

# EXECUTIVE JOURNAL.

[FOURTEENTH SESSION.]

*The Fourteenth Session of the Senate of the United States, began May the 15th, 1797.*

FRIDAY, MAY 19, 1797.

The following written message was received from the President of the United States, by Mr. Malcom, his Secretary:

*Gentlemen of the Senate:*

I nominate Joshua Sands, of New York, to be Collector of the District of New York, vice John Lamb, dismissed.

JOHN ADAMS.

UNITED STATES, *May 19th*, 1797.

The message was read.

*Ordered*, That it lie for consideration.

SATURDAY, MAY 20, 1797.

The following written message was received from the President of the United States, by Mr. Malcom, his Secretary:

*Gentlemen of the Senate:*

I nominate John Quincy Adams, of Massachusetts, to be Minister Plenipotentiary from the United States to the king of Prussia.

JOHN ADAMS.

UNITED STATES, *20th May*, 1797.

The message was read.

*Ordered*, That it lie for consideration,

The Senate proceeded to consider the message of the President of the United States, of the 19th instant, and the nomination therein contained, of Joshua Sands, of New York, to be Collector of the District of New York, vice John Lamb, dismissed. Whereupon,

*Resolved*, That they do advise and consent to the appointment, agreeably to the nomination.

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

TUESDAY, MAY 23, 1797.

The Senate proceeded to consider the message of the President of the United States of the 20th instant, and the nomination therein contained, of John Quincy Adams, of Massachusetts, to be Minister Plenipotentiary from the United States to the king of Prussia; and, after debate,

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

MONDAY, MAY 29, 1797.

The following written message was received from the President of the United States, by Mr. Malcom, his Secretary:

*Gentlemen of the Senate:*

I lay before you, for your consideration and advice, a treaty of perpetual peace and friendship between the United States of America and the Bey and subjects of Tripoli, of Barbary, concluded at Tripoli, on the 4th day of November, 1796.

JOHN ADAMS.

UNITED STATES, *May 26th*, 1797.

The message and treaty were read.

*Ordered*, That they lie for consideration.

TUESDAY, MAY 30, 1797.

The Senate proceeded to consider the message of the President of the United States, of the 29th instant, and the treaty therewith communicated, between the United States and the Bey and subjects of Tripoli, of Barbary.

*Ordered*, That it be referred to Mr. Bloodworth, Mr. Goodhue, and Mr. Tazewell, to consider and report thereon to the Senate.

On motion,

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

The Senate resumed the consideration of the message of the President of the United States, of the 20th instant, and the nomination therein contained, of

John Quincy Adams, of Massachusetts, to be Minister Plenipotentiary from the United States to the king of Prussia.

On motion, that it be

*Resolved*, That the President be informed that the Senate deem it unnecessary to establish a permanent Minister at the Court of Prussia, and for that reason do not approve his nomination of John Quincy Adams for that purpose;

And, after debate,

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

WEDNESDAY, MAY 31, 1797.

The following written messages were received from the President of the United States, by Mr. Malcom, his Secretary:

*Gentlemen of the Senate:*

I nominate General Charles Cotesworth Pinckney, of South Carolina, Francis Dana, Chief Justice of the State of Massachusetts, and General John Marshall, of Virginia, to be jointly and severally Envoys Extraordinary and Ministers Plenipotentiary to the French Republic.

After mature deliberation on the critical situation of our relations with France, which have long engaged my most serious attention, I have determined on these nominations of persons to negotiate with the French Republic, to dissipate umbrages, to remove prejudices, to rectify errors, and adjust all differences, by a treaty between the two powers.

It is, in the present critical and singular circumstances, of great importance to engage the confidence of the great portions of the Union, in the characters employed, and the measures which may be adopted: I have therefore thought it expedient to nominate persons of talents and integrity, long known and intrusted in the three great divisions of the Union; and, at the

same time, to provide against the cases of death, absence, indisposition, or other impediment, to invest any one or more of them with full powers.

JOHN ADAMS.

