your obedient servant,

WM. BLOUNT.

Mr. JOHN ROGERS,
Care of Mr. James Carey.

(No. 16.)

APRIL 24, 1797.

SIR: I request you to pay to James King, or order, the money due to me for the cattle, if you have not already paid it to Mr. McClung or my brother Willie. You know the number of the cattle, and if you have had good luck with those that survived the winter, you can afford to allow me a good price.

I am your obedient servant,

WILLIAM BLOUNT.

JAMES CAREY, *Tellico Blockhouse—Col. King.*

(No. 17.)

APRIL 24, 1797.

SIR: If I recollect right, I requested you to pay to my brother Willie the money I advanced you through the hands of Mr. David Deaderick, and if you have not so done, I request you to pay it to James King, or his order, who acts as my attorney in fact in all cases. I hope your employment has or will shortly enable you to pay this sum without feeling of it.

I am, with esteem, your obedient servant,

WILLIAM BLOUNT.

Major LOVELY—*Colonel King.*

(No. 18.)

PHILADELPHIA, *April* 28, 1797.

I am much indebted to you, sir, for your friendly letter of the 14th of this month, enclosing one from Mr. Pulteney, whose good opinion gives me high satisfaction. (That letter is now returned.)

Taking it for granted that I understand to what business you allude, I could wish to have a full explanation of your sentiments on the subject; it may be done I think, in writing; you may depend on secrecy and discretion on my part.

The general sketch of what has taken place here is, that a person came to me to make certain important propositions of enterprise, to which I listened, but said I had no power to act.

He appeared to be determined and active, though illiterate and unfit to assume command.

He urged to have my consent to go to Europe, to tell his own story; to which I consented (though with some hesitation) not thinking myself authorized to give a positive refusal.

It strikes me that if a person of confidence, with proper authority from home, were to accompany him to the scene of action, something might possibly be effected.

Information of every sort will be faithfully received.

N. B. I have no intention of sending my secretary anywhere.

Believe me, with great truth and regard, sir, your most obedient humble servant,

ROBERT LISTON.

Dr. ROMAYNE.

(No. 19.)

Extract of a letter from James Grant to William Blount, dated Hawkins, May 8, 1797.

"Considerable uneasiness, I learn, prevails with the citizens respecting the line which the Commissioners seem determined to fix on; I am told, from some experiments made, it leaves the whole of Marysville within the Indian line, also a part of Charles McClung's place. The thing is becoming so serious, that it is thought the Commissioners will defer marking, and procrastinate the business, under an idea of searching for further records before it is made final. You stand well, and have the confidence of the people where I have been. If Colonel Cocke would go into the House of Representatives, he would hardly meet any opposition.

"News comes from Cumberland that the British have invaded the Floridas, and blocked up the Mississippi; the report has gained credit, whether true or not. If anything should transpire, I should be glad to hear it. Let me know when you come on the day you will be at Hawkins, or Greene Court House.

"I am, very respectfully, your humble servant,

"JAMES GRANT.

"Hon. WILLIAM BLOUNT,
"*Senator in Congress, Philadelphia.*"

(No. 20.)

NEW YORK, *May* 12, 1797.

MY DEAR SIR: I have received your favor from Petersburg. I have serious thoughts of going to Europe the middle of the ensuing week, but I think it will be of moment for me to see you. I think we may meet at Eliz. Town; you can come on; fix your time, and I will meet you. After

the President's speech, very little will be done for some days. Write me immediately what had best be done.

Yours, sincerely,
NICS. ROMAYNE.

I have two letters from Sir W. Pulteney on the subject of our business, but there is nothing decisive.

The Hon. WILLIAM BLOUNT, Esq.,
Senate of the United States, Philadelphia.

(No. 21.)

NEW YORK, *May* 13, 1797.

MY DEAR SIR: I wrote you yesterday acquainting you of my wishes that we should have an interview at Eliz. Town; but, upon reflection, I think it would give room to a variety of false conjectures, and therefore you had best come on directly to New York. I informed Mr. Jarvis, who is among the inquisitive ones, that I conceived you had some business with Mr. Vander Hewitt, and might probably be in New York.

There is a fine ship called the Chesapeake, which will sail for Bristol about the middle of the ensuing week; at least her sails are bent, and she is nearly loaded. If I am to visit Europe, I had better go in her.

There is some probability that I may be in France. I will thank you to procure for me some good letters from Mr. Jefferson and others. I have spoken to Colonel Burr about a land scheme between you and me, and have requested his attention in getting letters for me. Your coming to this place will insure this business. There are circumstances which will prevent my visiting Philadelpha were I so inclined, but you may easily conceive how my time is taken up in preparing for my voyage. I am very earnest to see you; and if I am to sail, there is no time to be lost. I shall get myself in readiness to go in twenty-four hours' notice.

Yours, affectionately,
NICS. ROMAYNE.

The Hon. WILLIAM BLOUNT, Esq.,
Senate of the United States, Philadelphia.

(No. 22.)

NEW YORK, *May* 23, 1797.

DEAR SIR: The ship in which I intended to have sailed for Europe left this on Friday. I momently expected to hear from you.

I have informed you that I have received two letters on the subject of the business, written to you, and by the packet I expect further information. This, and the expectation of seeing you, retains me here.

I have it not in my power to visit the seat of Congress, and I must, therefore, expect the pleasure of seeing you here, where we can meet more privately than at any other place. A variety of conjectures may take place if we meet in Jersey. Let me have the pleasure of hearing from you as soon as you arrive, and your sentiments on the subject of our meeting.

I am, with much sincerity, affectionately yours,
NICS. ROMAYNE.

To the Hon. WILLIAM BLOUNT, Esq.,
Senate United States, Philadelphia.

(No. 23.)

KNOXVILLE, *May* 24, 1797.

DEAR SIR: Seven days ago I was with Carey at Tellico; handed him your letter No. 1, left with Colonel King, and urged his sending for R——: he will certainly do it.

The chiefs are calling out for their old friend, Governor Blount, and McKee; are much dissatisfied; say the new masters treat them niggardly. I am assured they will advise in their towns, and send on through South Carolina, without the knowledge of the Commissioners.

The Broom had just come in from Pensacola, and says he saw the British land in West Florida, with ordnance, &c.

Watts and Doublehead wish much to see you. Colonel Hawkins is gone to Cumberland. He neither stands well with the Cit's or Indians.

I am your humble servant,
JAMES GRANT.

The Hon. WILLIAM BLOUNT,
Senator Congress, Philadelphia.

(No. 24.)

PHILADELPHIA, *May* 29, 1797.

MY DEAR SIR: I acknowledge the receipt of your several letters, to which I will reply to-morrow. I beg you to attribute my omission in answering sooner to anything but the want of respect or esteem for you, both of which I have cherished from our earliest acquaintance, and shall never part with but with extreme pain.

WM. BLOUNT.

Doctor ROMAYNE, *New York.*

(No. 25.)

PHILADELPHIA, *May* 31, 1797

DEAR SIR: I can't come to New York to see you, and I much want to see you. Can't you come to this place to see me? I beg the favor of you to do so. And if you can come, I wish you would come this week. To see each other face to face it would be best; and to a man of your abilities and observation a journey to this place cannot be lost.

I am, dear sir, with the sincerest esteem,
WM. BLOUNT.

Doctor ROMAYNE, *New York.*

(No. 26.)

NEW YORK, *June* 2, 1797.

MY DEAR SIR: I have received your two letters, and I must take it into consideration the visit to Philadelphia.

The late packet which is arrived has brought me no letters, which surprises me much. The affairs of Europe are, indeed, such that the great ones are mostly occupied respecting matters which are pressing upon them. I do not know what to think respecting peace; but it appears to me that England will be more eager to obtain it now than when I left Europe; but I have no idea that a peace will be permanent. The parties will only respire and begin again. At this time I consider our prospects more uncertain than I did. I had penned some sentiments to be sent to you in case I should leave this before the meeting of Congress. I wish you had them, but I dare not trust them out of my hands.

Should, however, the war continue in Europe, it will be impossible for this country to escape being parties in it.

Yours, respectfully,

NICS. ROMAYNE.

The Hon. WILLIAM BLOUNT, Esq.,
Senate United States, Philadelphia.

(No. 27.)

NEW YORK, *July* 2, 1797.

MY DEAR SIR: I have been confined to my room for a fortnight past with St. Anthony's fire in one of my feet; and though I am now nearly recovered, yet the warm weather deters me from undertaking a journey to Philadelphia, though I am extremely anxious to see you.

I think myself very fortunate that I did not go to Europe this Spring. I am much disposed to think the business is over now. Whether France will make a peace with England this season I have my doubts; and that nation, if the war continues, will not be able to show much exertion under the present load of accumulated debt. What is to be the fate of our country is very uncertain, but I have my fears that, if the war continues, France will be very unpleasant to us.

I presume it is now understood that Louisiana is to have a new master. How will the change be liked by the settlements in the Tennessee and the Ohio? You know I had some thoughts, when I could command a little money, to invest it in lands in that quarter, but I now hesitate very much on that subject.

Though a peace may take place between England and—*

(No. 28.)

A post upon Hosage river, a branch of the Missouri, about one hundred leagues from the mouth of the Missouri, established as a trading post. This post was contemplated in the Winter 1794, and may or may not be established. It is reported Hosage Indians are at war with the Spaniards.

Petit Coat, a post eight or nine miles up the Missouri, with a small garrison, say a militia subaltern's command. The circumjacent militia are about eighty.

St. Louis, fifteen miles below the mouth of the Missouri, upon the bank of the Mississippi, situate upon a rock, a sergeant and twelve men. Here the commandant, with the rank of captain resides: circumjacent militia, about three hundred.

St. Janevier, sixty-five miles below St. Louis, no soldiers; in lieu, militia, about one hundred and eighty. This post is commanded by a captain of militia. At this place is a regular quadrangular stockade, capable of being defended by four hundred men, but no cannon mounted.

New Madrid, commanded by Colonel Lusare, with the rank of Commandant of Upper Louisiana.

Endorsed: Judge Turner—Memor. of Force, &c.

(No. 29.)

PHILADELPHIA, *July* 26, 1797.

SIR: The annexed is a copy of a letter with which it seems Mr. Byers, of Tellico Blockhouse, came express to this city, and delivered it about the 20th June, to the President, with whom and his Executive Council it remained until the 30th instant, when it was laid by him before both Houses of Congress, with other papers.

It is imputed to me, and has involved me in serious difficulties, the extent of which I cannot at present foresee. They will, however, shortly be detailed to you.

I ask of you to examine it with attention, and determine for yourself, if the contemplated plan, let whoever may be the author, had gone into effect—what would have been the result to the citizens of Tennessee, whose good it ever has been, and will be, my happiness and duty to promote. I repeat, read and judge for yourself, regardless of popular clamour which its publication has raised in this city and other places, much to my injury. Shortly I will be in Tennessee. In the meantime,

Believe me, very respectfully, your obedient servant,

WILLIAM BLOUNT.

(A B.)

Deposition of Doctor Nicholas Romayne, aged thirty-nine years and upwards, taken before the Committee of the House of Representatives, appointed to prepare and report Articles of Impeachment against William Blount, a Senator of the United States, impeached by the said House of high crimes and misdemeanors, on the 15th, 17th, 18th, 19th, and 20th days of July, 1797.

DR. NICHOLAS ROMAYNE, being sworn on the Holy Evangelists of Almighty God, doth depose and say:

That he had been acquainted with William Blount since the year 1782, when he first came to this city as a member of Congress. Some time after, he had occasion to correspond with him respecting some property belonging to the deponent

* The preceding was found among the papers of Nicholas Romayne, and acknowledged by him to be an unfinished letter to Wm. Blount.—*Vide* Captain Eaton's Report.

in North Carolina. Upon that and various other subjects the correspondence between them had continued till very lately. While Mr. Blount was Governor of the Territory of the United States South of the Ohio, the deponent was requested by a friend to write to him, and to propose the solution of certain queries respecting the military lands on Cumberland, in that Territory, for the purchase of which it was contemplated to form a company, and to propose to Mr. Blount to become a party. This proposition was accordingly made to him. Mr. Blount's answer to these queries and propositions was communicated by Captain Chisholm, at that time an entire stranger to the deponent, but whom Mr. Blount recommended as a proper person to be employed by the company as a purchasing agent. The plan, however, was wholly dropped, on account of the person who proposed it going to Europe. Some time afterwards the deponent formed a resolution of paying a visit to Europe; which being known to Mr. Blount, a proposition originated between them that an attempt should be made there to form a company on the principles and for the purposes formerly mentioned, and to include Governor Blount and Captain Chisholm as partners. This happened previous to the 12th July, 1795, on which day the deponent sailed for England. An agreement to this effect was made and formally executed; but from motives of delicacy, and apprehensions of the fall of lands on account of the political events in Europe, no direct attempts were made to carry it into effect. The deponent, however, left maps and papers on the subject with certain persons of consideration in England, and was requested by them and some others to procure from the State of Tennessee a law for enabling them, as aliens, to hold lands. These persons contemplated to purchase lands as the price, circumstances, and their own convenience, should dictate. In case of their becoming purchasers, it was understood that Governor Blount and the deponent might be interested in the purchases, upon terms, however, which were not settled; and the propriety of the purchases was to depend, in a great measure, upon his opinion. On his arrival in this country, he was to keep up a correspondence with them, which he has done.

In October last the deponent arrived in America. He has not been out of the State of New York since, till he was summoned to this place. Soon after his arrival he wrote to Governor Blount, informing him that he had done nothing in their land business, more than has been before mentioned. To this letter he never received any answer; but, about the beginning of February last, Governor Blount came to New York on business of his own; at least, his coming was not at the instance or with the privity of the deponent. During his stay there he and the deponent frequently met as acquaintances, had much political conversation, and frequently conversed on the value of property in the United States, particularly landed property. It seemed to be his wish that the deponent should urge his friends in Europe to become purchasers of land at that time, which, however, he positively declined, on account of what he considered to be the political state of this country. He particularly stated to Governor Blount that the French Government was at that time very hostile to the Government of the United States; that, in his opinion, there was no probability that General Pinckney would be received as Minister of the United States; that this opinion was founded on a knowledge of what appeared to be the system and temper of France when he came from there in July last; that he had much reason to believe that Spain had made a cession to France of Louisiana and the Floridas; that the French, possessing great powers, had great views in all their operations, and that he thought it not improbable they had in contemplation the acquisition of Canada and the whole Western country; and that he and his friends might be prepared to think of becoming *sans culottes*.

Mr. Blount seemed to be much interested by this conversation, which was very extensive, and which became at length more particularly directed to the State of Tennessee, and the manner in which it might be effected by these events. He said he had taken great pains to settle that State, and to render it important. He spoke of his being concerned in administering the Government there, on the subject of which he said he had been treated very ill by the President, or some of the Executive officers of the United States. The conversation, indeed, became so affecting to him that he wept; upon which the subject was dropped for that time. His stay at New York was several days; he was out at the house of the deponent one or two nights, and there were frequent conversations on the same subject; in the course of which the deponent expressed his opinion, that, under present circumstances, the lands in Tennessee and in the Western country, in general, would be of little or no value. A remark was made, that in case of a war between the United States and France, the situation of the Western country must be very disagreeable; and that in such an event those people, in order to relieve themselves from the calamities which must appear so threatening, would perhaps be impelled to separate from the Government of the United States. Speaking of the Genesee lands in the State of New York, and of some sales of them lately made abroad, and comparing them with the price of lands in Tennessee, the deponent was led to remark that it was a pity Louisiana also, as well as Canada, could not be in the hands of the English, as neighborhood to that Government added so much to the value in the sale of lands. Mr. Blount replied that he had no doubt of the justness of the observation; that it was indeed to be regretted that the British did not possess Louisiana, and that such an event might very easily be brought about. The deponent expressed some doubts of this opinion; having always understood that the people in the Western country were much attached to France and unfriendly to the English, which would create great obstacles to such an enterprise. Governor Blount admitted this, but remarked that the Spaniards were very weak, and would make but feeble resistance in that country. In consequence of this conversation, he proposed going to Eng-

land on this subject. The deponent told him, if he chose to go, he would give him letters to persons who might introduce him to those in power. He then informed the deponent that Captain Chisholm and several others had a plan of doing something against some parts of Florida, about which they had been admitted to some interviews with a person of consequence in Philadelphia. This was the first the deponent heard of Chisholm in this business, nor has he ever had any intercourse or communication with him relating to it. On his expressing a desire to know the nature and extent of Chisholm's plan, Governor Blount observed that he did not know it in its full extent himself, because Chisholm kept himself very much to himself; but he apprehended it to be some plundering party or petty enterprise. The deponent observed that he was very sorry for this affair of Chisholm, and observed that it ought to be prevented. He also expressed much surprise that the person of consequence in Philadelphia, who had been alluded to, should see such a man as Chisholm on a business of that nature; and added that Governor Blount ought to see that person of consequence, and caution him against listening to such overtures from persons of that description. Mr. Blount observed that he had no acquaintance with that person, as he had never waited on him. The deponent then begged him to take care that Chisholm should be prevented from pressing his project; he replied he could command Chisholm when near, but could not answer or control him at a distance.

The conversation then turned, for the first time, to the Floridas, and the deponent observed that it was matter of regret they did not belong to the United States—mentioning, among other things, the inconvenience of having such great natural boundaries as the Mississippi and the Gulf of Mexico; that if he should go to England, he ought to impress this idea upon the people in power, and point out to them the favorable effect that their aiding such an event would have on the United States, to whom Florida was of great importance, while it could be of but little value to England.

The deponent remarked, generally, that it was understood and agreed by Mr. Blount and himself, throughout the whole of their conversations on this subject, that the most favorable state of things for the United States was the possession of Louisiana by Spain; but if it were to pass from their hands, it was deemed by them of great importance that England should possess it rather than France.

With these general impressions, Governor Blount left New York, that he should consult some persons of importance in Philadelphia, both in the Government and out, and learn from them how far such a project might receive their approbation or countenance, or be deemed advisable by them; that he should also, for the same purpose, sound certain persons in Virginia, the frontiers of North Carolina, the State of Tennessee, and generally throughout the Southern States, and the people in general in the State of Tennessee; that he should particularly attend to those persons in the Indian country and elsewhere who had been engaged in Genet's project. As they were already under operation they they must be managed; and that the deponent should forward to Philadelphia such letters of introduction, for Governor Blount, to persons in England, as might be thought useful. This the deponent engaged to do; and soon after wrote to a gentleman in England, informing him that a person of consequence would sail from this country, some time in May. for England, on a business of this kind.

After Governor Blount returned to Congress, several letters passed between him and the deponent, on the same subject. In one of them he expressed the necessity of his standing well with the four southern nations of Indians, and holding his importance among them. He also, in these letters, expressed his fears about the conduct of some persons in this country who had contemplated this business, and might attempt to execute it in an improper and imprudent manner. These considerations united, and some other matters not connected with them, induced the deponent to think of sailing for England in the month of May; before he set out, he expected to receive from Governor Blount full information of his opinions and the result of his inquiries, and for that purpose requested an interview, that there might be a full and free conversation on the whole business; to this he received no answer for some time, but learned from other persons that Mr. Blount was in Philadelphia. His neglect in this respect made the deponent hesitate, and the late change of circumstances in Europe made him doubt of the success of the application to the British Government at this time; he had also received some further account of the force of the Spaniards in that quarter, and some information said to have come from a respectable foreigner who had been in that country, that there were in the Southern and Western parts of the United States, large numbers of men who, it was likely, would aid the French and Spaniards. These circumstances had determined the deponent to abandon this business altogether, when he received a letter from Mr. Blount, expressing his regard for him, and apologising for not writing; and soon after another, requesting him to come to Philadelphia; to this the deponent did not consent, and there the intercourse on this subject ended, except that the deponent wrote a letter to Mr. Blount, expressing his opinion that the business was ended, to which he never received an answer.

Interrogatories of the Committee and answers of the Deponent.

1. Who was the friend at whose request you wrote to William Blount, while Governor of the Southwestern Territory, about the purchase of military lands?

Answer. It was Mr. Edward Griswold, now resident in Paris.

2. You have said that articles of agreement were drawn up between you and William Blount, previously to your departure for Europe, in 1795. Were they executed, and what was their tenor?

Answer. They were executed, and are, I understand, in the possession of the committee. They

related solely to lands, and their tenor and contents may be discovered from a persual.

3. How long did you remain in Europe, and in what part of it?

Answer. Something more than a year; during which time I visited first England, then Holland, France, and Belgium; from whence I returned to England, and after a short stay there embarked for New York.

4. Who were the persons in whose hands you left certain maps, and papers on your departure from England?

Answer. I left them with different persons. They were wholly of a private nature, and in no manner connected with the object of this examination.

5. Are you acquainted with Sir William Pultney; and if you are, did your acquaintance with him commence before you visited England, in 1795?

Answer. It did not. My acquaintance with him arose from letters from Mr. Williamson, in the Genesee country, to him, with which I was particularly charged. The personal delivery of these letters, which I understood to relate to private concerns, gave rise to conversation between us, and that led to a further acquaintance.

6. Were you acquainted, while in England, in 1795, with Lord Grenville, or Mr. Dundas?

Answer. Not with Lord Grenville. With Mr. Dundas I had some acquaintance, having been introduced to him by a gentleman at whose house I met him at dinner. This gentleman afterwards carried me to breakfast with Mr. Dundas, whose desire of an acquaintance with me, probably, might have arisen from some sketches which I had written respecting this country, and which I believe were seen by him. This was all the acquaintance or intercourse that I had with Mr. Dundas.

7. Did not these persons, or some, and which of them, in those conversations, express to you a desire to add Louisiana or the Floridas, or both, to the British Crown; and did you not hear this desire expressed by some other, and what persons of consideration in England?

Answer. I never heard such a wish expressed by those or any other persons in England.

8. Were you while in Europe, requested by any, and what persons, to sound the people of the United States on the subject of a plan to annex Florida or Louisiana, or both, to the British Crown: or to make some propositions tending that way?

Answer. No such request or overtures were ever made to me. The plan originated between Governor Blount and myself, as far as I know, in the manner stated by me in my deposition.

9. In your conversations in England with persons of consideration, was any mention made of a description of people in this country who wished to separate the Western settlements from the Union?

Answer. No mention of such persons was made to me by any persons whatever.

10. How long have you been acquainted with the British Minister in this country, and by what means did you come to know him?

Answer. I was introduced to him in London, by Mr. Pinckney, soon after his appointment to this country, and I paid him a visit, and left some letters for America, of which he took charge. I have never seen him since his arrival in America.

11. On your return to this country, in 1796, you wrote to Governor Blount. Did you urge him to meet you at New York?

Answer. I did write to him as stated in my deposition, and spoke of some private business; but I did not mention this subject, nor did I request him to come to New York. His arrival there, in February, was without my knowledge or privity, and, as I understood, for private business of his own.

12. To what persons in England or America have you written, on the subject of this inquiry, since your return, and what answers have you received?

Answer. I have written to one person in England, a member of Parliament, but not of Adminstration; from whose answer it does not appear that the business was ever spoke of there by him. I also wrote to Governor Blount, and received answers; the purport and substance of which correspondence I have already explained. I likewise wrote to Mr. Liston; and, I believe, to no other person. Mr. Liston gave me an answer, which is now in the possession of the committee.

13. What was the purport of your letter to Mr. Liston?

Answer. I have no copy of the letter, but I recollect its purport, which was, to inform Mr. Liston that I had heard of a certain enterprise in contemplation, and on which he had been consulted, and to caution him against it, as a very delicate measure, requiring great circumspection, and capable, if known to be encouraged by him, of injuring those interests, both of this country and his own, which I was persuaded it was his wish to promote. I also hinted that a plan more extensive was contemplated by fitter persons; and having understood that he intended to send his secretary to some place on the business which had been mentioned to him, I strongly dissuaded him from this step; indeed, to do so, had been one of my chief inducements to address him. In his answer, now in the possession of the committee, he assured me that he had no intention of sending his secretary anywhere. I was induced to take this liberty with Mr. Liston, from the manner in which I became acquainted with him, and the very favorable light in which he was presented in letters which I had received from England, and one of which I enclosed to him.

14. What was the project against which you cautioned Mr. Liston?

Answer. It was that of Chisholm, of which I had been informed by Governor Blount, and which the latter told me had been mentioned to the Minister.

15. What was the project to which you alluded as being in more proper hands? Did Mr. Liston know of it, or did you explain it to him?

Answer. It was that contemplated by Governor Blount and myself. Mr. Liston, as far as I know

and believe, had no knowledge of it, nor was it our intention to give him any. I did not think it proper for him to be acquainted with it; the intention being to apply, not to him, but to the British Government.

16. In your conversation with Governor Blount, at New York, you expressed your regret that Louisiana did not belong to England, since the value of lands in the Western country would, in that case, be increased: Was this the first time you had contemplated or expressed that idea?

Answer. It was not. I had reflected on the idea before, but had never mentioned it verbally to any person; nor in writing, except once, and that was in a letter to a gentleman in England. This letter, however, merely stated the possession of those countries by England as a desirable thing.

17. What was the nature and object of the business contemplated between William Blount and you?

Answer. Nothing precise or definite had been agreed on. Much was to depend on the result of Governor Blount's inquiries and observations, upon which I never received any communication from him. But the general object was to prevent Louisiana and the Floridas from passing into the hands of France, pursuant to the supposed cession by Spain; and to make propositions to the British Government in that view.

18. What were the propositions intended to be made to the British Government?

Answer: On this head, also, nothing definite had been agreed on. Had Governor Blount gone to England, he would, of course, have proposed his own terms; had I gone, I should have received his instructions. This would have been settled in the interview which I proposed between us, had it taken place. Had I gone without seeing him, I should have waited in England for letters from him on the subject.

19. Was it not understood that William Blount and yourself were to use your personal efforts and influence to prevent the supposed cession of Louisiana by Spain to France from being carried into effect?

Answer. This was certainly our object; and every means, both in this country and Europe, would, of course, have been employed by us for its accomplishment.

20. Was it not proposed that Great Britain should send a force into that country for this purpose?

Answer. To ascertain whether they would do this, was the express object of Governor Blount's intended visit to Europe.

21. Was it understood that, in case circumstances should require it, Governor Blount and his Western friends were to make active efforts in co-operation with the British forces which might be sent there?

Answer. When Governor Blount and myself parted at New York, the understanding between us was that he should go to England. Nothing was then said, or has since passed between us, on the subject of this interrogatory; nor have I any direct knowledge of his views on that head.

22. What part were the Indians and Western people to act in this business; and in what manner were they to be used in its execution? Was a co-operation by force from the territories of the United States contemplated?

Answer. As to Indians, there was nothing particularly said about them, nor had I any idea of their being employed. To keep them quiet was all supposed to be intended, or advisable. The Western people, according to my view of the subject, were to be rendered favorable to the possession of the Floridas and Louisiana by the British, and disposed to emigrate there, and assist in holding the country, should the reduction take place. No co-operation of force was mentioned by Governor Blount, nor have I any knowledge of his precise intentions as to either the Western people or the Indians. All this, as I understood the matter, was dependent on his observations and inquiries in the Western country, on which subject I have had no information from him.

23. What part was William Blount to bear in this business, and what advantage or emolument was it understood that he, and others who might favor or aid it, were to derive from its accomplishment?

Answer. I have no doubt that Governor Blount had high expectations of emolument and command, in case the project should succeed, but nothing definite on this subject was spoken of between him and me; and, from the nature of the business, everything must have depended on the arrangement to be made in London with the British Government.

24. Did William Blount ever apply to those persons of importance, in and out of the Government, whom it was agreed that he should sound on this subject?

Answer. I do not know that he ever did apply to any of them. I had no information from him on this point.

25. In one of your letters to William Blount, you urge the propriety of his appearing to have no connexion with land schemes, or commerce in ———. What place was meant, and why was this caution recommended?

Answer. England was the place meant, and the caution proceeded from an opinion in me, that the dignity and importance of character which it was desirable for Governor Blount to maintain in England, would be lessened by his appearing to be concerned in commerce or the sale of lands.

26. In another part of the correspondence between William Blount and yourself, you tell him that it would be proper to keep his business in England secret from Mr. King. What was the reason of this caution?

Answer. The reason is explained in the letter itself which contains the caution. It is possible that I may have had some further reasons than are there expressed. But I have no accurate or perfect recollection on the subject.

27. In one of your letters to William Blount, you mention a paper which you had drawn up on the subject of your business, to be left for him, in case you should sail for Europe without a personal

interview, and which you wish him to possess, but do not choose to send. Where is that paper, and what were its purport and substance?

Answer. The only copy which now exists was sent by me to England, directed to myself, some time in May or June. It contained a variety of notes, reflections, and cautions, relative to the business contemplated between me and Mr. Blount, which had occurred to me after he left Philadelphia, in the Spring, on his return to Tennessee, but I cannot state the particulars. They were reflections which occurred to me at various times, when thinking on the subject, and were noted down as they occurred, to serve myself and Governor Blount as hints and memorandums in the progress of the business. One copy I sent to England for my own use when I should arrive there. Another I retained for Governor Blount, but afterwards destroyed when I conceived the business to be at an end. They were never seen by him.

28. Do you know any other matter or thing which, in your opinion, is material to the objects of this examination? If yea, declare it fully.

Answer. The foregoing depositions and answers contain all that I know on the subject; and, aided by the correspondence now in possession of the committee, will, I presume, furnish them with every idea respecting it in my power to communicate.

NICHOLAS ROMAYNE.

(CD.)

On the thirteenth day of July, in the year of our Lord one thousand seven hundred and ninety-seven, in pursuance of an order of the committee of the House of Representatives of the United States, appointed to prepare and report Articles of Impeachment against William Blount, a Senator of the United States, impeached by the said House of high crimes and misdemeanors, Mr. William Davy, a partner of the mercantile house of Davy, Roberts & Co., of the city of Philadelphia, merchants, appeared before the said committee, and a solemn affirmation having been administered to him in due form of law, by Reynold Keen, Esq., one of the Associate Judges of the Court of Common Pleas of the city of Philadelphia, and an Alderman of the said city, did depose and say:

That, on the twenty-eighth of February last, he chartered the brig John Henderson, Captain Ephraim White, of the port of Philadelphia, which was loaded by him and cleared out for Hamburg, but was actually bound, with the consent of the owners and underwriters, for London; that she was so cleared for Hamburg to protect her from French cruisers; and on this account he had resolved to take no passengers, nor any letters unless from persons well known, and in whom there could be great confidence; she was not advertised; but, as had been his practice, the deponent informed the Secretary of State and the British Minister of this opportunity, in like manner as, on a former occasion, of sending a vessel to Spain, he had informed the Spanish Minister. A few days after, Mr. Liston's Secretary, Mr. Thornton, called on the deponent, and asked if he would permit a special messenger, a confidential person, whom they wished to send to England, to go in this vessel. The deponent told Mr. Thornton that, although the vessel would be cleared out for Hamburg, and her papers carry that appearance, she certainly was intended to proceed for London. That he had determined not to take passengers, and feared the vessel might be endangered by having such a person with despatches on board. Mr. Thornton assured the deponent that the messenger was a confidential person, that the despatches with which he would be entrusted were of great consequence, that they would be taken care of, and would be leaded in order to be sunk in case of danger of capture. Mr. Thornton did not inform the deponent of the nature of the despatches; but as the deponent thought there would be an advantage in entrusting his own private despatches to so confidential a person, he consented to take him, and so informed Mr. Thornton, adding, at the same time, that he would charge the messenger with his own despatches. A few days after, while the brig was loading, a person called on the deponent, and said he was the person recommended by Mr. Thornton to go in the brig. He was a hardy, lusty, brawny, weather-beaten man, and much resembled one of the King's messengers formerly seen by the deponent, who addressed him as such, but was immediately informed he was not the person. The deponent conducted him from the counting-house to the parlor, and offered him some refreshment, which he accepted; and, considering him as a person in whom the British Minister confided, the deponent entrusted him with the secret of the voyage, and his intention of committing his private despatches to his care; the deponent particularly mentioned that, although cleared for Hamburg, the vessel would actually proceed to London, but requested him, however, to be perfectly silent on this business, which he engaged to attend to. While drinking some porter he appeared sociable; and, on the deponent's remarking that, although he had mistaken his name, he was impressed with an idea of having seen him before, he told the deponent "No;" that he was a back-countryman; that he had long lived among the Indians, and was with them during the last war; that he was well known to the Spaniards; that his name was Captain Chisholm; that he had been an interpreter to the Indians last Winter in this city; that the Spaniards had frequently imprisoned and treated him cruelly in Pensacola; that they dreaded him, and he hated them, and was now determined to take his full revenge on them. He added, that his influence with the Indians was such that he could do with them as he pleased; that he knew every part of the Mississippi; that there was no man in America who knew the forts and their exact situation so well as himself, and that he was now going to London to accompany and conduct a squadron to the attack of Pensacola. The deponent smiled at the idea, and regarded it as a Quixotism, and not the real object of his voyage. He said he was serious,

and that nothing would be more easily executed; that the Spaniards had no posts of any consequence on the whole of the Mississippi; that one hundred, or one hundred and fifty, a mere handful of men, might destroy them all.

He appeared anxious to give an opinion of his own consequence as a British officer. Soon after he called on the deponent, and introduced as his respectable and confidential friend, Mr. Christian Jacob Huetter, who was to accompany him on this expedition, and requested a passage for him in the brig. The deponent was then impressed with the danger of permitting such a man as Chisholm to go in the brig, and stated strongly to Chisholm his fears; he replied that the deponent need not be afraid, for he was furnished with other papers fully sufficient to cover his design; he then showed the deponent a number of letters unsealed, from Mr. Liston to persons in Hamburg, stating him to be a person going there on a land speculation, and one for a person in London, who the deponent then supposed to be either one of the under Secretaries of State or Mr. Liston's private agent, calling him, "the person of whom I have written to you relative to the land business." This letter was not directed to the person by an official description. These, and the strong assurances of care with his despatches, induced the deponent to consent to their going in the vessel. The brig was prevented from sailing on the day first intended, but their baggage was put on board, and Sunday, the 19th of March, was fixed positively for her sailing. She had dropped down the river, and the captain had called on the deponent and received his despatches; the private despatches of the deponent had been delivered by him to Chisholm, who he supposed was then on board; but the same evening the deponent was surprised by Dr. Rogers calling on him to inquire for Chisholm, who, he said, was still in town. Doctor Rogers wished to ask him some further questions concerning the Welch Indians, of whom Chisholm, he said, knew more than any other person he had ever met with. The deponent felt much alarmed at this report of Chisholm's not being on board, fearing that, from some cause or other, the captain had left him behind, and with him the deponent's private despatches. The deponent went immediately to Mr. Liston, and informed him of these apprehensions. The deponent had before given a hint to Mr. Thornton that Chisholm was a babbler, and now mentioned to Mr. Liston every particular, and the probability there was that he had babbled in the same way to others; that he had shown the deponent Mr. Liston's letters; that he had frequently been seen with Frenchmen; that he appeared to be either a very weak man, or to be acting a double game. Mr. Liston observed, that his letters were given as a matter of prudence as well in relation to the vessel as to the despatches; but he appeared uneasy and alarmed at the apprehension of the deponent that the vessel had gone without Chisholm, whose baggage was all aboard, and determined to accompany the deponent in search of him immediately that night. Mr. Liston and the deponent accordingly went together, and, while Mr. Liston stopped at the corner of Second and Arch streets, the deponent went into Lesher's tavern, where Chisholm had lodged. Chisholm and Huetter were there together, and Chisholm was vociferating vehemently amidst a crowd of Frenchmen. They were called out of the room at the request of the deponent, who expressed to them his surprise to see them there after the captain was gone, and told them of his alarm. They replied, that the captain was not gone; and to convince him, they would go to the house where he had lived, and endeavor to find him out. The deponent left them and returned to Mr. Liston; told him they were not gone, and that they said the captain had not gone, but that the deponent did not believe them, and would follow them in search of the captain. It was now between ten and eleven o'clock; Mr. Liston returned to his house, and the deponent followed Chisholm and Huetter, and, after strict inquiry, was satisfied that the captain was not gone; and was further informed by Chisholm, that the captain had engaged to call for them at five o'clock the next morning. The deponent returned with them to Lesher's tavern, told them to wait for him and he would see them again that night, late as it was, near twelve o'clock. The deponent then went to Mr. Liston, and informed him of his inquiries and their result; and, at the same time, took the liberty to observe that, in the deponent's opinion, Mr. Liston had employed a person, or was engaged with one, not entitled to his confidence. Mr. Liston seemed seriously impressed with the deponent's information of the exposure the man had made, and immediately wrote a letter to Mr. George Hammond, under Secretary of State, which the deponent delivered that night, or about one o'clock, to Chisholm; and the next morning they went out of town.