UNITED STATES, *May 31, 1797.*

*Gentlemen of the Senate:*

I nominate Jacob Lewis, of Massachusetts, to be Consul of the United States for the Isle of France, in the room of William Macarty, resigned.

JOHN ADAMS.

UNITED STATES, *May 31, 1797.*

The messages were severally read.

*Ordered*, That they lie for consideration.

The Senate resumed the consideration of the message of the President of the United States, of the 20th instant, and the nomination therein contained, of John Quincy Adams, to be Minister Plenipotentiary from the United States to the king of Prussia.

And the motion yesterday made thereon being withdrawn,

On motion, that the nomination of John Quincy Adams for Minister Plenipotentiary at the Court of Prussia, be postponed,

A motion was made to amend the motion by adding thereto the following words, "until the 10th of March next;" which passed in the negative; and,

On motion, it was agreed that the motion be amended to read as follows:

*Resolved*, That the consideration of the nomination of John Quincy Adams for Minister Plenipotentiary at the Court of Prussia, be postponed.

And, on the question to agree to the motion as amended,

It was determined in the negative, { Yeas, . . . . . 12,  
Nays, . . . . . 17.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Bloodworth, Blount, Brown, Cocke, Henry, Howard, Hunter, Langdon, Martin, Marshall, Mason, and Tazewell.

Those who voted in the negative, are—Messrs. Bingham, Bradford, Foster, Goodhue, Hillhouse, Latimer, Laurance, Livermore, Paine, Read, Ross, Rutherford, Sedgwick, Stockton, Tichenor, Tracy, and Vining.

On motion, that it be

*Resolved*, That there is not, in the opinion of the Senate, any present occasion that a Minister should be sent to Prussia;

On which the previous question was called for, to wit: Shall the main question be now put?

And it passed in the negative, { Yeas, . . . . . 11,  
Nays, . . . . . 18.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Bloodworth, Blount, Brown, Cocke, Henry, Hunter, Langdon, Marshall, Martin, Mason, and Tazewell.

Those who voted in the negative, are—Messrs. Bingham, Bradford, Foster, Goodhue, Hillhouse, Howard, Latimer, Laurance, Livermore, Paine, Read, Ross, Rutherford, Sedgwick, Stockton, Tichenor, Tracy, and Vining.

So the main question was lost. Whereupon,

*Resolved*, That the Senate do advise and consent to the appointment, agreeably to the nomination.

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

## THURSDAY, JUNE 1, 1797.

The Senate proceeded to consider the message of the President of the United States, of the 31st of May, instant, and the nomination therein contained, of Jacob Lewis, of Massachusetts, to be Consul of the United States for the Isle of France, in the room of Wm. Macarty, resigned. Whereupon,

*Resolved*, That they do advise and consent to the appointment, agreeably to the nomination.

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

The Senate proceeded to consider the message of the President of the United States, of the 31st of May, instant, and the nominations therein contained, of

General Charles Cotesworth Pinckney, of South Carolina, Francis Dana, Chief Justice of the State of Massachusetts, and General John Marshall, of Virginia, to be, jointly and severally, Envoys Extraordinary and Ministers Plenipotentiary to the French Republic.

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

## MONDAY, JUNE 5, 1797.

The Senate resumed the consideration of the message of the President of the United States, of the 31st of May, instant, and the nominations therein contained, of

General Charles Cotesworth Pinckney, of South Carolina, Francis Dana, Chief Justice of the State of Massachusetts, and General John Marshall, of Virginia, to be jointly and severally Envoys Extraordinary and Ministers Plenipotentiary to the French Republic.

On motion, that it be

*Resolved*, That the Senate do advise and consent to the appointment of Charles Cotesworth Pinckney, as one of three Envoys Extraordinary and Ministers Plenipotentiary, with joint and several powers, to the Republic of France;

It was determined in the affirmative, { Yeas, . . . . . 23,  
Nays, . . . . . 4.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Bingham, Bradford, Brown, Foster, Goodhue, Henry, Hillhouse, Howard, Langdon, Latimer, Laurance, Livermore, Martin, Marshall, Read, Ross, Rutherford, Sedgwick, Stockton, Tattnall, Tichenor, Tracy, and Vining.