The deponent being interrogated by the committee, whether he knew the contents of the letter to Mr. Hammond, says, that Mr. Liston put it into his hands to read; that the purport of it was to inform Mr. Hammond, that he should hear further from him on the subject by the packet; and that, in the meantime, it would be proper to be cautious; the packet was to sail the following week. The terms of the letter were ambiguous in themselves; but, connected by a person who understood the subject, evidently conveyed a caution against Chisholm. Mr. Liston told the deponent, that the man Chisholm had come forward to him with certain propositions, which it was not within his province to decide on; but that he thought himself obliged to refer him to his Government, and twenty or thirty guineas for his passage was a trifling expense. The deponent particularly mentioned to Mr. Liston the bawling he had heard Chisholm make among the Frenchmen, and of his wearing the national cockade, and the alarm it occasioned to the deponent on account of his vessel and cargo. He replied, that was a cover to his designs, and for the purpose of gaining information. Soon after the brig sailed, Mr. Liston paid the usual price for Chisholm's passage, conformable to Mr. Thornton's engagement. Christian Jacob Huetter

paid for his own passage. The vessel left the Capes on the first of April, and has never been heard of since by the deponent. Chisholm wrote letters to the deponent from the Capes. In the first, dated March 23d, he requests the deponent to inform Mr. Thornton that "all is well so far." Under cover of a letter which the deponent received from the captain, was an open letter from Chisholm, directed to William Blount, Senator in Congress. The deponent was thunderstruck, knowing Mr. Blount's character and politics, to see a letter to him from a man who pretended to be pursuing such a plan as Chisholm's. The deponent read the letter, and took it to Mr. Liston. It contained only, in general terms, that all was going on well; that he expected a long voyage, and desired remembrance to his family and friends; and that Blount would inform them how he was going on. Mr. Liston advised to seal and deliver the letter; which was done.

The deponent declares, that it never occurred to him that the United States were either directly or indirectly concerned in the progress or consequences of this project; but he considered it (if really projected, which he very much doubted, apprehending Chisholm's real object to be something very different) as merely a wild enterprise between England and Spain, until the late publications on the subject.

Being further interrogated, whether any conversation had since passed between him and Mr. Liston, or Mr. Thornton, on this affair, the deponent saith, that about two or three weeks ago, Mr. Thornton informed him that they had some suspicions that Chisholm had not gone in the brig, and requested the deponent to find out the pilot and inquire. This was before Blount's affair exploded. The deponent obtained the information that Chisholm had actually gone, and communicated it to Mr. Thornton.

Being interrogated, whether any conversation had taken place between Mr. Liston and him, since the discovery of Blount's business, the deponent answers, that on the day of Mr. Blount's examination in the Senate, the deponent was passing by Mr. Bond's house, and was called in by Mr. Liston. After other conversation relative to the papers of a captured vessel, Mr. Liston asked the deponent if he had informed anybody that he, Mr. Liston, had paid Chisholm's passage? The deponent told Mr. Liston he had not, nor had said anything else on the subject, but that he had strong reasons to apprehend that Chisholm had talked of it himself to several persons. Mr. Liston said, he could not have done his duty if he had not sent him on to his Government, for them to hear and decide on his plans, which were beyond his powers to act on.

WILLIAM DAVY.

(CD No. 2.)

Extract of a letter from Thomas Davy to William Davy, dated

"LONDON, *September* 13, 1797.

"The papers you sent me concerning the business with which Captain Chisholm was commissioned to our Court, did not at all surprise me; I do not wonder it should have transpired from such hands. He made some vain attempts to borrow cash from me on the credit of your recommendation. Being desirous that not the slightest recommendation from you should be neglected, I sent to Lord Grenville's office to be satisfied of the reality of the story he told me; and there found that, though his business was treated by the Ministers as it deserved, they had not, as he pretended to me, refused him pecuniary assistance, but had absolutely supplied him largely: I mean, in a manner fully adequate to his pretensions. In consequence hereof, on my sending him word that it would not suit me to advance him any money, I saw no more of him."

(EF.)

The deposition of George Lesher, aged forty-eight years and upward, being duly sworn before the Committee of the House of Representatives of the United States, appointed to prepare and report Articles of Impeachment against William Blount, a Senator of the United States, impeached by the said House, of high crimes and misdemeanors, by Reynold Keene, one of the Aldermen of the city of Philadelphia, on the 19th day of July, 1797.

GEORGE LESHER, being duly sworn, deposeth and saith, that, for several years, he has kept a tavern in the city of Philadelphia; that some time late in the last Fall a man, called Captain Chisholm, came to his house with a party of Indians; that, after they went away, he remained until about the first of April, within which time he observed to this deponent, that it would be a fine thing if the Floridas could be taken from the Spaniards.

That there lodged in his house, at the same time, a man of the name of Huetter, who, he understood, intended to go to Hamburg; three days before the vessel was to sail in which he was to go, Chisholm came to this deponent, in his back room, and said he was going to Europe, and should make his fortune; on the next day, in the evening, he came to him again, and said now he should certainly go, as everything was fixed, and the vessel ready; he told to this deponent, as a secret, what his plan was; that the vessel in which he was going would clear out for Hamburg, but would go to England, where he should land, and expected to get a commission; and that he should sail from thence with a fleet to Pensacola or Louisiana, where he should be joined by a number of Indians, for he could raise two thousand of them by firing a cannon.

On the evening before Chisholm sailed, he showed to this deponent a packet of papers, about three inches thick, covered with lead and sealed, for England, which he said he should throw overboard if taken by the French, and become himself a Frenchman.

On the next morning he went away in the Wilmington stage for Newcastle, at which place the deponent understood he was to take shipping.

While Chisholm was at the house of this depo-

nent, he was arrested by an under-sheriff, as the endorser of a note of four hundred dollars, drawn by Governor Blount. For some time he opposed the payment, saying that he did not owe the money. However, after much conversation, he went out, attended by the sheriff, and on his return declared that he had paid the four hundred dollars, which he regretted, as he had been forced to sacrifice, at the loss of five or six dollars in the hundred, a note of five hundred dollars, which he had received from Mr. Bond, the British Consul.

GEORGE LESHER.

(GH.)

On the twenty-seventh day of July, in the year of our Lord one thousand seven hundred and ninety-seven, in pursuance of an order of the Committee of the House of Representatives of the United States, appointed to prepare and report Articles of Impeachment against William Blount, a Senator of the United States, impeached by the said House of "high crimes and misdemeanors," Mr. William Bell, of the city of Philadelphia, merchant, appeared before the said committee, and being first duly sworn according to law, by Reynold Keen, Esquire, one of the Associate Judges of the Court of Common Pleas of the county of Philadelphia, and one of the Aldermen of the said city, did depose and say:

That a bill of exchange was sent to him by Walter Roe, of Baltimore, drawn by Stephen Duncan on John Chisholm, in favor of Alexander S. Roe, dated the 4th of April, 1796, for four hundred dollars; that he was informed by Mr. Roe that Chisholm had come to Philadelphia, and was to receive money on account of the Indians, and the deponent was requested to demand payment of the bill. The deponent sent up the bill for payment to Mr. Chisholm, who had accepted it before it came to the hands of the deponent. Chisholm's answer was, that he would pay it in a few days. The deponent sent again and again, very often, and received still the same answer for the space of three months. The deponent then sent word to Chisholm that he thought he was trifled with, and that, if Chisholm did not pay the acceptance, the deponent would bring a suit against him. Chisholm replied that it was not his own debt, that it was for Governor Blount; that he had been disappointed in receiving money for the Indians, that he was going on to New York, and if the deponent would wait for his return, he would certainly pay the debt, as he was to get money there. On his return he said he had been disappointed, and that, if the deponent would wait a few days longer, he expected Governor Blount would supply him with the money. The deponent then waited, and then sent again; Chisholm said he had not got the money. On receiving this answer, the deponent directed Mr. Joseph Read, attorney at-law, to take out a writ for him. The writ was taken out and served, and then Chisholm waited on the deponent at his counting-house. He told the deponent that he had been very much disappointed in his expectations of getting money; that the money he was to have received here had been sent on by Congress to the proper officer in Tennessee, which deprived him of receiving it in this city; that when the sheriff's officer had come to take him, he was in company with two or three gentlemen at Lesher's tavern; that the officer asked for him, and was told by one of the company that he had gone out about ten minutes; that on receiving this information, the officer had turned about and walked away; that when the officer had gone off, the gentlemen told him that the man was a sheriff's officer; that he immediately jumped up, followed the officer, and told him that the information which had been given to him was a mistake, and that he was the man the officer had inquired for; that he never wished to do an improper thing; that the debt he was sued for was a just one; that he had been disappointed in his expectation of receiving money here; that he had no friends, and was an entire stranger in the city; that if the deponent wished it, he would go to jail immediately, for he was not able to pay the money at that time; but that, if the deponent would trust his honor, he would appropriate the first money he should receive to the payment of the bill, which he expected would be in sixty days at the outside. He also said he expected he should be able to settle the debt with Mr. Roe, as he should go through Baltimore; that he had some friends there who would enable him to do it. In consequence of his conduct and declarations, the deponent withdrew the suit. This transaction took place some time in March last.

The deponent further declares, that he never received from Chisholm any note or bill of Mr. Bond's in payment, nor did Chisholm ever mention Mr. Bond to the deponent at all.

WILLIAM BELL.

(IK No. 11.)

Letter from Timothy Pickering, Esq., to the Committee.

PHILADELPHIA, *July* 26, 1797.

GENTLEMEN: In a note received from Mr. Harper, I was requested to put into writing, for the use of the Committee, the substance of my conversation with Mr. Liston, the British Minister, particularly that part which relates to the correspondence with Dr. Romayne. I give it as follows:

When the Spanish Minister, the Chevalier de Yrujo, had formally expressed to me his suspicion that an expedition was preparing on the Lakes, on the part of the English, the object of which was to attack Upper Louisiana, I mentioned it to Mr. Liston. He instantly answered, that he had no knowledge of any such preparations. I remarked, that to me the project suggested did not bear the resemblance of probability; that very great embarrassments must be encountered in transporting troops, cannon, stores, and provisions, from Canada to the Mississippi: and besides, that the British had not in that country a force that was adequate to the execution of such a plan.

At a subsequent period, I am inclined to think it was in the latter part of April, after the Spanish Minister had repeated his suspicion of an expedition intended from Canada against Upper Louisiana, and which I again mentioned to Mr. Liston, the latter again said that he had no knowledge of such a design. But he added, that a proposal had been made to him of an expedition to the Southward, against the Spanish possessions, but which he had no power to authorize. And, as to General Clarke of Georgia, to whom the Spanish Minister said he certainly knew that propositions had been made by the British, relative to an attack on the Floridas, he (Mr. Liston) did not recollect ever to have heard of the man, and certainly that he had no knowledge of any such propositions.

Mr. Liston has informed me, that when he objected to the project of an expedition against the Spanish territories at the Southward, because, on the plan of the projector, it could not be attempted without violating the neutral rights of the United States, the projector answered, that the men going from the United States would march *unarmed*, and not take arms until they should be within the Spanish territory. When he told the projector, that he (Mr. Liston) had no authority to institute such an expedition, he asked if the Governor, or General commanding in Canada could not authorize it? To this Mr. Liston answered, that the Governor doubtless possessed certain military powers, but he presumed that he would not think himself authorized to direct the execution of a plan of this kind; and all that he (Mr. Liston) could do, would be to write to the British Government, and await its answer, which, indeed, might be long in coming, or might not come at all, partly on account of the important objects which engaged its attention, and partly on account of the strong objections to the project itself. This was about the beginning of January last. The answer not arriving as soon as the eagerness of the projector expected, he became impatient, and was extremely pressing to go to England to obtain, in person, an answer to the British Government; to which, Mr. Liston said, he with much reluctance consented.

I asked Mr. Liston if a trading scheme formed any part of the project which had been proposed to him? He answered in the affirmative.

Governor Blount having, in his letter to Carey, expressed his doubts whether Chisholm was gone to England, I asked Mr. Liston of the fact. He answered that he was certainly gone; that he embarked in a vessel from Philadelphia; that he (Mr. Liston) had paid for his passage; and that he had seen letters brought by the pilot, received from Chisholm when he was far down the Delaware, or at the Capes.

Having learnt from the Committee, or some of its members, that they had received information that Chisholm had said that he discharged a debt for which he had become engaged (I think for Governor Blount) by making some sacrifice on a note or obligation from Mr. Bond, the British Consul, I mentioned the circumstance to Mr. Liston, who answered, that he knew of no such thing, and that he had never communicated to Mr. Bond any information of the project in question. Afterwards (I believe on the same day) I met Mr. Liston, when he told me that he had mentioned to Mr. Bond the story of his note or obligation to Chisholm. Mr. Bond said he had never given either; that he had never paid him any money nor even knew the man. As this story, however, tended to excite a suspicion that other moneys might have been paid to Chisholm by Mr. Liston, or by his directions, I asked him if he had ever paid anything to or for Chisholm, besides his passage-money. He answered that he had not; that even his passage-money was not paid into the hands of Chisholm, but to the master or owner of the vessel in which he embarked. But as Chisholm, on his arrival in London a perfect stranger, would need some money for his immediate support, he (Mr. Liston) gave him a draught on his banker for twenty pounds sterling; but whether this has been actually paid to him or not, Mr. Liston has not received information. And in his letter to Mr. Hammond concerning Chisholm's voyage, Mr. Liston said he had intimated the necessity of paying for his passage back to America; apologizing for permitting him to go to England, by saying that the whole would be an expense of only about a hundred pounds. Mr. Liston added, that these were all the moneys ever paid or promised by him to any person or persons concerned in the project in question.

With respect to Dr. Romayne, Mr. Liston informed me, that a day or two before he left London in March, 1796, he breakfasted with the American Minister, and found there Dr. Romayne, of New York, who was introduced to him by Mr. Pinckney. That this circumstance, with the Doctor's civility, and the strain of his conversation, led him to form a favorable opinion of his character. That he never saw him before, nor has since seen him. That he did not know of his return from Europe, until towards the latter part of last April, and a few days after Chisholm had embarked for England, when, with some surprise, he received a letter from the Doctor, dated the 14th of that month.

That, in this letter, the Doctor reminded him of their interview at Mr. Pinckney's, expressed his good wishes, and alluding, as it appeared to Mr. Liston, though in covered terms, to the project of an expedition to be undertaken with the aid of persons resident within the United States, and to certain matters that had been discussed between the British Minister and some of the parties, mentioned the delicacy of Mr. Liston's situation, cautioned him against interfering in a business that could not, with propriety, be patronized by a person in a public character, and particularly put him upon his guard against certain men who had made application to him upon the subject, and who, the Doctor said, were not to be trusted. That Dr. Romayne named no one, but hinted that, if he had an opportunity of communicating with Mr. Liston, he might enter into further particulars.

Mr. Liston said that, as he had already reasons

to doubt the good faith of some of those who had come to talk with him on the business, he was still more apprehensive in consequence of the suspicion thrown out by Dr. Romayne, and hence became anxious to draw from him further explanations, especially with regard to individuals.

He therefore wrote to the Doctor, on the 28th of April, the letter which is in the possession of the Committee, calculated, as he thought, for this purpose, as it was meant to inspire confidence, by telling the truth. That the mention in the letter of sending a person of consequence to the scene of action, Mr. Liston said, was occasioned by a passage in the Doctor's letter to him, in which he seemed particularly to dissuade from a step of this nature, falsely supposing that Mr. Liston had already taken some resolution in respect to it. Mr. Liston said that, conceiving the sending of such a confidential person to be a necessary preliminary in case the project received attention in England, he stated this opinion, in a few words, to the Doctor, in the hope of inducing him to give his sentiments fully on that point. But that he (Mr. Liston) had been disappointed in the Doctor's answer, which did not give the frank communication which was desired; that his style was still mysterious; that he seemed to have misunderstood what was written to him, and avoided entering into any detail. That Mr. Liston did not reply, and that here the correspondence ended.

I have been enabled to detail so many particulars on this subject of Doctor Romayne's correspondence by conversing with Mr. Liston again, since the Committee's request was communicated to me by Mr. Harper. On my hinting to him the wish of the Committee, which I did immediately on receiving Mr. Sitgreaves's letter of the 13th instant, to be possessed of Dr. Romayne's letter to which Mr. Liston's was an answer, he said it was destroyed.

In the same letter the Committee expressed their desire to see Lord Grenville's letter, which I informed them Mr. Liston had shown to me, and intimated that a copy of it would be convenient. I have already shown you the original by Mr. Liston's consent; and I now enclose a copy, together with a copy of the note in which Mr. Liston sent it to me, to show under what reserve it was thus submitted, viz: that it should not be exhibited to prove the criminality of any of the persons concerned in the plan in question; for which reason I have left a blank in the copy where the name of one of those persons was introduced.

I return the original letter of April 28th, from Mr. Liston to Doctor Romayne, which was found among the papers of the latter.

I am, gentlemen, very respectfully, your obedient servant,

TIMOTHY PICKERING.

SAMUEL SITGREAVES, ABRAHAM BALDWIN, R. G. HARPER, JOHN DAWSON, and JAMES BAYARD, Esq's, a Committee of the House of Representatives on Governor Blount's impeachment.

PHILADELPHIA, *July* 15. 1797.

R. Liston presents his respects to Colonel Pickering, Secretary of State:

I have the honor of enclosing, according to your desire, Lord Grenville's original despatch to me respecting the proposal for an attack on a part of the Spanish territories in North America; and you have my leave to show it to the President, and to make what other use of its contents you may, in your discretion, judge expedient; always with the reserve, which I am confident you will not think it improper I should put in, that it shall not be exhibited to prove the criminality of any of the persons concerned in the plan in question.

True copy of the original letter:

GEO. TAYLOR, Jr.,
Chief Clerk in Department of State.

—

No. 6.

DOWNING STREET, *April* 8, 1797.

SIR: In answer to your despatches Nos. 2 and 3, I have to inform you that the proposal which has been made to you by Mr. ——, as mentioned in those despatches, for endeavoring to wrest the two Floridas from Spain, has been taken into consideration by His Majesty's confidential servants, but it has not been thought expedient to accede to it or to adopt any measures for carrying it into execution.

Without entering into a detail of the various considerations that have led to this decision, I think it merely necessary to observe that, exclusively of the inadequacy of the means to the end proposed, the two objections which have occurred to yourself, the necessity of employing the Indians, and the impropriety of originating within the United States any hostile expedition against a nation with which they are at peace, are of sufficient magnitude to counterbalance the advantages which are likely to result from the execution of such a plan.

I have, therefore, to signify to you the King's pleasure, that you take an early opportunity of informing Mr. —— that you have submitted his design to His Majesty's Government, but that it has not been thought advisable to afford any assistance from this country towards carrying it into effect.

I am, with great truth and regard, sir, your most obedient, humble servant,

(Signed) GRENVILLE.

ROBERT LISTON, Esq., &c.

True copy of the original letter, blanks being left for the name, which occurs twice:

GEO. TAYLOR, Jr.,
Chief Clerk in Department of State.

—

(LM.)

GEORGE TURNER, Esq., late of the Territory of the United States Northwest of the river Ohio, being duly sworn by Hilary Baker, Esq., Mayor of the city of Philadelphia, before the Committee of the House of Repre-

sentatives, on the fifth day of September, in the year of our Lord one thousand seven hundred and ninety-seven, deposeth as follows:

That some time in February last (but the deponent does not recollect the day) the deponent met William Blount in the streets of Philadelphia. Having before been acquainted with him, he requested the deponent to call frequently to see him, and said that he had a great deal to say to the deponent. Some days afterwards the deponent did call. In the course of conversation, he asked the deponent many questions about the State of Upper Louisiana, which he said he understood the deponent had visited lately, and about the navigation of the Mississippi. He also made particular inquiries respecting the state of the Spanish posts and forces in that quarter. He requested permission to take down the the deponent's answers in writing, for which he made some apology that seemed plausible at that time, though the deponent does not now recollect it. The deponent consented, and he did take down the deponent's answers. They are, in part, contained in a paper now in possession of the Committee, endorsed, "George Turner, Memor. of Force," &c.," which is in Mr. Blount's handwriting. Some particulars respecting the navigation of the river, and the roads, are omitted.

The deponent has had no conversation with Mr. Blount on that subject since, nor did he ever suspect or conjecture the purpose for which the information given by the deponent was desired, until the late discovery of Blount's correspondence with Carey.

Being in conversation, since that discovery, with Mr. Oliver Pollock, who formerly resided at New Orleans, he informed the deponent that, some months ago, Mr. Blount made many inquiries from him respecting the situation of Lower Louisiana, especially as to the state of the forces, posts, and fortifications; and, at length, pushed them so far, as to induce him to decline any further answer. This brought to the deponent's recollection the conversation which the deponent himself had with Mr. Blount, and gave him the first suspicion of the object of Mr. Blount's inquiries.

GEORGE TURNER.

Sworn the 5th day of September 1797, before me,

HILARY BAKER,
Mayor of the city of Philadelphia.

(NO.)

The deposition of Elisha B. Hopkins, aged forty years and upwards, being duly sworn before the Committee of the House of Representatives of the United States, appointed to prepare and report Articles of Impeachment against William Blount, a Senator of the United States, impeached by the said House of High Crimes and Misdemeanors, by Reynold Keene, one of the Aldermen of the City of Philadelphia, on the 14th day of July, 1797.

ELISHA B. HOPKINS, being duly sworn, deposeth and saith, that in the course of the last Winter, when he was in the habit of being every day at Mr. Allison's, where Governor Blount lodged, and very intimate with Governor Blount in business, (too intimate, unfortunately for him,) he was in Governor Blount's room, and a man of the name of Chisholm came in; Governor Blount and Allison were both in the room; Chisholm took out Governor Blount, and they had some private conversation. Governor Blount soon returned without him, and asked the deponent if he could think it possible that that man (naming Chisholm) should have address enough to introduce himself to the British Minister? The deponent answered, his appearance and manners were against him; but as Governor Blount had informed him he was an Indian countryman, that perhaps the British might make him instrumental by paying him more than the United States. That nothing further passed at this time.

That some time after, in the month of March, the deponent was with Mr. Allison, and Chisholm and Blount came into the room; upon finding the deponent and Mr. Allison there, they retired to an office in the front of the house. Soon after Governor Blount returned, and observed to the deponent that that man (Chisholm) had so ingratiated himself with the British Minister, as to have the promise of a Lieutenant Colonel's commission, and that he was going to England.

And the deponent further saith, that in the course of conversation with a friend of his, in town, about five or six weeks ago, inquiring of the news generally, his friend informed him, either that he had seen a letter, or heard one read, by which it appeared that a number of old revolution characters in Georgia were going to join the British against the Spaniards and French, in an expedition against East Florida, which was a matter of surprise to the deponent, who knew that some of them were very inveterate against the British. The deponent asked if he was confident of it. He said the information was such he thought it pretty correct, and he gave the deponent hints which led him to believe he knew some of the characters. He was induced to suspect a character who had been confined a long time by the Spaniards at St. Augustine, and had formerly been a colonel in the American army. He meant Colonel John M'Intosh. This conversation ended in the deponent's expressing his astonishment. Shortly after the deponent met Mr. Richard Smyth, and the news of the day being inquired, he observed to Mr. Smyth that he was intimate with the Spanish Minister. Smyth said he was. The deponent then desired him to inform the Spanish Minister that if he wished an interview, he had something to communicate of consequence to him and his nation. He then gave Smyth a few hints respecting the business. The deponent heard nothing further of the matter till about ten or fifteen days ago. He was then in company with Governor Blount on business at Mr. Allison's, and Governor Blount asked him, in direct and pretty positive terms, what the information was he was going to give the Spanish Minister (this was before the communication of his letter to Congress,) respect-

ing a number of respectable characters going to join the British in an expedition against the Spaniards and French in the Floridas, for that Smyth had told him the deponent was going to make a communication of the kind. The deponent informed him that he did not know those characters, but repeated the information he had received from his friend. He asked him if he had heard of any commissions being granted by the British Minister to any characters whatever? The deponent answered, no. If the deponent had heard of any commisions being granted by the French Minister? He said, yes, he had seen them when he was in Georgia, 1794. Did he think any of those commissions were now existing? The deponent informed him he did not know, but thought it probable, as Major De Bert had some formerly, and might have them still; and so the conversation ended at this time. After the conversation, the deponent immediately called on Mr. Smyth, and asked him the reason why he had not made the communication to the Spanish Minister as he had desired, instead of informing Governor Blount of it. He answered, that he had informed the Spanish Minister of it. It then struck the deponent that perhaps the Minister thought it of no consequence, and he troubled himself no further about it.

A few days after the conversation with Smyth, the deponent met Mr. Fatio, the Secretary of the Spanish Minister; he thinks it was the day before the communication to Congress. He asked Fatio if Smyth had made any communication from him to the Spanish Minister? Fatio said, not to his knowledge. He observed to the deponent that if he knew anything, he wished him to make the communication in writing, as something very important was going forward; he appeared in a great hurry, and passed on.

Smyth afterwards told the deponent he had made the communication to the Spanish Minister when they were playing at backgammon, and that the Minister did not seem to notice it.

The deponent further saith, that there was great intimacy between Mr. Smyth and Governor Blount.

And further the deponent saith not.

(PQ.)

The deposition of Doctor Charles Buxton, aged twenty-seven years or upwards, taken before the Committee of the House of Representatives, appointed to prepare and report Articles of Impeachment against William Blount, a Senator of the United States, impeached by the said House of High Crimes and Misdemeanors, on the twentieth day of July, one thousand seven hundred and ninety-seven.

Doctor Charles Buxton, being sworn on the Holy Evangelists of Almighty God, doth depose and say:

That Dr. Romayne has mentioned to him that he had expectations of acquiring large quantities of land in the Western or Southern country, and that he (this deponent) should have an advantageous appointment; that he was advised by the Doctor to postpone the acceptance of a commission in the New York Militia, as his removal from that State, if the plan went into effect, would put it out of his power to discharge its duties: this was in the beginning of May.

That he had read a letter to Doctor Romanye, he thinks from Sir William Pulteney, in which Mr. Liston is mentioned, and the Doctor advised to consult with him, as the name of a Minister would have more weight in England than that of an individual.

On his asking the Doctor whether he intended to go to Philadelphia to see Mr. Liston, he replied that he did not, as he had received an answer to his letter to him.

About the fifteenth of May the Doctor informed this deponent that he had relinquished his intention of going to England, as the plan was laid aside.

That he was never informed what the plan alluded to was, but always supposed it to be no more than one for the acquirement and settlement of back lands, and that the Doctor's trip to Europe was to obtain the aid of some moneyed men.

CHARLES BUXTON.

(RS.)

John Franklin, Esquire, of Luzerne County, in the State of Pennsylvania, a Member of the House of Representatives of the said State, being duly sworn by Hilary Baker, Esquire, Mayor of the City of Philadelphia, before the Committee of the House of Representatives, on the second day of September, in the year of our Lord one thousand seven hundred and ninety-seven, deposeth as follows:

That on the 16th of December, 1796, the deponent took lodging at the house of George Lesher, No. 94 North Second street, at which place he resided until April 26, 1797; that at the time he came to the city a certain Captain Chisholm, and about twenty-two Indians of the Cherokee nation, were at the said Lesher's; had taken lodging, &c., Captain Chisholm being the interpreter; that there were two others, of the name of Carey and Rogers, who, the deponent understood, were interpreters to some of the Indian nations then in the city; that Carey and Rogers were at G. Lesher's part of the time during the Winter, but not so constant as Chisholm; that about the time the Cherokees were preparing to return to their native country, the deponent often heard the said Chisholm complain that the Indians had been ill-treated; that the Secretary of State had not supplied them with cash, and other necessaries sufficient for their journey; that the Indians, as Chisholm said, were dissatisfied; that it would not be strange if they commenced hostilities on the American frontiers as soon as they returned; that he often heard Chisholm say that he should not return with the Indians; the reason he gave was, that he, Chisholm, as well as the Indians, had been ill-treated; that they had not been well rewarded for their service and trouble. The deponent further recollects, that after the Indians had returned, or had been some time gone from the city, there was a report in the city that some white people

on the western frontiers had been killed by Indians; that he heard the said Chisholm say, that it was not anything more than he expected.

The deponent further saith, that during the Winter and Spring of the year, he heard Chisholm sundry times speak of the reduction of the Floridas for the British; that in the month of March, or the beginning of April, Chisholm talked of going to England; that he had engaged a passage in a ship bound to Hamburg (as near as the deponent recollects;) that a Mr. Huetter, of Northampton county, in Pennsylvania, was going passenger in the same ship; that a short time before the ship sailed the said Chisholm came into a chamber where the deponent then was, without any company, and informed the deponent that he was really going to England to obtain liberty from the British Court (or words to that effect) to take the Floridas for the British. Chisholm said that it was easily effected; that the Floridas were thinly inhabited; that he could raise an army of more than two thousand in the Tennessee country, and as great, or a larger number of Indians of the Cherokee nation to carry the plan into execution. The deponent, sundry times, heard Chisholm mention about being in company with Governor Blount. During the Winter, the deponent understood, by Chisholm, that Governor Blount was concerned in the plan. The deponent has also heard Chisholm speak of being in company with the British Minister, but does not recollect hearing any mention made by Chisholm of any particular business he was doing or transacting with the British Minister.

The deponent further saith, that as Chisholm appeared to be something talkative, he scarcely charged his memory with Chisholm's conversation or plan, until some time near the close of July last the deponent read in *Porcupine's Gazette* a copy of a letter said to be from Governor Blount to Carey, in which the name of Carey, Chisholm, and Rogers were mentioned. After reading this letter the deponent well recollected the conversation of Chisholm, and the plan he had talked of, viz: the reduction of the Floridas. The deponent thinks that Chisholm at the same time made mention of the reduction of Louisiana, or some other part of the Spanish dominions West of the Mississippi, but does not recollect anything in particular on the last-mentioned subject.

The deponent does not recollect the Christian names of either Carey, Rogers, or Chisholm. And further the deponent saith not.

JOHN FRANKLIN.

Sworn to and subscribed the day and year aforesaid before me, HILARY BAKER.

(TU No. 1.)

Examination of James Carey in presence of Benjamin Hawkins, Col. Henly, Mr. Dinsmoor, and Lieutenant Wright, on the intercepted letter.

Question 1st. How came you in possession of the letter from William Blount, addressed to you? Narrate the whole.

Answer 1st. Major James Grant, about the twentieth May, being at the public store, informed me he had a letter for me from my friend Governor Blount, and he would deliver it to me. We went down to the creek side; he then delivered the letter, and when I read it I was uneasy, the hand was difficult to read; he said he would help me, and did so. I must remark, that in putting me right, he did so without reading after me, which surprised me, as I knew thereby he knew the contents.

Q. 2d. "Among other things I wished to have seen you about, was the business that Captain Chisholm mentioned to the British Minister last winter, at Philadelphia." What was this business? It appears, by the manner this is written, you have a knowledge of it.

A. 2d. Captain Chisholm did for a while live with me in Philadelphia, but changed his lodgings; I was, after this, invited by Colonel Mentges to dine with him, and to take two Indians with me, which I did, Col. Watts and Laugley. After dinner we walked towards Schuylkill, and were overtaken on the street by Captain Chisholm, in a coach; he invited us to ride with him; Col. Mentges objected; but at length being prevailed on, we got into the coach, and rode on to Schuylkill, and turned round to a tavern; there we drank a little wine. On the return, Mr. Chisholm pressed us again to go in the coach; we all did, except Col. Mentges, who positively refused.

As we were going in the coach, Chisholm said he had been injured by the United States, and now he could have satisfaction; if they would go with him, he would show them at his lodgings a paper from the Minister of Great Britain. Upon our arrival there, he opened a box, and took out four or five sheets of gilt letter paper, close and well written, which, he said, was from the British Minister he received it. Dick Brown and John Walker were there. Chisholm proposed that we should go to the Minister's; Carey refused, and said the others might go; Watts refused, and said he came to do business with the President of the United States, and not with the British; if his interpreter refused to, he would not go.

The paper was read, and it appeared to be a plan for the reduction of the Floridas. This was to be sent to England, and the return from the Minister, if it arrived at Philadelphia, was to be sent to Knoxville to Captain Chisholm, or, if he was not there, to Ig. Chisholm; that if the packet arrived to the Southward, it was to be sent up to the Cherokees to Captain Chisholm, and if he should be absent it was to be delivered to John Rogers. The paper was not signed, but there were the names of John Pitchlin and John Rogers in it; that he (Carey) spoke to Pitchlin since about it, and he said he had not heard anything about it, and Rogers said it was not worth minding Chisholm.

Q. 3d. "I believe the plan then talked of will be attempted this Fall." What was the plan then talked of? It appears to be the same as mentioned in the first question.

Q. 4th. "If the Indians act their part, I have no

doubt it will succeed." What part were the Indians to act?

A. 4th. I cannot answer; but on the road I conjectured that it was to get the Indians to help the British, and I talked with Watts and Brown about it, and told them as much. Watts said Chisholm need not come into his nation with such talks, he would not take them. Carey said we lost enough already without meddling in such things. Chisholm tried to get Brown, who is his brother-in-law, to go with him to England, but Watts dissuaded him, and he declined it. Perhaps George Colbert can give some information; he was with us, and heard us talk the matter over on the road.

Q. 5th. "You are, however, to understand that it is not quite certain the plan will be attempted, yet you will do well to keep things in a proper train for action, in case it should be attempted; and to do so will require all your management."

This paragraph shows that you have knowledge of the plan, and are to keep things in proper train for action, and that much reliance is had upon your management?

A. 5th. "Answered that this subject had never been understood by him."

Q. 6th. You are advised to send for Rogers, and to speak to him yourself respecting the state and prospect of things."

This implies a certainty of your knowledge of the plan, and evidences a confidence in your co-operation?

A. 6th. I have no knowledge of this.

Q. 7th. "In short, you understand the subject, and must give out the proper talks, to keep up my consequence with the Creeks and Cherokees."

In this paragraph you understand the subject, and are relied on to keep up the consequence of the writer among the Creeks and Cherokees?

A. 7th. Governor Blount requested me, before he left Knoxville, to keep up his name among the Indians, and not let them forget him. After you saw Chisholm's communication, did you see Governor Blount, and have any conversation on the subject with him? Yes, I visited the Governor, and, after some conversation, I asked him if he knew what Chisholm was about. He started up his head quickly, and answered, "No, what do you mean? damn the fellow, I do not know where he is; do you know anything about him?" I informed him of the paper; he asked if it was signed; I told him, no; he then said, "It is not worth minding him, he is such sort of fellow; say nothing about what you have seen."

Did Grant deliver you any message from Mr. Blount? Yes, he advised with me about getting the letter to Rogers; told me to seal it or send for him, whichever I thought best. I replied, I would study upon it.

After the discovery of the letter, did any other person apply to you about the discovery? Yes, Col. John McClellan came and asked me to walk, and inquired after it, and how it was got. I told him it was true it was got; he inquired after the cover; that, I told him, was safe. He said, the discovery was a terrible affair; you ought to have destroyed it.

Charles McClung, Gen. White, John and Samuel McClellan, came here, probably on the same subject; but Lieutenant Wright had enjoined it on me to hold no conversation with any one, but in his presence. This I obeyed, and told McClellan of this order; that I was glad to see my friends, but could have no private conversation with them. I was ordered either to go over the river while they stayed, or be confined to the garrison; I obeyed, and went over the river.

What did you understand about the offer of whiskey to Watts from Governor Blount? The Quakers had spoken to Watts against drinking whiskey, and he disliked it, and complained of it to the Secretary of War. The Secretary replied, this now depended with Colonel Hawkins; that afterwards we were at Governor Blount's, and Watts mentioned the subject to him, in style of complaint. Blount laughed, and said, "Never mind it; when I come to Knoxville, I will give you two kegs of whiskey."

Received the 3d August, 1797.

JAMES McHENRY.

(TU No. 2.)

TELLICO, *July* 8, 1797.

Deposition of James Carey, taken by the Hon. John McNairy, Judge of the District of Tennessee, in presence of David Henley, Benjamin Hawkins, Silas Dinsmoor, and James Byers.

The deponent being duly sworn to make true answers to such questions as should be put to him relative to a letter signed William Blount, and dated Colonel King's Iron Works, April 21st, 1797 deposeth as follows:

Question 1. The letter being read, it was asked, how came you in possession of that letter from William Blount, addressed to you? Narrate the whole.