Those who voted in the negative, are—Messrs. Bloodworth, Cocke, Mason, and Tazewell.

On motion, that it be

*Resolved*, That the Senate do advise and consent to the appointment of Francis Dana, as one of the three Envoys Extraordinary and Ministers Plenipotentiary, with joint and several powers, to the Republic of France;

It was determined in the affirmative, { Yeas, . . . . . 22,  
Nays, . . . . . 6.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Bingham, Bloodworth, Bradford, Foster, Goodhue, Henry, Hillhouse, Howard, Latimer, Laurance, Livermore, Marshall, Paine, Read, Ross, Rutherford, Sedgwick, Stockton, Tattnall, Tichenor, Tracy, and Vining.



UNITED STATES, *June 20, 1797.*

The message was read.

*Ordered*, That it lie for consideration.

### WEDNESDAY, JUNE 21, 1797.

The following written message was received from the President of the United States, by Mr. Malcom, his Secretary:

*Gentlemen of the Senate:*

I nominate Edward White, of Georgia, to be Surveyor and Inspector of the Revenue for the port of Savannah.

Thomas Swepson, to be Surveyor and Inspector of the Revenue for the port of Suffolk, in Virginia, vice John Driver, deceased.

JOHN ADAMS.

UNITED STATES, *June 21, 1797.*

The message was read.

*Ordered*, That it lie for consideration.

The Senate proceeded to consider the message of the President of the United States, of the 20th instant, and the nomination therein contained, of

Elbridge Gerry, to be Envoy Extraordinary and Minister Plenipotentiary to the French Republic, jointly and severally with Charles Cotesworth Pinckney and John Marshall, in the place of Francis Dana, who has declined his appointment.

And, after debate,

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

### THURSDAY, JUNE 22, 1797.

The Senate resumed the consideration of the message of the President of the United States, of the 20th instant, and the nomination therein contained, of

Elbridge Gerry, to be Envoy Extraordinary and Minister Plenipotentiary to the French Republic, jointly and severally with Charles Cotesworth Pinckney and John Marshall, in the place of Francis Dana, who has declined his appointment.

And, on the question to advise and consent to his appointment,

It was determined in the affirmative, { Yeas, . . . . . 21,  
Nays, . . . . . 6.

The yeas and nays being required by one-fifth of the Senators present,

Those who voted in the affirmative, are—Messrs. Bingham, Bloodworth, Blount, Bradford, Brown, Cocke, Foster, Hillhouse, Howard, Hunter, Langdon, Latimer, Laurance, Livermore, Martin, Mason, Paine, Rutherford, Tattnall, Tazewell, and Tichenor.

Those who voted in the negative, are—Messrs. Goodhue, Marshall, Read, Ross, Sedgwick, and Tracy.

So it was

*Resolved*, That they do advise and consent to his appointment, agreeably to the nomination.

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

The Senate proceeded to consider the message of the President of the United States, of the 21st instant, and the nominations therein contained, of

Edward White, of Georgia, to be Surveyor and Inspector of the Revenue for the port of Savannah; and

Thomas Swepson, to be Surveyor and Inspector of the Revenue for the port of Suffolk, in Virginia, vice John Driver, deceased. Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations.

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

SATURDAY, JUNE 24, 1797.

The following written confidential message was received from the President of the United States, by Mr. Malcom, his Secretary:

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

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

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

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

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

JOHN ADAMS.

UNITED STATES, *June 23d*, 1797.

The message was read.

*Ordered*, That it lie for consideration.

The following written message was received from the President of the United States, by Mr. Malcom, his Secretary:

*Gentlemen of the Senate:*

I nominate Robert Hamilton, to be Marshal of the District of Delaware, in the room of Allan M'Lane, resigned.

Sylvanus Bourne, of Massachusetts, to be Consul General of the United States, in the Batavian Republic.