Answer. James Grant, (called Major Grant,) about the 20th of May, being at the public store, informed me he had a letter for me from my old friend Governor Blount, and he would deliver it to me. We walked down to the creek side, and there he delivered to me that letter. The hand was difficult to read, and my sight is defective; he said he would help me to read it, and did so, without looking at the letter, which made me know he knew the contents.

Question 2. Did Major Grant deliver you any message from Mr. Blount?

Answer. Yes; he told me he was to advise with me about getting this letter to Rogers; told me to be cautious, to seal it, or send for him, whichever I thought best. He said people about here thought it was all over with Governor Blount, but he would rise yet; and if the plan in the letter took place, it would be a great thing for his friends. He added, I should get another letter from Governor Blount.

Question 3. Did Major Grant say he would visit you again on this subject?

Answer. He said he would visit me again, I understood on this subject, and he did come down here again.

Question 4. Did Major Grant say anything to you relative to the contents of the letter on this visit?

Answer. Yes; he handed me a newspaper from Philadelphia, containing the speech of Doublehead, on receiving $5,000 a year; I supposed for the purpose of circulating it through the nation. Major Grant and Lieutenant Davidson had some conversation relative to the speech, the purport not recollected. They two came over to the field where I was hoeing corn. I asked them to sit down under the shade; we remained there a short time, and returned—they on the horse-path and I on the foot-path, which are a small distance from each other. Lieutenant Wright arrived at the garrison while we were on the other side of the river, and sent two soldiers after Lieutenant Davidson. On our return, the two officers were talking together, and Mr. Grant asked me what this bustle meant? He answered himself, I know; it was known at Knoxville I was going into the Indian territory, and it is about me. What has become of the letter I gave you from Governor Blount? It is destroyed, I answered him. He then left the garrison, and has not since been here, or sent any message to me.

I recollect he said Mr. Byers was gone to Philadelphia, and that there was some stir or bustle at Knoxville, but he could not make head or tail of it; but it must be about his going into the nation. And he allowed that brought Mr. Wright, the Lieutenant, down.

Question 5. This is an extract from the intercepted letter: "Among other things I wished to have seen you about, was the business Captain Chisholm mentioned to the British Minister last Winter, at Philadelphia." What was this business? It appears, by the manner this is written, you have a knowledge of it.

Answer. Captain Chisholm did, for a while, live with me in Philadelphia, but changed his lodgings. I was after this invited by Colonel Mentges to dine with him, and to take two Indians with me; which I did, Colonel John Watts and Langley, After dinner we walked towards Schuylkill, and were overtaken on the street by Captain Chisholm, in a coach; he invited us to ride with him. Colonel Mentges objected, but at length, being prevailed on, we got into the coach and rode on towards Schuylkill, and turned round to a tavern; there we drank a bottle of wine, and returned. Mr. Chisholm pressed us again to go into the coach; we all did, except Colonel Mentges, who positively refused.

As we were returning in the coach, Chisholm said he had been injured in the non-settlement of his accounts, or his business; and now, if it cost him the last drop of blood, he would have satisfaction; it was now in his power. If they would go with him, he would show them, at his lodgings, a paper from the British Minister. Upon our arrival there, he opened a box and took out four or five sheets of gilt paper, close and well written, which he said was from the British Minister; he read it. Dick Brown and John Walker were there. Chisholm proposed that we should go to the British Minister's. I refused, and said I had no business with him; that the Indians might go if they chose. Watts refused, and said he came to do business with the President, and not with the British. If his interpreter refused to go, he would not go.

The paper was read, and it appeared to be a plan for the reduction of the Floridas. This was to be sent to England to the British Ministry there, and the return from the Ministry, if it arrived at Philadelphia, was to be sent to Knoxville to Captain Chisholm, or, if he was not there, to Ig. Chisholm, the Captain's son. That if the packet arrived to the Southward, in the Floridas, it was to be sent up to the Cherokees, to Captain Chisholm, and if he should be absent, it was to be delivered to John Rogers. The bearer was to say he was going into the nation for his health.

The paper was not signed, but there were the names of John Rogers, John Pitchlin, Captain Chisholm, and Ig. Chisholm, in it. That I spoke to Pitchlin since, on the road, about it, and he said he had not heard anything of it. I spoke also to Rogers, he said it was not worth minding Chisholm.

Question 6. "If the Indians act their part, I have no doubt it will succeed." What part was the Indians to act?

Answer. I cannot say; but on the road I conjectured it was to get the Indians to help the British; and I talked with Watts and Brown about it, and told them as much. Watts said Chisholm need not come into the nation with such talks—he would not take them. I said we had lost enough already, without meddling in such things. Chisholm tried to get Brown, who is the brother of his Indian wife, to go with him to England. But Watts dissuaded him, and he declined it.

Question 7. "I believe the plan then talked of will be attempted next Fall. You are, however, to understand that it is not quite certain the plan will be attempted, yet you will do well to keep things in a proper train for action, in case it should be attempted, and to do so will require all your management."

This paragraph shows that you have knowledge of the plan, and are to keep things in proper train for action; this shows you are a confidant in the business, and that much reliance is had on your management.

Answer. This subject has never been mentioned to me, except as answered in the 5th question, and the answer to that question discloses what I know.

Question 8. "You are advised to send for Rogers, and speak to him yourself respecting the state and prospect of things."

This implies a certainty of your knowledge of the plan, and evidences a confidence in your cooperation.

Answer. I have no other knowledge of the plan than what I have communicated.

Question 9. "In short, you understand the subject, and must give out the proper talks, to keep up my consequence with the Creeks and Cherokees."

Have you any knowledge of the meaning of this paragraph, and have you ever been applied to keep up the consequence of Mr. Blount among the Indians?

Answer. Governor Blount requested me, before he left Knoxville, to keep up his name among the Indians, and not let them forget him.

Question 10. After you saw Captain Chisholm's communication, did you see Governor Blount and have any conversation with him on the subject?

Answer. Yes; I visited the Governor, and after some conversation, he asked me if knew what Chisholm was about; damn the fellow, I do not know where he is, do you know anything about him? I answered, yes; and told him he had changed his lodgings, and where he then lived. I then asked Governor Blount what it was that Chisholm was upon with the British Minister? He started up his head quickly, and answered, no; what do you mean? I informed him of the paper shown to me by Chisholm. He asked me if it was signed? I told him no. He said it was not worth minding him, he is such a sort of a fellow; say nothing about what you have seen.

Question 11. After the discovery of the letter, did any person apply to you about the discovery?

Answer. Yes; Colonel John McClellan came here, and asked me to walk, and inquired after the letter I had received from Governor Blount, and whether it was got? He then inquired after the cover, and whether they got that? I told him the cover was safe. He said "the discovery was a terrible affair. You ought to have destroyed the letter. It was, or would be, the best plan that ever was adopted for the benefit of this country. I will try to support Governor Blount's character in this country. I have heard Byers and the letter were gone to Philadelphia."

Charles McClung, Gen. White, John and Samuel McClellan, and Willie Blount, came here some days after the foregoing conversation with Colonel John McClellan, probably on the same subject. But Lieutenant Wright had enjoined it on me to hold no conversation with any one, but in his presence. This order I obeyed, and told Colonel John McClellan of this order; that I was glad to see my friends, but could have no private conversation with them. I was ordered also, by Lieutenant Wright, either to go over the river, while the gentlemen stayed, or be confined to the garrison. I obeyed, and went, by permission, over the river.

Question 12. What did you understand by the offer of whiskey to Colonel Watts by Governor Blount?

Answer. The Quakers had spoken to Watts against drinking, and he disliked it, and complained of it to the Secretary of War. The Secretary replied, this now depended with Colonel Hawkins. That after this we were at Governor Blount's, and Watts mentioned the subject to him in style of complaint. Governor Blount laughed and said never mind it; when I come to Knoxville I will send for you, and give you two kegs of whiskey.

JAMES CAREY.

Sworn before me, on the 8th day of July, 1797.
JOHN McNAIRY,
Judge of the District of Tennessee.

(TU No. 3.)

TELLICO, *July* 8, 1797.

Deposition of William L. Lovely, taken before the honorable John McNairy, Judge of the District of Tennessee, in presence of David Henly, Benjamin Hawkins, Silas Dinsmoor, and James Byers.

The deponent being duly sworn to make true answers to such questions as should be put to him, relative to a letter signed "William Blount," and dated "Colonel King's Iron Works, April 21st, 1797," deposed as follows:

Question 1. Do you know anything relative to the letter from Governor Blount to James Carey?

Answer. Yes. Carey showed me the letter before he delivered it up, and seemed uneasy about it. I read it, and told him he knew his own duty. I believe I pointed out to him the nature of the oath, and said such a letter in his hands was attended with dangerous consequences. I knew the handwriting to be that of Governor Blount, and was much surprised to see such a letter. I had a great regard for the man, and thought to myself I would not, for a large sum, that he should have so committed himself.

Question 2. Have you any knowledge of the plan mentioned in the letter?

Answer. No other than what I had from Carey himself. He mentioned, before he received this, upon his return from Philadelphia, that Chisholm had been with the British Minister, while in Philadelphia, on a plan for the reduction of the Floridas, and wanted to get the co-operation of the Indians.

W. L. LOVELY.

Sworn before me, the 8th day of July, 1797.
JOHN McNAIRY,
Judge of the District of Tennessee.

(TU No. 4.)

The deposition of James Carey, taken on the twenty-ninth day of September, in the year of our Lord one thousand seven hundred and ninety-seven, at Germantown, in the State of Pennsylvania, before the Committee of the House of Representatives of the United States, appointed to prepare and report Articles of Impeachment against William Blount, the said James Carey having been first sworn, in due form of law, by John Huston, Esquire, one of the Justices of the Peace of the county of Philadelphia.

I am interpreter for the United States to the Cherokee nation of Indians, and assistant at the public store established at the Tellico Blockhouse, and I reside there at present. For these offices I receive the annual salary of three hundred dollars, besides my board, from the Government of the United States.

I attended the Cherokees on their visit to Philadelphia last Winter, and one day, about the last of December, or beginning of January, was invited, with two of the chiefs, John Watts and John Langley, to dine with Colonel Mentges. After dinner, Colonel Mentges proposed to us to take a walk to the Schuylkill; Captain Chisholm overtook us in a coach, and invited us to ride with him, which invitation we accepted, after a little hesitation. We stopped at a tavern in the neighborhood of the city, and, after taking some wine, we all returned in the carriage with Chisholm, except Colonel Mentges, who preferred walking. After Colonel Mentges had left us, and on our way home, Chisholm began a conversation with me, which, at his request, I repeated to the Indians who were with us. He said that he had great power in his hands, that he was going to England, and should return and take the Floridas. As I knew him to be a rattling, boasting kind of man, I laughed at him, and did not much regard what he said. He then told me, if I would not believe him he would show it to me in writing. Accordingly, when we returned to our lodgings, he took out of his trunk four, or five, or six sheets of gilt paper, the whole of which was filled with a writing in a very pretty hand; this, he said, he had received from the British Minister, and read to me with such rapidity that I could not distinctly understand it. It had neither signature, direction, nor address, but purported to be a plan for the reduction of the Floridas by a British and Indian force, of which, however, I do not recollect the particulars. It did not specify the number of men or ships that were to be engaged in the expedition; Governor Blount's name was nowhere mentioned in it, nor did it contain the names of any other persons as parties or associates in the project, or who were to be desired to join in it; nor do I remember that it proposed at all to engage any citizens of the United States in the enterprise, or to raise any force for the purpose within the United States. Chisholm was styled "Captain," in the paper, and was to go to England to the British Ministry with it, or, if he did not go himself, the paper was to be sent there, and the answer was to be returned to the British Minister at Philadelphia. If Chisholm should not be in Philadelphia when the answer was received, it was to be forwarded by land to Knoxville to him, or, in his absence, to his son Ig. Chisholm, who was to send it to the Cherokee nation to his father; or, if his father should not be there, to deliver it to John Rogers. If the answer should be sent round by the Floridas, it was, in like manner, to be forwarded to the Cherokee country to Captain Chisholm, or, in his absence, to John Rogers. This arrangement was contained in the paper. Chisholm himself said that he was going to England to get everything in preparation, and to procure from the Ministry men and a naval armament; that the expedition was to come out in a large privateer; that he was to come out in her, and to have command of the enterprise; and that, on their arrival in the Floridas, he was to obtain the assistance of the Indians, and then attack the Spanish. After Chisholm had read his paper, and finished his story, I continued to laugh at him, and express my incredulity; whereupon he said, if still I would not believe him, I should go with him to the British Minister the next morning, and take the Indians with me. I told him I had no business with the British Minister, and declined going, and so also did the Indians.

Two or three days afterwards, at the request of the widow of the Hanging Maw, I went to Governor Blount's lodgings to ask him for some money that he owed her. I found him engaged in writing, and alone. On my entrance, he said to me, "Carey, what in the devil has become of Chisholm; damn the fellow, where is he?" I replied that he had changed his lodgings. Being thus reminded of Chisholm, I concluded to tell Governor Blount what I had heard and seen. I said to him, therefore, "Governor, do you know what this business is that Chisholm is upon?" He instantly raised his head eagerly from the paper on which he was writing. and looking at me, said, "No, no; what do you mean, Carey?" I then told him of my conversation with Chisholm, and of what Chisholm had shown me. When I mentioned the writing I had seen, he again raised his head suddenly, and looking at me as before, asked me eagerly whether that writing was signed? I told him it was not; and then he said, "Pooh, pooh, Carey, you know what a windy, blasty fellow Chisholm is, and it is not worth while to take any more notice of it, or say anything about it."

I had at no time, before or afterwards, any other communication of any kind with Governor Blount, relative to this subject or any other political plan or scheme, until I received from him the letter dated at Colonel King's Iron Works, April 21, 1797, except that once, in the city of Philadelphia, last Winter, he advised me not to be present at the running of the line, nor to have anything to do with it, as he said it would be a troublesome business, and might occasion the Indians to reflect on me.

In a short time after these occurrences, I left the city of Philadelphia with the Indians. At Tellico, I mentioned, without reserve, to Mr. Byers and other gentlemen there, what Chisholm had said to me and shown to me; they all seemed to treat the thing very lightly, and to consider Chisholm and his communications as equally unworthy of attention. I mentioned them also to John Rogers, told him how he was mentioned in the paper, and asked him if he knew anything about it; he said he did not, and that such a fellow as Chisholm was not worth minding.

After my return to Tellico, on or about the 20th of May, I was told that James Grant, commonly called Major Grant, wanted to see me. When I met him, he told me he had a letter for me which he wished to deliver to me when we were by ourselves. We walked away together some distance, and he then said he had a letter for me from my old friend Governor Blount. He delivered it to me, and, on opening it, I found, within the same cover, two letters, one for John Rogers, dated "Tennessee, Sullivan county, April 21, 1797, (Colonel

King's Iron Works,") the other for me, dated "Colonel King's Iron Works, April 21, 1797," both of which letters are now in the possession of the committee. Without attending to the direction, I first opened that which was addressed to Rogers, and read down one side, which related to a runaway negro fellow, before I discovered my mistake. I then began the letter which was directed to me. Major Grant and I were sitting within two or three feet of each other. I read loud enough to be heard by him; and, as I was sometimes at a loss to make out a word, being a poor scholar, he told me what it was, and explained to me and corrected me whenever I blundered as I went on. When I had finished reading it, he said to me, "Now, Carey, you must be very careful, as your friend Governor Blount puts great confidence in you; you must observe what he tells you, that when you have read the letter two or three times you are to burn it. He then asked me what I intended to do; whether I would send the letter to Rogers, or send for Rogers to come to me. I told him I did not know; perhaps I might write to Rogers, and, if I did, I would let him know. He said that people thereabouts thought it was all over with Governor Blount, but he would rise yet; that if his plan should take place, it would be a great thing for the friends of the business and for the country; that Governor Blount would entrust nobody with the care of the letter but him, and that he had come to Tellico on purpose to deliver it to me; that I should receive another letter from Governor Blount, and that he, Major Grant, would come down again to see me on the subject. I then told him that I could not tarry there any longer, as I was wanted at the store. As we returned, he repeated to me that I should be careful, that the business was of great consequence, that it would be of much service to his friends, and that Governor Blount placed great confidence in me. He then returned to Knoxville.

I kept the letter, but did not know what to do with it or think about it. I had, a few days before, been sworn by Mr. Dinsmoor, to execute my appointments with fidelity to the United States; and I was much embarrassed between my regard for Governor Blount and what might possibly be my duty in respect to the letter. I consulted Major Lewis Lovely, who is clerk at the store, and showed him the letter. He told me he did not know what to advise, but that I should consider my oath. I took occasion, a few days afterwards, when I was alone with Mr. Byers, to tell him that I had a strange letter in my possession, which I did not know what to do about. He asked me who it was from. I told him, and promised to show it to him the next morning, which I did accordingly; and, on his assurance that it was of importance to the public that it should be disclosed, I gave it to him.

After Byers had brought the letter to Philadelphia, Major Grant came again to Tellico. I was planting corn on the other side of the river; he and Lieutenant Davidson came over to me. Major Grant took a newspaper out of his pocket, read it for me, and gave it to me. It contained something about Doublehead's having been at Philadelphia with Gen. Knox, and obtaining a greater annuity for the Indian country than had before been stipulated. Davidson and Grant entered into an argument about it; and then we returned towards the Blockhouse, whither I invited them to take a drink. They pursued the horsepath, and I went on the footpath at some distance from them. In a little while I was met by a soldier, who said there was an express come to the Blockhouse for Lieutenant Davidson and me, and then passed on to inform Davidson. A little further on I met another soldier, with a paper for Lieutenant Davidson, which was delivered to him as soon as he came up; and he then told us that Lieutenant Wright had come to the garrison. We crossed the river, and the two lieutenants entered into discourse together, and walked away by themselves. Grant then said to me, he believed he knew what all that bustle was about; that he had said at Knoxville that he was going into the Indian country, and he supposed Wright had come to stop him. He said, also, that there was a great stir at Knoxville about something, but he could not make out what. He asked me what I had done with the letter from Governor Blount. I said it was *gone*, but did not tell him where, nor did he pursue the question further, but I thought looked very cool upon me. The officers soon returned, and Lieutenant Wright continued with me and Major Grant; and I afterwards understood that his business at Tellico was to follow Major Grant, and prevent him from having any private intercourse with me. Grant, immediately after taking a drink, left us, and returned to Knoxville.

A few days afterwards, a Colonel John M'Clellan, of Knoxville, came to Tellico, and called me out, and asked me if I had not received a letter from Governor Blount. I said I had. He asked me what were the contents, and said there was a terrible to-do about it at Knoxville, and that it was reported that Byers had got it from me when I was drunk. I told him it was true that Byers had got it. He repeated his question about the contents. I told him I could not recollect them all. He said it was a damned thing that I had let it go. He then asked me if the cover was gone; I said, I believed not. He then observed, that he supposed the letter was about something relative to Florida. I replied, I supposed it was. He said, he imagined it was to the same purpose as one which he had himself received from Governor Blount; but that, by God, they should not get that from him; that he was determined to support Governor Blount, and so were many others in that country.

Some days afterwards, Charles M'Clun, General White, Willie Blount, and Colonel M'Clellan's brother came also to Tellico along with the Colonel; but I was desired by Lieutenant Wright not to hold conversation with any of them, except in his presence. I took, therefore, an early opportunity to mention to Colonel M'Clellan that I was glad to see my friends, but that I was not permit-

ted to have any private discourse with them. Afterwards, they wanted me to go over the river with them to get fruit; but I declined, telling them that I would go over and send them some by the Indians, but that I could not go with them.

The letter for John Rogers, which was enclosed in the same cover with that I received from Governor Blount, I delivered to Col. Hawkins.

I never received the letter which is now produced to me, signed "William Blount," dated "April 24, 1797," and in the handwriting of Governor Blount, and directed to "James Carey, Tellico Blockhouse——Col. King."

JAMES CAREY.

(VW.)

The deposition of John Rogers, residing among the Creek Indians, taken at Germantown, in the State of Pennsylvania, on the twenty-ninth day of September, in the year 1797, before the Committee of the House of Representatives of the United States, appointed to prepare Articles of Impeachment against William Blount; at which time and place the said John Rogers being produced before the Committee, and duly sworn by John Huston, Esq., a Justice of the Peace for the said State, the following passage of a letter addressed to him, signed by the said William Blount, and dated Tennessee, Sullivan county, April 21st, 1797, was read to him, viz:

"I suppose you know that Captain Chisholm informed me of yours and his objects, last Winter, at Philadelphia. I now tell you that I am induced to believe that plan will go into operation; and, if it does, it will be attended with great success. You will do well to keep things in a train; but take care and act wisely." And the said John Rogers being thereupon required to declare what were the objects, nature, and particulars of the plan mentioned in this letter, and what he knew concerning the views and projects of the said William Blount, John Chisholm, and others connected with them, he answered as follows:

"I have resided for many years past, and still do reside, in the Creek and Cherokee nations, but I hold no office or employment of any kind under the Government of the United States. When some chiefs and warriors of the Creeks came to Philadelphia, last Winter, on business from their nation with the President of the United States, I attended them as their interpreter, at their request, and not at the instance of the American Government. After I had been some time in Philadelphia, John Chisholm, commonly called Captain Chisholm, asked me what I should think of a voyage to England? I replied, that I should not think of it at all, it having always been my determination never to cross the sea unless by compulsion. He told me then that I might make my fortune by going to England. I asked him how? He answered that England and Spain were about to be engaged in a war against each other, or actually were so; that England would naturally be desirous of engaging the Southern Indians in her interest, and that there was no doubt that, by conducting some of the Creek chiefs to that country, I might make my fortune. I replied that I had no wish to engage in any such enterprise, and would not go. He then asked me whether I would not prevail on some of the chiefs to accompany him to England? Which I also refused to attempt; telling him that he was a fool, and that I did not choose to expose myself to any such inconveniences as would probably result from an interference in a matter of that kind with the Indians.

"He said no more to me at that time; but I learnt, soon afterwards, that he had been speaking on the same subject to some of the Indians, whom I advised to have nothing to do with him, observing that he was a man of no sense, to whom no attention ought to be paid.

"Some days afterwards he came to my lodgings and had some conversation with me, which ended in my telling him that I disapproved much of his conduct, and desired to hear no more of his projects.

"Being a short time afterwards, however, at his lodgings, I saw a number of writings on his table, which, looking hastily over a part of them, I took to be plans of propositions to be made, in the name of the Indians to the British Government, relative to the sending of a force into Florida. I paid, however, very little attention to them, nor did he read them to me, or explain their contents; but I took them to be in his handwriting. Being much displeased at this, and other parts of his conduct, I left the room, advising him to take care that he did not get hanged.

"He made no secret of his project, which, on the contrary, he talked of in a very public manner; but he never mentioned to me any person as being engaged in it beside himself, nor did he ever, in my hearing, name either Governor Blount or the British Minister. His plan, according to his own account of it, was to induce the British Government to send a force into Florida sufficient to garrison Pensacola, New Orleans, &c., and to protect the country against the Spaniards, after the people, assisted perhaps by the Indians, should have risen against them, and thrown off their Government. For this purpose he was to go to England; and he wished the Indians, and other persons from the Western country, to accompany him, in order, as I understood the matter, to give greater weight to his representations.

"As for Governor Blount, I am little better than an absolute stranger to him, never having corresponded with him at any time, nor seen him till I came to Philadelphia last Winter. Even then I saw but very little of him, nor was I at his house more than three times; on one of which occasions he asked me if I knew what Chisholm was about? I replied that he was loitering about the town, or something to that effect. He then asked me if I had heard Chisholm speak of going to England? I replied that I had. He asked me what I thought of the matter? I answered that I considered it as mere idle talk. Governor Blount, by his manner of answering, seemed to be of the same opinion; and there our conversation ended. This was the only mention that he ever made to me of Chisholm or his plans; nor did any correspond-

ence, on that or any other subject, ever take place between us. I suppose that the plan which he talks of, in the letter addressed to me, but never received, was this plan of Chisholm's; and I conjecture that he was induced to write to me in that strain, and on such a subject, by some misrepresentation of Chisholm, who probably told him that I had approved the project, and engaged to act a part in its execution. This, however, I do not know to be the case.

"I never heard the affair mentioned in any other way, nor by any other person, than as related above; till on my return, lately, from an excursion among the Creeks, I found it a subject of general conversation, and received the summons by virtue of which I have attended the committee."

The said John Rogers being then asked whether he knew anything else which had relation to the subject of this examination, answered that he did not.

JOHN ROGERS.

Sworn and subscribed, September 29, 1797.

(XY.)

The examination and deposition of James Grant, taken on the twenty-ninth day of September, in the year of our Lord one thousand seven hundred and ninety-seven, at Germantown, in the State of Pennsylvania, before the Committee of the House of Representatives of the United States, appointed to prepare and report Articles of Impeachment against William Blount; the said James Grant being duly sworn by John Huston, Esq., one of the Justices of the Peace of the county of Philadelphia.

"I reside at Knoxville, in the State of Tennessee, and am generally called Major Grant. On the twenty-eighth day of April last, being on my return from Hillsborough, in North Carolina, to Knoxville, I met William Blount, a member of the Senate of the United States for the State of Tennessee, at Washington county, in the State of Virginia. We conversed together on various subjects. He spoke of the line that was to be run between the Indians and the State of Tennessee. He appeared to have it much at heart that it should be run conformably to the line which had been fixed on by Doublehead and several chiefs of the Cherokee nation with the late Secretary of War, General Knox, in Philadelphia, subsequent to the treaty which had been made by him, Governor Blount, called the Treaty of Holstein. His object, as I viewed it, appeared to be to avert as much responsibility as possible from himself; that in case either party should be dissatisfied with the line which the Commissioners might run, no censure might reach him for having made the treaty, and that he might, as much as possible, preserve the confidence both of the Indians and citizens. He mentioned that he had written to Carey from King's Iron Works, and had furnished him with such hints and talks on the subject as would enable him to convince the Indians that Doublehead's line was the one which the Commissioners and the Indians ought to establish as the dividing line between the Cherokees and Tennessee. He, at the same time, expressed some doubt whether Carey would do the thing as effectually as he could wish; that is, as I understood it, whether he could sufficiently impress on the minds of the Indians that they should have no cause to be dissatisfied with his official transactions with them; and he therefore requested me, if I should see Carey, to tell him, by all means, to send for Rogers; and again repeated it, 'Tell Carey to send for Rogers.'

"After speaking generally of some unfortunate circumstances having taken place in his pecuniary affairs in Philadelphia, he told me, in confidence, that there was a plan on foot which, he hoped, would relieve him from his difficulties. I asked him the nature and extent of it, believing it to be a landed negotiation which I had understood he with some others were concerned in, and had in operation by their agents in London and elsewhere. He informed me that it was quite a different thing; that it was a plan, respecting which, Chisholm and several of the chiefs had been with the British Minister during the last Winter in Philadelphia, and on the subject of which Chisholm had a paper in the handwriting of Mr. Liston, though he believed his name was not to it; that the intention of the thing was a co-operation of the Indians with the British in taking the Floridas, and establishing a British Government in the Spanish dominions on the Mississippi, which, he conceived, would be of great utility to the Western country. He said, if the plan should go forward, he should be engaged in it; that he was to use his influence to bring the Indians to act their part, and to conduct them as their military leader on the expedition; and that he was to be rewarded by some high official situation in the Government of the conquered country. He made no direct overture to me to join in the enterprise; but said that, if he succeeded, he should have it in his power to provide handsomely for his friends; and advised me to go to the Natchez, to get out of the reach of certain pecuniary engagements which I had been induced to contract by endorsing paper on his assurance that the payment should be provided for, and which he told me there would be no other method of avoiding than by going out of the Government of the United States. He did not mention the names of any persons who were to be associated with him in his project, but I understood generally from him that any citizens of the United States who would engage in the enterprise, as volunteers, should be received and employed. He appeared to place great reliance on the assistance of Rogers and Carey, and on their influence in persuading the Indians to second his views. He spoke particularly of Rogers as a more resolute and determined man, and more to be depended on, than Carey. He did not explain the arrangement of the plan more particularly than that a naval armament was to be sent from Great Britain, which was to bring out the materials for the enterprise, and which was to be co-operated with on the land side, under his directions, by the Indians and such other force as he could engage for

the purpose. He spoke of it as an affair not yet matured, but which depended on preliminary circumstances yet to be arranged. I understood that the paper, which he mentioned Chisholm to have in the handwriting of Mr. Liston, contained the project of the expedition.

"I parted from Governor Blount about one hundred and fifty or one hundred and sixty miles from Knoxville, and proceeded on my journey. On the 15th of May, or about that time, I was going from Knoxville to Tellico Block-house, to settle some pecuniary transactions of my own; when I was requested by Colonel James King to take down some letters. On my signifying my willingness to take them, he gave me two letters to James Carey, and one for Major Lovely—all from Governor Blount. One of the letters for Carey was, I think, under two seals, and was marked on the superscription No. 1—the other two letters were open. When they were delivered to me by Colonel King, he enjoined me to deliver the sealed letter to Carey secretly. I did not inquire the motive of this injunction, because I supposed it was the letter of which Governor Blount had spoken to me in Washington county, and that Colonel King was acquainted with the subject of it. I delivered all the letters as I was requested; the unsealed letter for Carey, which was upon private business, I took back from him, as its object could not then be complied with; I have obtained from Major Lovely, since the process of the committee was served upon me, that which was directed to him, and they are now both delivered to the committee; and are both dated April 24, 1797.

"When I handed the letter marked No. 1 to Carey, I sat at some little distance from him; he broke the seals, and, while reading it, asked me the explanation of some words which he could not make out. I presume I told him what the words were. He did not read the letter to me, nor hand it to me to read, but only showed me, when he was at a loss, the word which he wanted explained; nor did I know the contents of the letter until, in the following June, Colonel David Henly delivered me a copy in the hand-writing of James M'Henry, Secretary of War, certified as the letter of William Blount to 'Dear Carey,' which I was desired to publish in the Knoxville press then under my care. When Carey had finished reading it, he said 'Yes, I understand it, and will pay attention to it.' I then mentioned to him, agreeably to my promise, Governor Blount's request that he would send for Rogers. He said he would. I did not observe that there was any letter for Rogers enclosed in that which was directed to Carey. I saw none. I never saw the letter now produced to me from Blount to Rogers, dated 'Tennessee, Sullivan county, April 21, 1797 (Colonel King's Iron Works).' When I desired Carey to be sure to send for Rogers, he said to me, 'I see you know something about the business.' I replied, 'That is all I know about the business, that you are to send for Rogers.'

"The letter in the possession of the committee, signed James Grant, directed to 'Hon. William Blount, Senator, Congress, Philadelphia,' and dated at Knoxville, 24th May, 1797, is in my handwriting. I think it was written in consequence of Colonel King's request that I should notify to Governor Blount the delivery of his letter to Carey. I recollect no particular reason for not writing the name of Rogers at length in it; and the other communications of the letter were a mere relation of the current news of the country, without any other object; the principal Indian information contained in it, or a part of it, I obtained from Carey.

"Some time on or about the ninth of June, I went again to Tellico, on private, business of my own. I took with me a newspaper which had been recently published at Knoxville, and which contained Doublehead's treaty, which I gave to Carey, for the purpose of explaining the subject to the Indians. I asked him what had become of the letter which I had delivered to him from Governor Blount, and mentioned that I had heard it had been obtained from him. He replied that nobody had got it from him unless he had been robbed of it. When I set out from Knoxville, on this visit to Tellico, Lieutenant Wright and some others inquired where I was going; I told them I was going to the Indian country. My reason for this was to disappoint the inquisitive temper of persons who chose to entertain very injurious suspicions about me, and to amuse myself with the new conjectures that would be formed on the subject.

"JAMES GRANT."

(ABC.)

Copie de la déclaration faite au Ministre de sa Majesté Catholique, par le citoyen Mitchell, habitant du Tennessee.

1°. Qu'il a été enrolé par le nommé Chisholm, agent Anglais et habitant en Tennessee, 1000 habitans de cette Province destinés à attaquer les postes du Baton Rouge, de New Gales, et des Ecors à Margot.

2°. Que Chisholm a fait toute la reconnaissance de la Louisiane et des deux Florides, et cherché à engager les nations Creek et Cherokee à tourner leurs armes contre les possessions Espagnoles.

3°. Que Chisholm a obtenu une liste de 1500 torys, ou royalistes Anglais, des Natchez, (dont il est porteur) qui se sont engagés à prendre les armes en faveur des Anglais dès qu'ils paraitront pour attaquer la Basse Louisiane et marcher de là sur St. à Fé.

4°. Qu'il se forme un rassemblement sur les lacs composé de 500 Anglais troupes de ligne, 700 Canadiens milice soldée, et 2000 sauvages qui doivent être commandés par le chef Brent.

5°. Que ce corps doit descendre par la rivière des Illinois, attaquer St. Louis, la Nouvelle Madrid, marcher ensuite sur St. à Fé en suivant la rivière St. François et celle des Arkansas.

6°. Que Chisholm s'est procuré six pieces de canon de campagne qu'il a deposées sur la rivière du Tennessee entre les mains d'un de ses

agens, et que ces sont les mêmes qui devaient servir à l'expedition du citoyen Genet.

7°. Que le rendezvous pour les Americains est fixé à Knoxville, dans le Tennessee, pour le 1r de Juillet.

8°. Qu'en conséquence, Chisholm, qui a disposé de toutes ces choses après en avoir fait *son rapport au Ministre Liston*, devoit partir le 28 de Mars de Philadelphie pour Londres sur le batiment* destiné pour Hambourg, pour faire part au gouvernement de ce projet demandé des vaisseaux et de l'argent pour son execution.

9°. Enfin, pour preuve de ce qu'il avançoit, le citoyen Mitchell m'a remiss une lettre en original, signée de Chisholm et dont copie est cy-jointe.

Fait à Philadelphie, le 12 Juillet, 1797.

(DEF.)

[Copy.]

PHILADELPHIA, *March* 17, 1797.

MESSRS. MITCHELL and CRAIGE: You will observe, that it will be necessary for you to be in the State of Tennessee on the first day of July next, in order to perform what we have agreed on. You may rely on every attention on my part, and everything that we have talked of shall be performed agreeable to the *existing plan.*

I am, gentlemen, your very humble servant,

JOHN CHISHOLM.

Pour copie conforme à l'original qui reste entre nos mains.

LE CHEVALIER D'YRUJO.

Le 12 Juillet, 1797.

(GHI.)

JOHN PHILLIPS RIPLEY, a native of the State of New Hampshire, now resident in Philadelphia, of the age of twenty-two years, being duly sworn before Reynold Keen, Esq., one of the Associate Judges of the Court of Common Pleas, of the county of Philadelphia, in the presence of the Committee of the House of Representatives appointed to prepare and report articles of impeachment against William Blount, a Senator of the United States, impeached of high crimes and misdemeanors, on the twenty-sixth day of July, in the year of our Lord one thousand seven hundred and ninety-seven, deposeth—

That he was educated at Dartmouth College with Captain Eaton. That he heard Captain Eaton say, after he returned from New York, that several very important letters were discovered in the possession of Doctor Romayne, of New York, containing positive proofs that the British Government was at the bottom of the conspiracy, lately discovered, for violating the neutrality of the United States, and involving us on the side of Great Britain against Spain and France, some of which were signed by Robert Liston, the British Minister; that these letters offer rewards for those who would engage in the enterprise; that they were covered under some old papers and rubbish. That when they were discovered, Doctor Romayne appeared much confused; that letters of more importance had been destroyed by Doctor Romayne. That Captain Eaton, on his return to Philadelphia, mentioned those circumstances to this deponent and some friends. That Mr. Pickering, hearing of this, reprimanded Captain Eaton for it, declaring that the utmost secrecy was necessary in respect to those letters, since, should the people become acquainted with the facts, it would injure very much the views of the Government, as it was bad policy to offend the British Minister, or his nation, Great Britain being now the only friend we have; that the deponent saw a lengthy and manly letter in reply, in which Captain Eaton reprobated every kind of influence of a foreign nature in this country, and every kind of partiality; thought that every attempt against the neutrality of the United States should be repelled and punished, but concluded that, in consequence of the injunction of secrecy imposed by the Secretary, and of the Secretary's opinion that the good of the country required it, he should not be the instrument of its publication. That Captain Eaton has been since sent with despatches to Mr. Gerry, at Boston.