John Beeldemaker, to be Consul of the United States for Rotterdam.

John Baptiste Sartori, to be Consul of the United States, at Rome;

Job Wall, of Rhode Island, to be Consul of the United States, for the Island of St. Bartholomew.

JOHN ADAMS.

UNITED STATES, *June 24, 1797.*

The message was read.

*Ordered,* That it lie for consideration.

MONDAY, JUNE 26, 1797.

The Senate proceeded to consider the message of the President of the United States, of the 24th instant, and the nominations therein contained. Whereupon,

*Resolved,* That they do advise and consent to the appointments, agreeably to the nominations respectively.

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

The following written message was received from the President of the United States, by Mr. Malcom, his Secretary:

*Gentlemen of the Senate:*

I nominate George Truet, to be Supervisor of the Revenue for the District of Delaware, in the place of Andrew Barrat, Esq., who has resigned.

James Morrison, of Kentucky, to be Supervisor of the Revenue for the District of Kentucky, in the place of Thomas Marshall, Esq. resigned.

JOHN ADAMS.

UNITED STATES, *June 26th, 1797.*

The message was read.

*Ordered,* That it lie for consideration.

TUESDAY, JUNE 27, 1797.

The Senate proceeded to consider the confidential message of the President of the United States, of the 23d instant, respecting building and equipping two vessels for the Dey of Algiers.

*Ordered,* That it be referred to Mr. Tracy, Mr. Goodhue, and Mr. Langdon, to consider and report thereon, to the Senate.

The Senate proceeded to consider the message of the President of the United States, of the 26th instant, and the nominations therein contained.

On motion,

*Ordered,* That the consideration of the nomination of George Truet, be postponed until to-morrow.

On motion,

*Resolved,* That the Senate do advise and consent to the appointment of James Morrison, agreeably to the nomination.

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

WEDNESDAY, JUNE 28, 1797.

The Senate resumed the consideration of the message of the President of the United States, of the 26th instant, and the nomination therein contained, of George Truet, to office. Whereupon,

*Resolved*, That they do advise and consent to the appointment, agreeably to the nomination.

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

MONDAY, JULY 3, 1797.

The following written message was received from the President of the United States, by Mr. Malcom, his Secretary:

*Gentlemen of the Senate*:

I nominate James Simons, of South Carolina, to be Collector of the District of Charleston, in the place of Isaac Holmes, superseded.

JOHN ADAMS.

UNITED STATES, *July 3, 1797.*

The message was read.

*Ordered*, That it lie for consideration.

TUESDAY, JULY 4, 1797.

The Senate proceeded to consider the message of the President of the United States, of the 3d instant, and the nomination therein contained. Whereupon,

*Resolved*, That they do advise and consent to the appointment, agreeably to the nomination.

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

THURSDAY, JULY 6, 1797.

The following written message was received from the President of the United States, by Mr. Malcom, his Secretary:

UNITED STATES, *June 6th, 1797.*

*Gentlemen of the Senate*:

I nominate William Smith, of Charleston, South Carolina, to be Minister Plenipotentiary of the United States at the Court of Portugal, vice John Quincy Adams, removed to the Court of Berlin.

Thomas Bulkely, to be Consul General in Portugal, vice Edward Church, superseded.

Richard O'Brien, to be Consul of the United States, to the Dey and Regency of Algiers.

Charles Hall, of Pennsylvania, to be an Agent for the United States, under the law of the present session of Congress, in relation to the sixth article of the treaty of amity, commerce, and navigation, between the United States and Great Britain.

JOHN ADAMS.

The message was read.

*Ordered*, That it lie for consideration.

FRIDAY, JULY 7, 1797.

The following written message was received from the President of the United States, by Mr. Malcom, his Secretary:

UNITED STATES, *July 7th*, 1797.

*Gentlemen of the Senate:*

Inominate Jeremiah Smith, of New Hampshire, to be Attorney of the United States for that district, in the room of Edward St. Loe Livermore, resigned.

William Willis, a native citizen of the United States, to be their Consul for the Republic of Venice.

Frederick H. Wallaston, of a mercantile house established at Genoa, to be Consul of the United States for that Republic.

James Leander Cathcart, a citizen of the United States, and many years a prisoner in Algiers, to be Consul General of the United States for the city and kingdom of Tripoli. Mr. Cathcart was head Christian Clerk for some years to the Dey of Algiers.

William Eaton, a native citizen of the United States, (a Captain in their army, in which he has served about eight years,) to be Consul of the United States for the city and kingdom of Tunis.

William Hort, to be Naval Officer for the district of Charleston, in South Carolina.

JOHN ADAMS.

SATURDAY, JULY 8, 1797.

The message of the President of the United States, of the 7th instant, and the nominations therein contained, were read.

*Ordered*, That they lie for consideration.

MONDAY, JULY 10, 1797.

The Senate proceeded to consider the message of the President of the United States, of the 6th instant, and the nominations therein contained.

On the question to advise and consent to the appointment of William Smith, of Charleston, South Carolina, to be Minister Plenipotentiary of the United States at the Court of Portugal, vice John Quincy Adams, removed to the Court of Berlin;

It was determined in the affirmative,	{ Yeas, . . . . .	20,
	{ Nays, . . . . .	4.

The yeas and nays being required by one-fifth of the Senators present, Those who voted in the affirmative, are—Messrs. Bingham, Bloodworth, Bradford, Foster, Goodhue, Gunn, Hillhouse, Howard, Hunter, Latimer, Laurance, Livermore, Marshall, Martin, Read, Ross, Rutherford, Stockton, Tichenor, and Tracy.

Those who voted in the negative, are—Messrs. Brown, Cocke, Henry, and Tazewell.

And the other nominations in the said message being agreed to,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations.

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

The Senate proceeded to consider the message of the President of the United States, of the 7th instant, and the nominations therein contained.

Whereupon,

*Resolved*, That they do advise and consent to the appointments, agreeably to the nominations.

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

The following written message was received from the President of the United States, by Mr. Malcom, his Secretary:

UNITED STATES, *July 10th*, 1797.

*Gentlemen of the Senate:*

I nominate the following persons for promotions and appointments in the Army of the United States.

*Dragoons.*

Stephen G. Simmons, Lieutenant, vice Slough, resigned.

Charles Warfield, Cornet, vice Ball, promoted.

William Tharp, ditto, vice McDermot, promoted.

*First Regiment of Infantry.*

William H. Harrison, Captain, vice Kingsbury, promoted, 15th May, 1797.

Nicholas Rosencrantz, Lieutenant, vice Harrison, ditto.

John Alexander Davidson, Ensign, vice Nicholas, deceased.

Lemuel Lane, ditto, vice Rosencrantz, promoted.

*Second Regiment of Infantry.*

Jacob Kingsbury, Major, vice Shaylor, resigned, 15th May, 1797.

Benjamin Rand, Lieutenant, vice Lee, resigned, 10th March.

Peter P. Schuyler, Ensign, vice Faulkner, declined.

John Whipple, ditto, vice Martin, promoted.

John Vischer Glen, ditto, vice Rand, promoted.

*Third Regiment of Infantry.*

William R. Boote, Ensign, vice Bodley, resigned.

Samuel Parmele, ditto, vice Sterling, ditto.

*Fourth Regiment of Infantry.*

Benjamin Lockwood, Captain, vice Eaton.

John Wallington, Lieutenant, vice Strother, resigned 1st June, 1797.

Francis Johnston, ditto, vice Lockwood, promoted.

Samuel Crutchfield, Ensign, vice Dold, resigned.

John Campbell, ditto, vice Wallington, promoted.

Richard Campbell, ditto, vice Johnston, ditto.

JOHN ADAMS.

The message was read.

On motion, it was agreed, by unanimous consent, to dispense with the rule, and that the said nominations be now considered. Whereupon,

*Resolved*, That the Senate do advise and consent to the appointments, agreeably to the nominations.

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

Attest:

SAM: A. OTIS, *Secretary*.