In reply to interrogatories put to the deponent by the committee, he further deposeth, that he cannot recollect how many letters from Mr. Liston Captain Eaton said were found in the possession of Doctor Romayne, but is sure he used the plural number. That the circumstance of the reprimand given to Mr. Eaton by Colonel Pickering is not of the deponent's own knowledge, but was told to him by Captain Eaton. The deponent is certain that Captain Eaton told him the letter heretofore referred to in reply to the reprimand, was intended for Colonel Pickering. The deponent understood from Captain Eaton, that when he had gone to New York, he had received his instructions from this committee. That the reason why the deponent gave the first information of his knowledge in the premises to the Chevalier d'Yrujo, was, that he thought the intelligence of importance, and was desirous it should be communicated to the public; that the deponent had seen the correspondence between Mr. Pickering and the Spanish Minister, and thought the information would be of service to the latter, and would by him be made public. The deponent is well acquainted with Captain Eaton, and believes him to be a man of honor and integrity. The deponent had no reason to suppose that Captain Eaton had kept back or withheld from the committee any of the letters found in the possession of Doctor Romayne, or any important information which he had obtained. The deponent supposed that Captain Eaton had done his duty. That, on communicating this information to the Spanish Minister, he advised the deponent to appear

*Il ne se rappelloit pas du nom du batiment, mais il sera parti probablement dans un de deux que donnerent la voile pour Hambourg 7 d'Avril, viz: "La Favorite, Thompson," appartenant à M. Jeremiah. Warder, ou dans "La Bachus," appartenant à Messieurs Pratt & Kintzing.

before the committee and inform them of his knowledge.

JOHN P. RIPLEY.

(KLM.)

THOMAS ODIORNE, of Exeter, in the State of New Hampshire, of the age of twenty-six years, being examined before the Committee of the House of Representatives, appointed to prepare and report articles of impeachment against William Blount, being first duly sworn, deposeth and saith: That he was educated with Captain Eaton at Dartmouth College, and heard him say, after he returned from New York on an express, that several important letters were found in possession of Doctor Romayne, some of which were written by Robert Liston, the British Minister, offering money. That said Liston would be implicated in the Blount affair or conspiracy, and he supposed was at the bottom of it. After this, calling on Captain Eaton, he read the deponent a letter which he had prepared for Mr. Pickering, to apologize for having divulged the above, he having received a reprimand from Mr. Pickering for doing it. That Mr. Pickering said the utmost secrecy was requisite in respect to those letters. (Though Mr. Eaton reprobated every kind of foreign influence and our partiality to any individual nation, and was somewhat doubtful as to the necessity of those letters being kept from the people—or the purport of them—yet he concluded, though he had said the above, out of regard to Mr. Pickering, they should go no further.) This the deponent thinks is the main substance of what Captain Eaton communicated to him, part of which the deponent heard in presence of Mr. Ripley.

On being questioned by the committee, Mr. Odiorne further says, that he understood from Captain Eaton, that five letters were found in Doctor Romayne's possession, some of which were written by Robert Liston, in which he had offered money.

The deponent does not recollect that Captain Eaton explained for what the money was offered. The deponent understood that no more than five letters of any consequence were found. That the deponent understood from Captain Eaton, that he had gone to New York to arrest Doctor Romayne under the orders of the Committee of the House of Representatives. He said he had great powers given to him from the committee, and that he had obeyed them strictly; but the deponent does not recollect that he said he had given the five letters above referred to, to the committee. The deponent is very positive that Captain Eaton told him that the letter which he had written, and heretofore spoken of by this deponent, was for Colonel Pickering; but the deponent did not see the direction of the letter, as it was not at that time folded or directed; but Captain Eaton was copying it from a book in which he had written it. The deponent was informed by Captain Eaton and others, that this committee was sitting, charged with the business of Mr. Blount. That the deponent himself did not at that time think the conversation he had with Mr. Eaton of importance enough to be communicated to the committee; but, by the request of Mr. Ripley, he called on the Chevalier d'Yrujo, at whose desire he has attended the committee. That the sentiments of Mr. Eaton hereinbefore expressed, by this deponent, and contained between crotchets, were the sentiments expressed by Mr. Eaton in his letter to Colonel Pickering. That the deponent is not sure that Captain Eaton said Mr. Pickering had reprimanded him; but the deponent understood from Mr. Eaton that he had had a conversation with Colonel Pickering, in which Colonel Pickering had disapproved of his having spoken of the papers.

THOMAS ODIORNE.

July 25, 1797.

(NOP.)

DISTRICT OF MASSACHUSETTS, ss.

September 6, A. D. 1797.

Personally appeared Captain William Eaton, signer of the following deposition, and made oath to the truth of the declaration and facts therein stated.

Before me, SAMUEL LYMAN, Justice of the Peace throughout said district.

I, WILLIAM EATON, declare and say, that John Phillips Ripley, son of a very respectable Professor of Divinity and the Languages in Dartmouth College, lately a resident in Philadelphia, was cotemporary with me at that seminary; and though young, was among the circle of my friends there—he has been so since renewal of our acquaintance in Philadelphia. Some time about the 12th of July last, after my return from New York with Doctor Nicholas Romayne, I said to him that four or five enigmatical letters from Wm. Blount to Romayne were found among the papers of the latter, which undoubtedly had reference to the conspiracy of the former. That from Romayne's concession, I concluded letters of more importance had been by him destroyed. That one letter, signed Robert Liston, was found among some neglected papers of Romayne, at which he discovered evident perturbation, and that this letter countenanced the conspiracy. About the 17th July, Mr. Ripley was at my lodgings. I told him the Secretary of State had intimated to me an impropriety in mentioning those circumstances till after the papers were handed to the committee; that Mr. Hodgdon had done the same; and that I had written him (Mr. Hodgdon) on the subject. A copy of this letter I showed to Ripley. The Secretary of State said nothing to me of the effects a discovery of facts, relative to Mr. Liston's letter, would have on the minds of the people; he said nothing of injuring the views of Government, nothing of the bad policy of offending the British Minister or his nation, nor anything of Great Britain being the only friend we have. I never said to Mr. John P. Ripley, nor to any other person, that the Secretary of State

mentioned anything to me on these subjects. My letter to Mr. Hodgdon, above mentioned, if yet in existence, will demonstrate that these ideas and conclusions were the result of my own reflections; and will at least warrant the presumption that Mr. Ripley must have wholly mistaken them. The expressions—"Several important letters;" "Positive proof that the *British Government* was at the bottom of the conspiracy;" "That the letters offered rewards to those who would engage in the enterprise;" "rubbish," and "reprimand"—recorded in Mr. Ripley's deposition, I disclaim. I always considered the *late honorable* William Blount *at the bottom of the enterprise;* that his motives and views were altogether void of regard for others, further than comported with his individual interest; and that his project was not sufficiently matured to engage the co-operation of any Government. But that the British Minister did patronize the conspiracy, and that he would ultimately have influenced the agency of his Government in the measure, had circumstances conspired to render it practicable and advantageous to the British nation, I do believe, notwithstanding the sensibility he has expressed in exciting the Indians to the slaughter, and the singular regard his nation cherishes for the rights of neutrality. These, however, are creeds of my own. I never heard a syllable on the subject spoken by the Secretary of State. It is injurious that the insinuation should obtain. I always supposed the Secretary believed differently of Mr. Liston till the letter in view appeared; and even then, to me, he expressed nothing on the subject, except, as I have above related, the impropriety of giving publicity to that evidence before it was delivered to the Committee. Every article of information, which I have ever possessed relative to Blount's conspiracy, has been given to the Committee of the House of Representatives.

At the time Mr. Ripley and myself were remarking the liberties foreigners among us were suffered to take with impunity, in subversion of our internal tranquillity, and the audacity which this tolerance invited, he informed me, "There is now in this city, or Baltimore, a French engineer, who has made the tour of the United States, has taken plans of every commanding position on our seaboard, and other frontiers, and is about to transmit a copy, if he has not already done it, to the National Directory." This information I immediately communicated verbatim to the Secretary of State. I then expected to have tarried in Philadelphia a few weeks, but was that day requested to go to Cambridge with despatches.

On this subject I have since, on the 6th ultimo, answered to questions of the Secretary of War by letter from Brimfield.

I do not recollect whether Mr. Odiorne was present at this interview; am inclined to think he was. Sure I am no conversation had with Mr. Ripley has been hidden from him. He visited me often at Captain Elliott's quarters. I believed him an honest man; and from such no communication or conjecture which I have ever made ought to be hidden. I at least thus believed, and do still believe. If my intentions or observations have, through interest or error, been misconstrued and misapplied, I can only lament my misplaced confidence.

WILLIAM EATON.

SPRINGFIELD, 6*th September*, 1797.

(QRS.)

MARKET STREET, 23*d November*, 1797.

SIR: Encouraged by your polite invitation to produce and lay before the committee any proof or document I might obtain relative to the late discovered conspiracy of William Blount, and thinking the enclosed original letter from General Elijah Clark, of Georgia, to his Catholic Majesty's Consul, in Charleston, may tend to throw some light on the subject, I have the honor of transmitting it to you, sir, requesting you will be pleased to present it to the committee.

I have the honor to be, with great respect, sir, your most obedient servant,

LE CHEVALIER D'YRUJO.

SAMUEL SITGREAVES, Esq., *Chairman of the Committee of Inquiry, &c.*

(QRS No. 2.)

STATE OF GEORGIA, WASHINGTON, *August 9th*, 1797.

SIR: I received your letter by Major Patton, requesting me to inform you of the propositions, and persons who made them to me, respecting my junction with the British. The peculiar and delicate manner in which these propositions were made, and the delicacy with which the whole business was conducted, prevents me from giving you that satisfaction on the subject which I wish. I can only say that an application was made to me from the British, through a channel which bound me to silence, if not acquiesced in. And this question asked me by that person—"Whether a salary of ten thousand dollars would or would not induce me to join the British?" I answered that no sum could ever induce me to join the British, upon any occasion whatever. In fact, I rejected the offer with disdain. Could I be more explicit upon the subject, I would gratify you with pleasure; but from the circumstances heretofore mentioned I am confident your good sense will dictate that silence on my part is the most prudent act.

I am, with respect, sir,
Your most humble servant,

ELIJAH CLARK.

DIEGO MORPHY, *Consul of Spain.*
Hon. by Major Patton.

(A a)

NEW YORK, 12*th July*, 1797.

SIR: I wrote to you yesterday, per post, respecting the circumstances which took place upon the apprehension of Doctor Romayne. It was impossible to conceal this business from public observation, as the attention of many persons was

excited by the visit to his house at an unusual hour, and his sudden departure for Philadelphia with Captain Eaton and his assistant. In the course of the day information was given to me that Doctor Charles Buxton, of this city, formerly a pupil to Doctor Romayne, was acquainted with some of the circumstances relative to the plot in which he was engaged. I was told that, in a moment of intoxication, he had declared that Romayne would become one of the greatest men in this country, and that he himself was engaged to fill an important station under him. This declaration was considered, at the time, as merely the effect of wine and vanity, and, as the particulars of the scheme were not disclosed, the whole would probably have been forgotten, if Doctor Romayne had not been implicated in the discoveries lately made. In consequence of that circumstance, Buxton was, without my knowledge, called upon by my informant for an explanation, and I was told that he had acknowledged his acquaintance with the nature of the business, and that he had seen a letter from Mr. Liston to Romayne respecting it. Though from this information it appeared probable that Buxton was possessed of Romayne's confidence, and was willing to embark in the undertaking, whatever it might be, yet, from the general character of the parties, I did not believe that he could have had any direct intercourse with the other principal agents, or that he possessed any material papers relating to it. I was also convinced that, if he ever had such papers, they must have been destroyed, as he would naturally have taken the alarm upon the first account of the discovery. For these reasons I thought it could not be improper to apply to Dr. Buxton personally, and hear his own account of the business before any other measure was taken. This I have accordingly done; and he has assured me that the propositions made to him were only *generally* of some employment much to his benefit on the Missisippi, which, however, he apprehended *might interfere with his duty* to the United States, and had declined. He admitted that he had seen two letters in Doctor Romayne's hands, one from a person of consequence in England, (supposed to be Sir William Pulteney,) and the other, he thinks, from Mr. Liston; but he affects to have a very indistinct recollection of their contents. Should it be thought advisable to compel the attendance of Doctor Buxton, either as a witness or otherwise, before the committee of the House of Representatives, an order or warrant for that purpose will of course be forwarded.

I am this moment informed that William Duer, formerly Assistant Secretary of the Treasury, is suspected of being privy to this transaction. The reasons assigned are his frequent interviews, at late hours, with Doctor Romayne, and his having betrayed some agitation at the arrest of that person. I know nothing of these facts, but it is observable that a letter of Mr. Duer's, relating to a land speculation, was among those papers of Doctor Romayne which were most in sight, and it might have been so placed to remove suspicions, if any should arise.

I have the honor to be, with the highest, respect, sir, your most obedient servant,

RICHARD HARRISON.

Hon. TIMOTHY PICKERING, Esq.,
Secretary of State.

(A b.)

NEW YORK, *July* 11, 1797.

SIR: The arrest of Doctor Romayne has been the subject of much conversation this day. I think it proper to state to you that Doctor Hicks, who was formerly a student with Dr. Romayne, informs me a gentleman, who also was once a student with him, told him (Doctor Hicks,) several weeks ago, that he had conveyed letters from Doctor Romayne to the British Minister, and was requested or directed to deliver them to the Minister with his own hand. The name of this gentleman Dr. Hicks has not mentioned to me; but he is in this city. Whether this circumstance deserves investigation, is submitted to the opinion of the proper authorities; but I have thought it my duty to state the circumstance to you. Mr. Blount's intimacy with Doctor Romayne, while in this city, was a subject of remark. We are alive to this discovery, and everything that can throw light on it.

I am, sir, with great respect, your obedient servant, N. WEBSTER, JR.

Hon. TIMOTHY PICKERING, Esq.,
Secretary of State, Philadelphia.

(A c.)

NEW YORK, *July* 12, 1797.

SIR: I take the liberty of informing you that their are other characters in New York that are not less dangerous to the happiness of the U. S. than Doctor Romayne, and that if the ware in custity I should appear against one in particular who has been hear from the State of Penn. this five month and better was in company with W: Blount last spring in this City and with the Doctor and lodges in the house of the last mentioned corner of John and Nassau street No 23 he is caul'd Col. Stevenson or by some General it can be proven that this man is in the consern and that he makes it a point to abuse you and many other public offisers upon all occations in the most scurilous manner such as rascals, scoundrals and velons this man is despart and unless he is apprehended know one will venture to come forward against him he has chalanged severals in this place and would not think any thing of taking the life of any person he new would inform on him. He is at this time confined with the gout but not so as to prevent his being taken to the seat of justice. I shall come forward when he is taken and prove more than I shall venture to assert in this.

In the mean time I remain your Exelency's most ob. servant & friend to my country. H. M.

TIMOTHY PICKERING, Esq.
Secretary of State.

P. S. There is but one other that know I have writen. H. M.

(A d.)

July 13, 1797.

DEAR SIR: The committee are of opinion that the suspicion against Col. Stevenson, arising out of H. M.'s letter, should be traced if possible. It would not be right to issue a warrant to apprehend him without some better proof than an anonymous correspondence; yet the thing deserves inquiry. Perhaps by enclosing the letter to Mr. Harrison, he may be able to discover the author, and procure further information. The letter is returned to you, that you may, if you think it proper, write to Mr. Harrison on the subject.

We propose to send a subpœna for Dr. Buxton; either Claxton or Dunn will go with it, if you will furnish the means.

There are other reasons, besides Mr. Harrison's letter, to suppose that Mr. Duer had a pretty full knowledge of the project. A Richard Smith, who has been lately with him in New York, has said that Mr. Duer gave him information on the subject, in general terms, corresponding with Romayne's disclosure. Perhaps Mr. Harrison may obtain from him some important testimony.

We submit it to your consideration whether by communicating to Mr. Liston the fact that we have in our possession his letter to Romayne, he may not be induced to give up Romayne's letter to which it is an answer, as well as the rest of Romayne's correspondence with him. We should be very glad to see the letter from Lord Grenville, which you informed us Mr. Liston had shown you, and of which you imagined he would make no difficulty to let you have a copy.

I am, dear sir, with great regard, your most obedient servant,

S. SITGREAVES.

The SECRETARY OF STATE.

(A e.)

PHILADELPHIA, *July* 16, 1797.

SIR: It is reported that your committee has sent to Tennesse for some witneses. One Mitchel told me last winter that his partner knew every thing more than he did. I give this news which I hope may be useful.

Your servant a friend to truth

G. H.

Mr. SITGREVES—
Committe man—present—(this)

(A f.)

NEW YORK, *July* 19, 1797.

SIR: Crossing the ferry this day and listening to the conversation of some gentlemen of this city, of which Dr. Romayne was the topic—I remarked the following:

That, Sunday previously to R.'s being taken, he was at the house of Mr. Benjamin Wintrop, and made use of such observations as these—"The Government of the United States is not, in fact, nor ought it to be considered a Government; it was founded on rebellion and supported by faction, and that a *short time* would restore things, in this country, to the political order which existed before the Revolution."

It has transpired from some of R.'s confidants, that he has said: "One year would make him Governor of the Natchez."

I took the liberty to ask the name of the gentleman who seemed to lead in these observations, and found it to be Leonard Bleeker.

I have the honor to remain, sir, most respectfully, your obedient servant,

WILLIAM EATON.

Hon'ble Mr. SITGREAVES,
Chairman of the Committee of Congress,
Philadelphia.

(A g.)

NEW YORK, *June* 20, 1797.

SIR: A few days since, I received from Caleb Russel, attorney-at-law in Morristown, New Jersey, the following verbal communication, viz:

That, in the month of May last, one Munsun Day (or Dey) informed him that he was going to the Western country; that there was a grand business going on, that they were to invade the Spanish territories, and drive them from Louisiana, &c., and take the fort at the Natchez; that there was a person gone to England on the subject; that he should make his fortune, &c.; that he had his information and was employed by one Mitchel, a surveyor; that Mitchel authorized and pressed him to raise forty or fifty young men, all of whom were to be highly rewarded.

That he spoke of his business in so open a manner, through Morristown, that it passed unregarded.

This Day is a young man, not yet arrived at twenty-one. He made essays, however, to get his complement of men; but, not succeeding, he went to the Tennessee, taking with him two or three.

Mitchel went on the business to the Tennessee. He was to be a great man in the affair. His Christian name, Mr. Russel could not recollect. But it can be had at Morristown, where, it seems, he is well known.

Not knowing from what quarter light might be thrown upon this mysterious business, I thought it a duty to trouble you with this epistle.

Health and respect, from

WM. WILCOCKS.

TIMOTHY PICKERING, Esq.,
Secretary of State, Philadelphia.

(A h.)

From the New York Herald, of August 2d, 1797.

A writer in the Argus, signed "Flaccus," asks Dr. Romayne the following questions:

"Were you an acccomplice with William Blount, in the design of violating the American territory, to attack, murder, plunder, and destroy, the subjects of our good ally the King of Spain? Were you the man who first suggested the idea to Governor Blount? Who first seduced him into

the plan? Was this idea your own, or did it originate with that conspicuous example of talents, virtues, and manners, your fast friend and inseparable companion, William Duer? Did you write letters to Pulteney, of London, to supply you with money for the expedition, and to make the best treaty he could with Pitt for places, pensions, territory, &c., for yourself and friends, in case you should succeed? Did Duer compose fifteen or twenty sheets of paper, pointing out the immense advantages that must accrue to Great Britain, by an acquisition of New Orleans, and the territory of Louisiana and the Floridas? Did you copy this, read it over to Blount and some others, whose names for the present shall not stain my paper, at Mrs. Gordon's boarding house, in Greenwich street, and send it off to England as your own production? Were there daily and nightly meetings in that lady's bed-room, of four persons, settling, digesting, and arranging the nefarious plot, during the whole period of Governor Blount's visit to New York, in the Fall of the last, and Spring of the present year? Were you one of those four; and, if so, by what appellation would you designate such a convention? Would you call it a club or a committee?"

(A i.)

COMMITTEE-ROOM, *August* 30, 1797.

DEAR SIR: On the 13th July, you communicated to the Committee of the House of Representatives, a letter from Mr. Harrison, of the 12th July; and another letter, directed to you, under the signature of "H. M.," dated also at New York, July 12, which letters intimated certain suspicions affecting Mr. Duer and Col. Stevenson, as connected with Blount's plans. On the same day, when you made this communication, we requested you would be good enough to write to Mr. Harrison, on the subject of these suspicions, and engage him to pursue the inquiry as far as practicable; for which purpose we enclosed to you the letter of H. M.

Certain queries, signed "Flaccus," originally published in the Argus, and which I find republished in the Herald, of August 2d, addressed to Dr. Romayne, seem to point to the same objects which were the subjects of the letters above referred to. We conceive these intimations ought not to be neglected, and propose to write to Mr. Harrison to endeavor to obtain further light, if possible, but are first desirous to know, whether he has hitherto, under your directions, made any inquiries conformably to the wish of the committee.

Will you take the trouble to inform us, whether you have received from Mr. Harrison any intelligence of his inquiries, or their result?

I am, sir, your very obedient servant,

S. SITGREAVES.

Col. PICKERING.

(A k.)

PHILADELPHIA, *August* 30, 1797.

SIR: I have the honor to acknowledge the receipt of your letter of this date, inquiring whether I had received any information from Mr. Harrison relative to Mr. Duer and Col. Stevenson, who were mentioned in some anonymous letters, as connected with Gov. Blount's plot? and answer, that I have not heard from Mr. Harrison on the subject. I have shown you my letter to him making the inquiries which you requested.

I am, respectfully, sir, your obedient servant,

T. PICKERING.

SAMUEL SITGREAVES, Esq.,
Chairman of the Committee
of the House of Representatives.

(A l.)

Copy of the letter from the Secretary of State to Richard Harrison, Esq., referred to in the last letter.

DEPARTMENT OF STATE,
Philadelphia, July 14, 1797.

SIR: I have shown your letters of the 11th and 12th to the Committee of the House of Representatives. Yesterday the Chairman wrote me a letter, from which I quote the following paragraph:

"There are other reasons, besides Mr. Harrison's letters, to suppose that Mr. Duer had a pretty full knowledge of the project. A Richard Smith, who has lately been with him in New York, has said that Mr. Duer gave him information on the subject, in general terms, corresponding with Romayne's disclosure. Perhaps Mr. Harrison may obtain from him some important testimony."

Yesterday, I received the enclosed anonymous letter concerning one Col. Stevenson, as connected with Blount and Romayne. I know Stevenson. It is doubtless the same person who published, in the newspapers, his correspondence with me and Mr. McHenry, as Secretaries of the War Department, about his complaint against General Morgan, while commanding the militia army against the Pennsylvania insurgents.

* * * * * * * * *

If you can make any use of this information, to discover more of the designs of the conspirators, you will certainly do it.

I have the honor to be, with great respect, sir, your obedient servant, T. PICKERING.

RICHARD HARRISON, Esq.,
Attorney of the United States,
District of New York.

P. S. I have just received another letter (dated July 12th) concerning Col. Stevenson, which I also enclose.

(A m.)

PHILADELPHIA, *August* 31, 1797.

SIR: On the 13th July last, the Secretary of State communicated to the Committee of the House of Representatives, your letter to him of the 12th of the same month, intimating some suspicion of Mr. Duer, as privy to the plans of Governor Blount. At the same time, the Secretary of State also communicated to us an anonymous

letter, under the signature of "H. M.," dated New York, July 12, 1797, intimating suspicions of a similar nature against a Colonel Stevenson. There were other reasons besides those suggested by you to create some belief of Mr. Duer's knowledge or concern in these transactions: And the committee thought that such repeated intimations ought not to be neglected; but as Mr. Duer's actual situation would render it inconvenient, if not impracticable, lawfully to obtain his attendance before the committee by any process which they could issue, we signified to Col. Pickering our wish that he would endeavor to engage your good offices in procuring from Mr. Duer what information he was willing to give on the business with which the committee are charged. The suspicion excited against Col. Stevenson having no better foundation than an anonymous letter, we did not believe that we could be justified, without further proof, in doing any act that might put him to inconvenience, or subject him to imputation; but as we were desirous to neglect no occasion of tracing, by every just and practicable means, any appearances connected with the object of our inquiries, we requested Col. Pickering to transmit to you the anonymous letter which he had received, with the hope that it might be in your power to discover the author and further to investigate the causes of suspicion it contained.

As we are informed by the Secretary of State that he wrote to you conformably to the request of the committee, but has not received from you any communication of the result of your inquiries, we presume they have not been attended with any success. But, having observed in the Herald, of August 2, certain queries addressed to Doctor Romayne, signed "Flaccus," and republished from the Argus, of New York, pointing to the same objects of suspicion with the letters herein before referred to, it has occurred to us that the printer of the Argus, by giving you the name of the author of those queries, might enable you to prosecute this inquiry with some better hope of a satisfactory result. At any rate, we believe that we ought to make every practicable attempt to obtain information, as we are responsible for the endeavor, though not for its success.

I am desired, therefore, by the committee, to request that you will take the trouble of another effort to extract some light from these various hints and intimations; and that you will favor them with a line to inform them as well of what has been essayed, in consequence of their former request through the Secretary of State, as of what you shall be able to accomplish by any new inquiries.

I beg you to accept the assurance of the reluctance with which the committee give you the trouble of their repeated requests, and of the perfect respect and consideration with which,

I am, sir, your most obedient servant,

S. SITGREAVES, Chairman.

RICHARD HARRISON, Esq.,
Attorney of the United States,
District of New York.

(A n.)

NEW YORK, *September* 16, 1797.

SIR: A scene of domestic affliction in which I have lately been involved, prevented my attention to your letter of the 31st ultimo, until a few days ago. As soon as I was able to turn my mind to that subject, I called upon Mr. Greenleaf, the printer of the Argus, for the information you requested. He has given me the name of William Langworthy, an Englishman, who has been about two years in this country, as the author of the queries, signed "Flaccus." At the same time, he has assured me that, before the publication, he expressed to Mr. Langworthy his expectation that he would be called upon, and was told that he had no objection to a particular disclosure of all that he knew.

It seems that this Mr. Langworthy was a lodger in Mrs. Gordon's house, at the time the occurrences are supposed to have taken place, which are alluded to in these queries.

I have no great confidence in the authority upon which this communication rests, but that nothing on my part might be wanting, I have inquired for Mr. Langworthy, who, it seems, is now in the country, and I shall endeavor to see him as soon as I hear of his return to this place.

I perfectly accord with you in sentiment, that the letter respecting Col. Stevenson does not furnish sufficient grounds upon which any measures can be taken: And, with respect to Mr. Duer, I have no idea that any information can be obtained in the way that has been intimated. He is in general a zealot in whatever he undertakes, and has that kind of attachment to all his plans, which is common with persons of that description.

I am, with the highest respect, sir, your obedient servant, RICHARD HARRISON.

SAMUEL SITGREAVES, Esq.,
Chairman of the Committee of the House of Representatives, Philadelphia.

Supplementary Evidence, reported by Committee after submission of first Report.

ABEL HOLDEN, Jr., of the city of New York, in the State of New York, being duly sworn upon the Evangelists of Almighty God, makes oath and saith, that he lived for a number of years in the State of New Hampshire, where he was acquainted with John Phillips Ripley, nephew to the President of Dartmouth College; that the said John Phillips Ripley lived for about two months during the last Summer, and this deponent thinks in the months of July and August, as a boarder and lodger in the house of Asa Holden, the uncle of this deponent, where this deponent also lived at the same time, in the city of New York; that the said John Phillips Ripley, during the same period, having been applied to for payment of the money due for his said board and lodging, this deponent, at his request, accompanied him first to a house at the corner of Pearl and Broad streets, in the said city, where he said he would see a gentleman

from whom he was to have some money; that the said John Philips Ripley there conversed with a person to this deponent unknown, in the French language, which this deponent does not understand, and then informed this deponent that the gentleman whom he expected to have seen was not at home; that this deponent then proceeded with said John Phillips Ripley, at his desire, to a house in Greenwich street, near the Battery, in the said city, which this deponent has since understood to be occupied by the Spanish Consul, and where, as this deponent then understood, he expected to see the Spanish Minister; that in the course of conversation on a former day, the said John Phillips Ripley had informed the deponent that he knew the Spanish Minister, whom he had recently seen in the said city, in a phaeton drawn by four horses; that upon their coming to the said house in Greenwich street, the said John Phillips Ripley looked in at one of the windows, and said he saw there was company in the room, and that he would take another opportunity of calling, or to that effect, and added, that he had already had two hundred dollars from the said Minister, and was to have more money from him; that he has heard the said John Phillips Ripley say that he should have had the office afterwards conferred upon Captain Eaton, of Consul to Algiers, but that Captain Eaton had interfered and prevented it; that he was present when a similar declaration of the said John Phillips Ripley was mentioned to Captain Eaton, who then observed that he had been inclined to favor Ripley's views, but that there were substantial reasons to prevent his appointment, and further added, that he understood Ripley had received money from the Spanish Minister; that this deponent thereupon communicated to Captain Eaton what the said John Phillips Ripley had mentioned to him as aforesaid, and had before mentioned the same in the family of his uncle, the said Asa Holden.

ABEL HOLDEN, Jr.

Sworn the 30th day of December, 1797, before me (the word "had," and the words "whom he had recently seen in the said city, in a phaeton drawn by four horses," being first interlined, the last words over an obliteration.)

RICHD. VARICK *Mayor.*

GEORGIA, WILKES COUNTY,
Tuesday, March 27, 1798.

General ELIJAH CLARK being sworn by William Barnet, Esq., one of the Justices of the Inferior Court, to make true answers to the interrogatories transmitted to us and Benjamin Taliaferro, Esq., or any two of us, by the said committee, deposeth to the first interrogatory, and saith:

That he wrote the letter of which the annexed is a copy, to the best of his knowledge and belief, and to the person to whom it is addressed.

To the second interrogatory he saith, there was an application made to him as suggested in the said letter. That the application was made to him by one William Carrick, to the best of his recollection, some time in the month of May, in the year 1797, at his house in Wilkes county; that the said Carrick came to his house the day before any propositions were made, and tarried all night; that he appeared to know this deponent, and said he had seen him about ten years before in Savannah, though this deponent could not call to his mind that he had ever seen the said Carrick before; that during the evening he talked much of the existing war between France, Spain, and England; that the day after his arrival, some little time after breakfast, he informed this deponent that he was a British Captain, then from Charleston, and intended to return there as soon as possible, by the way of Savannah, where he expected to see Colonel John McIntosh, and that he was authorized by the British Government to propose to this deponent $10,000, as mentioned in the said letter, as a salary, if he, this deponent, would engage in the British service against the Spaniards and French; and this deponent should hold in the said service the same rank that he held in the State of Georgia.

That the said proposals were oral, and not in writing. And this deponent further saith, that after he had contemptuously refused to close with the said propositions, the said Carrick asked this deponent if any sum would engage this deponent to enter into the service of the British Government? And, having explicitly informed the said Carrick, that nothing could induce him to enter into their service, the said Carrick extorted a promise, that nothing more should be said of the propositions so as aforesaid made, which this deponent felt no reluctance in giving, not believing at the time that a disclosure could in any manner be interesting to the Government of the United States. That the design, scheme, or enterprise, was not disclosed to this deponent; and that the said Carrick left the house of this deponent in one half hour, he believes, after the said propositions were made and rejected.

To the third interrogatory he saith, that he does not know of any proposals made by and on the part of the British or any other foreign nation, to any citizen or citizens of the United States, for the purpose of engaging them in any enterprise hostile to the United States.

his
ELIJAH ⋈ CLARK.
mark.

(1.)

Letter from the Chevalier D'YRUJO, Minister Plenipotentiary to the United States from Spain, to the Chairman of the Committee appointed to prepare and report Articles of Impeachment against William Blount, dated January 19, 1798.

PHILADELPHIA, *January* 19, 1798.

SIR: Having seen, by the supplementary report of the committee, which you laid before the House on Thursday, the 18th instant, that Abraham Holden has declared that J. P. Ripley had received from me a sum of money in New York, to extricate him from a difficulty in which he found himself, I think it an indispensable duty I

owe to myself, to prove the total misrepresentation of the fact by the following statement. Towards the latter end of last September, on my return to New York from Boston, I was informed that Mr. Ripley had been arrested for debt, and that by the interposition of Governor Jay he had been prevented from going to prison. Mr. Ripley shortly after applied to a merchant in New York for a sum of money in order to extricate himself finally from this embarrassment; the gentleman applied to me for information respecting Mr. Ripley, and, on my telling him I had every reason to consider him as a young man of honor and integrity, he advanced him, on his own notes, the money he required, the amount of which I do not exactly recollect. Moreover, I think it necessary here to observe to you, sir, that from the first moment of my acquaintance with Mr. Ripley, I never have, directly or indirectly, offered him any money or other reward, or in any ways hinted to compensate him for his deposition, as he was conscious it was his duty, and in that light only have I viewed it. I have further reason to believe this motive was the only inducement he had to apply to me, at the commencement of the sitting of the committee, as it was an entire voluntary act of his own.

As the deposition of Mr. Holden has been laid before Congress, permit me, sir, to request of the committee to do the same with this letter, and, if necessary, to take proper steps for the further elucidation of the above-mentioned facts, in order to remove any wrong impression it might make on the public.

I have the honor to be, sir, your most obedient servant, LE CHEVALIER D'YRUJO.

SAMUEL SITGREAVES, Esq.,
Chairman of the Committee of the House of Representatives, for the impeachment of William Blount.

(2.)

Letter from John Phillips Ripley to the Chairman of the Committee appointed to prepare and report Articles of Impeachment against William Blount, dated January 19, 1798.

PHILADELPHIA, *January* 19, 1798.

SIR: I have just seen, with much surprise, an abstract of a deposition made by Abraham Holden, of New York, "which seems to imply that I was supplied with money while in New York by the Spanish Minister, and that I had received two hundred dollars from him, and expected more." I beg leave, sir, to relate to you the facts which may, perhaps, have given some color to the impressions made on the mind of the deponent. It is, however, extremely disagreeable to be obliged to trouble you with any observations respecting my personal affairs.

Some time after my arrival in New York, in September last, owing to a mistake of a person in Philadelphia, I was arrested for debt. The plaintiff having removed from the town on account of the fever, no explanation could take place, nor any communication be made. Not expecting the suit, nor having any money in New York to discharge it, and having scarcely any acquaintance in that city, I found myself reduced to a disagreeable dilemma. In this situation I applied for bail to Mr. Isaac Clason, who declined interfering in my behalf. I found myself, then, under the necessity of making application to Governor Jay, who very kindly pledged his word to the officer for my appearance on a certain day. On that day Governor Jay left town for Albany; I surrendered myself to the officer, and the matter not being yet accommodated, I requested Mr. Thomas Stoughton to become my bail. He replied, being Consul of Spain, it was not consistent with his office and instructions to interfere in the justice of the country. I related to him the manner in which Governor Jay had assisted me, and he at length followed his example. Some time after, the Chevalier D'Yrujo arrived at New York from Boston. Owing to the continuance of the malady at Philadelphia, I had not been able to hear from the plaintiff, nor from any other person of my acquaintance. My situation, it may be well supposed, was by no means enviable. I described it to the Chevalier. He told me it was not convenient for him to assist me; but, on representing my anxiety of finishing the affair, and the necessity of my returning to Philadelphia, he promised to recommend it to Mr. Stoughton. On applying to Mr. Stoughton, he lent me sufficient money to conclude the affair, for which I gave my notes. This simple narration exposes all the ground on which Mr. Holden can build his assertions or conjectures. Living in the same house with him, he, of course, became acquainted with my embarrassment, and I took no pains to conceal from him, or any one else, the manner in which I was extricated. He has, doubtless, mistaken the Consul for the Minister.

This relation will, I trust, be sufficient to explain or correct the impressions which were made on the mind of the deponent. It may, however, not be amiss to add, that the Chevalier D'Yrujo never gave me, offered, nor promised me, any money or reward. In confirming me in my resolution of declaring before the Committee the facts which I knew, he simply represented it as the duty of a citizen to declare, on all occasions, the truth: to detect and frustrate the projects of those who may desire to sacrifice our neutrality, or to substitute unnatural and impolitic connexions in the place of those which our reason, our interest, and our engagements, should induce us to support.

This plain and correct explanation of facts will, I trust, enable every one to appreciate, properly, the importance of Mr. Holden's deposition, and will remove any wrong impression which may have been induced by it.

I have the honor to be, with great respect, sir, your most obedient and humble servant,

JOHN P. RIPLEY.

Hon. Mr. SITGREVVES,
Chairman of the Committee of the House of Representatives for the trial of William Blount.